

general and other such matters.)

The Board member shall move to amend that part of the motion that had been previously adopted. A second is required, and discussion may follow as to the reasons for the motion. The vote taken to pass a motion to amend shall require a majority if the item is on the official agenda, or a vote of at least five (5) members if the item is not on the official agenda.

#### **Section 4.12 Motion to Reconsider.**

If in the *same* Board meeting new information or changed situations make it appear that a different result might reflect the will of the Board, a member may move to reconsider the vote. A motion to reconsider may be applied to a vote that was either affirmative or negative and shall propose no specific change in a decision, but simply propose that the motion be reopened for discussion and re-vote. The motion to reconsider may be made by any member, regardless of how he/she voted on the matter. A second shall be required, and discussion may follow as to the reasons for the motion. A majority vote shall be required to pass a motion to reconsider.

##### ***RATIONALE:***

*Cushing states in his manual on Parliamentary Law that "a motion to reconsider may be made at any time or by any member, precisely like any other motion."*

*The law validates Cushing's statement. "To deny any member the right to propose any motion, regardless of how he/she voted is discriminatory." Sturgis, page 41.*



#### **Section 4.13 Motion to Rescind.**

*A. Generally.* If a Board member wishes to annul an action taken at a previous meeting, the motion to rescind may be used, subject to the restrictions in this rule. The motion to rescind shall require prior notice at a regular meeting of the Board member's intent to move to rescind the previous action at a later regular meeting, the date of which shall be identified in the notice. The motion to rescind shall be placed on the agenda for the later meeting, a second is required, and discussion can go into the merits of the motion to rescind. If the previous action is rescinded, the question of whether a further motion and vote is needed will depend on the circumstances.

*B. Prevailing Side.* If the Board member voted on the prevailing side of the previous action, a majority shall be required to pass the motion to rescind.

*C. Losing Side.* If the Board member voted on the losing side of the Board's previous action, the motion to rescind shall be in order only if:

1. there subsequently has become known information that (i) would have been material to the Board's previous decision and (ii) would have militated for a different result; or

2. a rescission of the action is imperative to avoid a material cost, risk, harm, or other jeopardy to the county or its citizens, and the material cost, risk, harm, or other jeopardy could not have been known at the time of the Board's previous action.

Five votes shall be required to pass the motion to rescind when the member was on the losing side in the previous Board action.

*D. Motions Out of Order.* The motion to rescind shall not be in order if:

1. The motion to reconsider can be made (*i.e.*, at the same meeting).

2. A motion to reconsider was taken and lost on the date of the previous Board action.

3. The matter is routine and only part of the action needs to be changed, in which case the motion to "amend something previously adopted" shall be used.

4. Irrevocable action has been taken as a result of the previous vote.

5. The action taken was the granting of an application for a regulatory approval, and the applicant or his or her principal has taken substantial action in justifiable reliance on the Board's vote.

6. The Board member was not present when the previous action was taken.

7. More than two Board meetings have occurred since the previous action was taken.

8. The Board membership has changed after the previous action that is the subject of the motion to rescind.

#### **Section 4.14 Incidental Motions.**

Incidental motions have no rank and may be used throughout the meeting as described in Sections 4.15 through 4.19 of these Rules.