

CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511

DATE: July 23, 2004

MEMORANDUM

TO: **Mayor Cieslewicz**
Common Council Members

FROM: Michael P. May, City Attorney

SUBJECT: **Point of Order - Withdrawal of Motions**

The Council has acquired an informal practice in which a member is allowed to withdraw a motion simply by so stating. I recommend that the Council either modify Sec. 2.08, MGO, to codify this informality, or modify its procedure to comply with Sec. 2.08.

This informality is not in accord with Sec. 2.08 of the Standing Rules of the Common Council, or **Robert's Rules of Order**. Sec. 2.08 of MGO provides as follows:

MOTIONS.

- (1) When a motion is made and seconded, it shall be deemed to be in possession of the Council, and shall be stated by the presiding officer, or being in writing, shall be delivered to the Clerk.
- (2) After a motion is stated by the presiding officer, or read by the Clerk, it shall not be withdrawn, except by the consent of the Council.

This is in accord with the rules set forth in **Robert's Rules of Order**, Sec. 32. The proper procedure advised by **Robert's Rules** is that, when an alder wishes to withdraw a motion, the presiding officer is to treat it as a request. The presiding officer should state:

"Is there any objection to the withdrawal of the motion? Seeing none, the motion is withdrawn."

If there is any objection to the withdrawal of the motion, then it cannot be withdrawn, and must be voted on by the Council.

If the Council would prefer to codify the current practice in a revised Sec. 2.08, the Office of the City Attorney could draft such an ordinance. If an alderperson wishes to take this route, they should contact Ald. Konkel to put this issue on a CCOC meeting agenda.

Michael P. May
City Attorney

MPM:pah

cc: Assistant City Attorneys