

RESOLUTION NO. _____ - 2020

A RESOLUTION AMENDING VARIOUS SECTIONS OF APPENDIX A – RULES AND PROCEDURES OF THE LEXINGTON-FAYETTE URBAN COUNTY COUNCIL TO BETTER ALIGN WITH ROBERT’S RULES OF ORDER.

WHEREAS, the Urban County Council, by Resolution No. 55-79, as amended, adopted “Rules and Procedures of the Lexington-Fayette Urban County Council”; and

WHEREAS, it is the desire of the Urban County Council to amend the Rules in a comprehensive manner to provide up-to-date instruction and direction to members of the Urban County Council and its core staff regarding the administrative responsibilities of the Urban County Council; and

WHEREAS, Section 5.104 of the Rules provides that “[n]o permanent change shall be made to these Rules without notice specifying the purpose and wording of the change given prior to the consideration of the change and the adoption of the permanent change by a majority of all Councilmembers through an amending resolution”; and

WHEREAS, notice of the aforementioned changes was given to all Councilmembers at a Work Session on October 13, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE COUNTY GOVERNMENT:

Section 1 – That the above recitals are incorporated herein as if fully stated.

Section 2 – That Section 4.401 within Part 4 of Chapter IV of the Appendix A - Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec. 4.401 – Motions; How made, withdrawn.

(1) Every motion shall be made orally unless the presiding officer requests that it be reduced to writing. Except as provided below, every motion must have a mover and a second. When a motion is made and seconded, it shall be stated by the presiding officer and the mover shall have the floor. Prior to the motion being stated, the mover may withdraw the motion with no further action necessary. Once the motion has been stated, it shall be debated and disposed of by vote of the council. However, the mover may withdraw a motion after the motion has been stated by majority vote if done before the motion has been amended or before a vote thereon has commenced.

(2) The following do not require a second and shall be decided by the chair:

(a) To raise a question of privilege;

- (b) To call for the orders of the day;
- (c) To raise a parliamentary inquiry;
- (d) To move for a division of the assembly;
- (e) To raise a request for information; or
- (f) To raise a point of order.

Section 3 – That Section 4.402 within Part 4 of Chapter IV of Appendix A - Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec. 4.402. – Motions taking precedence

When a question is under debate, no motion shall be considered except incidental motions or one of the following, which motions shall take precedence in the order stated:

- (1) To adjourn.
- (2) To recess.
- (3) To raise a question of privilege.
- (4) To call for orders of the day.
- (5) To lay the question on the table.
- (6) For the previous question (call for the question) (requires 2/3 vote).
- (7) To limit or extend debate (requires 2/3 vote).
- (8) To postpone to a certain time.
- (9) To commit or refer to committee.
- (10) To amend.
- (11) To postpone indefinitely.

Section 4 – That Section 4.405 within Part 4 of Chapter IV of Appendix A - Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec. 4.405 Motions to discharge or refer

- (1) The council may refer any item to a committee or specific administrator by a majority vote.
- (2) The council may discharge any item to the floor which has been referred to a council committee for discussion. This motion requires a two-thirds (2/3) vote if notice of the motion to be proposed has not been given at the preceding meeting or in the call of the meeting.

Section 5 – That Section 4.406 within Part 4 of Chapter IV of Appendix A - Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Section 4.406 – Motions not debatable.

The following motions are not debatable:

- (1) To adjourn or recess.
- (2) To lay the question on the table or to take from the table.
- (3) To dispense with reading of minutes.
- (4) For the previous question (call for the question).

- (5) To withdraw a motion.
- (6) To raise a question of privilege.
- (7) To call for the orders of the day.
- (8) To limit or extend debate.
- (9) To raise a point of order.
- (10) To divide the question.
- (11) To raise a request for information.
- (12) To suspend the rules.
- (13) To move for a division of the assembly.

Section 6 – That Section 4.407 within Part 4 of Chapter IV of Appendix A - Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec. 4.407 – Reconsideration and rescinding.

- (1) The provision of this rule shall apply to action taken by the council at regular, public meetings held pursuant to rule 4.102, special meetings held pursuant to rule 4.103, and work sessions held pursuant to rule 4.104. It shall also apply to action taken by any seated committee or subcommittee of the council to consider again any matter which has been previously decided within the term of that committee or subcommittee.
- (2) Any matter which has been previously decided, within the term of any seated council, shall not be considered again without a motion to reconsider; to rescind; or to amend. However, once an ordinance amending the zone map atlas is voted on, the council shall not reconsider the matter unless ordered to do so by a court of competent jurisdiction.
 - (a) *Reconsider*: The motion to reconsider is made only by one who voted on the prevailing side. Anyone can second the motion to reconsider. This motion can be made only on the day the vote was taken or on the day of the next meeting. If the motion is carried, the original motion is again open to discussion and vote. No question can be twice reconsidered unless it was materially amended after its first reconsideration.
 - (b) *Rescind*: The motion to rescind may be made and seconded by any member of the body, and can be made at any time. However, the motion to rescind requires a two-thirds (2/3) vote if notice of the motion to be proposed has not been given at the preceding meeting or in the call of the meeting. If the motion is carried, the matter previously decided shall be cancelled.
 - (c) *Amend something previously adopted*: The motion to amend something previously adopted may be made and seconded by any member of the body, and can be made at any time. However, the motion to amend something previously adopted requires a two-thirds (2/3) vote if notice of the motion to be proposed has not been given at the preceding meeting or in the call of the meeting. If the motion is carried, the previously-adopted motion, as amended, stands.
- (3) A motion to reconsider, rescind, or amend something previously adopted is not in order if action has already been taken which cannot be undone or changed.

Section 7 – That Section 4.505 within Part 5 of Chapter IV of Appendix A - Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec. 4.505 – Voting required unless excused.

Every councilmember who is present when a question is put, unless he or she is excused as provided in rule 1.201 shall give his or her vote in the negative or affirmative. A councilmember may only change his or her vote during the meeting in which the vote was cast if the change does not change the outcome. Otherwise, a motion to reconsider, rescind, or to amend something previously adopted would be necessary. Any councilmember who abstains from giving his or her vote shall be considered as acquiescing in the action of the majority of those who do vote. Such abstentions shall be counted with the majority.

Section 8 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
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