

Resolution No. 2018-08

BOROUGH OF LEMOYNE CUMBERLAND COUNTY, PENNSYLVANIA

A RESOLUTION OF THE BOROUGH OF LEMOYNE ADOPTING RULES OF DECORUM FOR PUBLIC MEETINGS AND ESTABLISHING A CODE OF ETHICAL BEHAVIOR FOR OFFICIALS OF THE BOROUGH OF LEMOYNE

WHEREAS, the primary purpose of Borough Council meetings is to afford elected officials the opportunity to conduct Borough business; and

WHEREAS, the purpose of the following Rules of Decorum is to assure an orderly framework within which the business at hand can be conducted by setting basic ground rules for public participation and the distribution of information, and by prohibiting inappropriate behavior; and

WHEREAS, the following Rules of Decorum also establish a code of ethical behavior for elected officials of the Borough of Lemoyne; and

WHEREAS, the authority for establishment of these rules is derived from the Borough Code, Act of February 1, 1996 (1965 P.L. 1956, No. 581) and all amendments thereto; the Sunshine Act, Act of July 3, 1986 (P.L. 388, No. 84, 65 P.S. 271 et seq.) and all amendments thereto; and the Right-to-Know Law, Act of June 21, 1956 (P.L. 390, No. 212, 65 P.S. 66.1 et seq.) and all amendments thereto.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Borough of Lemoyne as follows:

DEFINITIONS

Council Business Meeting: Council is required to meet on a regular basis at least once per month and must advertise its schedule of meetings at the beginning of each year. Business meetings are held the third Thursday of each month commencing at 6:30 p.m. at the Borough Office. The meetings are open to the public, and minutes must be kept.

Council Executive Session: Either an entire meeting or a portion of a regular meeting, work session, or special meeting that is called to deliberate Borough business and attended by a quorum of members, but one from which Council may legally exclude the public, provided the business to be discussed falls within the specified categories below as described under the Sunshine Act:

- Personnel Matters
- Collective Bargaining, Labor Relations, and Arbitration

- Real Estate Transactions
- Legally Protected Information
- Attorney or professional advisor consultations relative to litigation or issues on which identifiable complaints are expected to be filed

Since Executive Sessions are closed to the public, minutes are not kept. Official actions taken on the basis of discussions held in Executive Session must occur at an open public meeting.

Council Work Session Meeting: Council meets on a monthly basis to address issues brought before Borough Council in a work session environment. These meetings are held the first Thursday of each month commencing at 6:30 p.m. at the Borough Office. The meetings are advertised, open to the public, and minutes must be kept.

Officers—Officers of Borough Council shall consist of a Council President, a Vice President, and a President Pro-Tem who shall perform the usual and customary duties of such offices. Officers shall be elected at the Reorganization Meeting on the first Monday of January in even numbered years and who, as long as they continue to be Councilmembers, shall serve for a term of two years or until their successors respectively are elected and qualified. No compensation is paid to any Officer, member of Borough Council, or the Mayor.

Quorum—A majority of the members shall constitute a quorum of Borough Council for the purpose of conducting the business of Council, and for all other purpose, and all actions may be taken by a vote of the majority of the members present, provided those present constitute a majority of the whole Council.

Reorganization Meeting—The Reorganization Meeting is held the first Monday of January of each even-numbered year. If the first Monday is a legal holiday, the meeting shall be held on the first day following. This meeting is advertised, open to the public, and minutes must be kept.

Special Council Meeting: Any meeting not included in the advertised annual schedule of meetings. Public notice of the meeting, including advertisement, must be given at least 24 hours in advance. These meetings are open to the public and minutes must be kept.

PUBLIC INFORMATION

Agenda: Paper copies or other appropriate media of the meeting agenda shall be made available for the public at the start of the meeting. Drafts of current agendas are posted on the Borough's website approximately 24 hours prior to the meeting.

Meeting Minutes: Meeting minutes shall be made available to the public at the following regular meeting. The minutes are not official until approved by Borough Council. Once approved, minutes are posted on the Borough's website.

