

# Chapter 1

## Administration and Government

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**Part 1****Council Bylaws, Committee Structure and Rules of Order****A. Bylaws****§1-101. Regular Meetings.**

1. The regular meetings of the Council of Connoquenessing shall be held on the first Tuesday of each month, at 7:30 p.m. in the Council chambers of the municipal building. Whenever the first Tuesday of any month shall be a legal holiday, the regular meeting for that day shall be held at the discretion of the Council and advertised as such. The Mayor may attend any or all regular and special meetings of Council and may take part in the discussions of the Council on matters pertaining to Borough affairs.

2. The Borough Council shall organize on the first Monday of January of each even-numbered year, if the first Monday is a legal holiday, the meeting and organization shall take place the first day following.

*(Res. 02-09, 9/19/2002, §1; as amended by Ord. 76, 12/29/2003<sup>1</sup>)*

**§1-102. Special Meetings.**

Special meetings of Council may be called and held as provided by the Borough Code and any other law governing the subject.

*(Res. 02-09, 9/19/2002, §2)*

**§1-103. Biennial Organization Meeting**

At its biennial organization meeting, as provided in the Borough Code, Council shall elect one of its members as President and one as Vice-President. The Mayor shall preside over the organization of the Council, until it is organized as provided in §1001 of the Borough Code, and he shall be deemed a member of Council at the organization meeting if his membership becomes necessary to constitute a quorum, but he shall not vote thereat unless his vote shall for any reason whatsoever be required to effect the organization of Council, or to elect any officer who is required to be or maybe elected at the organization meeting. The election of these officers shall proceed as follows.

A. A roll call of the members present shall be made, with each member, as his name called, naming his choice for the office of President. The person named by a majority of the members present shall be declared elected as President. If no person shall receive a majority of votes, a second roll call shall be made, and if no person shall then receive a majority of votes, a third roll call shall be held, at which only the two persons receiving the highest number of votes at the second roll call would be eligible for votes.

B. As soon as the President is declared elected, the same procedure shall be followed to elect the Vice-President.

2. The President and the Vice-President shall each serve indefinite terms at the

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<sup>1</sup>Editor's Note: This Section amended at the time of adoption on December 29, 2003 by motion of Council

pleasure of Council, and at any regular meeting of Council, or at any special meeting called for the purpose, Council may, on motion, declare a vacancy in either or both offices.

3. In case of vacancy, from any cause, in the office of President or Vice- President of Council, the Council shall, within 30 days after the occurrence of the vacancy, proceed to fill the vacancy by following the procedure prescribed in subsection .1 of this Section.

(Res. 02-09, 9/19/2002, §3)

#### **§1-104. Council President.**

The President of Council, in addition to exercising his/her authority to preside over the meetings of Council, and to perform the other specific powers and duties vested in him by law or ordinance, shall be required to authenticate, with his/her signature, all actions taken by Council.

(Res. 02-09, 9/19/2002, §4)

#### **§1-105. Standing Committees.**

1. At the organization meeting of Council, or within 10 days afterward, the President of Council shall appoint the members of all the standing committees of Council. Each standing committee shall be composed of three members of Council, and the individual first named to a committee by the President shall be the chairman of that committee. Standing committees shall serve at the pleasure of the President of Council.

2. The President of Council, *ex officio*, shall be a member of each standing committee, and the Borough Treasurer, *ex officio*, shall be a member of the committee dealing generally with matters of finance. *Ex officio* members shall be entitled to participate in all discussions at the meeting of the committees of which they are members, but they shall not vote as committee members.

3. The Borough Secretary shall serve as Secretary of each standing committee.

(Res. 02-09, 9/19/2002, §5)

#### **§1-106. Deciding Vote.**

1. The Borough Code gives the Mayor special authority to cast the deciding vote in Council as a result of a tie or split vote and Council is unable to:

- A. Enact or pass an ordinance, resolution or motion.
- B. Declare or fill a vacancy in its membership, or in any other Borough office.
- C. Take any action on any matter lawfully brought before it.

2. Every ordinance and every resolution of legislative character except, as herein otherwise provided, passed by the Council, shall be presented to the Mayor for his approval. If the Mayor approves, he shall sign it; but if he shall not so approve, he shall return it with his objections to the Council at its next regular meeting occurring at least 10 days after the meeting at which such ordinance was passed by the Council, when the objections shall be entered upon the minutes and the Council shall proceed to a reconsideration thereof either at the meeting at which the vetoed ordinance was returned or at any other regular, special or adjourned meeting held not later than 10

days thereafter. See §1007 of the Borough Code.

*(Res. 02-09, 9/19/2002, §6)*

**§1-107. Parliamentary Authority.**

The Council hereby adopts as its parliamentary authority the volume entitled "Robert's Rules of Order Newly Revised" 1991 edition, which shall govern all matters within the purview of that volume, except that conflicting provisions in the Borough Code or other applicable statutes of Pennsylvania, or in these bylaws or in the Rules of Order of the Council of the Borough of Connoquenessing [Part C] shall supersede the provisions of the parliamentary authority on the same subject matter.

*(Res. 02-09, 9/19/2002, §7)*

**§1-108. Amending or Repealing Bylaws.**

These bylaws, wholly or in part, may be amended or repealed by an affirmative vote of two-thirds of all the members of the Borough Council, following advance notice to each member at least 28 days before the meeting at which action on amendment or repeal is to be taken. If notice is given at a regular, special or adjourned meeting of the Council, held at least 28 days before the meeting at which action on repeal or amendment is to be taken, special or individual notice shall be required to be given only to those members not in attendance at the earlier meeting and present at the time notice was given.

*(Res. 02-09, 9/19/2002, §8)*



**B. Committee Structure****§1-111. Committees.**

Borough Council shall consist of the following five committees. [Ord. 76]

- A. *Personnel*. Retaining professionals/employee structure.
- B. *Public Facilities*. Park/Borough Building Maintenance. [Ord. 76]
- C. *Sanitation*. Sewage.
- D. *Public Safety*. Streets/Law and Order/Fire.
- E. *Community and Economic Development*. Zoning.

(Res. 02-10, 2/19/2002, §11; as amended by Ord. 76, 12/29/2003)

**§1-112. Committee Membership.**

Each committee shall be comprised of three persons who shall be appointed to their respective committee by the Council President during the first Borough Council meeting of the year. Of the three persons assigned to a Council committee, one will be appointed to be the chair.

(Res. 02-10, 2/19/2002, §12)

**§1-113. Committee Responsibilities.**

1. *Powers and Duties of the Personnel Committee.*

A. The Committee shall be responsible for oversight of the activities of the retaining professionals/employee structure.

B. The Committee shall be responsible for addressing any issue dealing with Borough employees/subcontractors, and may make recommendations to the Borough Council.

C. The Committee shall be responsible for the review of application for employment/appointment and may make recommendations to the Borough Council.

D. The Committee shall make recommendations concerning employee/appointments for their hourly wages/salary. This includes the following positions: Secretary/Treasurer, park care taker, Zoning Officer, Tax Collector, janitor, sewage treatment plant operator; Public Works Superintendent, professional appointed officials: engineer/attorney/sewage enforcement officer.

2. *Powers and Duties of the Public Facilities Committee.*

A. The Committee shall be responsible for oversight of the activities of park/borough building maintenance. [Ord. 76]

B. The Committee will be responsible for, but not limited to, oversight of the conditions of public facilities including streets, and public buildings. [Ord. 76]

C. The Committee shall make recommendations concerning the above-mentioned facilities to Borough Council for consideration.

3. *Powers and Duties of the Sanitation Committee.*

A. The Committee shall deal with any sanitation or public health issue arising within the Borough. Consultation will be also be given to the Sewage

Treatment Plant Operator.

B. The Committee shall monitor activities and address concerns at the wastewater treatment facility with the sewage treatment plant operator and shall act as a liaison between Borough Council and the operator.

C. The Committee shall monitor activities and address concerns dealing with solid waste management programs.

4. *Powers and Duties of the Public Safety Committee.*

A. The Committee shall be responsible for any issue which affects public safety, streets/law and order/fire.

B. The Committee shall meet to address any public safety concerns of the Borough or any concerns which the police, fire department, emergency management agency feel affect protection or safety of the citizens of the Borough.

C. The Committee shall work with the emergency management officials in the event of an emergency affecting the Borough.

D. The Committee shall act as a liaison between Borough Council and the Evans City Police Department and Connoquenessing Volunteer Fire Company, as well as the Emergency Management Joint Agency with the Township.

E. The Committee shall act as a liaison between Borough Council and the Mayor concerning police department issues.

5. *Powers and Duties of the Community and Economic Development Committee.*

A. The Committee shall be responsible for issues dealing with economic and/or community development, zoning.

B. The Committee shall be responsible for the oversight of the Code/Zoning Enforcement Office.

C. The Committee shall act as liaison between businesses, the community and the Borough Council.

D. The Committee shall be responsible for issues dealing with housing within the Borough and make recommendations to Borough Council.

