

# Resolution # 2023-002

Honesdale Borough, Wayne County

## Rules of Conduct

**Be it Resolved that the Rules of Conduct for Borough Council that have previously been adopted be consolidated into one document, namely the following:**

#1 Whereas,

The Borough Council of Honesdale Borough will elect both a president and a vice president of council at the mandatory reorganization meeting on the first Monday in January of the even numbered year. These officers serve at the pleasure of council. This means a council member at any public meeting can make a motion to remove the president, the vice president or both provided there is a second and a majority vote. The mayor does not preside at a non-biennial organizational meeting

#2 Whereas,

Council will follow Robert's Rules of Order for the conduct of its meetings, except in those instances where Robert's Rules are inconsistent with the laws and Constitution of the Commonwealth of Pennsylvania. The president not only presides over the meeting, but also ensures that the proper decorum is maintained during the meeting.

#3 Whereas,

Council shall conduct regular monthly meetings, advertised one time not less than three days in advance of the first meeting of the year in a newspaper of general circulation as provided under the Newspaper Advertising Act. 45 Pa.C.S.A §101. The meeting date and time shall be determined by council. Special meetings may be called by the president of council or upon request of one third of the members of council. Special meetings are meetings that arise during the year which council had not planned. A special meeting must be advertised one time not less than 24 hours in advance of the meeting in a newspaper of general circulation with the date and the reason for the meeting included in the advertisement as provided under Section 1006(2) of the Borough Code. Minutes and public comments shall be taken at both meetings. While not required, anyone attending the meeting, whether the public or a council member, who wants to tape the session should inform council that he or she is taping the meeting, as a courtesy to all in attendance.

#4 Whereas,

The president shall convene the meeting at the advertised date and time. The council president shall call the meeting to order. The president manages the decorum in the meeting; has the agenda at hand, follows it, and announces what item of business is next to be considered. The secretary will record the borough officials present. In the absence of the president, the vice president shall chair the meeting. In the absence of the vice-president, the president pro tem shall chair the meeting. If the president pro tem is not present, but there's still a quorum of council, then the remaining council members elect a president pro tem who shall chair the meeting. In the absence of the borough secretary, an elected official may be asked to either operate the recorder and/or take minutes, if a pre-arranged substitute has not been made. If there is no quorum in attendance, council shall wait 15 minutes for others to arrive and if there is still no quorum, the president will adjourn the meeting to a future date.

#5 Whereas,

A quorum, defined in the Borough Code as a "majority of council eligible to vote at a meeting", is required to take official action at public meeting. 8 Pa.C.S. § 1001.

#6 Whereas,

Council has adopted a resolution to allow its members to participate by telecommunication device once a quorum is physically present. Everyone in the chamber should be able to hear the speaker and vice versa. This method will be used for those reasons provided under Section 1001 of the Borough Code. The council member participating telephonically cannot be counted to reach a quorum.

#7 Whereas,

Council will use a voice vote when voting. A roll call vote will be taken at the discretion of the president or if the vote is inconclusive.

#8 Whereas,

Under Section 10A08 of the Borough Code the president shall serve as acting mayor in the event of absence or incapacity of the mayor and when doing so, votes as the mayor to break tie or split votes and not as a council member.

#9 Whereas,

At a public meeting, council members are required to address all remarks to the

president in a respectful manner and by addressing him or her as Mr. or Madame President. The comments should deal with matters before council and council members should not hold side bars. No member should make personal references to any other member of the council. Council members shall not speak longer than ten minutes on any motion. When a member has the floor, no one should interrupt unless the president announces a call to order. Another council member may make a point of order if the member who is speaking provides erroneous information or to clarify information. If two members speak at the same time, the president selects who will speak first. No member shall interrupt the meeting unless it is a motion to adjourn, postpone a vote, make a motion to commit, or to offer any amendment.

