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RESOLUTION NO. \_\_\_\_\_ OF 2018

FREELAND BOROUGH, LUZERNE COUNTY, PENNSYLVANIA

BYLAWS OF FREELAND BOROUGH COUNCIL

ARTICLE I-MEETINGS

Section 1.1. Regular Meetings. The regular monthly meetings of Freeland Borough Council shall be held on the last Thursday of each month immediately following the work session.

Section 1.2. Work Sessions. Work sessions of Freeland Borough Council shall be held on the same date as the regular meetings at 6:00 P.M.

Section 1.3. Special Meetings. Special meetings may be scheduled by the Council President or upon written request of at-least three members of Borough Council. All Members of Borough Council shall receive at least 24 hours advance notice of any special meeting. The notice shall state whether the meeting is for general or special purposes, and, if it is for a special purpose, the notice shall contain a general statement of the nature of the business to be transacted. This notice shall be in addition to the public notice required under the Sunshine Act. Presence at a meeting constitutes waiver of notice.

Section 1.4. Continued Meetings. At the conclusion of a regular monthly meeting, Borough Council may continue the meeting to another date and time provided that the new date and time is announced in public at the end of the regular meeting and a majority of Borough Council Members present at the regular meeting vote in favor of continuing the meeting. No other public notice is required for a continued meeting provided the regular meeting was publicly advertised and the continued meeting is held prior to the next regularly scheduled monthly meeting.

Section 1.5. Organizational Meetings. Borough Council shall conduct organizational meetings as follows:

- (a) Organizational meetings shall be scheduled on the first Monday of January of each even numbered year commencing at a time to be announced by Council. If the first Monday is a legal holiday, the organizational meeting shall take place the following day.
- (b) At the organizational meeting, Borough Council shall elect from its members a president, vice president, and president pro tempore.
- (c) If Borough Council fails to organize within 10 days from the date required under this Section, then the Court of Common Pleas of Luzerne County, upon the petition of at least 10 registered electors of Freeland Borough verified by the affidavit of one of the petitioners, shall issue a rule upon the delinquent members of Council to show cause why their seats should not be declared vacant. The rule shall be returnable not less than five days from the time of its issue, and, after hearing, the court may declare the seats of the members of Council responsible for the



failure to organize vacant and shall appoint others in their place who shall hold office for the respective unexpired terms.

**Section 1.6. Advertising Meetings.** All regular meetings, special meetings and work sessions shall be advertised as follows:

(a) **Public Notice of Regular Meetings.** Borough Council, through its Secretary, shall give public notice of its first regular meeting of each calendar year not less than three days in advance of the meeting and shall give public notice of the schedule of its remaining regular meetings.

(b) **Public Notice of Special Meetings and Rescheduled Special and Regular Meetings.** Borough Council shall give public notice of each special meeting or each rescheduled regular or special meeting at least 24 hours in advance of the time of the convening of the meeting specified in the notice. Public notice is not required in the case of an emergency meeting.

(c) **Public Notice of Work Sessions.** Borough Council shall, through its Secretary, give public notice of work sessions in the same manners as it does for regular or special meetings.

(d) **Public Notice for a Meeting.** Public notice of a meeting of Borough Council shall state the place, date, time and reason for the meeting and shall be made in the legal section of a newspaper of general circulation in the time periods set forth in subsections (a), (b) and (c) above. The public notice shall also be posted prominently at the Borough Building. For a continued meeting, public announcement at the meeting where the vote is taken to continue the meeting is the only public notice that is required.

**Section 1.7. Place of Meetings.** Public meetings of Borough Council shall take place at the Freeland Borough Municipal Building, 526 Fern Street, Freeland, Pennsylvania 18224, or at such places as Council may designate pursuant to public notice and in accordance with law.

## ARTICLE II-OFFICERS

**Section 2.1. Officers.** The officers of Borough Council shall consist of a president, vice-president, and president pro tempore. Borough Council may also elect such other officers as may be provided for by law or ordinance, or as may be necessary to conduct the affairs of the Borough. The President, Vice-President and other officers serve at the pleasure of Borough Council. Borough Council may at any time after an organizational meeting, by a majority vote, replace any officer or reorganize as it deems fit provided that they do so at a public meeting where all council members are present.

**Section 2.2. President.** The President shall preside over all meetings of Borough Council and be the primary contact of Borough Council regarding supervision and management of employees, agents, contractors and professional services providers of the Borough. The President shall perform the following duties:

(a) Prepare a proposed agenda with the assistance of the Secretary and make sure that it is distributed to council members, department heads, and appointed officials prior to the regular public meeting.

