

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

CCOC

Creating Section 2.21(3) of the Madison General Ordinances to address a motion to reconsider after a change in position.

DRAFT

Drafted by: Michael May

Date: February 23, 2017

SPONSOR:

DRAFTER'S ANALYSIS: This ordinance addresses an issue that arises rarely. Under Robert's Rules of Order, a motion to reconsider is not in order if a party has changed their position or taken action that cannot be reversed, in reliance on the original action. Robert's Rules of Order Newly Revised (RONR), 11th ed., provides as follows with respect to a Motion to Reconsider:

- 2. Can be applied to the vote on any motion except:
 - ...
 - (c) an affirmative vote whose provisions have been partly carried out;
 - ...
 - (e) any vote which has caused something to be done that it is impossible to undo;

RONR, Page 318, lines 17 and 29-30, and page 319, lines 4-5.

This has occurred at the City when a developer takes actions after a Council approval, and then a motion to reconsider is made at the next meeting. This ordinance requires that any person claiming that a motion to reconsider is not in order based on this part of Robert's Rules present "clear and sufficient evidence" to the Council to support the objection.

The Common Council of the City of Madison do hereby ordain as follows:

Subsection (3) of Section 2.21 entitled "Reconsideration of Question" of the Madison General Ordinances is created to read as follows:

"(3) Whenever objection is raised to a motion to reconsider on the grounds that a person's position has changed in reliance on the Council action, or something has been done that cannot be undone, clear and sufficient evidence of the change in position or other action shall be presented to the Common Council. The information or evidence shall be submitted by the person claiming such a change to the City Attorney, who shall provide it to the Common Council."

Approved as to form: