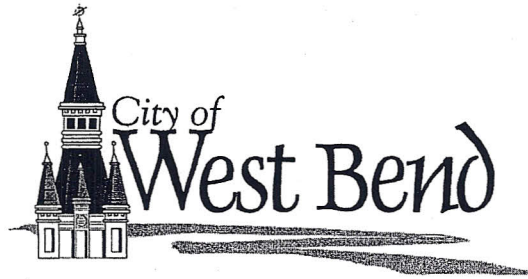


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MEMORANDUM

DATE: April 29, 2009

TO: Dennis Melvin, City Administrator
Common Council

FROM: Warren P. Kraft, Assistant City Attorney/Human Resources Director

RE: Rescission of Library Board Appointments Vote

Alderman Nick Dobberstein requested that notice be placed on the May 4, 2009 agenda indicating that a motion be considered to rescind the Council's prior vote concerning its action on Library Board appointments at the organizational meeting.

By way of explanation: the motion to rescind is the motion by which a previous action can be repealed. Thus, the effect of such an approved motion is "canceling" or "striking out" of the previously adopted motion. If approved, a motion to rescind the Council's defeat of the Mayor's appointments to the Library Board means that the Council's decision to disapprove those appointments becomes "null and void." From a parliamentary procedure standpoint, a motion to rescind differs from a motion to reconsider because an affirmative vote on a motion to rescind does not bring the original motion back before the body for further debate. Rather, it immediately nullifies the original action of turning down the Mayor's proposed appointments.

An approved motion to rescind will have a specific effect on a provision in state law that deals with mayoral appointments. If the Council's defeat of the Mayor's choices remains effective, Wis. Stats. 62.09(2)(d) makes these four individuals ineligible to serve in the same capacity for one year. That law reads, "Council confirmations of mayoral appointees require a majority vote of the entire council, and the Mayor may break a tie. Sec. 62.11(3)(b), Stats. A proposed appointee, who is rejected by the Council, is ineligible for appointment to the same office for a period of one year. Sec. 62.09(2)(d), Stats." So, the net effect of a successful motion to rescind would be to restore the proposed appointee's ability to be appointed again to the Library Board. The Mayor still needs to introduce another slate of Library Board candidates, which could be the same nominees, for Council consideration.

Procedurally, here is how it is done: a motion to rescind can be made by any member of the governing body, regardless of how that member voted on the original motion. A second to the motion is required. Under Robert's Rules, the question is debatable. An affirmative vote of a majority of the Council approves the motion to rescind.

Sorry that this might be confusing. Robert's Rules generally is. Please contact me with any further questions. Thank you very much.