



Taking from the Table and Changing the Agenda

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A question from a clerk provides an opportunity to discuss more than one issue in parliamentary procedure. The clerk asked, “Is it allowed in a meeting to jump around in the agenda? For example, an item is tabled and then, after completing a few following items, the board wants to revisit it after learning new information.”

It is indeed permissible to return to the tabled item later in the same meeting. The purpose of the motion to table is to set a matter aside, not knowing when or whether the body will return to it. A good reason to do so would be to delay action on the matter pending further information. When it becomes appropriate to take up the tabled item, a member may move to take the item from the table and a majority vote would bring the matter back before the body. Robert’s Rules of Order allows the body to take a motion from the table in the same meeting in which it was tabled or in the next regular meeting. Of course, the possibility of taking the matter from the table in the next meeting would need to be on the public notice for the meeting in order for the body to act on it. Otherwise, the body can only agree to take it from the table and, without discussing it further, agree to put it on the agenda for a future meeting.

The questioner’s phrase “jump around in the agenda” invites us to consider whether changing the order of items on the agenda is permissible in situations other than taking a tabled motion from the table. Once again, changing the order is permissible. Although not required, some bodies go through the process of approving the agenda at the beginning of the meeting. At that time, they may re-order the items on the distributed agenda but, of course, cannot add items not on the public notice. At this stage, changing the order of items and approving the

agenda, whether changes are made or not, can be done by a majority of those voting. If the body does not go through the agenda approval process, the agenda as distributed is assumed to be set. Once the agenda can be regarded as settled on, either through formal approval or just assuming it to be so, subsequent changes can be made, but doing so would require the affirmative vote of two-thirds of those voting.

There is one important caveat to changing the order of agenda items. If the meeting’s public notice and agenda indicate that a closed session item is to be taken up as the last item, the body cannot move that item to earlier in the agenda. Wisconsin Stat § 19.85(2) of the Open Meetings Law provides the body may not convene in open session, then go into closed session, and then re-convene in open session within 12 hours after the closed session unless the intent to do so was on the meeting’s public notice.

Legal Captions

Contracts 402

Guest article by Sheboygan Assistant City Attorney Thomas Cameron explains what Limitation of Liability clauses are, and the importance of municipalities being on the lookout for such clauses inserted by vendors in municipal contracts and understanding that the municipality need not agree to such clauses. Article contains suggestions for avoiding such clauses and dealing with them when they cannot be avoided.