

**BOROUGH OF COLUMBIA
LANCASTER COUNTY, PENNSYLVANIA
Resolution No. 2019-07**

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF COLUMBIA REGARDING PROTOCOLS AND RULES OF DECORUM FOR PUBLIC MEETINGS

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 Protocols and Rules of Decorum is to assure an orderly framework within which the business of the Borough of Columbia can be conducted by setting basic standards and expectations for participation and the distribution of information by the public, by elected officials, and by borough staff by creating an atmosphere which stimulates civil understanding and communication; 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:

DEFINITIONS

Regular Council 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. Regular meetings are held the second and fourth Tuesday of each month commencing at 7:00 PM at the Borough Office. The meetings are open to the public, and minutes must be kept.

Council Work Session: Council meets on a monthly basis to address issues brought before Borough Council in a work session environment. These meetings are held the first Tuesday of each month commencing at 6:00 PM at the Borough Office. The meetings are advertised, open to the public, and minutes must be kept. Council's intent for these meetings are to allow for more in-depth presentation and discussion on matters brought before the council, and either of the scheduled Regular Council Meetings may be used as Council Work Sessions as needed.

Special Meeting: Any meeting not included in the advertised annual schedule of meetings. Public notice of the meeting, including advertisement, must be given at least 48 hours in advance. These 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 matters;

- Real Estate Transactions involving purchasing or leasing of real estate;
- Litigation matters;
- Matters related to legally Protected Information; and
- Matters necessary for emergency preparedness, protection of public safety, and security of property.

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

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. If applicable, minutes from other Board and Commission meetings, such as the Planning Commission and Zoning Hearing Board, shall also be made available to the public at the regular meeting.

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 and intending to address the council 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. Council will be imposing a 5-minute maximum time limit for each speaker wishing to address comments to the council. Extension of the time limit will be at the discretion of the Borough Council President or designee. Since it is council's intent to provide each participant a fair and equal opportunity to be heard, requests to have any participant delegate their time to speak to another will not be honored.

Deferment of Comment: If, in the judgment of Borough Council President or designee, 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 to be held in advance of the next regular 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 topic may make a request to the Borough Manager and approved by the Council President or designee to be included on the meeting agenda. The request must be made to the Borough Manager at least three (3) business days 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 or the area designated by the Borough for recording 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, foul language, personal insults, threats, and attacks or any conduct that disrupts the flow of business is out of order. At the discretion of Borough Council President, disruptive individuals shall be subject to removal from meeting chambers unless they agree to maintain civility and decorum.

RULES OF CONDUCT

General Procedure: It is the intent of Council to act consistently with the Pennsylvania Borough Code and any applicable Borough Ordinance or other legal requirement. In general, Roberts' Rules of Order shall apply to the conduct of public meetings subject to the authority of the President of Borough Council or designee.

Authority of the Chair: The Chair shall act as a facilitator, assisting Council to focus on its agenda, discussions, and deliberations. Council President will chair all council meetings unless unable to attend and a designee assigned. During meetings, the Chair may choose to delegate facilitator role to other council members at their discretion.

Limit Deliberations: Council members 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 assembling a written agenda for each Council meeting as directed by the Council President (Chair). 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 or to initiate conversation when council members have not done so. The President may then state an opinion on the merits of the question under discussion.

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 need to be approved by a simple majority vote after a motion. Ordinances are approved by roll call vote after a proper motion.

Motions and Resolutions regarding administrative matters need not be submitted to the Mayor. Ordinances, such as legislative actions, 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, several 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. Debate of a subject matter may occur 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. Any member of Council may request that the Borough Manager detail the pros and cons of an issue at any time during the discussion.

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 shall call for a roll call vote. Any member of Council may request a roll call vote on any question before Council.

Council members 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 council member not in physical attendance and vice versa. 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 and via a written explanation addressed to the Secretary/Treasurer for inclusion with the official meeting record, stating 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 expected to vote in favor or in opposition, unless they are required to abstain on grounds of conflict of interest. Members are not permitted to abstain from voting because of the following:

- the desire to avoid embarrassment or alienation of one's constituents; or,
- the desire to let action go through without committing oneself.

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: The President may, from time to time, 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.

MAYOR

Meetings: The Mayor presides over Council only twice during each term of office--at the reorganizational meeting of Council 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 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.

ADOPTED AND RESOLVED, by the Borough of Columbia in lawful session duly assembled on the 12th day of February 2019.

ATTEST:

Columbia Borough Council



Rebecca S. Denlinger
Borough Manager and Secretary/Treasurer



Kelly Murphy
Borough Council President