

RULES  
AND  
PROCEDURES OF OPERATION  
FOR  
THE LUZERNE COUNTY COUNCIL

Adopted August 28, 2012  
Amended December 27, 2012  
Amended January 21, 2014  
Amended March 25, 2014  
Amended July 14, 2015  
Amended March 8, 2016  
Amended September 12, 2017

## **PREAMBLE**

The Luzerne County Council is the legislative body governing Luzerne County and providing direction to its operation of providing service and protection to the citizens of Luzerne County. These Rules and Procedures of Operation are intended to further the efficiency and effectiveness of Council activity. To that end, they are concerned with the actions of Council members as they act individually and as a body, so that the attention of Council may hereafter be focused on service to Luzerne County citizens rather than debate over operational and procedural matters.

## **Article I: Laws Governing Luzerne County Council**

### **Section 1**

#### **HOME RULE CHARTER AND LUZERNE COUNTY ADMINISTRATIVE CODE**

The Luzerne County Home Rule Charter and Luzerne County Administrative Code, together with other applicable County Codes and Resolutions, shall be the defining documents governing the operation of Luzerne County Council and the actions of its members.

### **Section 2**

#### **SEVERABILITY**

If any rule or procedure in this document shall be determined to be in conflict with the Luzerne County Home Rule Charter or the Luzerne County Administrative Code, or with the laws of Pennsylvania or the United States of America, it shall not be considered valid, but all other rules or procedures shall continue in full force and effect.

### **Section 3**

#### **APPLICABILITY**

These rules and procedures of operation shall apply to County Council and all Committees established herein.

## **Article II. Definitions**

1. "Adjourned session" means a meeting that has concluded, but prior to the conclusion of the meeting the time and date for another meeting to continue the business of the meeting has been set.
2. "Adopted" or "adoption" means approval of legislation by Council.
3. "Agenda" means a list of all ordinances, resolutions, motions, discussions, and reports to be considered by Council at a regular or special meeting that is prepared by the Clerk of Council in written form prior to the meeting, or a similar list of matters to be considered at a Council committee meeting.
4. "Chair" means the Chair of County Council.
5. "Charter" means the Charter of Luzerne County, adopted by the electors of Luzerne County as amended.
6. "Clerk" means the Clerk of Council.
7. "County" means Luzerne County.
8. "Executive Session" means a meeting of Council or a Committee of Council not open to the public.
9. "Legislation" means any ordinance or resolution, including a Motion of Council or Ceremonial Resolution, submitted to the Council for consideration. Legislation shall be designated as an "ordinance" if it is of a general and permanent nature and as a "resolution" if it is of a temporary nature or does not prescribe any permanent rules of conduct and/or expression of legislative intent.
10. "Manager" means the County Manager of Luzerne County as provided in Article 4 of the Charter.
11. "Matters" mean all legislation, motions, agenda items, and requests to address Council.
12. "Meeting" means any prearranged discussion of public business by a majority of the Members of Council, work session, or by a majority of the Members of any Council committee. The term "session" shall be defined synonymously with the term "meeting."
13. "Member" means a Member of the County Council, as provided in Article 2 of the Charter, unless the context clearly indicates otherwise.
14. "Motion" means a proposal made in a meeting of Council or a Committee of Council in accordance with the Rules of Council to expedite or control deliberations and the transaction of business.
15. "Motion of Council" means a form of resolution which proposes action by the Council that is not of a general nature.

16. "Old Business" means items reviewed at a previous meeting that could not be completed or decided at that meeting.
17. "Organizational Meeting" means the Regular Council Meeting which occurs on the first Monday of January in the even-numbered year following the election of members.
18. "Presiding officer" means the Chairperson for a meeting of Council, Work Session or Committee of the Whole or the Chairperson for a committee.
19. "Regular Council Meeting" means a prearranged meeting or work session of the County Council.
20. "Special Council Meeting" means a meeting of Council that is neither a Regular Council Meeting, nor the resumption of a Regular or Special Council Meeting that had been adjourned to another time or day and time.
21. "Work Session" means a meeting of the Committee of the Whole, consisting of the full Council membership, to hear matters to be placed on the regular Council meeting agendas, to interview applicants for County Authorities, Boards, and Commissions, and/or to discuss other Council business.

