


Item No. **7.1.2**
Executive Standing Committee
February 27, 2012

TO: Mayor Kelly and Members of the Executive Standing Committee

SUBMITTED BY: 
Cathy J. Mellett, Municipal Clerk

DATE: February 13, 2012

SUBJECT: Administrative Order #1 – Alignment with Robert’s Rules of Order

ORIGIN

The February 7, 2012 motion of Regional Council requesting a staff report on alignment of notices of rescission and reconsideration in Administrative Order #1- Council Procedures with Robert’s Rules of Order.

The mandate of the Executive Standing Committee, as approved by Regional Council, that the Committee shall act as a review committee for matters related to the general self-governance and administration of Council, as directed by Regional Council.

RECOMMENDATION

It is recommended that the Executive Standing Committee recommend to Regional Council to;

- 1) Approve in principle amendments to Amend Administrative Order #1 as found in Attachment 2 of this report, to better align notices of rescission and reconsideration with Robert’s Rules of Order.
- 2) Adopt Robert’s Rules of Order as the referenced source where Administrative Order #1 does not address a matter
- 3) Give Notice of Motion of the intent to adopt the amendments to Administrative Order #1, as outlined in Attachment 2 of this report, at the next regular meeting of Halifax Regional Council.

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BACKGROUND

Sections 61, 62 and 63 of Administrative Order #1- *Council Procedures* outline the rules around motions of reconsideration and motions of rescission currently followed in HRM and are provided as Attachment 1 of this report. By way of motion on February 7, 2011 Halifax Regional Council requested a staff report on better aligning the rules for motions of reconsideration and rescission under Administrative #1 with those found in Robert’s Rules of Order (RONR).

DISCUSSION

Reconsideration

The rules for motions of reconsideration in Administrative Order #1 do not comply with the intent found under Robert’s Rules of Order for motions of reconsideration.

The intent of reconsideration, as found in Robert’s Rules, is “to allow *the majority of the assembly* to bring back for further discussion a motion which has already been voted on, the purpose of which is permit correction of a hasty, ill-advised or erroneous action, or to take into account additional information or a changed situation that has developed since the taking of the vote.” (RONR 10th ed. P. 304 I 20-25)

The most fundamental difference between the rules followed by HRM in regard to motions of Reconsideration and those found under Robert’s Rules is that, under Robert’s Rules *only a member who voted with the prevailing side* can put forward a motion of reconsideration – one who voted *aye* if the motion was passed and one who voted *no* if the motion was lost.

The currently HRM rules allow *any member* to put forward a motion of reconsideration regardless of how they voted and thus can lead to re-debating matters that have been clearly decided by the majority of Council.

Rescission

Under Robert’s Rules of Order there is no time limit on making a motion of rescission and the motion can be moved by *any member* regardless of how they voted on the original question (RONR 10th ed. p. 296 I 20). Robert’s Rules diverges in one significant way from Council’s current rules under Administrative Order #1, which is the requirement for only a two-thirds (2/3rd) vote rather than a simple majority in order for a motion of rescission to pass.

A motion of rescission is significant and serves “to repeal or annul a previous action or order ... The effect of which is to strike out an entire motion, resolution, rule...that has been adopted at some previous time” (RONR 10th ed., p.295 I 35). While there is some provision in Robert’s Rules for a majority vote the requirements under RONR is usually for the most stringent vote allowed. The requirement for a two-thirds (2/3rd) vote of Council ensures a motion of rescission is not enacted lightly.

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Alignment between Administrative Order #1 and Robert’s Rules of Order

Council has recognized that alignment between Administrative Order #1 and the intent and rules for motions of reconsideration and rescission is desirable. Consistency, clarity and alignment in rules of procedure are important to good order and governance.

In addition, as best practice Legal Services has recommended to Council that, rather than Administrative Order #1 being silent as to the rules to be referenced in the absence of a specific rule within the Administrative Order, that Robert’s Rules of Order be cited as the provisional source.

Attachment 2 of this report outlines the proposed amendments to Administrative Order #1 that would bring Administrative Order #1 into alignment with Robert’s Rules of Order and generally accepted practice in regard to motions of reconsideration and rescission and provide for Robert’s Rules as the referenced source when a matter is not addressed in Administrative Order.

BUDGET IMPLICATIONS

There are no budget implications to this report.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

Not applicable

ALTERNATIVES

The Executive Standing Committee could recommend to Regional Council to retain the current rules for notices of reconsideration and/or rescission.

The Executive Standing Committee could recommend to Regional Council not to adopt Robert’s Rules of Order as the referenced source where Administrative Order #1 does not address a matter.

The Executive Standing Committee could recommend alternative amendments to Administrative Order #1 as they see fit.

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ATTACHMENTS

- Attachment 1 – Applicable current sections of Administrative Order #1 – Council Procedures
 - Attachment 2 – Proposed Amendments to Administrative Order #1-Council Procedures
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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Financial Approval by: Greg Keefe, Director of Finance/CFO, 490-6308

**Attachment 1 – Extract of Applicable Sections from CURRENT
Administrative Order #1 – Council Procedures**

Motion of Reconsideration

61. (1) When a motion has been resolved in the negative, it shall not be again brought before the Council, except with the consent of two-thirds of the whole Council, until two months have elapsed and, if again resolved in the negative, shall not be again brought before the Council until the expiry of the civic year.
- (2) After a matter has been decided in the affirmative, a member, before the adjournment of the meeting at which the same was decided, may give notice of motion of reconsideration, provided that such notice shall be effective only when another member at the same meeting gives notice of intention to second the motion to reconsider
- (3) At the next meeting of Council, including a meeting specially called to hear the motion of reconsideration, immediately after the consideration of the minutes and before any other business is considered, the giver of such notice or in that member's absence any other member on the member's behalf, may briefly state the reasons for reconsideration, and if the motion for reconsideration is seconded, the same shall then be put to vote without further debate and if carried, the question so reconsidered shall then be read and disposed of.
- (4) No motion to reconsider shall be put until at least twenty-four hours have elapsed from the adjournment of the meeting at which the notice of motion was given.

