



*Where Life is Sweet*

Mayor and Members of the City Council

## **STAFF REPORT**

For the Meeting of April 8, 2024

### **Title/Subject**

Motion to Rescind Ordinance No. 2352 entitled Business License

### **Summary and Background**

Councilor Linton made a motion to rescind Ordinance No. 2352 at the March 25, 2024 city council meeting. Staff reviewed Robert's Rules of Order and associated information from other cities, etc. related to the use of a motion to rescind. A motion to rescind is an uncommon but available motion under Robert's Rules of Order. Based on that research Staff found that a motion to rescind cannot be used to undo something that has gone into effect.

Staff also reviewed the process of adopting an ordinance and the fact that Ordinance No. 2352 was adopted on January 22, 2024 by a 6-1 vote with Councilor Peterson being excused from the meeting. On February 22, 2024, that ordinance became effective. Based on staff research, the adoption to rescind cannot undo the adoption of an ordinance.

Our best understanding of this issue is that a different motion would need to be made to undo the adoption of Ordinance No. 2352. The repeal of Ordinance No. 2352 seemed to be the intent of the attempted motion to rescind on March 25, 2024.

### **Tie-In to Council Goals**

N/A

### **Fiscal Information**

Because a process is ongoing to establish the actual fee level for a Hermiston Business License, we cannot at this point give an estimate of revenues to be lost by removing the business license ordinance.

### **Alternatives and Recommendation**

#### Alternatives

- Do nothing
- A motion to direct staff to prepare an ordinance to repeal Ordinance No. 2352.

Recommended Action/Motion

- Not approve a motion to direct staff to prepare an ordinance to repeal Ordinance 2352.

**Submitted By:**

Byron D. Smith, City Manager