

OFFICIAL
BOROUGH OF CONWAY
RESOLUTION No. 012010-2

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF CONWAY, COUNTY OF BEAVER AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING RULES RELATED TO AND FOR THE CONDUCT OF COUNCIL MEETINGS.

WHEREAS, the Borough of Conway Council desires to implement and adopt formal rules for the conduct of orderly, professional, and efficient meetings.

WHEREAS, the Borough of Conway Council desires for its members to have sufficient time and opportunity to review material to be discussed and/or deliberated at its meetings

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of Conway that:

1. The rules governing Council operations and the conduct of Council Meetings of the Borough of Conway will be as stated in the attached document entitled 'Borough of Conway, PA - Rules for Council Meetings'
2. These rules may be revised by motion of council.

NOW THEREOFRE, this Resolution is hereby approved and adopted by the Borough Council.

RESOLVED this 20th day of January, 2010.

ATTEST:

BOROUGH OF CONWAY:

Diane McKay
Borough Secretary

Scott D. Levenson
President of Council

BOROUGH OF CONWAY, PA
RULES FOR COUNCIL MEETINGS

APPROVED: JANUARY 20, 2010
Resolution 012010-2

RULES FOR COUNCIL MEETINGS

RULES

1. The purpose of these rules is to organize the meeting, provide everyone with a fair opportunity to speak, and keep discussion on track, thereby making more efficient use of members' and residents' time. These rules are not to be used to confuse issues or cause members to be hampered by needless procedural questions. Should the rules create such confusion, the presiding officer may choose to ignore certain rules without majority objection to move the meeting along. At all times, the borough code shall supersede any rule stated here.
2. Council adopts Robert's Rules of Order (Robert's Rules of Order Newly Revised, 10th Edition) as its general guide for parliamentary procedure and bases the rules contained here on it. However, since Robert's Rules was drafted primarily for large assemblies rather than small legislative bodies like council, and to allow proper functioning of council, council assumes that the rules contained here will take precedence over Robert's Rules and that Robert's Rules shall be referred to only when these rules do not address a particular procedural matter. Should the latter occur and Robert's Rules is unavailable or the research of a rule is time consuming, council may elect to determine a course of action at a given meeting by majority vote, thereby effectively amending these rules for that meeting only. The solicitor, if present, will serve as arbiter in the event of such an occurrence.
3. Council may temporarily dispense with any rule at any time provided **all** members present agree. Lack of objection by any member is sufficient to indicate agreement. However, a permanent change to any rule or permanent removal of a rule or procedure from these rules can only be made by a majority vote of council after a formal motion indicating the specific change to the rules is made and seconded.

ELECTION OF OFFICERS

1. As prescribed by the Pennsylvania Borough Code, council must elect a president and vice president at its organizational meeting. Both officers hold such office at the pleasure of council.
2. As prescribed by the Pennsylvania Borough Code, the Mayor shall serve as presiding officer at the organizational meeting until council is organized by electing a president and vice president.
3. Voting for president and vice president will proceed in the following manner:
 - a. The presiding officer shall open the floor to nominations and ask for a motion to nominate a member of council to the office in question.
 - b. The motion to nominate a member need not be seconded to proceed.

- c. The presiding officer will continue to call for nominations until a member makes a motion to close nominations. This motion requires a second to proceed. A simple voice vote can be held to approve the motion.
 - d. At the discretion of the presiding officer, council members will vote on the candidates by roll call vote.
 - e. The nominee with the majority of votes wins. If there is no clear majority, all nominees are dropped except the two highest vote getters and a vote is taken again on the remaining candidates until one receives a majority of votes.
 - f. The same voting procedures will apply to the nomination and election of a vice president.
 - g. Once council has elected a president and vice president, the new president shall assume control of the meeting from the presiding officer.
 - h. Procedures for voting and participation by the Mayor are specified in the Pennsylvania Borough Code, which supersedes any of these rules.
4. Members may choose to elect a president pro tem who will serve as presiding officer in the absence of both the president and vice president or who may be asked to chair the meeting in order to permit either or both the president and vice president to make one or more motions. If members choose to fill this office, the Mayor shall continue to preside at the organization meeting until voting on the office is completed. Nomination and voting shall proceed as described above.
5. As prescribed in the Pennsylvania Borough Code, all officers serve at the pleasure of council. Should council determine the need to select new officers during a public meeting other than the organization meeting, the presiding officer shall accept nominations and nominations and voting shall proceed as described above.
6. A motion to remove an elected officer must be seconded and is debatable following the second. Amendments are not permitted. The following rules must be followed:
 - a. Such a motion must be made at an appropriate time during the meeting and be considered "in order". If such a motion is not on the meeting agenda, the motion is proper only under new business unless council votes to suspend the rules.
 - b. As prescribed elsewhere in the rules, a motion not published on the meeting agenda cannot be voted on until members of the audience who wish to address council on the subject are heard.
 - c. A motion made to remove may include the name of the individual nominated to take the place of the officer in question. If the motion does not include the nominee, a motion to remove successfully approved must be followed immediately by a motion to nominate a replacement and the nomination and voting shall proceed as prescribed above.

