

**ANY BOROUGH COUNCIL
SAMPLE RULES OF ORDER**

INTRODUCTION

The Pennsylvania State Association of Boroughs receives requests for samples of Rules of Order, Bylaws, etc. every year.

This year we are proud to present a set of basic rules of order that your borough council can modify to suit your specific borough needs, provided they do not conflict with any state or federal law.

REORGANIZATION

MEETING

Borough Council is required to organize on the first Monday in January of the even-numbered year by law. If the first Monday is a holiday, then council meets the very next day, Tuesday.

The mayor presides over the meeting until both a president and vice president are elected and then hands the gavel to the president. In the absence of the mayor, the remaining members choose a member to preside.

1. Mayor can be sworn in by judge or notary public and shall present Notarized Affidavit of Residency and Certificate of Elections before he can be sworn in;
2. Presentation of Affidavits and the Certificate of Elections by newly-elected;
3. Oath of office for qualified council members;
4. Roll call by Secretary;
5. Pledge of Allegiance (if desired, not mandatory)
6. Nomination for and election of President of Council;
7. Nomination for and election of Vice President of Council;
8. Nomination and election for President Pro Tem;
9. Appointment of Vacancy Board Chair (cannot be an elected official, but must be a registered elector of the borough);
10. Appointment of any Administrative Positions:(if desired) plus the Borough Solicitor, Borough Engineer; Building Inspector/Code Enforcement Officer, and Open Records Officer.
11. New Business
 - Resolution to obtain bond for tax collector
 - Appointment of bank for depository
 - Approve meeting dates for council, committees
12. Adjournment.

AGENDA FOR REGULAR MEETINGS

1. Roll call of members by the secretary.
2. Pledge of Allegiance.
3. Approval of prior Meeting Minutes.
4. Public Comment.
5. Authorization to pay bills.
6. Reports by Standing Committees (if the borough has committees)
 - a. Police Report from Mayor
 - b. Public Safety
 - c. Personnel
 - d. Public Works
 - e. Finance Committee
 - f. Public Safety
 - g. Parks & Recreation
 - h. Etc.
7. Report by the Solicitor
8. Correspondence and Petitions by the Borough Manager
9. Borough Manager's Report
10. Old Business
11. New Business
12. Adjournment

REGULAR AND SPECIAL MEETINGS

Regular (monthly) meetings shall be advertised one time no less than three days in advance of the first meeting of the year in a newspaper of general circulation under the Newspaper Advertising Act (45PaCSA 101).

Special meetings are meetings that arise during the year which council had not planned. A special meeting must be advertised one time no 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 under Section 1006 (2) of the Borough Code.

Minutes and public comments shall be taken at both meetings.

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.

QUORUM

According to Section 1006 (4) of the Borough Code a quorum is “a majority of council eligible to vote at a meeting.”

There are provisions in the Borough Code such as 1005 (7) which requires a 2/3 vote to enact an ordinance to abolish the elected auditor positions and for the council to override the mayor’s veto the council must vote as a majority plus one [(section.3301.3 (c) of the Borough Code].

And to establish or repeal the manager ordinance requires a vote of a majority of council elected to office [(Section 1141 (a)] of the Borough Code.

ROLL CALL

Some boroughs use the procedure of roll call when voting, while others simply use a voice vote. If the vote is inconclusive then the president may call for a roll call vote.

EXECUTIVE SESSION

During a regular or special meeting, it may be necessary to adjourn into Executive Session for one of the five reasons in the Sunshine Law. Council must announce the reason for the executive session meeting 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.

COMMITTEE MEETINGS

Most boroughs establish committees of council to handle various duties. They 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. Most borough committees consist of one less council member than a quorum so that most boroughs do not advertise its committee meetings. The president is an ex officio member of all committees and his presence at a committee meeting does count toward a quorum and must be advertised.

[Note: There are differences of opinions between solicitors about whether these meeting should be advertised, minutes taken, and allow public comments. Please check with your own borough solicitor.]

CALL TO ORDER

The council president shall convene the meeting at the advertised date and time. The council president shall call the meeting to order and the secretary shall take roll call. In the absence of the president, the vice president shall chair the meeting, and if the president isn't present, but there's still a quorum of council, then the remaining council members elect a president pro tem who shall chair the meeting. (*See Reorganization meeting*).

