

**BOROUGH OF COLUMBIA
LANCASTER COUNTY, PENNSYLVANIA
RESOLUTION NO. 2019-09**

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF COLUMBIA REGARDING PROTOCOLS FOR ELECTED OFFICIALS CONDUCTING BOROUGH BUSINESS

WHEREAS, the primary purpose of Borough Council meetings is to afford elected officials the opportunity to conduct Borough business, and a code of ethical behavior for elected officials for such meetings has been defined in **Resolution 2019-07, A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF COLUMBIA REGARDING PROTOCOLS AND RULES OF DECORUM FOR PUBLIC MEETINGS**, adopted by Borough Council on February 12, 2019; and

WHEREAS, the purpose of the following protocols is to assure an orderly framework within which Elected Officials conduct the business of the Borough of Columbia by setting basic standards for public participation and the distribution of information; and

WHEREAS, the authority for establishment of these rules is derived from the Borough Code, Act 37 of 2014 (8 Pa.C.S.A., Sections 101-3501) and all amendments thereto; the Sunshine Act, codified at 65 Pa.C.S., Sections 701-716 and all amendments thereto; and the Right-to-Know Law, codified at 65.P.S., Sections 67.101-67.3104 and all amendments thereto

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

1. DEFINITION

A. ELECTED OFFICIAL

An Individual holding public office who won the position in a free election or one who has been appointed by a majority vote of the elected body when there is a vacancy of the office due to resignation or other reason.

2. BOROUGH REPRESENTATION

- A. Elected Official Participation in Community Activities.** From time to time, Elected Officials may choose to participate in community activities, committees, events, organizational boards, and task forces. When a Council participates in these types of activities, the Council member is acting as an interested party providing personal observations or expression of thoughts rather than acting on behalf of Borough Council which, by necessity may act only as a body in a properly noticed public meeting.
- B. Elected Official Participation in Community Activities on Behalf of Borough Council.** Acting or participating on behalf of Borough Council, including oral and written correspondence such as speeches and/or letters to residents and other groups or organizations is limited to those instances when Council has designated the Elected Official as its representative for the matter and formally authorized that Elected Official to speak on its behalf.
- C. Speaking to the Media.** Normally, the Council President assumes the responsibility for providing statements representing council's collective position to the press. The Council President may

appoint another Elected Official to assume the responsibility in his/her absence. The Mayor may also at his/her discretion provide statements representing his/her position to the press. Any comments made by individual Elected Officials which have not been made by the President, his designee or the Mayor should be understood to be that Elected Official's personal observations or expression of thoughts.

- D. **Acting Responsibly.** Each Elected Official is responsible for their own actions and words. Being in public office necessitates Elected Officials being held to a higher standard. Elected Officials are reminded that when they speak, their words matter, and they are expected to take ownership and be responsible for their words and actions.

3. GUIDELINES FOR ETHICAL CONDUCT

- A. Annual ethics forms shall be submitted to the Borough Office in a timely manner.
- B. 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 pre-decisional in nature, considered privileged and confidential and, as such, are not intended for public dissemination or discussion. Matters circulated by legal counsel are subject to the attorney-client privilege which members should not waive without action from Council. Personnel records should also be held in the strictest confidence.
- C. 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 \$20.00 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, and meals may be accepted.
- D. In any situation where the Borough is a party, elected officials shall not divulge any information or advice not generally available to the public.

4. ADMINISTRATIVE SUPPORT

- A. **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, the Borough Manager, and the Mayor along with a copy of any response provided.
- B. **Letters Addressed to Individual Councilmembers:** All letters addressed to Councilmembers requiring a response from staff are copied to all Councilmembers, the Borough Manager, 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.
- C. **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, the Borough Manager, and the Mayor.

5. ELECTED OFFICIAL REIMBURSEMENT FOR TRAVEL EXPENSES

Elected Officials may 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.

6. MAYOR

A. 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 Council President assumes the responsibility. The Mayor may appoint another Council member or the Borough Manager to assume the responsibility in his/her absence.

B. Oversight of the Police Department: The Mayor directs the Chief of Police on day-to-day activities of the Police Department. The Mayor's powers with respect to the Police Department are pursuant to and limited by the authority granted to the Mayor under the Borough Code, as amended. Issues regarding Department ranks, including the duties of each rank; appointing, suspending, reducing in rank, or discharging officers; establishing the size of the Department; and controlling budget and finance are reserved to Borough Council. Council's powers with respect to the Police Department are pursuant to and limited by the authority granted to Council under the Borough Code, as amended.

7. 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 Council.

ACKNOWLEDGEMENT

The Borough acknowledges the Pennsylvania State Association of Boroughs (PSAB) and the Borough of Elizabethtown for assistance provided in the preparation of this document.

DULY ADOPTED this 14th day of May, 2019, by the Borough of Columbia in lawful session duly assembled.

ATTEST:



Rebecca S. Denlinger
Borough Manager and Secretary/Treasurer

Columbia Borough Council



Kelly Murphy
Borough Council President