## **Article III. Rules**

### **Rule 1. Members of Council**

#### Rule 1A: Member Conduct

Members shall at all times conduct themselves with courtesy and respect for their fellow officeholders, the Executive and members of the administration, county employees, and the public, and shall discharge their duties in accordance with the high public trust placed in them.

#### Rule 1B: Participation in Meetings

1. Council members are expected to be on time and present for the entire duration of a regular meeting, special meeting, and Work Session from roll call through adjournment, unless excused by the Chair.
2. Frequent tardiness may result in a motion of reprimand by the Council against the violator(s) during a regular meeting, special meeting, and Public Work Session. Tardiness shall be defined as arriving following the roll call. Tardiness shall be noted in the minutes of the meeting.
3. If a member fails to notify the Chair prior to the meeting, a member shall be declared absent rather than tardy if not present for the first agenda item of discussion following public comment.
4. The Chair may offer a motion of reprimand upon the second consecutive occurrence of tardiness or the third in five consecutive meetings or work sessions.

#### Rule 1C: Meeting Decorum

1. Council members shall remain in their places at the meeting or work session during debate and deliberation, voting, or other official action of Council, unless otherwise approved by the Chair.
2. If a Council member has a conflict of interest regarding any item that is under discussion or shall come to a vote, the Council member shall state the conflict and refrain from further participation in the matter.
3. A Council member who has the floor shall refrain from dealing in personalities and impugning the motives of others. Reference to other members of the assembly shall be by proper title, i.e. Mr. Chairman, the last Council member who spoke, the last citizen who spoke, or the former speaker.
4. Council members shall refrain from whispering, walking around the room, or any other actions which might disturb the Council during debate.

5. When a speaker is called to order by the Chair, that person shall relinquish the floor immediately until the question of order is resolved.
6. Council members are prohibited from using cellular, mobile, or telephonic devices for personal communications while present at the meeting except where emergency circumstances exist.
7. Council Members shall not send or read text messages or emails or use other communication media during a meeting unless an emergency situation exists, or unless such media is necessary to the operation of the meeting. This item shall not be read to prohibit the use of electronic devices for meeting-related purposes, including to reduce paper consumption in the production of documents for review at the meeting.
8. Decorum and Debate:

Pursuant to Robert's Rules of Order Decorum in Debate, the following practices and customs observed by speakers and Council members to assist the carrying on of debate in smooth and orderly manner.

Rule 8A. Remarks shall be confined to the merits of the pending question.

Rule 8B. Speakers and Council members shall refrain from attacking a Council member's motives.

Rule 8C. All remarks shall be addressed through the Chair.

Rule 8D. As much as possible, the use of names of Council members should be avoided in debate.

Rule 8E. Council members shall refrain from speaking adversely on a prior action not pending.

Rule 8F. Council members shall refrain from speaking against one's own motion.

Rule 8G. Any applause, outburst, or demonstration during any Council meeting shall be permitted only when respectful toward all persons present and not disruptive of the meeting.

9. Any Council member may raise a Motion to reprimand a Council member due to a violation of meeting decorum rules.

#### Rule 1D: Telephone/Electronic Media Appearance.

1. Council members may appear at a Council meeting via telephone or electronic media, such as Skype or video-conferencing, under specific circumstances. Such appearances shall be approved by the Chair for the benefit of the Council operations,

not solely for the convenience of any member. The member requesting telephone/media participation shall, as soon as possible prior to the meeting in question, request permission from the Chair and state the reason for the request.

2. The Council Chair may approve a Council member's appearance at a council meeting via telephone or electronic media when one or more of the following circumstances exists:
  - a. Due to fire, flood, earthquake, or other emergency, there is a need for action by a governing body to meet the emergency;
  - b. A vote of the council is required for action; or
  - c. A quorum is not present at a regular meeting.
3. In the event that a quorum is not present at a regular meeting, reasonable efforts shall be given to provide all absent members an opportunity to appear via telephone/electronic media. However, a majority of those participating in the meeting must be physically present at the meeting.
4. A Council member's telephonic/electronic appearance shall only be approved when satisfactory equipment is available. Satisfactory equipment shall mean any equipment with a speakerphone function capable of broadcasting the Council member's voice attending via such means clearly and sufficiently enough to be heard by those in attendance at the meeting. The equipment must allow the Council member to ask, take, and answer questions and to fully participate in the action of the meeting.
5. During any meeting that a Council member is attending via telephone/electronic media, the Council Chair or presiding Council member shall state for the record that a particular Council member is attending via telephone/electronic media and the reasons for such attendance.
6. Council members appearing via telephone/electronic media must be engaged in the meeting from the roll call through the adjournment, allowing for the potential of temporary disconnection, and may participate and vote during the meeting as if physically present.
7. Any Council members appearing via telephone/electronic media must ensure that the remote location is quiet and free from any background noises and interruptions. If the telephone/electronic media participation is marked by a bad connection, or by noise or interruptions that are disruptive to the meeting and inhibit or distract from the action of Council, the Chair may terminate the connection after majority vote of Council members present physically at the meeting.
8. Council members appearing via telephone/electronic media shall comply with all rules and procedures as if physically present.
9. If a telephone and/or electronic connection is continually interrupted or broken off more than three times during a meeting, the Council Chair shall declare the

