



Legislation Details (With Text)

File #: 46994 **Version:** 1 **Name:** Addressing a motion to reconsider after a change in position

Type: Ordinance **Status:** Passed

File created: 4/24/2017 **In control:** COMMON COUNCIL EXECUTIVE COMMITTEE

On agenda: 6/20/2017 **Final action:** 6/20/2017

Enactment date: 6/29/2017 **Enactment #:** ORD-17-00064

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

Sponsors: Marsha A. Rummel, Ledell Zellers, Rebecca Kemble

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
6/20/2017	1	COMMON COUNCIL	Adopt	Pass
6/6/2017	1	COMMON COUNCIL EXECUTIVE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
5/2/2017	1	COMMON COUNCIL	Refer	Pass
4/24/2017	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No fiscal impact.

Title

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

Body

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."