E. The Committee shall act as a liaison between Borough Council and the Zoning Hearing Board and Planning Commission.

(Res. 02-10, 2/19/2002, §13; as amended by Ord. 76, 12/29/2003)



**C. Rules of Order****§1-121. Rule 1.**

The parliamentary authority of the Borough Council, as adopted by the Bylaw of Council [Part 1A], being "Robert's Rules of Order Newly Revised" shall govern procedure in the meetings of Council, except where otherwise provided in the law, in the Bylaw of Council, and in these rules.

*(Res. 02-11, 2/19/2002, §1)*

**§1-122. Rule 2.**

The order of business at regular meetings of Council shall be as follows.

- A. Invocation.
- B. Pledge of Allegiance.
- C. Roll call.
- D. Minutes of the previous regular meeting of Council and of all special and adjourned meetings held since.
- E. Opportunity for citizens to be heard.
- F. Unfinished business.
- G. Reports from standing committees.
- H. Reports from special committees.
- I. New business.
- J. Reports from elected officers.
- K. Reports from appointed officers.
- L. Announcements.
- M. Adjournment.

*(Res. 02-11, 2/19/2002, §2)*

**§1-123. Rule 3.**

The order of business at special or adjourned meetings shall follow that for regular meetings, but omitting all items of business not pertinent to the special or adjourned meetings.

*(Res. 02-11, 2/19/2002, §3)*

**§1-124. Rule 4.**

The President of Council shall have complete charge over all meetings of Council, and his/her rulings, in all matters of parliamentary procedure, shall be binding upon all members of Council, unless overruled on appeal.

*(Res. 02-11, 2/19/2002, §4)*

**§1-125. Rule 5.**

In the absence of the President of Council, the Vice-President of Council shall conduct the meeting, and in the absence of both the President and Vice-President, the

members in attendance at the meeting shall choose a president pro-tempore to preside.  
(*Res. 02-11, 2/19/2002, §5*)

**§1-126. Rule 6.**

The President shall call the meeting to order at the time fixed for the meeting, but if no quorum is present, he/she shall delay the call to order until there shall be a quorum present. But if the absence of a quorum shall continue until 20 minutes after the time fixed for the meeting, the President shall declare the meeting adjourned for lack of quorum.

(*Res. 02-11, 2/19/2002, §6*)

**§1-127. Rule 7.**

In the deliberation of Council, no member shall speak for longer than 3 minutes at any one time, nor, at any one meeting, may a member speak more than twice on the same subject. No member may speak a second time on the same subject until all other members desiring to speak on the subject have had an opportunity to do so.

(*Res. 02-11, 2/19/2002, §7*)

**§1-128. Rule 8.**

1. When a question is put to the members for vote, each member shall be required to vote, except when he or she shall be required to abstain because of a<sup>2</sup> special personal financial interest in the matter before the Council. When a member shall abstain for cause, he or she shall state the reason for his or her abstention, and an abstention shall be considered as a "no" vote, where the nature of the question shall be such that only an "aye" or "nay" vote is called for.

2. The President of Council shall be required to vote on every question put to the members of Council, and may abstain only as provided in subsection .1 of this Section.

3. When a member's interest in a matter before Council shall be an interest common to other Council Members, he or she shall not be deemed to have a special interest such as would preclude or prohibit them from voting. In such matters, he or she shall vote, and if he or she is a candidate for an office in Council, he or she shall have the right to vote for himself or herself or for another person, as he or she chooses.

(*Res. 02-11, 2/19/2002, §8*)

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<sup>2</sup>Duty of a Council Member to Abstain from Voting, or the Right to Abstain. Basically, Council Members must abstain when they have a personal or pecuniary interest not common to other members of Council. A personal interest might be where a relative might be considered for a Borough appointment or removal. A pecuniary interest might be a purchase, under the \$1,000 limit, from a business owned or conducted by the Council Member. If none of these apply and a Council Member still wishes to abstain the vote would be "no," or to avoid embarrassment or alienation of one's constituents the Council Member may always leave the meeting before the vote is taken, or temporarily leave the room, although abstention for such a reason should be avoided.

**§1-129. Rule 9.**

The Borough Secretary shall prepare and complete the agenda for each member of Council at least 48 hours in advance of the meeting, and shall have copies available in his/her office throughout the day of the meeting. (Secretary may also email the agenda to each member the day before the meeting.) Persons desiring to come before Council at the point in the order of business entitled "Opportunity for Citizens to be Heard" shall inform the Secretary of their desire to do so, and the subject matter of their visit, in time for the Secretary to list them on the agenda. The Secretary shall make every effort to arrange the agenda to avoid duplication of effort in these matters, by assigning one or more individuals to act as spokesperson for groups of individuals. Persons not on the agenda may address Council with special permission of Council.