participation null and void and shall direct the record to reflect that the member appearing via telephone/electronic media was not present.

10. In the event of technical failure, the Solicitor shall determine whether the Council member's participation in the meeting has met the requirements of the Sunshine Law regarding the validity of any votes.

11. Any Council member who appears via telephone/electronic media for three (3) meetings during the calendar year, shall, prior to attending another meeting via telephone/electronic media:

- a. Seek permission through the Chair; and
- b. State the reason(s) for such a request; and
- c. Be approved by Council attending the meeting.
- d. The vote to determine whether the Council member's request is approved shall be taken immediately after roll call. The Council member requesting to appear via telephone/electronic media shall not participate in said vote.

#### Rule 1E: Members to Provide Contact Information

Upon taking office, each Member shall provide the clerk contact information.. Based on the information provided, the Member shall designate contact information to which notices shall be sent. The Luzerne County email address provided to each Member may be the primary email address to which Council-related information is sent; each Member shall also designate an additional email address to which concurrent copies may be sent. It is the Member's responsibility to update contact information with the Clerk, should there be a change to any of the contact information initially provided.

#### Rule 1F: Proclamations and Letters of Commendation and Condolence

The Chair may, on the request of any Member, sign proclamations or letters of commendation or condolence on behalf of the Council. Such proclamations or letters shall include the signatures of the Chair and the sponsoring Member(s).

### **Rule 2. Officers of Council**

#### Rule 2A: Organizational Meeting

On the first Monday of January in the even-numbered year following the election of members, County Council shall meet and organize by choosing a Chair, Vice Chair, and such other officers as desired from among its members. These officers shall serve at the pleasure of County Council. (Luzerne County Home Rule Charter Section Charter 2.07)

#### Rule 2B: Clerk's Role at Organizational Meeting

The Clerk shall preside over the Organizational Meeting as Temporary Chair until the Chair is chosen, after which the Chair shall preside over the remainder of the Organizational Meeting.

#### Rule 2C: Process for Election of Council Leadership

The Chair and Vice Chair shall be elected at the Organizational Meeting as follows:

1. Any Member may nominate themselves or another Member, and a second shall be required.
2. After all nominations for Chair have been made, the Clerk shall call the roll, and each Member shall vote for one candidate.
3. A Member must receive at least six (6) votes for election. If no Member receives six (6) votes and one candidate receives the fewest number of votes, the candidate receiving the fewest number of votes shall be eliminated and the voting process shall be repeated. If two or more candidates are tied for the least number of votes, then no candidates shall be eliminated, and the voting process shall be repeated. If no candidate receives six (6) votes in the second round, the process described above shall be repeated until a candidate is elected.
4. After the election of the Chair, the Vice Chair shall be elected in the same manner.

#### Rule 2D: Duties of Chair of Council

The Chair shall preside at all meetings of Council, Work Sessions and Committee Meetings of the Whole and shall perform all duties as specified in the Charter, the Codified Ordinances of Luzerne County, these Council Rules, or by Motion of Council. The Vice Chair shall act as Chair during his/her absence or inability to serve. In the event that the Vice Chair is unable to act as Chair, the Chair may designate another member of Council to preside at the amended meeting of Council, but this designation shall not extend beyond the duration of the meeting.

#### Rule 2E: Duties of Vice-Chair of Council

The Vice-Chair shall preside in the absence or disability of the Chair at all meetings of Council, shall perform all the duties of the Chair during such absence or disability, and shall perform all other duties as set forth in the Charter, the Codified Ordinances of Luzerne County, these Council rules, or by Motion of Council. The Vice-Chair of Council shall Chair the Authorities, Boards, and Commissions Committee.