- d. Should council fail to agree on a replacement immediately, the next officer in succession shall assume the duties of the officer removed until such time as a replacement is selected.

PRESIDING OFFICER

1. The president will serve as presiding officer at each council meeting, or in his/her absence, the vice president. In the absence of both officers, the president pro tem will serve. The presiding officer alone shall decide questions of order without debate, although two members of council may appeal and ask for an immediate vote on the decision.
2. The presiding officer may discuss all issues brought to the floor by other members but may not make a motion without relinquishing the chair to another officer or, if unavailable, other member of council for the duration of the discussion. The presiding officer is bound by the same rules for speaking on a motion as prescribed in these rules. The presiding officer may recommend that a motion be made by another member of Council without relinquishing the chair and, as presiding officer, may request that a motion be presented on a topic of discussion.
3. At all times, members shall direct comments to the presiding officer and shall address the presiding officer in order to be recognized before speaking.
4. These rules will be in effect for all meetings of council (workshop, regular, special, or of any other type) and for public hearings except that a committee chair may act as presiding officer during public hearings that arise from discussions at his/her committee.

MOTIONS

1. To make a motion, a council member must be recognized by the presiding officer either before his/her committee makes its report or when considering new or old business.
2. All motions must have a second before discussion on an item may commence. If there is no second, the motion fails for lack of a second and business moves forward. Motions that fail to obtain a second may not be immediately reconsidered unless another member makes the same motion.
3. Once seconded, the chair may restate it (or ask the person proposing the motion to restate it), rule it out of order, or call for debate or questions on the motion. Motions printed on the official agenda need not be restated.
4. Discussion is limited to the topic of the motion. All other comments are out of order. The presiding officer may establish time limits for the course of the discussion consistent with limits imposed on other motions unless otherwise stated in these rules.

5. Each member of council shall have the right to speak once until all members of council interested in speaking have been given the opportunity to do so.
6. The presiding officer shall allow the member making the motion the first opportunity to speak followed by the member who seconded the motion. The member making the motion is also entitled to speak last.
7. If the presiding officer calls twice for “any further discussion” without anyone wishing to speak, discussion is automatically closed (unless the member making the motion has a final statement) and the vote is taken.
8. Types of motions with order of precedence are listed in the table at the end of these rules. This table shall serve as the model for all motions and govern consideration and precedence of any motion. Should a type of motion be made that is not listed here, the presiding officer shall refer to Robert’s Rules for a determination of its appropriateness. If Robert’s Rules is unavailable or if a search is time consuming in the estimation of the chair, the presiding officer may rule on the motion in this instance only. *(Note: council may adjust these motions, eliminate the need for certain ones, etc... as it sees fit if they so stipulate in the rules).*
9. A motion or amendment may be withdrawn at any time before the vote by the person proposing it.
10. Motions re: ordinances, resolutions – The member making the motion to approve an ordinance shall announce the substance of the ordinance as part of his/her motion or, at the member’s discretion, read the title of the ordinance as part of the motion. It is not required that the entire ordinance be read unless a majority of council deems it appropriate during the debate on the motion. The same procedure shall be followed by a member making a motion to approve an ordinance for advertisement.

A member making a motion to approve a resolution shall announce the substance of the resolution as part of his/her motion. It is not required that the entire resolution be read unless a majority of council deems it appropriate during the debate on the motion.

11. A motion that appears intended to distract council from resolving legitimate business may be objected to and ruled out of order by the presiding officer without debate. If the presiding officer fails to rule such a motion out of order, a member may make an incidental motion (as defined in the accompanying chart) prior to debate to object to the consideration of a question. Such motion does not require a second, is not debatable or amendable and requires a two-thirds vote to block further consideration. Those voting in support of an objection to consideration of a question vote in the negative as the presiding officer should ask, “Will the question be considered?” If successful, the motion may not be considered again at that meeting without unanimous consent but may be considered again at a later meeting. Also, a

motion to reconsider the vote on the objection may be made to allow consideration of the motion at the current meeting.

