

MEMORANDUM OF LAW

DATE: May 19, 1986

TO: Charles G. Abdelnour, City Clerk

FROM: City Attorney

SUBJECT: Reconsidered Matters

Some time ago you expressed your concern about reducing confusion over reconsidered items by placing a notation in the original minutes that the item was the subject of reconsideration and the results thereof. We agreed this was a proper notation and along with this office's standard practice of placing a "REV" after the ordinance or resolution number should minimize confusion. You ask that we confirm this advice in writing.

As we previously advised you, the motion to reconsider is a rare but valuable parliamentary procedure usually utilized to correct an oversight in the prior action.

Reconsider-a motion of American origin-enables a majority in an assembly, within a limited time and without notice, to bring back for further consideration a motion which has already been voted on. The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.

Robert's Rules of Order, section 36, p. 265
(1970)

Moreover express language in the subsequent ordinance or resolution rescinding the prior action is not necessary since the very purpose of the motion is to suspend or confirm the prior action.

Further Rules and Explanation

EFFECT OF MAKING A MOTION TO RECONSIDER.

The effect of making a motion to Reconsider is the suspension of all action that depends on the result of the vote proposed to be reconsidered, either until the assembly takes up the motion to Reconsider or until its effect terminates, as explained below.

Robert's Rules of Order, section 36, p. 270,
(1970)

In the case of Ordinance No. O-16514 used by you as an

example, the reconsideration in fact suspended the ordinance passed in error. The revised ordinance was then passed and was clearly noted as the revised ordinance both by the "REV" after the City Attorney number and by Claire Arnold of your office. (See attached) A notation in the original minutes, of course, would further clarify the action taken and by means of this memorandum we concur in that suggestion.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

TB:js:014(x043.2)

Attachment

ML-86-60