#### Rule 2F: Absence or Disability of Chair and Vice-Chair

In the absence or disability of both the Chair and Vice-Chair, the Member with the most seniority shall serve as Chair Pro-Tem and perform all the duties of the Chair during such absence or disability. If no one Member has the most seniority, the Clerk shall conduct an election for Chair Pro-Tem, with all Members being eligible, using the procedure set forth in Rule 2C, except that a majority of those voting shall be sufficient for election.

#### Rule 2G: Filling of Vacancy in Chair or Vice-Chair or Replacement of Chair or Vice-Chair:

If the position of Chair or Vice-Chair becomes vacant prior to the reorganization of Council due to resignation or death, or if replacement of Chair or Vice-Chair is made by a vote of majority of Council, the successor to complete the term of office for that position shall be

elected form among the members of Council by a majority vote of Council members, in accordance with the procedure outlined in these bylaws.

#### Rule 2H: Recall of Chair or Vice-Chair

Recall of the Chair or Vice-Chair of Council may occur between the mandated Organizational Meetings at the pleasure of a majority of Council. A motion to recall made and seconded and then approved by a majority of those who serve on Council shall create a vacancy in the office; such vacancy shall then be filled using the procedures outlined in Rule 2C above.

### **Rule 3. Council Personnel**

#### Rule 3A: Clerk of Council

The Council shall appoint the Clerk of Council as set forth in Section 2.09 A 7 *et al.* of the Charter, who shall have the following duties:

1. Attend meetings of Council, determine quorums, record the proceedings and the votes of each Member, and keep the minutes of the proceedings;
2. Provide notices as required by the Charter, general law, and these Council Rules;
3. Accept, record, and compile proposed legislation for inclusion in the agenda of Council;
4. Deliver all adopted legislation to the requisite individuals required;
5. Deliver proposed legislation to the Committee Chairs;
6. Accept and provide to the Chair requests to address Council;
7. Publish and/or post all legislation as required by these Council Rules;
8. Publish and/or the Record of Council;
9. Conduct the election of the Chair of Council as Temporary Chairman;
10. Attend Council Committee meetings in person or by designee, determine quorums, record the proceedings and the votes of each member, keep the minutes of the proceedings, and accept and provide the Chair with requests to address the Committee;
11. All duties not fully listed above as set forth in the Charter and these By-Laws.

### **Rule 4. Quorum of Council**

#### Rule 4A: Quorum Defined

A quorum of Council shall consist of six (6) Members, which shall constitute the number of Members required to transact any business that does not require a larger number of Members, as specified in the Charter and/or these Council Rules.

#### Rule 4B: Clerk to Determine Quorum

The Clerk shall determine the presence of a quorum by roll call at the beginning of each Council meeting, shall announce that a quorum is present, and shall keep a record of Members present.

#### Rule 4C: Absence of Quorum

A Member may at any time raise a point of order and request the Chair to determine whether a quorum is present. The Chair shall then direct the Clerk to call the roll of Members. If a quorum is not present, the Council may not conduct any business until a quorum is restored, except to adjourn, fix a date and time to which to adjourn, or take any other action permitted in the absence of a quorum.

### **Rule 5. Meetings of Council**

#### Rule 5A: Schedule of Regular Council Meetings

Within two weeks of the Organizational Meeting, the Chair shall establish a schedule of the dates, times, and locations of all Regular Council meetings for the present year.

#### Rule 5B: Regular Place and Times for Council Meetings

Public Meetings shall normally occur on second and fourth Tuesdays of every month at a start time in compliance with the Luzerne County Home Rule Charter ("Charter"). All meetings of Council shall take place at the County Council Meeting Room on the first floor of the Luzerne County Court House unless otherwise specified by the Chair.

#### Rule 5C: Purpose of Regular Meetings:

The Meetings on the second and fourth Tuesdays shall be meetings dedicated to deliberation of and action on County business. The County Council will have a work session to discuss new business/issues. Any new matter discussed at a work session may be placed on the Agenda for a subsequent Public Meeting. County Council may have further meetings or work sessions where necessary and called by the Chair in accordance with the Sunshine Law and Charter.

In matter dealing with Personnel and Litigation, an executive session may be used for purposes of discussion of new business/issues.

