



RESOLUTION NO. 2022-07

A RESOLUTION OF THE BOROUGH OF GREENCASTLE CREATING RULES AND PROCEDURES FOR PUBLIC MEETINGS AND ESTABLISHING A CODE OF ETHICAL BEHAVIOR FOR OFFICIALS OF THE BOROUGH OF GREENCASTLE

WHEREAS, the Borough of Greencastle holds one or more open meetings during each month in accordance with the Sunshine Act, 65 Pa.C.S. §701 *et seq.* (the "Sunshine Act") and the Borough Code, 8 Pa.C.S. § 1006(2); and

WHEREAS, open meetings are the opportunity for the Borough of Greencastle to conduct business as required by its governing legislation, the Borough Code; and

WHEREAS, the Sunshine Act requires that during all open meetings there must be an opportunity for public participation; and

WHEREAS, public participation is not without limits or controls and, pursuant to Section 710 of the Sunshine Act, 65 Pa.C.S. §710, the Borough of Greencastle may establish reasonable rules and procedures for the conduct of its meetings and maintenance of order; and

WHEREAS, the Borough of Greencastle by this resolution desires to generate and publish rules and procedures to facilitate the orderly conduct of business at the Borough's open meetings.

NOW THEREFORE, be it resolved by the Borough Council of the Borough of Greencastle as follows:

DEFINITIONS

Council Business Meeting:

The Borough of Greencastle holds its regular business meetings on the first Monday of each month, or as properly advertised in accordance with the Borough Code, during which all discussion, deliberation and official action will be taken as deemed necessary for the Borough Council to conduct the business of the Borough of Greencastle ("Business Meeting"). The business meetings are open to the public, and minutes must be kept.

Council Executive Session:

The Borough Council may hold executive sessions in accordance with the requirements of the Borough Code and the Sunshine Act ("Executive Session"). An Executive Session is either an entire meeting or a portion of a regular meeting, workshop, 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. As Executive Sessions are closed to the public, minutes are not kept. Official actions taken on the basis of discussions held in Executive Session must occur at an open public meeting.

An Executive Session of Council is permitted for the discussion of specific matters relating to any of the specified categories below, as provided under Section 708(a) of the Sunshine Act:

- Personnel Matters
- Collective Bargaining, Labor Relations, and Arbitration
- Real Estate Transactions
- Legally Protected Information (Privileged, confidential, or quasi-judicial)
- Attorney or professional advisor consultations relative to litigation or issues on which identifiable complaints are expected to be filed
- Emergency Preparedness/Protection of Public Safety

Council Reorganization Meeting:

The Reorganization Meeting is held the first Monday of January of each even-numbered year. If the first Monday is a legal holiday, the meeting shall be held on the first day following. This meeting is advertised, open to the public, and minutes must be kept.

Council Special Meeting:

The Borough Council may hold special meetings in accordance with the requirements of the Borough Code and the Sunshine Act ("Special Meeting"). A Special Meeting is any meeting not included in the advertised annual schedule of meetings. Public notice of the meeting, including advertisement, must be given at least 24 hours in advance. These meetings are open to the public and minutes must be kept.

Council Workshop Meeting:

The Borough of Greencastle holds its regular workshop meetings on the fourth Monday of each month, or as properly advertised in accordance with the Borough Code, during which all discussion, deliberation and official action will be taken as deemed necessary for the Borough Council to conduct the business of the Borough of Greencastle ("Workshop Meeting"). The workshop meetings are open to the public, and minutes must be kept.

Officers:

Officers of Borough Council shall consist of a Council President and a Vice President who shall perform the usual and customary duties of such offices. Officers shall be elected at the Reorganization Meeting on the first Monday of January in even numbered years and who, as long as they continue to be Councilmembers, shall serve for a term of two years or until their successors respectively are elected and qualified.

Quorum:

A majority of the members shall constitute a quorum of Borough Council for the purpose of conducting the business of Council, and for all other purpose, and all actions may be taken by a vote of the majority of the members present, provided those present constitute a majority of the whole Council.