In the absence of the borough secretary, a member of council may be asked to either operate the recorder or take minutes.

If the roll call shows that there's no quorum in attendance and council has waited 15 minutes for others to arrive and there's still no quorum, then the president adjourns the meeting to a future date.

PARTICIPATION BY TELECOMMUNICATION DEVICE

If council has adopted a resolution to allow this means of participation, once a quorum is physically present, then the council member may contact the council president at the advertised meeting time to use a telecommunication device to participate in the meeting. Everyone in the chamber should be able to hear the speaker and vice versa. This method will be used for those reasons approved under Section 1003 of the Borough Code. The council member participating by speakerphone cannot be counted to reach a quorum.

RULES OF ORDER

Council may adopt the current edition of Robert's Rules of Parliamentary Procedure; however, it will suspend the rules when it conflicts with the Borough Code or state law.

The president not only presides over the meeting, but also ensures that the proper decorum is maintained during the meeting. According to Roberts' Rules of Order, the president does have the authority to make a motion or second a motion, however he must hand the gavel over to the vice president to make the motion, and then does not resume as president until the matter under consideration is disposed of.

ADDRESSING THE CHAIR

Council members are required to address all remarks to the president in a respectful manner and by addressing him as Mr. President. The comments should deal with matters before council and council members should not hold side bars. No member should make personal comments.

MOTIONS

The president shall state the motion before debate occurs and he provides an explanation on what a "yes" vote means. Under Roberts' Rules of Parliamentary Procedure, the president can make motions and second motions. The president hands the gavel over to the vice president and then makes the motion or waits after a council member makes the motion and the president seconds the motion. After the vote has been taken and the matter under discussion is finished then the president retakes the gavel and presides over the meeting again.

SPEAKING

When a member has the floor, no one should interrupt unless the president must announce 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.

Each council member is allowed five minutes (or whatever time limit council has adopted) to speak.

If two members speak at the same time, the president selects who will speak first.

No member shall interrupt the meeting unless it's a motion to adjourn, postpone a vote, make a motion to commit, or to offer any amendment.

RECONSIDERATION

The motion to reconsider enables a majority in an assembly, within a limited time and without notice, to bring back for further consideration of a motion which has already been voted on. The purpose of reconsidering a vote is to permit correction of a hasty, ill-advised, or erroneous action, or to consider added information or a changed situation that has developed since the taking of the vote.”

A motion and a second to reconsider shall be made by two members on the prevailing side on the same day the original motion was made.

RESCIND

“The motion to rescind means the assembly 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 at 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 motion has passed, due to the vote on the main motion, that is impossible to undo. (The unexecuted part of an order, however, can be rescinded or amended).

3. When a resignation has been acted upon, or a person has been appointed and he has been informed of the appointment (unless this person is not eligible to hold office).

PETITIONS

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

MOTION TO WITHDRAW

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

SUSPENSION OF THE RULES

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

SPECIAL MEETINGS

Special meetings may be called by the president of council or upon request of 1/3 members of council according to Section 1006 (2) of the Borough Code.

PUBLIC PARTICIPATION

Residents and taxpayers of the borough have the right to comment on matters before or matters of concern before council (Section 710.1 of the Sunshine Act) during the public participation segment during the public comment portion of all regular and special meetings.

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

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 must 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 subject to any time limit established by council.

The president shall be the spokesperson for council and he 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.

The president of council cannot turn off the microphone or remove a citizen because he doesn't like his comments about council or the staff.

The president shall attempt to answer questions during the public comment period, however, if he needs more information then he should note the question and tell the citizen that he will refer it to a committee and respond to the speaker at a future date.

If the meeting is running long and there's still a crowd who wants to speak then the president shall schedule a special meeting to take further comments per the Sunshine Act.

THE PRESIDENT OF COUNCIL

Section 1001 of the Borough Code requires the council to 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 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 then the action is taken however, the mayor does not preside at this meeting at these non-biennial organization.

The president:

Opens the meeting of council at the appointed time, by taking the chair and calling the meeting to order;

Manages the decorum in the meeting;

Has the agenda at hand, follows it, and announces what item of business is next to be considered.

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