#### Rule 5D: Procedure and Notice for Change of Council Meeting Schedule

The Chair may cancel and/or reschedule a Regular Council Meeting. Notice of any rescheduled Regular Meeting of Council shall be promptly given to all Members, posted on the County's website, posted at the Clerk's Office, and advertised as required by law.

#### Rule 5E: Notice Required for Adjourned Meeting of Council

The Council may adjourn any meeting to a time and place certain. Notice shall be given to any Members not in attendance at the meeting so adjourned, not later than the third business day prior to the meeting of the adjourned session or as soon as practicable if such adjournment is for a time less than four (4) days. Notice of the adjourned session shall at the same time also be posted on the County's website and posted at the Clerk's Office.

#### Rule 5F: Special Council Meetings

A Special Council Meeting may be called by the Chair. Notification of such meeting to the Clerk shall be in the form of a written request, specifying the date, time, location, and agenda of such meeting, along with the titles of any legislation to be discussed. All Special Council Meetings shall follow all rules regarding open meetings and public notice that apply to Regular Council Meetings.

#### Rule 5G: Notice Required for Special Council Meeting

Notice of the date, time, location, and agenda for any Special Council Meeting shall be given to all Members no fewer than seventy-two (72) hours prior to the time of such meeting and shall at the same time be posted on the County's website and posted at the Clerk's Office.

#### Rule 5H Emergency Meeting

An emergency meeting is called because of circumstances that require immediate consideration by the Council. An emergency meeting is one where circumstances will not permit the Council to wait three days to give notice of a special meeting. Notice of the emergency meeting must be given to members of the Council and a good faith effort must be made to notify each news media. Notice to the media should be made as soon as reasonably practical after members of the Council are notified. The notice requirements for an emergency meeting differ from a special meeting because of the urgency of the situation. Posted or published notice is not required. Efforts will be made to provide public notice.

#### Rule 5I: Record of Council Meetings Required

All meetings of Council shall be recorded, and these recordings shall be preserved by the Clerk as public records.

#### Rule 5J: Absence of Members

Members are expected to attend in person all Regular Council Meetings. The Clerk shall record the presence or absence of each Member at each Council Meeting.

#### Rule 5K: Council Meeting Agenda

The Chair shall prepare the agenda for each Council meeting. All Committee Meeting agendas shall be prepared by the Committee Chair. The Clerk shall support these efforts.

#### Rule 5L: Publication of Agenda for Council Meetings

Not later than the close of business on the second business day prior to any Council meeting, the Clerk shall post the agenda for the meeting and supporting information from the packets of information prepared for Council on the County's website and include the same information in the Record of Council. The Clerk shall post the agenda at the Clerk's office and advertise the agenda in accordance with the Pennsylvania Sunshine Act.

### Rule 5M: Council Member Packets

Not later than the close of business on the second business day prior to any meeting of Council or Committee, the Clerk shall provide each Member with a packet providing background information on the matters expecting to come before Council at the next meeting and containing the draft minutes of the previous meeting. The packets may be provided in an electronic format except during emergencies.

## **Rule 6. Order of Business**

Rule 6A. Voting Meetings of Council shall include the following:

1. Roll Call;
2. Pledge of Allegiance to the flag of the United States of America;
3. Moment of Silence;
4. Public comment on Voting Agenda items;
5. Approval of minutes of previous meeting (where applicable);
6. Old Business;
7. Actions and/or Business of Council;
8. Prior to any motion to adjourn or recess, public comment shall be allowed on any County related items;
9. Motion for Adjournment or Recess.

Actions and/or Business of Council shall be set by the Chair.

Rule 6B. Other Meetings (the below list is not necessarily in sequential order)

- 1 Roll Call;
- 2 Pledge of Allegiance to the flag of the United States of America;
- 3 Moment of Silence;
- 4 Public comment;
- 5 Actions and/or Business of Council;
- 6 Motion for Adjournment or Recess;

### Rule 6C. Multiple meetings

When multiple council or committee meetings occur in succession in the same location, on the same date, and the designated members of the body attending the meetings are the same; it is only necessary to say the Pledge of Allegiance to the Flag of the United States and hold a Moment of Silence once.

## **Rule 7. Actions of Council**

### Rule 7A: Types of Council Action

The Council may take action only through ordinances, resolutions, Ceremonial Resolutions, and Motions of Council.

