
Coates' Canons Blog: Issues That Have Been Decided and the Motion to Reconsider

By David Lawrence

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Here's a situation that comes up in phone calls several times a year. The board passes some kind of motion – adopting an ordinance, establishing a policy, making an appointment – and a meeting or two later one or more members think they may want to change their minds. When the matter gets raised, someone on the board asserts that only a person who voted with the majority can bring the matter back up again. Is that right?

Well, no, it's not. The board member is confusing two separate approaches to revisiting the issue, whatever the issue might have been. One approach is the motion to reconsider – which does have to be made by a person in the majority; and the other is simply taking up the matter anew.

To begin with, in general the fact that a board has decided a matter one way at meeting #1 does not bar the board from taking up that same matter at meeting #2 and deciding it in the opposite way. If a board adopts a dog control ordinance at the first meeting, it can repeal it at the second. There are, of course, exceptions to this general rule. First, sometimes rights vest between the two meetings, so that changing the outcome is no longer possible. If the action is appointing someone to a vacancy on another board, and the person appointed has taken any oath required and qualified for the position, the appointing board no longer has the legal capacity to appoint someone else (unless the appointee serves at the will of the appointing board). Second, boards sometimes impose upon themselves limitations on how often they will take up a particular issue. Many zoning ordinances forbid returning to a map amendment for some period of time, often a year, after it is first disposed of. But again, as a general rule, the board can always and at any time revisit a matter, and any member of the board is entitled to place the matter on the agenda.

If that's the case, then what's the point of the motion to reconsider? Well, if it's properly and timely made, a motion to reconsider can block those occasional impediments to the general rule. That is, the motion can cause rights not to vest or can cause an ordinance-consideration time limit not to come into effect. That's because the effect of a motion to reconsider is to reverse the action that is being reconsidered; the board is back where it was just before the reconsidered vote was taken. If an appointment was made, passage of a motion to reconsider unmakes the appointment; if an ordinance amendment was adopted, passage of a motion to reconsider unadopts the amendment. It's as if the initial action was never taken, and therefore no rights vest. (Of course, if a council fills a vacancy, and the appointee then immediately takes the oath, even a motion to reconsider would at that point be too late.)

Obviously, that makes the motion to reconsider a powerful parliamentary tool, and for that reason standard parliamentary rules limit its availability. First, it must be made within a limited time period – normally at the same meeting at which the original action was taken or, with some boards, by no later than the next regular meeting. After that limited time period, we're back to the general rule on taking matters up again, with the limitations noted above. Second, this is a motion that must be made by a member who voted with the majority on the original vote. It can't be used by the minority to keep clogging up the meeting over an issue that's been decided.

David Lawrence is retired from the faculty of the School of Government. For questions about the subject of this blog post, please refer to our **list of faculty expertise** to identify the appropriate faculty member to contact.

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