(5) No question shall be reconsidered more than once nor shall a vote to reconsider be reconsidered.

(6) No motion to reconsider shall be allowed in regard to a motion approving all or part of the annual budget of the Municipality or a motion authorizing any legal proceedings.

(7) A notice of motion to reconsider shall, pending the putting of such motion, have the effect of delaying or impeding any action necessary to give effect to the motion to be considered and no action shall be taken on that motion until such reconsideration has been disposed of.

Motion of Rescission

62. (1) After a matter has been decided in the affirmative, a member, at any subsequent meeting, may give notice of motion of rescission.

(2) At the next meeting of Council, the giver of such notice, or in that member's absence, any other member on the member's behalf, may put the motion of rescission.

(3) A motion of rescission is debatable.

(4) A motion of rescission shall be passed by a majority vote.

Bringing Back a Motion of Rescission or Reconsideration

63. If the motion to reconsider or rescission is not made at the time so fixed, or if the Council refuses to consider or rescind, or if after reconsideration the question is again decided in the affirmative, no other motion to reconsider or rescind can be made within one year, except with the consent of two-thirds of the members of the Council.

Attachment 2 - Proposed Revisions to Administrative Order #1 – Council Procedures

The following amendments are proposed to Administrative Order #1 – Procedures of Council

Add to Section 3- *Rules Adopted*, the following clause:

(3) Where the Administrative Order is silent *Roberts Rules of Order* 10th edition (RONR 10th edition) shall be the provisional source of rules of order.

Section 61 – *Motion of Reconsideration* is to be deleted and replaced with the following:

(1) The intent of reconsideration is to allow ***the majority of the assembly*** to bring back for further discussion a motion which has already been voted on, the purpose of which is permit correction of a hasty, ill-advised or erroneous action, or to take into account additional information or a changed situation that has developed since the taking of the vote.

(2) After a matter has been decided a ***member who voted with the prevailing side*** – one who voted *aye* if the motion was passed and one who voted *no* if the motion was lost- can put forward a motion of reconsideration ***before the adjournment of the meeting at which the same was decided.*** No notice is required as the motion to reconsider must be put forward and seconded at the same meeting at which the matter was decided.

(3) A motion of reconsideration must be seconded, at which time it is owned by the Council and cannot be withdrawn except by the agreement of Council. The seconder to the motion can be any member of council regardless of how they voted on the original motion.

(4) The motion of reconsideration is held over to be dealt with as the first order of business at the next meeting of Council, including a special meeting called to hear the motion, immediately after the consideration of the minutes and before any other business is considered. Council may, with a vote of 2/3rd of the members present, agree to take up the motion of reconsideration at the same meeting in which the matter was decided.

(5) At the time when the motion of reconsideration is taken up by Council the giver of the motion, or in the member's absence any other member on the members behalf, may briefly state the reasons for reconsideration and reconsideration shall be put to a vote **without further debate.** A simple majority is required to carry the motion.

(6) If the motion to reconsider is carried, the question to be reconsidered shall be read again. The question to be reconsidered **is debatable** as to the merits of the question to be reconsidered but is **not amendable**, as the question to be reconsidered is the same

question put before council previously. A simple majority vote is required on the motion to be reconsidered.

(7) No question may be reconsidered more than once nor shall a vote to reconsider be reconsidered.

(8) No motion of reconsideration shall be allowed in regard to a motion to approving all or part of the annual budget of the Municipality or a motion authorizing legal proceedings.

(9) A motion of reconsideration shall have the effect of delaying or impeding any action necessary to give effect to the motion to be reconsidered and no action shall be taken on that motion until such reconsideration has been disposed of.

Section 62 – *Motion of Rescission* is to be deleted and replaced with the following:

(1) The intent of rescission is to allow council to change an action previously taken or ordered. It is a motion by which the previous action or order is cancelled or countermanded and has the effect of striking out an entire main motion, resolution, rule, bylaw, section, or paragraph that has been *adopted at some previous time*. Therefore a motion of rescission *can only be taken in regard to a matter that has been decided in the affirmative*.

(2) In contrast to a motion of reconsideration there is no time limitation on making a motion of rescission except that it must occur at some meeting after the matter has been decided.

(3) There are some actions that cannot be rescinded. A motion of rescission is not in order when the matter has previously been moved to be reconsidered or when something has been done as a result of the vote on the matter that is impossible to undo i.e. the action or order has already been executed.

(4) At a subsequent meeting any member, regardless of how they voted on the original matter, may give notice of a motion of rescission.

(5) At the next meeting of Council, the giver of such notice, or in that member's absence any other member on the member's behalf, may put forward the motion of rescission.

(6) A motion of rescission must be seconded.

(7) A motion of rescission **is debatable** as to the merits of the question which is proposed to be rescinded

(8) A motion of rescission **is amendable**.

(9) A motion of rescission shall be passed by a vote of two-thirds (2/3rds) of the members of Council present.

(10) If, after a motion of rescission the question is again decided in the affirmative, no other motion to rescind can be made within twelve months, except with the consent of two-thirds ($2/3^{\text{rd}}$) of the members of Council.

Section 63 – *Bringing back a Motion of Rescission or Reconsideration*, shall be deleted in its entirety