
Robert's Rules of Order & Point of Order

Raising a "point of order" from Robert's Rules of Order can help guide the conduct of land use hearings, especially when the local government has not adopted specific rules of conduct for the hearings.

- Josephine County Charter
- ORS 197.763, ORS 215.416, ORS 227.175, ORS 215.412, and ORS 227.170
- *Fasano v. Washington County Commission*, 264 OR 574, 588 (1973).
- Josephine County Ordinance No 2005-003 Amends No. 92-27
- Josephine County RLDC, Article 31
- Robert's Rules of Order



Hugoites

Robert's Rules of Order - November 12, 2005.

<http://www.constitution.org/rror/rror--00.htm>

Article. IV.- Incidental Motions. 21. Questions of Order, provides, in relevant part

"A *Question of Order* takes precedence of the pending question out of which it arises; is in order when another has the floor, **even interrupting a speech or the reading of a report; . . .**"

"It is the duty of the presiding officer to enforce the rules and orders of the assembly, without debate or delay. **It is also the right of every member who notices the breach of a rule, to insist upon its enforcement.** In such a case he rises from his seat and says. "Mr. Chairman, I rise to a point of order."

Fasano v. Washington County Commission & Josephine County Charter

Robert's Rules of Order — continued.

"The question of order must be raised at the time the breach of order occurs, so that after a motion has been discussed it is too late to raise the question as to whether it was in order, or for the chair to rule the motion out of order. The only exception is where the motion is in violation of the laws, or the constitution, by-laws, or standing rules of the organization, or of fundamental parliamentary principles, so that if adopted it would be null and void."

Fasano v. Washington County Commission

Oregon case law requires that hearings be conducted in a fair and impartial manner. The Oregon Supreme Court has held:

"Parties at the hearing before the county governing body are entitled to an opportunity to be heard, to an opportunity to present and rebut evidence, to a tribunal which is impartial in the matter - i.e., having had no pre-hearing or ex parte contacts concerning the question at issue - and to a record made and adequate findings executed."

Fasano v. Washington County Commission, 264 OR 574, 588 (1973)

Josephine County Charter Section 12. MEETINGS

"(1) By ordinance the Board of County Commissioners shall prescribe rules governing its meetings, procedures and members as such."

Raise It Or Waive It "Point Of Order" - ORS 197.763

The "*raise it or waive it*" standard is covered in ORS 197.763 (5)(c) which covers conduct of local quasi-judicial land use hearings and hearing procedures: ORS 197.763(1), ORS 197.763(3)(e), and ORS 197.763(5)(c). ORS 215.412(1) requires counties to adopt hearing procedure and rules for the conduct of public land use hearings.

A point of order could include: (1) An issue which may be the basis for an appeal to the Oregon Land Use Board of Appeals shall be raised; and (5)(c) - the "raise it or waive it" standard. You do have to preserve your right to raise a procedural error at LUBA - which means objecting or raising a "point of order" regarding the alleged error at the local hearing.

The general rule regarding all procedural errors is "no harm, no foul." You have to be able to establish that a local government's failure to follow the procedures (i.e., an opportunity to present, respond to, or rebut testimony) resulted in harm to your substantive rights. A procedural error that results in such harm is grounds for remand.

More Information. Would you like to learn more? Contact a member of the Land Use Committee of the *Hugo Neighborhood*.



Disclaimer. This brochure is as much about providing information and provoking questions as it is about opinions concerning the adequacy of findings of fact and land use decisions. It does not provide recommendations to citizens and it is not legal advice. It does not take the place of a lawyer. If citizens use information contained in this paper, it is their personal responsibility to make sure that the facts and general information contained in it are applicable to their situation.

Hugo Neighborhood Association & Historical Society's Mission

This information brochure is one of a series of documents published by the Hugo Neighborhood Association & Historical Society (*Hugo Neighborhood*). It is designed to be shared with neighbors for the purpose of helping protect our rural quality of life by promoting an informed citizenry in decision-making. The *Hugo Neighborhood* is an informal nonprofit charitable and educational organization with a land use and history mission of promoting the social welfare of its neighbors.

Land Use & History

The *Hugo Neighborhood's* land use mission is to promote Oregon Statewide Goal 1 — Citizen Involvement, and to preserve, protect, and enhance the livability and economic viability of its farms, forests, and rural neighbors. It will act, if requested, as a technical resource assisting neighbors to represent themselves.

Its history mission is to educate, collect, preserve, interpret, and research its local history and to encourage public interest in the history of the Hugo area.

Volunteer membership dues are \$10.00 annually per family and normally used for paper, ink, envelopes, publications and mailings. Make checks to the *Hugo Neighborhood* and send them to our Treasurer. Send us your e-mail address if you want to know what we are doing.

Web Page: <http://jeffnet.org/~hugo/>

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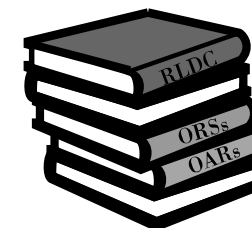
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Point of Order

Brochure 1 in
Point of Order Series



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**Hugo Neighborhood Association &
Historical Society
Citizens For A Voice In Growth
Goal One Coalition
Quail Lane Neighborhood Association
Joe Creek Neighborhood Association
Jump Off Joe Neighborhood Association
Lower Applegate CAC
Murphy Neighborhood Association
Selma Neighborhood Association
Sexton Mt. Neighborhood Association
Three Pines Neighborhood Association
Williams CAC**

Members of the CAC/NA Coalition