VOTING

1. Voice votes may be taken on any matter at the discretion of the presiding officer except that roll call votes are required for any motion involving finances, contracts, and agreements, the consideration of an ordinance, and the appointment of an employee or of an individual to a board, office or committee. The presiding officer must publicly announce the results of any vote.
2. On minor motions or general procedural matters including approval of minutes from previous meetings and adjournment, the presiding officer may take a vote by simply and clearly stating, "Without objection, so ordered." Any member of council may dispute this ruling and ask for a voice or roll call vote on the motion by immediately requesting such a vote. Such request must occur prior to the consideration of the next item of business.

PUBLIC PARTICIPATION

1. As required by the PA Sunshine Act, council shall provide time during each of its meetings for members of the audience to speak on any issue and/or on published agenda items. If an item is added to the published agenda during the meeting, the presiding officer shall allow members of the audience to speak on that item before any vote.
2. Audience members are asked to sign in using the notebook provided by the borough secretary before (or after) the meeting. This list of meeting attendees will be maintained by the borough secretary, and shall be included in the minutes of that meeting.
3. Those attending council meetings are permitted to use recording equipment to record both audio and video of council's proceedings subject to the following restrictions: (1) those intending to use audio or video recording equipment must inform the president of council prior to the commencement of council's meeting; and (2) those using video equipment must station all video recording equipment in the rear of the council chamber along the wall or other such location so as not to obstruct the view of any audience member; (3) those using video equipment may not use supplementary lighting devices; and (4) those using audio and/or video recording equipment must refrain from moving about the council chamber with the equipment during council's meeting.
4. The presiding officer may limit the time an individual has to speak to a maximum of 5 minutes. The presiding officer shall ask each citizen addressing council to state his/her name and address and to spell the last name for the record if necessary. Citizens shall be asked to speak from the speaker's stand and microphone at the front of the audience, if so equipped, or to stand at their seat so that he/she may be

heard by all in the audience. Comments shall be directed to the presiding officer who may or may not refer them to a member of council for comment.

5. Groups of citizens in attendance who have business before council should select a spokesperson beforehand to present the group's views. The spokesperson shall state his/her name and address and shall spell the last name for the record if necessary. The spokesperson will be limited to a maximum of 10 minutes at the discretion of the presiding officer. The spokesperson may call on another member of the group to speak during his/her allotted time at the discretion of the presiding officer. Speakers shall be asked to speak from the speaker's stand and microphone at the front of the audience, if so equipped, or to stand at their seat so that he/she may be heard by all in the audience.

MINUTES

1. Minutes are taken to record the substance of each public meeting. They are not transcripts detailing what each person said, but a summary of official actions. Tape recordings of each meeting may be made for the convenience of the secretary. Official copies of minutes are available after council has approved them at the following meeting. Minutes will be posted on the Borough Website www.conwaypa.org within two business days after approval by council.
2. Copies of approved minutes will be made after a written request is received and at a cost to cover the expense of doing so as established by administrative staff in accordance with the Borough Open Records Policy.
3. Following a voice vote, a member of council may specify that he/she wants to ensure that his/her vote is recorded as an aye or nay in the minutes. Otherwise, the minutes will simply state the results of the vote as determined by the chair.

EXECUTIVE SESSIONS

1. Executive sessions, when called before a meeting, must end promptly at 7:00 PM in order that the business meeting of council may begin promptly at that time. Further business to be discussed may be handled following the meeting or at a time during the meeting of council's choosing.
2. The presiding officer shall publicly announce the executive session and the reason it was held following the roll call, or if held later in the meeting, the next time council is called into public session.
3. Executive sessions may be called by the presiding officer, or by majority vote of a quorum of council.

4. When space and circumstances permit, executive sessions should be held in a location that will permit the audience to remain in place with council retiring to an adjoining room for discussion.