PUBLIC PARTICIPATION

1. The Borough Council will entertain public comment at all open meetings as follows:
 - a. Comments will be heard from residents and taxpayers of the Borough of Greencastle only. Extending the courtesy of public comment to nonresident/non-taxpayer individuals is discretionary.
 - b. All persons making public comment at any open meeting are required to sign-in and must identify their first and last name, and address prior to providing comments.
 - c. If several parties or members of a group are making public comment on the same topic, one or two appointed speakers should be nominated to speak for the group.
 - d. Residents or taxpayers who wish to address Borough Council may do so during the Public Comment section of the agenda. Community groups prepared to make a presentation on a particular topic may make a request to the Borough Manager to be included on the meeting agenda. The request must be made to the Borough Manager at least one week in advance of the meeting. Groups should appoint an individual to speak on behalf of the group.
 - e. All comments made during the public comment period shall be addressed to the body of Council as a whole. No public comments shall be directed to one individual councilperson, or to a member of Borough staff, or to any other person, without permission of the President.
 - f. The Borough Council President will preside over the public comment period directing each party present when to address the Borough Council, and notify each of when his/her time has lapsed.

- g. Public comment for each member of the public is permitted for a maximum of five (5) minutes, and may only be extended at the discretion of the Council.
- h. Topics presented during public comment should relate to matters of concern, official action or deliberation which are or may come before the Council, as defined by the Borough Code, or matters that are of public concern in the Borough. Public comment is not an opportunity to dialogue with the elected officials and Borough staff, or demand explanations or answers. Elected officials and Borough staff may, but are not required to follow up on public comment during the business portion of the meeting, at a later meeting, or after the meeting at another time. Elected officials, may also be limited by law in their ability to comment on certain topics.
- i. In the judgement of Council, if the public comment portion of the meeting is unusually long, the comments become repetitive or the atmosphere has become unruly, Council may move to close the public comment period and defer all remaining comments to a subsequent meeting.
- j. 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, personal insults, and attacks or any conduct that disrupts the flow of business is considered to be out of order. At the discretion of Borough Council, disruptive individuals shall be subject to removal from Council chambers unless they agree to maintain civility and decorum.

RULES OF CONDUCT

1. The Borough Council will maintain order related to the public at all open meetings as follows:
 - a. Members of the public are to be respectful and are to not interfere with the business of Council during public meetings.
 - b. Members of the public shall refrain from any disrupting behaviors including but not limited to talking, cheering, applauding and/or shouting during the public meeting and shall not engage in any disorderly conduct that impedes the orderly conduct of the meeting.
 - c. No shouting, speaking/commenting out of turn, threatening remarks, profane or vulgar language and/or disruptive behavior will be tolerated.
 - d. Unruly members of the public will be asked to maintain order, asked to leave the meeting, or be escorted from the meeting in that escalating order.
2. The Borough Council will maintain order related to Council members at all open meetings as follows:
 - a. It is the intent of Council to act consistently with the Pennsylvania Borough Code and any applicable Borough Ordinance or other legal requirement. Roberts' Rules of Order shall apply to the conduct of public meetings subject to the authority of the President of Borough Council.
 - b. Councilmembers will limit their comments to the subject matter, item, or motion being currently considered by Council.
 - c. Members of Council wishing to speak must first obtain the floor by being recognized by the Chair.
 - d. The President chairs the meetings and shall act as a facilitator, assisting Council to focus on its agenda, discussions, and deliberations.
 - e. The President of Council shall be the moderator of the meeting and shall enforce the rules of conduct and decorum. However, if at any time a member

of Council feels that the President of Council is not enforcing the guidelines of conduct and decorum then any member of Council may address the President directly and request a consensus of Council on enforcement.

ORDER OF BUSINESS

Agenda:

The Borough Manager is responsible for preparing a written agenda for each Council meeting. 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. Only then may the President state an opinion on the merits of the question under discussion. On all questions, the Council President shall vote last.

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 are approved by a simple majority vote following a motion. Ordinances are adopted by a majority voice vote after a motion, unless a roll call vote is requested by any Councilmember.

Motions and Resolutions regarding administrative matters need not be submitted to the Mayor. Ordinances 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.

Only one matter of business can be considered at a time. In the usual course of business, the motion is disposed of when it is either passed or defeated. However, a number of 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.

Debate:

Debate is the discussion of a motion that is on the floor. 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.

Voting:

Voting is conducted 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 may call for a roll call vote. Any member of Council may demand a roll call vote on any question before Council.

Councilmembers may participate in meetings and vote via telecommunication device using 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 councilmember not in physical attendance. Voting by ballot or by proxy is not allowable.

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 and shall disclose the conflict of interest in a written memorandum filed with the Borough Secretary. 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. Council members are permitted

to seek guidance from the Borough Solicitor to ensure compliance with the Public Official and Employee Ethics Act, 65 Pa.C.S. §1101 et seq.