PUBLIC PARTICIPATION

Every Borough Council meeting that is required by law to be open to the public shall include an opportunity for residents and taxpayers to be heard. The following rules shall apply:

Sign In: Persons entering the meeting room should sign the attendance sheet indicating their full name and address. Individuals addressing Council must state their full name and address for the purpose of accurately recording the minutes.

Groups: For groups desiring to comment, a spokesperson shall be designated for the presentation and discussion. The spokesperson shall be responsible for maintaining order and decorum of the group.

Comment Limited to Appropriate Issues: Public comment is intended to give citizens an opportunity to address items on the agenda as well as to comment on other topics related to Borough services. It is not intended to be a question and answer period. Council response to public input at a meeting is at Council's discretion.

Time Limit: It is the intent to provide each participant a fair and equal opportunity to be heard. Borough Council has the discretion to limit or end the participant's comment if the comment becomes repetitive or strays from the current issue and the participant has had a fair and equal opportunity to be heard.

Deferment of Comment: If, in the judgment of Borough Council, the period for public comment is unusually long, the atmosphere has become unruly, or the comments become repetitive, Borough Council may move to close public comment or defer all or portions of the public comment to a subsequent regular meeting or to a work session or an advertised special meeting.

Request to Appear on the Agenda: Residents or taxpayers who wish to address Borough Council may do so under the Public Comment section of the agenda. Community groups prepared to make a presentation on a particular topic may make a request to the Borough Manager to be included on the meeting agenda. The request must be made to the Borough Manager at least one week in advance of the meeting.

Recording of Meetings: Members of the public may record or videotape all portions of Borough Council meetings that are open to the public, provided that their actions do not disturb or interrupt the proceedings. The recording or videotaping must be conducted from the participant's seat and must be publicly announced prior to commencing the recording.

Civility and Decorum: Borough officials and members of the public are expected to conduct themselves with civility and to accord each other a measure of dignity and respect. Shouting, personal insults, and attacks or any conduct that disrupts the flow of business is considered to be out of order. At the discretion of Borough Council, disruptive individuals shall be subject to removal from Council chambers unless they agree to maintain civility and decorum.

RULES OF CONDUCT

General Procedure: It is the policy of Borough Council not to become involved in entanglements over “parliamentary procedure.” It is the intent of Council to act consistently with the Pennsylvania Borough Code and any applicable Borough Ordinance or other legal requirement. This being said, in general, Roberts’ Rules of Order shall apply to the conduct of public meetings subject to the authority of the President of Borough Council.

Authority of the Chair: The President chairs the meetings and shall act as a facilitator, assisting Council to focus on its agenda, discussions, and deliberations.

Limit Deliberations: Councilmembers will limit their comments to the subject matter, item, or motion being currently considered by Council.

Obtaining the Floor: Members of Council wishing to speak must first obtain the floor by being recognized by the Chair.

ORDER OF BUSINESS

Agenda: The Borough Manager is responsible for preparing a written agenda for each Council meeting. The agenda provides a guide for the Chair to keep the meeting on track, assures all relevant points concerning the business at hand will be discussed, and lets all participants know exactly when they will be expected to make their contributions.

President of Council: The President or other presiding officer should maintain a neutral and impartial attitude throughout the proceedings. The Borough Council President cannot make a motion on an issue. Furthermore, the President should not enter into debate until such time that all other members of Council have expressed themselves on a given issue. Only then may the President state an opinion on the merits of the question under discussion. On all questions, the Council President shall vote last.

Motions, Resolutions & Ordinances: A motion is the normal means by which a matter is brought before Council for consideration. Most routine matters are approved by a simple motion. Resolutions are approved by a simple majority vote following a motion. Ordinances are adopted by a majority voice vote after a motion, unless a roll call vote is requested by any Councilmember.

Motions and Resolutions regarding administrative matters need not be submitted to the Mayor. Ordinances shall be submitted to the Mayor for signature.