- (b) Review all draft resolutions, ordinances, and other documents that are to be presented at a public meeting.
- (c) Make certain that all motions and resolutions adopted by Borough Council are carried out.
- (d) Establish committees and appoint council members to those committees in an effort to streamline operations of the Borough.
- (e) Execute all contracts of the Borough with the Secretary.
- (f) Perform other duties from time to time as prescribed by Borough Council.

Section 2.3. Vice President. The Vice President shall have all the powers and duties of the President in the absence of the President. If the President is late for any meeting the Vice President may preside over the meeting for the purpose of opening the meeting, establishing a quorum, and moving forward with the meeting pursuant to these Bylaws until such time as the President arrives. When the President arrives at the meeting, the Vice President will defer to the President to continue with conducting the meeting.

Section 2.3. President Pro Tempore. The President pro tempore shall preside over all meetings in the absence of the President and Vice President.

### ARTICLE III-COUNCIL BUSINESS

Section 3.1. Conduct of Meetings. Council shall conduct meetings as follows:

- (a) Presiding Over Meetings. The President, or in the absence of the President, the Vice-president, or in the absence of the Vice-President, the President pro tempore, shall preside over all meetings of Borough Council, and shall perform such other duties as may be prescribed by Law or Ordinance. The Mayor shall preside over the organizational meeting of Borough Council until it is organized and shall be deemed a member of Council at the organizational meeting if the Mayor's membership becomes necessary to constitute a quorum. However, if the Mayor is absent from the organizational meeting, one of the members of Council physically present at the meeting and chosen by the members eligible to vote at the meeting shall preside.
- (b) Quorum. Four members of Borough Council shall constitute a quorum for purposes of conducting a meeting.
- (c) Rules of Order. Council may by resolution establish such rules of parliamentary procedure for the conduct of its meetings as it deems appropriate.
- (d) Participation by Telecommunication. Council shall permit a council member to participate in a council meeting by means of telecommunication devices, such as telephones or computer terminals, which permit, at a minimum, audio communication between locations, provided that:



(1) A majority of the membership of council then in office is physically present at the advertised meeting place within the Borough and a quorum is established at the convening or reconvening of the meeting. If, after the convening or reconvening of a meeting, a member has been disqualified from voting as a matter of law but is still physically present, council members participating by telecommunication device in accordance with this section shall be counted to maintain a quorum.

(2) The telecommunication device used permits the member or members of council not physically present at the meeting to:

(i) speak to and hear the comments and votes, if any, of the members of Council who are physically present, as well as other members of Council who may not be physically present and are also using a telecommunication device to participate in the meeting; and

(ii) speak to and hear the comments of the public who are physically present at the meeting.

(3) The telecommunication device used permits the members of Council and the members of the public who are physically present at the meeting to speak to and hear the comments and the vote, if any, of the member or members of Council who are not physically present at the meeting.

(4) Physical absence of a Council member. Council shall only authorize participation by telecommunication device for one or more of the following reasons:

(i) illness or disability of the member of Council;

(ii) care for the ill or newborn in the member's immediate family;

(iii) emergency; and

(iv) family or business travel.

(5) Nothing in this Section shall be construed to limit the protections and prohibitions contained in any law or regulation relating to the rights of the disabled.

(e) Non-Disqualification from Voting. A Council member shall not be disqualified from voting on any issue before the Council solely because the member has previously expressed an opinion on the issue in either an official or unofficial capacity.

(f) Voting by Telephone. A Council member may participate by telephone with the consent of a majority of the members present at the meeting.

(g) Voting by Mayor at Meetings. The Mayor shall not vote at any meeting unless the Mayor's vote shall, for any reason, be required to effect the organization of Council or to elect any officer who is required to be or may be elected at the organizational meeting. In the event of a tie or split vote by Council where the Council is unable to: (1) enact or pass any ordinance, resolution or motion; (2) declare any vacancy pursuant to section 903 of the Borough Code (relating to right of Council to declare seat of member vacant for failure to qualify); (3) fill any other vacancy in its membership or in any other Borough office; or (4) take any action on any matter lawfully brought before it; the Mayor, if in attendance at the meeting, may, at the Mayor's option, cast the deciding vote or shall direct that the matter be tabled until a special meeting of Council. If the Mayor elects not to vote, the special meeting of Council shall be held not less than five days and not more than ten days at which time the matter shall be reconsidered by Council. If a tie or split vote still exists at the special meeting, it shall be the duty of the Mayor at that time to cast the deciding vote. If a tie or split vote occurs at any meeting when the Mayor is not in attendance, the matter shall be tabled to a special meeting to be held within not less than five days or more than ten days as set by the President of Council, and the Mayor shall be given at least five days' notice of the meeting, at which meeting it shall be the duty of the Mayor to cast the tie-breaking vote.