#10 Whereas,

The president shall state the motion before debate occurs and shall provide an explanation on what "yes" vote means. According to Roberts' Rules of Order, the president does have the authority to make a motion or second a motion. However, the president must announce that he/she is handing the gavel over to the vice president. The president may then make the motion or wait until after a council member makes the motion before seconding the motion. After the vote has been taken and the matter under discussion is finished the president will retake the gavel and preside over the meeting again.

#11 Whereas,

The motion to rescind means that council can change an action previously taken or amended. The effect of rescind is to strike out an entire main motion, resolution, rule, bylaw, section or paragraph that has been adopted as some previous time. The motion can be made if there are no other motions on the floor, are out of order when another has the floor, must be seconded, are debatable, and require a majority vote. If the motion to rescind fails, then it cannot be renewed. Roberts' Rules states three actions that cannot be reconsidered or rescinded. They are as follows: 1) When it has been moved to reconsider the vote on the main motion, and the question can be reached by calling up the motion to reconsider; 2) When the motion has passed, due to the vote on the main motion that is impossible to undo; 3) When a resignation has been acted upon, or a person has been appointed and he has been informed of the appointment.

#12 Whereas,

A motion to withdraw must be made by the same member who moved it, with the approval of the member who seconded the motion.

#13 Whereas,

For council to override the mayor's veto, council must vote as a majority plus one per Section 3301.3 of the Borough Code. To establish or repeal the Borough Manager ordinance requires a vote of a majority of council as provided in Section 1141 of the Borough Code. A two-thirds vote of council is required to enact an ordinance to abolish the elected auditor positions. 8 Pa.C.S. § 1141.

#14 Whereas,

A two-thirds vote of council is required to suspend, amend or to repeal the rules.

#15 Whereas,

Residents and taxpayers of the borough have the right to comment on matters before or matters of concern during the public participation segment of all regular and special meetings. The president shall review the rules of meeting decorum with council and the citizens and copies shall be provided in the chambers at every council meeting. Residents and taxpayers of the borough wishing to address council may voluntarily state their name and addresses for the record. A resident of the borough or taxpayer of the borough has the right to address council via the president. Input will be limited to three to five minutes per citizen, with a timer that is visible to everyone, and with allowance of a longer time at the president's discretion.

The president shall be the spokesperson for council and may ask questions to council members or may refer the question to a committee to research. There shall be no interruptions when a member of the public has been granted the floor by the president of council. No borough councilmember, employee or agent is permitted turn off the microphone or remove a citizen because he/she does not like his/her comments about council or the staff. The president shall acknowledge any questions during the public comment period, however, he or she should note the question and tell the citizen that he or she will refer it to the appropriate committee and respond to the speaker at a future date. If the meeting is running long and there is still a crowd who wants to speak then the president shall schedule a special meeting to take further comments per the Sunshine Act.

If a resident needs a reasonable accommodation to attend the meeting then he/she should contact the borough secretary no later than three days' in advance so the borough can make the accommodation for him/her to attend the meeting.

#16 Whereas,

During a regular or special meeting, it may be necessary to adjourn into executive session for one of the reasons in the Sunshine Act. Council must announce the reason for the executive session prior to adjourning into the closed session. Council should also note if it intends to return to the open meeting or if the open meeting is adjourned.

#17 Whereas,

Council may ratify an action that otherwise was not validly taken. For example, action taken where there was no quorum at the meeting is not valid until it is later ratified at a meeting where a quorum is present.

#18 Whereas,

The name of any council member, citizen, or taxpayer who presented a petition, or a letter shall be entered into the minutes.

#19 Whereas,

When a vacancy or vacancies occur on an agency board or commission, council shall instruct the secretary to issue a press release seeking resumes for the specific vacancy. After review, council will appoint the applicant(s) from the resumes received at a regularly scheduled public meeting.