#### Rule 7B: Ordinances

1. An ordinance shall provide for matters of a general and permanent nature.
2. The heading of an ordinance shall be as follows: COUNTY COUNCIL OF LUZERNE COUNTY, PENNSYLVANIA Ordinance No.
3. Each ordinance shall contain only one subject. The title shall be a succinct summary of the subject and purpose of the ordinance. Legislation amending existing law shall also be noted as such in the title.
4. The Clerk shall assign a number to each enacted ordinance, which shall indicate the year of introduction, and the number of the ordinance within that year.
5. The enacting clause shall read, "Be it enacted by the County Council of Luzerne County, Pennsylvania:"

#### Rule 7C: Resolutions

1. A resolution proposes legislative action that does not involve permanent changes in law.
2. The heading for a resolution shall be as follows: COUNTY COUNCIL OF LUZERNE COUNTY, PENNSYLVANIA Resolution No.
3. Each resolution shall contain only one subject. The title shall be a succinct summary of the subject and purpose of the resolution.
4. The Clerk shall assign a number to each resolution, which shall indicate the year of introduction and the number of the adopted resolution within that year.
5. The resolution shall contain statements of support, followed by a resolution clause that reads, "Be it resolved by the County Council of Luzerne County, Pennsylvania, that..."

#### Rule 7D: Ceremonial Resolutions/Proclamations

1. Ceremonial resolutions/Proclamations are acknowledgements, generally of congratulation or condolence, to recognize a noteworthy event or person.
2. Ceremonial resolutions/Proclamations may be requested by any Council member or any member of the public and may be issued by the Chair following notification to all Council of the ceremonial resolution request with no objection received from any Council member within seventy two (72) hours.
3. Ceremonial resolutions/Proclamation requests to which any Council member objects may be put to a vote and issued on behalf of the Council if approved by majority of Council; alternatively, they may be signed by the requesting member of Council and any other Council members who wish to sign the resolution.

#### Rule 7E: Motions of Council

1. Any non-legislative power of the County Council other than Ceremonial Resolutions may be exercised by adoption of a resolution in the form of a Motion of Council.
2. A Motion of Council shall be adopted in the same way as other resolutions.

#### Rule 7F: Motions

Actions of a procedural nature, including to excuse the absence of a member, may be approved by passage of the appropriate motion.

#### Rule 7G: Work Session Review

Each piece of legislation is encouraged to be reviewed by County Council at a Work Session prior to its final passage. This Rule may be suspended when time is of the essence, as determined by the Council Chair. If appropriate, after a matter has been reviewed by County Council at a Work Session, it may be placed on the agenda for a future County Council Meeting for voting.

### **Rule 8. Procedure**

#### Rule 8A: Procedure Manual

The guide for procedural issues not covered in these Council Rules shall be Robert's Rules of Order, Newly Revised.

#### Rule 8B: Conduct of Business

Conduct of Business at Meetings shall be consistent with all applicable Charter provisions.

#### Rule 8C: Voting

1. Voting on Motions may be conducted by Ayes/Nays or by Roll Call, at the discretion of the Presiding Officer. Votes of each Member shall be recorded in the minutes of the meeting and listed on the Ordinance or Resolution.
2. Voting on Ordinances and Resolutions shall be by Roll Call. Votes of each Member shall be recorded.
3. A Council member shall have the right to change his or her vote up to the time the result of the vote is announced by the Presiding Officer.
  - a. After that, the member can make the change by unanimous permission of the Council members present, which may be given by unanimous consent after the Presiding Officer inquires whether there are any objections.
  - b. If objection is made, a motion may be made and seconded to grant permission, and this motion is not debatable.
4. When abstaining from a vote, a Council member shall give a reason or explanation for the abstention. A Member shall abstain from voting whenever the Member has a personal or monetary interest in any manner under consideration or believes that voting on the matter could for any reason constitute a violation of state or county ethics law.

5. Roll call votes shall be conducted on a rotating alphabetical basis, with the Chair voting last.
6. Every Member present shall vote on every question in Council or in committee, unless the Member has abstained from voting. Voting members are not permitted to pass.
7. Proxy voting shall not be allowed in the Council or in committee.
8. Voting on all matters shall generally be by voice vote, except that a roll call vote may be held on any matter at the discretion of the presiding officer or upon the request of any Member or the Clerk.

#### Rule 8 D: Motion Practice and Precedence

Motions are limited to those set forth below and may be made by Council Members only unless otherwise specified in these Rules. They are grouped into four categories and listed in order of precedence. When any Motion is pending, any Motion above it in the list is in order, but those below it are out of order.