Abstention:

All members of Council are required to vote in favor or in opposition, unless they are required to abstain as a result of a 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;
- the desire to let action go through without committing oneself; or
- the inability to make up one's mind because of a feeling that the Councilmember lacks full knowledge of the proposal and its effect on the Borough (the need for knowledge should be addressed in debate).

Mayor's Tie-Breaking Authority:

Subject to the procedures set forth in Section 1003(d) of the Borough Code, 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.

RECORDING DEVICE USAGE DURING PUBLIC MEETINGS

1. The use of recording devices shall be governed as follows:

- a. Recording devices, including tape recorders, video cameras, television cameras, microphones, cameras, wireless telephones, and other similar mechanical, electric or electronic devices shall generally be permitted in public meetings. However, no recording devices which produce sound distracting to the audience or to meeting participants shall be permitted. No recording devices shall be permitted prior to the commencement of a public meeting, following the adjournment of a public meeting, during a recess of a public meeting, during a conference held pursuant to §707(b) of the Sunshine Act, or during an executive session of the Council held pursuant to §708 of the Sunshine Act.
- b. Recording devices shall be operated from the area set aside for the general public so as not to interfere in any way with the activities of the Council or the ability of the general public to observe the Council
- c. Recording devices shall be positioned only in the location designated by the Council, which designation shall provide reasonable access to record the proceedings, without distracting or blocking the view of the audience and without being affixed to or occupying spaces on furniture, walls or fixtures in the meeting room.
- d. Movement about the room while a meeting is in progress may be distracting and bothersome to the audience and to meeting participants. Persons operating recording devices shall remain in a single location during the meeting and shall not be permitted to move about in order to record while the meeting is in progress.
- e. No recording devices may be operated while concealed. It is recommended that individuals utilizing a recording device shall announce his/her intent to use the device prior to recording.
- f. No recording device may be operated prior to a meeting being called to order, while a meeting is in recess, or after a meeting is adjourned.
- g. No recording device may be used to record private conversations between audience members, officials or others whose comments or questions are made privately and not for public consumption.
- h. Operators of recording devices, who violates these rules and procedures and who do not immediately remedy the violation at the request of the Council, shall not be permitted to continue recording during the meeting.

GUIDELINES FOR COUNCILMEMBER ETHICAL CONDUCT

1. Annual ethics forms shall be submitted to the Borough Office by the May 1st deadline.
2. Elected officials shall not disclose confidential information to which they have access by virtue of their public office or position. Unless otherwise noted and subject to the Right to Know Law, 65 P.S. §67.101 et seq., all e-mails and working draft documents shared between staff and Borough Council are considered privileged and confidential and, as such, are not intended for public dissemination or discussion. Furthermore, information in Borough files is to be treated as confidential and shall not:
 - a. be released to the public without proper authority;
 - b. be released to any other officer or employee who has no need for such information; or
 - c. be used for personal gain.
3. Personal gifts, favors, loans, services, payments and other inducements, made either directly to the elected official or to a family member of the official where there is reason to believe such gifts, favors, or inducements are offered to influence official actions in favor of the donor should be refused. Any in-kind and/or cash gift, favor, tip, service, etc. with a value over \$25 shall be disclosed to the Borough Manager and/or Borough Council who may require that such item be refused or returned. Nominal token gifts including holiday food baskets, calendars, lunches, and similar items may be accepted.
4. Elected officials shall not convey to any person any information or advice not generally available to the public in any transaction, negotiation, or litigation to which the Borough is a party.

The Council may, by Resolution, adopt amendments to these rules and procedures from time to time in order to comply with the Sunshine Act and other applicable law, or as it deems necessary to further ensure order in the conduct of public meetings.

These rules and guidelines, 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 Borough Council.

A copy of these rules and procedures shall be conspicuously posted at the Borough of Greencastle Office, 60 North Washington Street, Greencastle, Pennsylvania.

This Resolution shall take effect immediately.

Nothing in this Resolution is meant to restrict or diminish the power vested in the Borough of Greencastle by the Borough Code or Sunshine Act to hold and conduct public meetings.

DULY ADOPTED, this 3rd day of October 2022 by the Council of the Borough of Greencastle in the lawful session duly assembled.

(Seal)



BOROUGH OF GREENCASTLE
FRANKLIN COUNTY, PENNSYLVANIA

Attest

By:

Donna E. Irons-Zimmerman
Donna Irons-Zimmerman, Borough Secretary

Albert W. Miller
Albert W. Miller, Council President