(h) Proceedings. All meeting of Council shall proceed as follows:

- (i) Meeting called to order;
- (ii) Pledge of Allegiance;
- (iii) Roll Call (declaration of quorum);
- (iv) Public Hearing, if any, on a proposed Ordinance;
- (v) Public Comment on Agenda Items only (5 minutes);
- (vi) Approval of minutes from Prior Meeting;
- (vii) Payment of bills;
- (viii) Reports: Mayor, Engineer, Solicitor; Police Chief, Fire Chief, and Committees;
- (ix) Adoption of Ordinances and Resolutions
- (x) Opening of Bids
- (xi) Old Business;
- (xii) New Business;
- (xiii) Public Comment on Non-Agenda Items (5 minutes); and



(xiv) Adjournment of Meeting.

(i) Time Limitations. The Council President or the Council person presiding over a meeting of Borough Council may impose reasonable time limits on public participation.

(j) Recordings. The Secretary may use a recording device to assist in the preparation of minutes of a meeting. Recordings may be erased or destroyed once minutes are prepared and approved by Council.

(k) Minutes. The Secretary shall not prepare minutes of discussions of work sessions or executive sessions. Minutes of regular and special meetings shall not be transcribed verbatim but shall be in summary form with all votes of Council being adequately noted.

Section 3.2. Committees. The Committees of the Borough are as follows:

(a) Standing Committees. The following are the Standing Committees: (1) Police; (2) Streets; (3) Fire; (4) Code; (5) Finance; (6) Recreation; (7) Building; and (8) Personnel.

(b) Other Committees. The Council President may establish from time to time other committees.

(c) Borough Council may, by majority vote, eliminate any committee.

(d) Appointments, Tenure and Removal of Committee Members. Within 10 days after the Organizational Meeting of Borough Council, the President shall announce his or her appointments of Borough Council Members to Committees. Such members shall, so long as they remain members of Council, retain such Committee appointments until successors are appointed following the succeeding organizational meeting of Council, except that in any case the President of Council, at any time, may remove any member from any Committee or make changes in Committee appointments.

(e) Members of Committees; Chairperson. Every committee shall consist of at least two Members of Council. The President of Council shall name the Chairperson of each Committee. The President of Council may be part of any committee.

(f) General Duties of Committees. The general duties of committee members shall be to:

(1) Investigate and report to Borough Council at a public meeting upon all matters referred to the respective Committee by the Council President.

(2) Execute and do all matters and things as the Council President may direct to be done by them, respectively.

(3) Make recommendations on certain matters within the scope of such Committee to Council, which the Committee may deem necessary and in the best interest of the Borough.

(4) Meet when necessary to carry out the purposes for which the Committee was created, or as directed by the President of Council.

(h) Specific Duties and Responsibilities of Certain Committees. In addition to the general duties for Committees as set forth above, the following specific duties and responsibilities are imposed on the following Committees:

(1) Police Committee. The Police Committee shall insure that weekly hours of employment which apply to police officers, as fixed and determined by Council, are not exceeded; meet with the Mayor to coordinate the balance between approved hours and police scheduling by the Mayor; accept and investigate complaints and hear concerns of the public in police related matters; and report those concerns to the Mayor, Council and the Police Department, as applicable and necessary; report to Council on Police Department equipment needs and concerns and recommend actions the Committee feels are necessary to resolve such needs and concerns; review the Police Policies, Procedures and Directives on an as needed basis and make recommendations to Council on revisions, amendments or updates; and coordinate meetings with the Police Department or certain officers within the Police Department, as appropriate, when requested by Council.

(2) Streets Committee. The Streets Committee shall supervise the Street Department as directed by Council; meet with the Street Foreman on a regular basis to insure the proper maintenance of Borough streets and equipment; negotiate or renegotiate the Street Department Contract; and perform such other duties as necessary, or as directed by Council.

(3) Fire Committee. The Fire Committee shall act as the liaison between the Fire Department and Borough Council. The Fire Committee shall meet with the Fire Chief and the officers of the Fire Department on a regular basis to assess the needs and activities of the Fire Department. The Committee shall be responsible to report its findings to Borough Council.