BUSINESS MEETING AGENDAS

1. Agenda items shall be submitted to the borough secretary at least 3 days prior to the meeting in order to provide advance notice to council and the public of tentative agenda items. Last minute items may be added to the final agenda no later than 10:00 AM on the day of the meeting.
2. Tentative or draft agendas shall be posted and available for public review at both the Borough office and on the Borough website prior to the public meeting.
3. The presiding officer shall follow the printed agenda as presented and shall rule out of order any motion or debate that deviates from the agenda unless otherwise permitted by a motion that takes precedence. Members may consider items not on the agenda under new or old business or may add an item to a committee report during that report as outlined below.
4. The format for a business meeting agenda will, at minimum, include the following items in order:

Call to Order

Pledge of Allegiance

Roll Call

Announcement of Executive Session (if held before the meeting)

Consent Agenda

Approval of Minutes

Treasurer's Report

Communications / Correspondence

Approval of Bills

Public Comment (agenda items only)

Mayor's Report

Police Chief's Report

Fire Chief's Report

EMA Report

Engineer's Report

Solicitor's Report

President's Report

Committee Reports

Finance and Administration

Public Safety

Public Works

Planning, Zoning and Ordinances

Parks and Recreation

Unfinished Business

New Business

Executive Session (if needed)

Adjournment

Item(s) may be added to the above list by the general consent of council without formal amendment of these rules.

5. Committee reports by the chair of the committee (or, in the chair's absence, another committee member) may contain motions approved by the committee and a general report on committee activities. Motions may be added to the agenda during a committee report if appropriate to the committee's business as long as the appropriate public comment is permitted. Likewise, items may be added to the published general report of the committee as the committee chair sees fit.
6. Format for committee meetings may be informal and are covered by the separate Council Committee Rules policy document adopted by council.
7. Unfinished business will include a list of "Action Items" maintained by council and/or the borough secretary that will list (at a minimum) all outstanding issues, status of the issue, and the person / department responsible for following up on the issue. All open items on the list will be reviewed and updated at each meeting with an updated list being provided to all borough employees / officials within 3 business days of the conclusion of the council meeting.
8. Council business meetings and public hearings are scheduled to start promptly at 7:00 PM on the date specified by council. This time may be changed by council action for any and all meetings without amending these rules.

COUNCIL PACKETS

Draft minutes of the council meeting immediately prior, a draft copy of the next meeting agenda, and council packet materials, documents, and other papers related to the

pending agenda and/or issues to be discussed at the next council meeting are required to be ready, and delivered to or available for pick up by council members by the “end of business” (4:00 PM) the Friday Before each council meeting.

1. Additional agenda items may be added after 4:00 PM Friday until 10:00 AM the day of the meeting as those additional items are received.
2. Items of a non-urgent nature can / should be held for the next council or committee meeting.
3. Additional papers / documents received after 4:00 PM Friday – through the day of the meeting, will be delivered to council members by the borough secretary prior to the beginning of the meeting. Council expects the amount of this material should be minimal.
4. The Borough Secretary will create a current, year-to-date budget report / document on the first business day of each month and will be immediately available to all council members, either in their mailbox or council packet if a council meeting is to be held the same day.

COUNCIL REFERENCE MATERIAL

Council will coordinate with the Conway Vol. Fire Department to ensure that wireless internet access is available during council meetings for the operation of laptops, accessing of the borough website, electronic ordinances, and other council documents.

1. The Finance & Administration Committee will develop and maintain a Council / Borough policy / resolution book which will contain all policies, resolutions, employment contracts, etc...adopted and/or enacted by council. A copy of this book will be brought to each meeting to be used as a reference of past actions.
2. The possibility of making these documents available on the borough website will be investigated.

PUBLIC REFERENCE MATERIAL

The Borough Secretary shall provide one copy of the public portions of the council packet information for review by the public in attendance at Council meetings.

Information and documents that would normally not be available for public review in accordance with the Borough Open Records Policy will not be provided.

QUORUM

A majority of the membership of council then in office shall constitute a quorum. If, after taking roll at any public meeting, a quorum is not present, the presiding officer shall wait 15 minutes from the call to order before adjourning or recessing the meeting.

1. When referred to in these rules, “a majority of council” refers only to those members present and voting. Abstentions do not count as for or against any motion. A member should refrain from abstaining unless failure to do so could be considered a breach of ethics. The solicitor shall be the final authority on the need to abstain.

