May 25, 1988

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
ROBERT'S RULES OF ORDER - MOTIONS "TO SUBSTITUTE" - ITEM S403
COUNCIL AGENDA OF MAY 16, 1988

Item S403 on the Council agenda of May 16, 1988, included a resolution: "Approving City Manager Report CMR-88-119 regarding the relocation of the Balboa Park maintenance service yard from its temporary location at the Arizona Landfill to the 'Pit' area of the Naval Hospital site." A motion was made by Councilmember McCarty, and seconded, to adopt the resolution. Councilmember Filner then indicated that he wished to present a substitute motion directing the City Manager to perform an additional review of the alternatives to relocating the Arizona Landfill to the Naval Hospital site and to report back to the City Council.

The Mayor thereupon indicated that she felt that such a motion was perhaps not in order and that a vote on Councilmember McCarty's motion would be the appropriate first action with the opportunity for the "substitute" motion to be appropriate in the event Councilmember McCarty does not obtain the requisite five votes.

The representative of this office was then asked whether Councilmember Filner's motion was, in fact, appropriate under Robert's Rules of Order. He indicated that he agreed with the Mayor's impression that, while amendments can be proposed to motions which have been made and seconded, a complete substitute for such a motion would not be in order until after a vote and a failure of the first motion to pass.

The Mayor then ruled that Councilmember Filner's motion was out of order and called for a vote on Councilmember McCarty's motion. That motion failed and Mr. Filner's motion was thereupon again made, seconded and passed.

Because of the disparity of opinion among the members as to whether Robert's Rules of Order allows or disallows a motion such as that made by Councilmember Filner, this office was directed by the Council to review Robert's Rules and report back.

Robert's Rules of Order does, in fact, provide for motions "to substitute" as a subcategory within motions to amend. (Robert's Rules of Order Newly Revised . 12.) There are three basic types of amendments to motions authorized under Robert's

Rules.

The first type of amendment is to insert or add words or a paragraph to a pending motion. The second is to strike out words or a paragraph from a pending motion, and the third is to strike out and insert words or paragraphs. Robert's Rules uses the word "substitute" in the third type of an amendment when one or more paragraphs of a pending resolution are sought to be struck out and replaced with new language.

All forms of amendment are subject to the general rule that they must be "germane" to be in order. To be germane, Robert's Rules requires that "an amendment must in some way involve the same question that is raised by the motion to which it is applied. . . . An amendment cannot introduce an independent question; but an amendment can be hostile to, or even defeat, the spirit of the original motion and still be germane."

Robert's Rules specifies that two of the types of amendment which are out of order are:

> 1) One that is not germane to the question to be amended.
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> 2) One that merely makes the adoption of the amended question equivalent to a rejection of the original motion. Thus, in the motion that "our delegates be instructed to vote in favor of the increase in Federation dues," an amendment to insert "not" before "be" is out of order because an affirmative vote on not giving a certain instruction is identical with a negative vote on giving the same instruction. But it would be in order to move to insert "not" before "to" ("instructed not to vote in favor"), since this would change the main motion into one to give different instructions.
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> (Robert's Rules of Order Newly Revised, . 12, p.115.)

Therefore, a motion to substitute entirely different language for a motion already on the floor is in order so long as it is "germane" and so long as it does not merely make the adoption of the amended question equivalent to a rejection of the original motion.

Once an appropriate motion to substitute has been made, Robert's Rules provides that the chair is to invite amendments to the original main motion and thereafter amendments to the proposed substitute motion prior to taking a vote on the substitute motion, and states "this procedure tends to insure

that the provisions of the version first offered receive ╒sσ appropriate consideration."

In view of the above provisions, we must conclude that the motion by Councilmember Filner to substitute totally new language for the motion on the floor was, in fact, appropriate under Robert's Rules. Since Councilmember Filner's motion was clearly an alternative for the subject matter of relocating the Arizona Landfill to the Naval Hospital site, the motion met the requirement of being "germane."

While there could be some debate as to whether or not the substituted language would be out of order since it was "one that merely makes the adoption of the amended question equivalent to a rejection of the original motion," we feel that Councilmember Filner's substituted language was in order since it not only amounted to a rejection of the original motion but called for an alternative course of action to be taken by the City Manager.

Respectfully submitted,
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