

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
AGENDA SUMMARY FORM**

**DEPARTMENT:** Mayor and Council

**AGENDA DATE:** 08/18/2020

**CONTACT PERSON NAME AND PHONE NUMBER:**

Rep. Cissy Lizarraga, 212-0008

Rep. Isabel Salcido, 212-0005

Rep. Claudia Lizette Rodriguez, 212-0006

**DISTRICT(S) AFFECTED:** N/A

**STRATEGIC GOAL:** Goal 5 - Promote Transparent and Consistent Communication Amongst All Members of the Community

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

Discussion and action that there be recognized a stipulation and ratification that Robert's Rules of Order do not permit one Member to conduct "interrogation" or "cross examination" of another Member during debate (and may not attempt to do so without raising a Point of Information with the Presiding Officer)

**BACKGROUND / DISCUSSION:**

**Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?**

See attachment A.

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?**

No.

**AMOUNT AND SOURCE OF FUNDING:**

**How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

The City Council's Rules of Order are Robert's Rules of Order, Revised. (City Charter Article III, Section 3.5 B – "The City Council; City Council Procedures and Rules; Parliamentary Procedure") (Should the Council fail to adopt rules of order, "then Roberts Rules of Order Revised, shall control until such time as the Council adopts some other rules of order." Id.).

Robert's Rules of Order require Members<sup>1</sup> to address each other through the presiding officer. [RONR (11<sup>th</sup> ed.), p. 23-24].

Robert's Rules of Order call for *a Pattern of Formality*, "to help preserve an objective and impersonal approach, especially when serious divisions of opinions arise." [RONR (11<sup>th</sup> ed.), p. 23-24]. For the most part, City Council has conducted its discussions with a previously unobjectionable degree of casualness to expedite communication during Council meeting debates. The purpose of this item is not to dispense entirely with acceptable casualness in some instances when it may make the consideration of City business more expeditious, but instead the purpose is to clarify when such casualness becomes objectionable and unwelcome. For a member to order or insist, without going through the Presiding Officer (the Mayor) that a fellow member give a report against her will is a form of interrogation that is procedurally objectionable and unwelcome.

Robert's Rules of Order does not define "debate." When a specific definition is lacking, Roberts Rules of Order refer to a "clear meaning" of a term or phrase. [RONR (11<sup>th</sup> ed.), p. 588]. There is no indication in Robert's Rules of Order that parliamentary "debate" includes "interrogation"<sup>2</sup> or cross-examination.

On the other hand, Robert's Rules of Order does allow for inquiry. It defines a "Point of Information" to be a request for information. [RONR (11<sup>th</sup> ed.), p. 294].

This item does not request that a new rule of order be adopted but, rather, that there be a recognized ratification and stipulation that Robert's Rules of Order do not permit one Member to conduct "interrogation" or cross examination of another Member during debate, and that publicly accusing the other member that she is not properly carrying out her responsibility (in this case, failing to competently represent City Council) falls outside the rules of decorum. The improper conduct alluded to is indicated in this portion of the debate (note entire transcription is attached):

MEMBER A: So, [MEMBER B], again, **I would ask that you please respect my position on the Task Force, and that you wait for us to come up with a different update**, now as of...

....

MEMBER B: **I figured you'd be able to represent us. I'm a bit surprised**. Because you co-signed on the item, so...

MEMBER A: Right, which I'm not sure why or how you got that...

MEMBER C: [MEMBER B], I think you need to be respectful of [MEMBER A].

MEMBER B: I think I am. I think I am, Representative [MEMBER C ]. Thank you.

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<sup>1</sup> A "member" of an assembly, in the parliamentary sense, is defined at RONR (11<sup>th</sup> ed.), p. 3. In the context of this item, a "member" is a member of City Council that is not the presiding officer; the Mayor is the "presiding officer."

<sup>2</sup> "Interrogate" means to question formally and systematically [Merriam Webster's Collegiate Dictionary (10<sup>th</sup>), p. 612].

This discussion is also appropriate because MEMBER B denies that their manner was outside of decorum.

The City Charter does not prohibit formal ratification of such an interpretation of a section of Roberts Rules of Order as part of the City Council's Rules of Order adopted by this body.

The scope of proper decorum in Robert's Rules of Order when one Member requests information from another Member during public debate *allows a Member to decline to answer an improper or personal inquiry for whatever reason*, without being subjected to being shamed.<sup>3</sup> Robert's Rules, 11<sup>th</sup> edition, reads as follows regarding this:

**§33. REQUESTS AND INQUIRIES ...**

**b. REQUEST FOR INFORMATION.** A *Request for Information* (also called a *Point of Information*) is a request directed to the chair, or through the chair to another officer or member, for information relevant to the business at hand but not related to parliamentary procedure.

It is treated like a parliamentary inquiry, as follows:

**MEMBER:** Mr. President, I have a request for information. [Or, "A point of information, please."]

**CHAIR:** the member will state his question.

**MEMBER:** Will the convention delegates report at this meeting?

Or:

**MEMBER A:** this motion calls for a large expenditure. Will the treasurer state the present balance?

If information is desired of a member who is speaking, the inquirer ... may use the following form instead:

**MEMBER A:** Madam President, will the member yield for a question?

Or:

**MEMBER A:** Mr. President, I would like to ask the gentleman [or "the member"] a question.

If the speaker consents to the interruption, the time consumed will be taken out of his allowed time. The chair therefore asks if the speaker is willing to be interrupted, and if he consents, directs the inquirer to proceed. Although the presiding officer generally remains silent during the ensuing exchange, the inquiry, the reply, and any resulting colloquy are made in the third person through the chair. To protect decorum, members are not allowed to carry on discussion directly with one another.

[RONR (11<sup>th</sup> ed.), p. 588, *with added emphasis*].

Again, this agenda item does not request that a new rule of order be adopted, and the City Charter does not prohibit formal ratification of an obvious interpretation of a section of Roberts Rules of Order.

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<sup>3</sup> "When a motion is pending, (a Member) may attack the idea or likely results of the proposal in strong terms, but (one) must avoid personalities!" [RONR Newly Revised, In Brief (2<sup>nd</sup>), p. 31].

Therefore, this item, that there be recognized a stipulation and ratification that Robert's Rules of Order do not permit one Member to conduct "interrogation" or "cross examination" of another Member during debate (and may not attempt to do so without raising a Point of Information with the Presiding Officer), is submitted to Council for approval.