THE BIENNIAL REORGANIZATION
MEETING PROCEDURE

According to section 1001 of the Borough Code, borough councils are required to reorganize on the first Monday in January of each even-numbered year unless it is a holiday. The next scheduled organization meeting, then, will be on **Monday, January 3, 2022**. What is required by law to take place at the organization meeting?

Step One. **ADVERTISE** and **AGENDA** the meeting once in a newspaper of general circulation according to the Sunshine Act at least three days in advance of the meeting. Provide a copy of the agenda on the borough’s website 24 hours in advance of the meeting or if no website on the door of the meeting room.

Step Two. **MAYOR SWORN IN** If a mayor has been newly elected or reelected, he must first present a notarized Affidavit of Residency prior to taking the oath of office. The oath of office is administered by a judge, a notary public, or a justice of the magisterial district. A written copy of the oath and the affidavit shall be filed with the borough secretary and retained in the borough office for six years. Newly elected and reelected council members shall also present a notarized Affidavit of Residency prior to taking the oath of office from the mayor (after he has qualified and has taken the oath), or a notary public or a justice of the magisterial district. Failure to provide the affidavit means the official-elect cannot take the oath and cannot be seated as a borough official. The official-elect shall present the mandated affidavit no later than January 13, 2022, to qualify.

Step Three. **MAYOR PRESIDES** The mayor presides over the meeting until officers (the president and vice president) are elected. The mayor is deemed to be a member of council for the organization meeting only if his membership is needed to make up a quorum. The mayor only votes at the organization meeting if his vote is needed to break a tie or split vote. If the mayor is absent, then the council members choose one council member to preside at the meeting until officers are elected.

Step Four. **NOMINATION AND ELECTION OF OFFICERS** The mayor, or presiding council member, accepts nominations for the office of president of council. Nominations do not require a second and are voted in the order that the nominations are made. Voting continues until one nominee attains a majority vote. The process is repeated for vice president. Once the officers are elected, the mayor turns the gavel over to the newly elected president. The State Ethics Law applies to the question whether nominees for president may vote for themselves and only the borough solicitor shall have the authority to render a legal opinion on that question.

Step Five. **OTHER BUSINESS** After the new Council is seated, it is able to conduct any other Council business that comes before it at the organization meeting, including reopening the budget if the Council so desires. A chairman of the Vacancy Board is ordinarily selected at this meeting. Often, Councils will select a president pro temp to serve as chair in the absence of the president and vice president. A Council may choose to adopt Rules of Order governing the conduct of Council meetings, including guidelines for compliance with the Sunshine Act. The selection (and advertising) of the upcoming year’s regular Council meetings is often addressed at this meeting. The president may name committee memberships at this meeting. Note that appointments to the Committee is ordinarily the prerogative of the president.

“I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity,” This oath of office was made official and mandatory under Act 76 of 2008. The above information does not represent legal advice.
AGENDA
Borough Council
Reorganization Meeting

January 3, 2022

Call to Order (The Honorable John Doe, Mayor)
Roll Call
Pledge of Allegiance
Nomination and Election of President
Nomination and Election of Vice President
Nomination and Election of President Pro Tem Appointment of Vacancy Board Chair
Other Appointments
New Business
Adjournment

FREQUENTLY ASKED QUESTIONS ABOUT THE PRE-REORGANIZATION PROCESS

Q. Where do I obtain a copy of an Affidavit of Residency form?

A. Here is the link to a sample unnotarized affidavit at PSAB’s website: http://boroughs.org/ckfinder/userfiles/files/RESIDENCY%20AFFIDAVITOct2013(1)(1).pdf and the secretary must cut and paste on the borough’s letterhead. The borough official-elect must take this form to a bona fide notary public and after swearing under penalty of perjury that he is eligible to hold borough office and then the notary attaches his/her seal. This does not apply to boroughs with less than 150 population,

Q. Why doesn’t the county board of elections have any information about this affidavit or the form?

A. The Affidavit of Residency is required in accordance with the Borough Code and not the Election Code. The county board of elections does not work with the municipal codes.
Q. At least two newly elected council members will be on vacation on the Reorganization meeting date. Can they be sworn in when they return?

A. First, according to section 903 of the Borough Code “if an individual, elected or appointed as a member of council and notified of election or appointment refuses or neglects to qualify as a member of council within ten days following the beginning of the individual’s term of office, unless prevented by sickness or necessary absence from the borough, the council acting without the individual, may declare the individual’s office as a member of council vacant and may fill the vacancy in as provided in section 901 of the Borough Code.”

However, a second non-legal opinion, and not authorized by any statute some believe that the councilman-elect can take the oath of office any time after the results of the General Election are certified however that councilman-elect has no rights until after January 13, 2022. Please ask the borough solicitor for his legal advice on the validity of this early oath.

Q. Our monthly council meeting is the first Thursday of the month. Can’t we wait until then to hold the reorganization meeting?

A. No. Section 1001 of the Borough Code requires this important meeting date and the council has no statutory authority to change it unless due to an emergency (blizzard). There are also practical considerations to be aware of in the event there is a borough-wide emergency and for payroll checks to be signed.