#20 Whereas,

The Borough may establish committees of Council Members to handle various duties. Committees meet to study a topic and make recommendations to the whole of council at a duly advertised public meeting. The president has the authority to appoint council members to these committees without council's approval. The president shall appoint a committee chair and committee vice chair. The president will be an ex-officio member of all committees. Each committee shall meet at least once monthly and provide a written report to be provided to council with the assistance of the Borough Secretary. Any recommendations or suggestions on action items from the public, employees or individual elected official will first be brought to the applicable committee for review and consideration after which the

committee may bring the matter before council for action. The Borough Solicitor may advise when such committees need to advertise, take minutes, and/or allow public comments.

#21 Whereas,

Council authorizes the following to be signors on bank/financial accounts: Borough Treasurer, Council President, Council Vice-President, Finance Committee Chairman and Finance Committee Vice-Chairman. If one person holds more than one position, then the president pro tem will be added as a signor so that five separate individuals will be listed with three needed to sign transactions with the exception of the payroll account(s) which will only require two signors. The Borough Treasurer and/or the Finance Committee Chair.

#22 Whereas,

Borough council recognizes the need to work with administrative staff to achieve goals and priorities as set forth by policy enacted by majority decisions. Therefore, individual members of council shall exercise restraint in directing or requesting information from Department Heads which does not pertain to matters that align with the aforementioned goals and priorities. All requests for information by individual council members shall be processed by Department Heads within a reasonable time period while ensuring that the performance of essential functions of the Borough takes priority. In order to ensure efficient Borough operations, all direction or requests from Council and/or individual councilors shall be sent to the Borough Secretary or the Department Head. Council members will not direct the work of individual employees nor perform the work of Borough employees unless agreed to in coordination with the Department Head. All keys and access to Borough Buildings and equipment shall be held by the respective Department Head. To the extent any Council member requires access he/she shall coordinate with the respective Department Head to access the area or equipment solely for the period in which access is required to complete the identified task. This policy shall not restrict or limit the statutory rights of any individual council member nor shall it be construed to cause any unnecessary burden on administrative staff.

#23 Whereas,

The police department Standard Operating Procedures and Honesdale Borough Police Department Collective Bargaining Agreement were previously approved by council. All revisions and special orders will be reviewed by the Borough's labor attorney. The attorney will forward recommendations to council. If all

recommendations are favorable and time constraints are in place, then the Public Safety Committee shall have the authority to grant approval between council meetings within legal means.

#24 Whereas,

If a vacancy should occur in a full time or part time non-uniform position, the borough secretary is authorized to advertise for application for the position with consultation from the president and committee chairperson.

#25 Whereas,

All borough social media accounts and access to the same will be overseen by the Borough Secretary in conjunction with the Borough Council President and committee chairpersons. Individual members of Borough Council shall abide by social media policies adopted by a majority of council which shall not infringe on statutory rights bestowed upon members of council or civil liberties of members of the public. Social media shall be used solely for informational purposes to share borough updates, ordinance reminders, meetings agendas and minutes/recordings and job postings. Council members and borough administration shall refrain from using borough social media to share opinions and policy positions.

#26 Whereas,

All official correspondence whether by letter, memo, or email from the Borough of Honesdale Council or its departments shall be on department letterhead or Borough letterhead or contain the elements thereof including name and be mailed from the borough office with copies being retained by the borough secretary and/or designee. All official correspondence of the council will be prepared by legal counsel or the borough secretary with copies being retained by the borough secretary. Individual council members will not use or send correspondence on official Borough letterhead or on social media accounts that would lead the reader to believe that the statements reflect official action of council or that the Borough has endorsed the statements, unless approved by a majority of council.

#27 Whereas,

If any Council member wishes to amend these Rules of Conduct, prior to placing the item on the agenda for Council's consideration, the Council member seeking to amend the Rules must provide, at no later than the meeting before the rule amendment is to be acted on, a form explaining to the other Council members the

rule change and the reason or justification supporting the rule change.

Approved and adopted at a regularly scheduled meeting of the Honesdale Borough Council on 21st of February 2023.

HONESDALE BOROUGH

(SEAL):



Council President

ATTEST:



Borough Secretary