(4) Code Committee. The Code Committee shall act as the liaison between the Code Enforcement Officers, Zoning Officer and Building Code Official and Inspector for the Borough. The Code Committee shall meet with the Code Office and Zoning Officer on a regular basis and report their activities to Borough Council on a monthly basis.

(5) Finance Committee. The Finance Committee shall assist in preparing the budget; meet with the Secretary and Treasurer regularly on all financial matters of the Borough; attend budget meetings; assist in making annual estimates of the appropriations necessary to the respective departments within the Borough to carry on the work of such departments for the ensuing calendar year; oversee Borough activities concerning finance; review all bills presented to Council for payment and sign all checks once bills are presented and approved; monitor the budget on a regular basis, and report to Council on budget items as may be necessary; insure that the spending policies of the Borough are being adhered to and report to Council on areas of noncompliance or areas



in need of change; conduct, on behalf of Council, information gathering or investigative functions as may be related to the finances of the Borough; make recommendations to Council on issues of finance; and supervise the Borough Secretary and Treasurer as directed by Council.

(6) Recreation Committee. The Recreation Committee shall inspect all Borough-owned parks and make recommendations to Council on any needed repairs or improvements; assist in recommending, preparing, and completing applications for grants to improve Borough-owned parks, and coordinate with the professionals of the Borough on grant application; establishing and keeping updated a comprehensive plan for the future recreational development of the Borough; and act as the liaison between Borough Council and the Recreation Board.

(7) Building Committee. The Committee shall inspect all Borough-owned buildings and properties as needed; recommend any and all improvements or repairs needed to Borough owned-buildings and properties; oversee and supervise all improvements, repairs and construction of Borough-owned buildings and properties; and report their findings to Borough Council.

(8) Personnel Committee. The Personnel Committee shall be responsible for making certain that all employment opportunities have a job description and starting wage rate; presenting recommendations to Council on job descriptions and starting wage rates; implementing and administering the screening and interview process; and making recommendations to Borough Council on potential hires. All disciplinary matters shall be conducted by Council and shall not be delegated to the Personnel Committee. However, Council and the Council President may direct the Personnel Committee to conduct pre-disciplinary hearings and investigations, but final decisions on any disciplinary matter shall be decided by Borough Council.

(i) Committees Not to Encroach upon the Legislative Powers of Borough Council. The exercise of the duties and responsibilities by a Committee shall in no way, and, at no time, encroach upon the legislative powers of Borough Council, or infringe upon the authority of Borough Council to perform its duties.

(j) Authority to Change Duties, Responsibilities and Powers of Committees. Council may, by resolution, change the duties, responsibilities and powers, or enlarge, decrease or annul the duties, responsibilities and powers of any Committee.

#### ARTICLE IV-MISCELLANEOUS

Section 4.1. Indemnification. To the extent that the insurances covering the Borough does not provide for coverage of Council Members and the Mayor, as elected officials, then the Borough shall indemnify, to the fullest extent, each Council Member, Mayor, and its elected officers, including former Council Members and elected officers of Borough Council and Mayor who were or are made parties or witnesses in any pending or filed suit or proceeding, whether the same be civil, criminal, in equity, administrative or investigative by reason of the fact that the Council Member or Mayor and officer is or was an authorized representative of the Borough.



The indemnification covers all periods of time when the Council Member, Mayor and officer were acting in their representative capacity or service on behalf of the Borough. This indemnification covers all expenses including attorneys' fees, judgements, fines, taxes, penalties and amounts paid pursuant to any settlement which are actually or reasonably incurred in connection with the action, suit or proceeding. This indemnification also covers payment of monies in advance for protection of the Council Member, Mayor and officer present or prior. The Borough will pay any expenses incurred by any Council Member, Mayor and officer as they are incurred by the Council Member, Mayor or officer in advance of any final disposition of any action, suit or proceeding upon receipt of any invoice from the Council Member, Mayor or officer pertaining to the action, suit or proceeding. The right to indemnification under these Bylaws does not apply if the Council Member, Mayor or officer acted in bad faith, with reckless indifference or acted with willful misconduct which gave rise to the action, suit or proceeding. This section shall also apply to appointed officials and employees of the Borough.

Section 4.2. Amendments. These By-laws may be amended by an affirmative majority vote of all Borough Council Members present at a meeting. Any proposed amendment must first be presented in writing at a regular or special meeting of Borough Council.

The foregoing By-laws are hereby adopted by Freeland Borough Council on this the \_\_\_\_ day of \_\_\_\_\_, 2018 and shall become effective the meeting following their adoption.

ATTEST:

FREELAND BOROUGH COUNCIL:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President