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**MEMORANDUM**

**TO:** Goodhue County Board of Commissioners  
Mr. Scott Arneson, Goodhue County Administrator  
Ms. Lisa Hanni, Land Use Management  
Mr. Mike Wozniak, Land Use Management

**FROM:** Stephen N. Betcher, Goodhue County Attorney *Stephen N. Betcher*

**RE:** Possible Motion to Reconsider Request for Authorization to Appeal Final Decision of the MNPUC Regarding AWA Goodhue Wind Site Permit and Certificate of Need

**DATE:** November 15, 2011

Earlier today the question was raised as to which commissioners, if any, could properly move for reconsideration of the Board's motion to authorize the Goodhue County Attorney to appeal the final decision of the MNPUC in the matter of the AWA Goodhue Wind Site Permit and Certificate of Need. I have reviewed Robert's Rules of Order which the Goodhue County Board has previously adopted to govern parliamentary procedure in its meetings. Chapter IX, Section 37, at page 304, lines 16-35, and page 305, lines 1-25, of Robert's Rules of Order Newly Revised 10<sup>th</sup> Edition, states in pertinent part, "It [the Motion to Reconsider] can be made only by a member who voted with the prevailing side...." The prevailing side need not be the side with more votes, it need only be the side whose votes determined the outcome. In this case, the motion failed on a tie vote. Consequently, either of the two commissioners voting "no" on the motion could move to reconsider the Board's vote in this matter. Motion to Reconsider can only be made at the first meeting following the meeting with the original failed motion. Any other motion would be out of order. I suggest that the prevailing Commissioners (Commissioner Rehtzigel and/or Commissioner Bryant) give notice in advance by scheduling the matter on the regular Board agenda if they wish to place a motion to reconsider this matter on the next meeting agenda.

I consider this a point of Parliamentary Procedure which is public and can be placed on the county website for public information. This is not confidential legal advice. Please contact me if you have questions or would like to discuss this matter further.

SNB/dad