



Exhibit C

AGENDA ITEM STAFF ANALYSIS

Project/Issue Name: Discussion and Possible Vote for Reconsideration of Bill #08-30 Second Reading.

Submitted by: Ron Dirickson, City Attorney

Date: April 14, 2008

Issue Statement

A council member who voted to defeat the mayor and council compensation ordinance has asked to have the matter placed on the agenda for possible reconsideration.

Discussion and/or Analysis

Council has previously faced the issue of a reconsideration of an ordinance that was originally defeated. Attached hereto is a memo outlining the procedure that was recommended for that reconsideration. Based upon the procedure outlined in the November 27, 2006 memo, the following procedure should be followed to reconsider the ordinance:

1. A Council member would need to make a motion – “I move to suspend the rules so that the Council can determine if a Motion to Reconsider a vote on the mayor and council pay ordinance.” Must be seconded. Can not be debated. Must pass by 2/3 vote.
2. If the motion to suspend the rules is passed, then a Motion to Reconsider can be made by anyone on the prevailing side of the original vote – “I move to reconsider the mayor and council pay ordinance.” Must be seconded. Is debatable. Must receive a majority vote.
3. If the Motion to Reconsider does not pass, that ends the issue and the matter can not be the subject of another Motion to Reconsider. If the motion passes, then the prior defeat of the ordinance is no longer in place and the Council must take new action on the final vote on the ordinance.
4. The Council could vote on the issue after debate or could amend or table consideration of the ordinance.

Recommended Action

It is recommended that if reconsideration is to occur that the above procedure be followed.

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**CITY ATTORNEY MEMORANDUM
PRIVILEGED AND CONFIDENTIAL**

TO: Mayor Jim Collins and Members of Board of Aldermen

FROM: Ron Dirickson, City Attorney

SUBJECT: Reconsideration of rezoning request

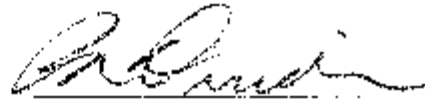
DATE: November 27, 2006

The city has received a request to reconsider a zoning denial. I have consulted with Richard Sneets with MML and he indicates that there is no prohibition on the Board deciding to reconsider an issue. Typically, reconsideration is a procedural issue governed by principals of parliamentary procedure.

The city has adopted Robert's Rules of Order. Generally, if a meeting is a one day event the request for reconsideration should be made on the day of the meeting. Since Board meetings are a one day event, the above rule as to reconsideration would need to be suspended. There would have to be a motion to suspend the rules so that a motion to reconsider could be made out of time. If the Board suspends the rules, then a motion to reconsider can be made.

Per Robert's Rules this is the action that would need to be taken:

1. A Board member would need to make a motion -- "I move to suspend the rules so that the Board can determine if a Motion to Reconsider a zoning denial is in order." Must be seconded. Can not be debated. Must pass by 2/3 vote.
2. If the motion to suspend the rules is passed, then a Motion to Reconsider can be made by anyone on the prevailing side of the original vote -- "I move to reconsider the denial of the rezoning request for 934 North Main Street." Must be seconded. Is debatable. Must receive a majority vote.
3. If the Motion to Reconsider does not pass that ends the issue and the matter can not be the subject of another Motion to Reconsider. If the motion passes then the prior denial of the rezoning is no longer in place and the Board must take new action on the rezoning request.
4. The Board could vote on the issue after debate but if additional information and notice to interested parties is needed, the matter can be tabled.



Ron Dirickson
City Attorney

CC: Dean Thompson