

Heldenfels, Leane

N-1, N-2

From: William Burkhardt [REDACTED]
Sent: Monday, November 14, 2016 2:13 AM
To: Heldenfels, Leane
Subject: RE: Last added section for Rules, proposed Bylaws addition/changes

A couple minor typos in my first email, corrected below:

I've looked through all my materials and listened to the recording from Sept 28; Bryan mentions Bylaws Article 9 (C) in relation to the reconsideration, that a reconsideration under the Rules F(4)(g) is not subject to being rescinded or amended under para. 35 of Roberts (see below on this Roberts reference, please). Note that Roberts (again, see below for the Roberts reference note) has a specific paragraph, P. 36, which specifically addresses Reconsideration, and that reference, while available for inclusion in either the Bylaws or the Rules, has never been referenced or included either, other than as the formal Reconsideration of our F(4) with which it's consistent; Roberts 37 is a specific paragraph to Rescind, by the way.

Rules 4(G)(1) from 2009 states basically that an appeal may be reconsidered only once, and that's the same as 4(G)(a) of the new Rules. It seems to me that the statement in (a) "...may be reconsidered once..." is sufficient to prevent reconsiderations of reconsideration unless the Rules are suspended (see the Bylaws conflict note below), so I recommend for the meeting we discuss the value of adding an additional statement at all, such as any new language in F(4)(g) .

Also - I think there's other updates needed; I've looked at Roberts 35 - that reference should be Roberts 33, 'To Amend'; Roberts 25 is 'Division of Motions'; that reference should be Roberts 22, which is 'Suspension of the Rules'. Can we get that verified by Legal please? Admittedly I'm looking at an online version of Roberts but Article 9(A) does reference the current edition of Roberts, so it looks like these earlier references may be out of date.

Back to the Bylaws,

1. We discussed modifying Article 9 Paragraph B to read: "The Rules of Procedure for the Board of Adjustment (strike 'Sign Review Board') may be suspended under 22 of Roberts Rules of Order by a unanimous vote".
2. We agreed to reinstate Article 9 Paragraph C from 2011 in the current/proposed Bylaws, preventing a Reconsideration.

As I read Roberts 22, even a suspension of the Rules cannot allow a reconsideration of a reconsideration - there's a phrase referencing conflict with a body's Bylaws, which can't be modified/suspended without notice, and why I want the reference to Roberts 22 in 9(B) and the reinstatement of Article 9(C); can you also get legal to comment on this, please?

From: William Burkhardt [REDACTED]
Sent: Monday, November 14, 2016 1:43 AM
To: 'Heldenfels, Leane' <Leane.Heldenfels@austintexas.gov>
Subject: RE: Last added section for Rules, proposed Bylaws addition/changes

Hi Leanne - my apologies on the delay.

I've looked through all my materials and listened to the recording from Sept 28; Bryan mentions Bylaws Article 9 (C) in relation to the reconsideration, that a reconsideration under the Rules F(4)(g) is not subject to being rescinded or amended under para. 35 of Roberts (see below on this Roberts reference, please). Note that Roberts (again, see below for the Roberts reference note) has a specific paragraph, P. 36, which specifically addresses Reconsideration, and that