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MEMORANDUM

FROM: OFFICE OF THE CITY ATTORNEY
MIDDLETOWN, CONNECTICUT 06457
Anthony S. Marino, Mayor

TO: Kenneth Rich, Chairman, Zoning Board of Appeals

DATE: September 12, 1977

RE: Zoning Board of Appeals - Parliamentary Law - Seconding
of Motions

The Chairman of the Zoning Board of Appeals has requested an opinion as to whether the chairman may second a motion.

The rules of procedure of public boards such as the zoning board of appeals are known as parliamentary law. They are intended for the orderly and convenient conduct of business by the board. These rules include both the generally accepted or standard rules of parliamentary law, plus any specific rules prescribed for the board. 59 Am.Jur.2d, Parliamentary Law, §1.

If specific rules have been prescribed for the zoning board of appeals, they must be followed. Apparently, no specific rules have been prescribed by statute or otherwise for the zoning board of appeals. In the absence of the adoption of specific rules for the zoning board of appeals, the generally accepted or standard parliamentary practice controls. 59 Am.Jur.2d, Parliamentary Law, §3; See General Statutes §7-7.

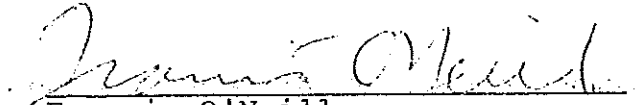
Robert's Rules of Order has been widely accepted as containing standard and generally accepted rules of procedure. Since specific rules have not been adopted, Robert's Rules may be referred to. 59 Am.Jur.2d, Parliamentary Law, §3. The Middletown Common Council has adopted Robert's Rules of Order, 1970 edition, to govern its procedure. Under the circumstances, the zoning board of appeals should refer to Robert's Rules of Order, 1970 edition.

The zoning board of appeals consists of five regular members and three alternate members. General Statutes §8-5; Charter, Chapter V, Sec. 3. Since the alternates only act in place of a regular member, General Statutes §8-5a, the board conducts business as a board of five members. According to Robert's Rules of Order, a second is not necessary in a small board such as the zoning board of appeals. See Roberts, Rules of Order (1970 ed.), Chapter XVI, §48, pp. 399, 405 and Chapter II, §4, p. 28.

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The purpose of a second to a motion is to prevent time from being consumed by the board having to dispose of a motion which only one person wants to introduce and act upon. Roberts, Rules of Order (1970 ed.), Chapter II, §4, p. 29. Considering the size of the zoning board of appeals, that it may only act upon matters provided by statute or the zoning regulations (General Statutes §8-6), that the members have a duty to act upon such matters within a statutory time limit (General Statutes §8-7), the formality necessary for the orderly conduct of business for a larger board is unnecessary and would hinder business rather than facilitate it. Roberts, Rules of Order, Chapter XVI, §48, p. 405.

Since no second is required on a motion, the chairman may proceed without a second.


Francis O'Neill
City Attorney

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