A motion requires a second, or sponsorship, by a second member of Council before it can receive consideration at a meeting. If a motion is not seconded, it is lost and no further action is taken on the matter. The President then proceeds with the next item on the agenda.

The first rule of parliamentary order is that only one matter of business can be considered at a time. That is, when one “main motion” has been properly introduced and seconded, no other main motion can be presented until the first has been disposed of. In the usual course of business, the motion is disposed of when it is either passed or defeated. However, a number of other things can happen to the motion, including:

- The motion can be amended.
- The motion can be referred to a committee for further consideration.
- Action can be postponed until a definite date.
- The motion can be tabled.

The only motions on which debate or discussion are permitted are the main motion and motions to postpone, amend, or refer. On all others, members vote yes or no.

Unanimous Consent: Action is occasionally taken without the formality of a motion, a second, and putting the question to a vote. In cases of minor importance, or in routine business where there seems to be no opposition, the Chair might ask, for instance, “Is there any objection to pursuing bids for future consideration?” The Chair might also extend the time allotted to a speaker by simply asking if there is no objection. Such action taken is said to be by “general consensus” or “unanimous consent.” It does not necessarily mean that everyone is in favor of the action, but it indicates that the matter is so routine that formal procedures are not required.

Debate: Debate is the discussion of the pros and cons of a motion that is on the floor. In reality, debate of a particular subject matter often occurs prior to a formal motion being offered. Debate is closed when it appears to the President that all who wish to debate the matter have done so. The President then puts the question to the vote of the members.

Voting: Voting is done in one of two ways—by expressing either favor or opposition or by roll call vote. In any instance where the result of expressing favor or opposition seems other than unanimous, or in the event of one or more abstentions, the President may call for a roll call vote. Any member of Council may demand a roll call vote on any question before Council.

Councilmembers may participate in meetings and vote via telecommunication device using speaker phones or computer terminals only after a physical quorum has been established at the meeting place and provided both Council and the public are able to hear the comments and votes of the councilmember not in physical attendance. Participation via telecommunication device is only possible for one of the following reasons: illness or disability of the Councilmember, care for the ill or newborn in the member’s immediate family, an emergency, and family or business travel.

Voting by ballot is never permissible in Council meetings because of the Constitutional requirement for voice vote pursuant to the Sunshine Act. Voting by proxy is not permitted.

Conflict of Interest: In the case that a member believes that he/she has a conflict of interest in the matter being decided, he/she is required by law to abstain from voting and to so inform

Council orally or in writing of the nature of the conflict. If Council would be unable to take any action on a matter because the number of members required to abstain from voting makes the majority or other legally required vote of approval unattainable, then such members shall be permitted to vote if said disclosures are made.

Abstention: All members of Council are required to vote in favor or in opposition, unless they are required to abstain on grounds of personal interest. Members are not permitted to abstain from voting because of the following:

- the desire to avoid embarrassment or alienation of one's constituents;
- the desire to let action go through without committing oneself; or
- the inability to make up one's mind because of a feeling that the Councilmember lacks full knowledge of the proposal and its effect on the Borough (the need for knowledge should be addressed in debate).

Mayor's Tie-Breaking Authority: The authority of the Mayor to cast the deciding vote applies whenever, as a result of a tie vote, Council is unable to:

- enact or pass an Ordinance, Resolution, or motion;
- declare or fill a vacancy on Council or in any other Borough office; or
- take any action on any matter lawfully brought before it.

POLICY DECISION-MAKING PROCESSES

Committees of Council: Council committees are established during the Reorganization Meeting. The President may, from time to time, also choose to appoint ad-hoc committees to address particular tasks. Each committee shall have a chairperson. The President is an ex-officio member of all such committees.

BOROUGH REPRESENTATIVE

Councilmember Participation in Community Activities: From time to time, Councilmembers may choose to participate in community activities, committees, events, and task forces. When a Councilmember participates in these types of activities, the Councilmember should make it clear that he/she is acting as an interested party rather than acting on behalf of Borough Council. Acting or participating on behalf of Borough Council, including oral and written correspondence such as speeches, letters to residents and other groups or organizations, posts on social media websites, and statements to the press, is limited to those instances when Council has formally designated the Councilmember as its representative for the matter.