Approved with accompanying Simplified Chart of Motions: January 20, 2010

SIMPLIFIED CHART OF MOTIONS - BOROUGH OF CONWAY

<i>Motions are listed in order of priority. When a motion is pending, a member may not introduce a motion below it, but may introduce one above. Motion</i>	Purpose of motion	Interrupt speaker?	Second needed?	Debate-able?	Amend-able?	Vote needed?
PRIVILEGED MOTIONS: <i>Require immediate action because they involve rights of the group. No other motion may be considered until they are settled.</i>						
I move we adjourn *	To close meeting	No	Yes	No	No	Majority
I move we recess until...	To recess meeting	No	Yes	No	Yes	Majority
Point or question of privilege *	To interrupt pending business due to a situation affecting comfort, convenience, integrity, rights or privileges of a meeting or an individual member; may also concern member or group's reputation or to present a motion of an urgent nature.	Yes	No	No	No	Chair rules
SUBSIDIARY MOTIONS: <i>Used to dispose of or change main motions</i>						
I move we table the matter	To postpone temporarily (later may take from the table unless time for consideration is specified when tabled)	No	Yes	No	No	Majority
I move the previous question *	To close debate	No	Yes	No	No	Two-thirds
I move debate on this motion be limited to - *	To limit (or extend) amount of time for debate	No	Yes	No	Yes	Two-thirds
I move we postpone this matter until . . .*	To delay action	No	Yes	<i>Yes (only on motion)</i>	Yes	Majority
I move we refer this matter to a committee*	To study or take action	No	Yes	Yes	Yes	Majority
I move this motion be amended by . . .*	To change or modify <i>(See note below)</i>	No	Yes	Yes	Yes	Majority
Motion to amend: is a motion to change, add words to, or omit words from an original motion and is used to clarify or improve the wording of the original motion. It must pertain to the original motion. An amendment can be amended by an amendment to the amendment but no further. If the original motion is debatable, the amendment is, too. However, debate must be limited to the amendment not the original motion. Amendments are voted on first, in reverse order and new amendments may be proposed once the original amendment has been disposed of. Once amendments have been voted on, debate returns to the original motion before voting. To speed business, an amendment that is a friendly (or pleasing to the proposer's) motion (or amendment) may be immediately enacted and the original motion (amendment) changed immediately as if it had been originally proposed.						
I move this motion be postponed indefinitely *	To reject a motion without actually voting on it	No	Yes	<i>Yes (can go into main question)</i>	No	Majority

SIMPLIFIED CHART OF MOTIONS - Page 2

Motion	Purpose of motion	Interrupt speaker?	Second needed?	Debate-able?	Amend-able?	Vote needed?
INCIDENTAL MOTIONS: <i>Motions that arise during debate or other business of the meeting. Must be settled before returning to the business pending.</i>						
Point of Order	To correct a procedural error	Yes	No	No	No	Chair rules
Point of Information	To request information <i>(out of order if used to state an opinion or idea)</i>	Yes	No	No	No	None
I appeal the chair's decision	To assert rights, used to appeal the chair's ruling on an issue	Yes	Yes	Yes	No	Majority
I raise a parliamentary inquiry	To raise a question of parliamentary procedure	Yes	No	No	No	Chair rules
I move to suspend the rules so that . . . <i>(Will suspend rules only until the required action is taken)</i>	To permit council to take action when it is prevented from doing so by one or more of its rules.	No	Yes	No	No	Two Thirds
I object to the consideration of the question.*	To remove consideration of a motion that is undesirable or outrageous <i>(see rules section on motions)</i>	Yes	No	No	No	Two Thirds
MAIN MOTIONS: <i>Proposals for final action to be taken or to change a decision.</i>						
I move that . . .*	To introduce new business	No	Yes	Yes	Yes	Majority
I move we reconsider our action regarding...	To change a decision <i>(See note below)</i>	No	Yes	Yes	No	Majority
A motion to reconsider: 1) can only be made by a member who voted with the majority on the original decision; 2) may be brought up again at a subsequent meeting; 3) takes precedence over other motions and can be made at any time; 4) is not debatable if the motion on the original decision was not debatable; 5) in effect cancels the original vote on the motion to be reconsidered and reopens the matter for debate (if allowable originally) as if the original vote had never occurred. <i>(NOTE: Because of the nature of the motion, council may choose to require a 2/3rds vote rather than a majority vote to approve this type of motion.)</i>						

*Motions marked with an asterisk may be reconsidered subject to the following limits:

Previous question - can be reconsidered only before the previous question has been voted on

Refer - can be reconsidered if the committee to which the matter was referred has not started work on the matter

Postpone indefinitely - can be reconsidered only if the motion is passed