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From: Kathryn Emmett, Director of Legal Affairs *Kathryn Emmett*
Amy LiVolsi, Assistant Corporation Counsel

Date: April 14, 2020

Re: Ability to resubmit a motion that previously failed under Robert's Rules of Order

Robert's Rules of Order do not prohibit or impose special rules on the Board's consideration of the Mayor's recently submitted request to commence the eminent domain process needed to accomplish the Washington Blvd/Pulaski Street road widening project. Previously, a motion to approve LU30.032 was made and put to a vote, but failed. A motion that is made and disposed of without being adopted may be resubmitted at the next session of the body and is deemed a renewal of the motion under Robert's Rules of Order, 11th Ed., § 38 (Renewal of Motions). The general principle that applies, as set forth in Robert's Rules, is that:

Any motion that is still applicable can be renewed at any later session, except where a specific rule prevents its renewal; and such an impediment to renewal at a later session normally can exist only when the first motion goes over to that session as not finally disposed of, in which case the question can then be reached through the first motion.

Id. At p. 337 (italics in the original).

Thus, a motion which was made and disposed of without being adopted can be renewed.

Likewise, because the motion failed, the Board of Representatives did not take any action on the motion and, therefore, the special rules set forth in Robert's Rules, § 35, that pertain to rescinding or amending something previously adopted do not apply.

Since the BOR rules require the Board to follow Robert's Rules of Order in the absence of a controlling BOR rule, my opinion is that the motion may be renewed and, further, that because the BOR did not take an action when it failed to adopt the motion to approve the Mayor's request to commence the eminent domain process, no special rules are required for or apply to consideration of his resubmission of the request.