Mayor to Act as Ceremonial Representative: The Mayor is delegated the responsibility to act as Council's ceremonial representative at public events and functions. In the Mayor's absence, the President assumes the responsibility. The Mayor may appoint another Councilmember to assume the responsibility in his/her absence.

GUIDELINES FOR ETHICAL CONDUCT

1. Annual ethics forms shall be submitted to the Borough Office by the May 1st deadline.
2. Elected officials shall not disclose confidential information to which they have access by virtue of their public office or position. Unless otherwise noted, all e-mails and working draft documents shared between staff and Borough Council are considered privileged and confidential and, as such, are not intended for public dissemination or discussion. Furthermore, information in Borough files is to be treated as confidential and shall not:
 - a. be released to the public without proper authority;
 - b. be released to any other officer or employee who has no need for such information; or
 - c. be used for personal gain.
3. Personal gifts, favors, loans, services, payments and other inducements, made either directly to the elected official or to a family member of the official where there is reason to believe such gifts, favors, or inducements are offered to influence official actions in favor of the donor should be refused. Any in-kind and/or cash gift, favor, tip, service, etc. with a value over \$25 shall be disclosed to the Borough Manager and/or Borough Council who may require that such item be refused or returned. Nominal token gifts including holiday food baskets, calendars, lunches, and similar items may be accepted.
4. Elected officials shall not convey to any person any information or advice not generally available to the public in any transaction, negotiation, or litigation to which the Borough is a party.

ADMINISTRATIVE SUPPORT

Letters Addressed to Mayor and/or Council: All letters addressed to the Mayor and/or Council requiring a response from staff are copied to all Councilmembers and the Mayor along with a copy of the response.

Letters Addressed to Individual Councilmembers: All letters addressed to Councilmembers requiring a response from staff are copied to all Councilmembers and the Mayor along with a copy of the response. Letters addressed to individual Councilmembers that do not require a response from staff but which provide information on Council matters are copied to the full Council and the Mayor.

Council Correspondence: All Councilmember correspondence written with Borough resources (letterhead, logos, staff support, postage, etc.) will reflect the position of the full Council, not individual Councilmember positions. All Councilmember correspondence using Borough resources will be copied to the full Council and the Mayor.

MAYOR AND COUNCIL REIMBURSEMENT

Travel Expense: Councilmembers and the Mayor will be reimbursed for expenses incurred while traveling to, from, and during attendance at Borough-related events and conferences pre-approved by Council. Reimbursement shall include mileage, meals, tuition and lodging. Expenses for lodging may be paid in advance by the Borough. All other reasonable expenses are reimbursed after submission of an itemized account of expenses.

MAYOR

Even though the Mayor possesses few statutory powers, he/she is viewed as the ceremonial head of Borough government by the public and is in a position to exercise leadership.

Liaison Between Council and the Police Department: The Mayor is Council’s liaison to the West Shore Regional Police Department. Issues regarding budgetary and financial controls are reserved to Borough Council.

Meetings: The Mayor presides over Council only twice during each term of office—at the Reorganizational Meeting in even-numbered years. The Mayor has the right to attend all Council meetings and is permitted to take part in discussions.

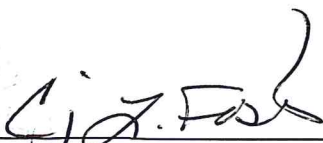
NON-OBSERVANCE OF RULES

These rules, wholly or in part, may be amended or repealed by majority vote in any regularly scheduled meeting of Borough Council. Rules adopted to expedite and facilitate the transition of the business of Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of or invalidate any action taken by Borough Council.

DULY ADOPTED this 21st day of June, 2018, by the Borough of Lemoyne in lawful session duly assembled.

LEMOYNE BOROUGH

ATTEST:


Secretary

BY:


Council President

[BOROUGH SEAL]