*(Res. 02-11, 2/19/2002, §9)*

**§1-130. Rule 10.**

Elected and appointed Borough officials, required to be present at Council meetings to give reports, and not being members of Council, shall be permitted to leave the meeting at the conclusion of their respective reports, unless Council shall specifically request that they remain for a longer time.

*(Res. 02-11, 2/19/2002, §10)*

**§1-131. Rule 11.**

Any of these rules may be suspended or waived at any specific meeting of Council, except where such suspension or waiver would be contrary to the law or to the Bylaw of Council. Suspension or waiver shall not be permitted except upon an affirmative vote of two-thirds of the members of Council.

*(Res. 02-11, 2/19/2002, §11)*

**§1-132. Rule 12.**

These rules, wholly or in part, may be amended or repealed by majority vote in any meeting of Council, provided that each member of Council shall be given advance notice of the intent to amend or repeal, at least 28 days prior to the meeting at which action on amendment or repeal is to be taken. The notice shall state the extent and precise nature of the repeal or amendment that is proposed. If notice is given at a regular, special or adjourned meeting of Council, held at least 28 days before the meeting at which action on repeal or amendment is to be taken, special or individual notice shall be required to be given only to those members not in attendance at the earlier meeting and present at the time notice was given.

*(Res. 02-11, 2/19/2002, §12)*



**Part 2****Fire Insurance Proceeds Escrow****§1-201. Designated Officer.**

The Borough Secretary, or such official's designee, is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

*(Ord. 76, 12/29/2003)*

**§1-202. Duties of Insurer.**

No insurance company, association or exchange (hereinafter the "insuring agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough (hereinafter "Municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insuring agent is furnished by the municipal treasurer with a municipal certificate pursuant to §508 (B) of Act 98 of 1992 as amended and unless there is compliance with §508 (C) of Act 98 of 1992, as amended, and the provisions of this Part.

*(Ord. 76, 12/29/2003)*

**§1-203. Procedures.**

Where pursuant to §508(13)(1)(1) of Act 98 of 1992, as amended, the municipal treasurer issues a certificate indicating that there are not delinquent taxes, assessments, penalties, or user charges against real property, the insuring agent shall pay the claim of the named insured, provided however, that if the loss agreed upon by the named insured and the insuring agent equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

A. The insuring agent shall transfer from the insurance proceeds to the designated officer of the Municipality in the aggregate of \$2,000 for each \$15,000 of a claim and for each fraction of that amount of a claim, this Section to be applied such that if the claim is \$15,000 or less, the amount transferred to the Municipality shall be \$2,000; or,

B. If at the time of a proof of loss agreed to between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the insuring agent shall transfer to the Municipality from the insurance proceeds the amount specified in the estimate.

C. The transfer of proceeds shall be on pro rata basis by all companies, associations or exchanges insuring the building or other structure.

D. After the transfer, the named insured shall submit a contractor's signed estimate within 60 days of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the Municipality in excess of the estimate to the named insured, if

the Municipality has not commenced to remove, repair or secure the building or other structure.

E. Upon receipt of proceeds under this Section, the Municipality shall do the following:

(1) The designated officer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing, or securing the building or structure which are incurred by the Municipality. Such costs shall include, all reasonable and customary engineering, legal or administrative costs incurred by the municipality in connection with such removal, repair, or securing of the building or any proceedings related thereto; and

(2) It is the obligation of the insuring agent when transferring the proceeds to provide the Municipality with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the name insured, certify that the proceeds have been received by the Municipality and notify the named insured that the procedures under this subsection shall be followed; and

(3) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Municipality and the required proof of such completion received by the designated officer, and if the Municipality has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the Municipality has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Municipality shall transfer the remaining funds to the named insured; and

(4) To the extent that interest is earned on proceeds held by the Municipality pursuant to this Section, and not returned to the named insured, such interest shall belong to the Municipality. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.

F. Nothing in this Section shall be construed to limit the ability of the Municipality to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the Municipality and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

*(Ord. 76, 12/29/2003)*

#### **§1-204. Authority to Adopt Regulations.**

The Council of the Borough may by resolution adopt procedures and regulations to implement Act 98 of 1992 as amended and this Part, may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992 as amended and this Part including, but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

*(Ord. 76, 12/29/2003)*

**§1-205. Penalty.**

Any owner of property, any named insured or any insuring agent who violates this Part shall, upon conviction thereof, be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day on which a violation of this Part shall be deemed to continue shall be considered a separate offense.

*(Ord. 76, 12/29/2003)*

