

# CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

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**Bill Type and Number:** Ordinance 2024-119

**Introducer/Sponsor(s):** Council President at the request of the General Counsel

**Date of Introduction:** February 13, 2024

**Committee(s) of Reference:** R, LUZ

**Date of Analysis:** February 15, 2024

**Type of Action:** Council Rules amendment

**Bill Summary:** The bill amends Council Rule 4.601 – Majority Action – in Part 6 – Voting – to clarify that, with regard to quasi-judicial matters, a tie vote of the City Council members present and voting on such item shall not constitute a denial of the subject application. Upon a tie vote, the Council may move to reconsider the item for the purpose of moving and acting on an alternate motion, rerefer the item back to the appropriate committee of reference for additional consideration, or take any other action authorized by the Council Rules or applicable law.

**Background Information:** In June of 2023, Ordinance 2023-7 (rezoning of property at Hendricks Avenue and Prudential Drive to allow construction of a personal property storage facility) was the subject of a 9-9 vote by the Council. State law requires that governing bodies must take “affirmative action” to decide on quasi-judicial actions (meaning a majority vote to either approve or deny a proposition). As Council Rule 4.601 requires a “majority vote” by the voting Council members in order to take affirmative action on all legislation, the interpretation of the tie vote was that the motion to approve had failed by virtue of not having obtained a majority. The applicant challenged the interpretation that a tie vote constituted “affirmative action” by the Council under state law, resulting in a desire to clarify the voting requirements for affirmative action by the Council on quasi-judicial matters. This amendment provides that a tie vote on a quasi-judicial matter does not constitute denial and the matter may be subsequently taken up again to attempt to achieve an affirmative action, either immediately at the same meeting with a different motion or after re-referral to committee(s) for additional consideration.

**Policy Impact Area:** Council Rules

**Fiscal Impact:** None

**Analyst:** Clements