#### **(1) Meeting Conduct Motions**

- a. Point of Privilege
  - i. May interrupt a speaker;
  - ii. Second not required;
  - iii. Not debatable;
  - iv. Not amendable;
  - v. Resolved by the Chair; No vote required.
- b. Point of Procedure
  - i. May interrupt a speaker;
  - ii. Second not required;
  - iii. Not debatable;
  - iv. Not amendable;
  - v. Resolved by the Chair; No vote required.
- c. To Recess the Meeting
  - i. May not interrupt a speaker;
  - ii. Second required;
  - iii. Debatable;
  - iv. Amendable;
  - v. Majority vote required.

#### **(2) Disposal of Motions**

- a. To Withdraw a Motion: A Motion may be withdrawn by the mover, with the consent of the seconder.
  - i. May interrupt a speaker;
  - ii. Second required;
  - iii. Not debatable;
  - iv. Not amendable;

- v. Resolved by the Chair; No vote required.
- b. To Postpone Consideration to a Time Certain
- i. May not interrupt a speaker;
  - ii. Second required;
  - iii. Debatable;
  - iv. Amendable;
  - v. Majority vote required.
- c. To Table
- i. May not interrupt a speaker;
  - ii. Second required;
  - iii. Not debatable;
  - iv. Not amendable;
  - v. Majority vote required.
  - vi. If any topic tabled by Council is to be discussed at a future meeting, a motion and second must be made to "Take off Table" or to "Reopen Discussion," at which time Council will vote without discussion to reintroduce the topic for deliberation.
- d. To Refer: A Motion may be referred to a Committee via a Motion to Refer that is seconded and then receives a majority vote of the present Council members.
- i. May not interrupt a speaker;
  - ii. Second required;
  - iii. Non-debatable;
  - iv. Amendable;
  - v. Majority vote required.
- e. To Amend
- i. May not interrupt a speaker;
  - ii. Second required;
  - iii. Debatable;
  - iv. Amendable;
  - v. Majority vote required.
- f. To Limit, Extend, or Close Debate
- i. May not interrupt a speaker;
  - ii. Second required;
  - iii. Debatable;
  - iv. Amendable;
  - v. Majority vote required.
- g. To Call the Question: When all Council members have had an opportunity to speak and sufficient debate on a Motion has occurred, the Chair or any Council member may "Call the Question." Upon a second to the Calling of the Question, all debate shall cease and a vote shall be taken on whether to "Call the Question." Upon affirmative majority vote the underlying Motion shall be reread and then voted upon.

- i. May not interrupt a speaker;
- ii. Second required;
- iii. Not Debatable;
- iv. Not Amendable;
- vi. Majority vote required.

### **(3) Main Motions to Take or Reconsider Action**

- a. To Introduce a Proposed Ordinance
  - i. Second required;
  - ii. Debatable prior to vote;
  - iii. Affirmative vote of at least four (4) Council Members needed;
  - iv. There shall be no Debate on a Proposed Ordinance following its initial introduction and reading.
  
- b. To Introduce and Pass a Proposed Resolution
  - i. Second required;
  - ii. Debatable;
  - iii. Amendable;
  - iv. Majority vote required, unless a greater vote is required by Charter or other applicable law.
  
- c. To Enact a Proposed, Advertised Ordinance
  - i. Public Hearing required;
  - ii. Debatable;
  - iii. Amendable;
  - iv. Majority vote required, unless a greater vote is required by Charter or other applicable law.

### **(4) All Other Motions**

- a. May not interrupt a speaker;
- b. Second required;
- c. Debatable;
- d. Amendable;
- e. Majority vote required, unless a greater vote is required by Charter or other applicable law.

**Parliamentary Procedure:** All questions regarding parliamentary procedure shall be resolved by the Chair, in consultation with the Solicitor present at the meeting.

#### Rule 8E: Reconsideration

Any Motion which is defeated by a majority vote of Council may not be introduced for reconsideration at any meeting except as follows:

1. The motion to reconsider is made by a member of the majority that prevailed in the original vote, seconded by any member, and approved by a majority vote of Council.
2. Following reorganization of Council, any Motion may be introduced for reconsideration by any member.

**Rule 8F: Nomination procedure for appointments to Authorities, Boards, and Commissions:**

(1) Council shall hold a nomination period, in which any person receiving a nomination and a second shall have their name put forward as a candidate on a roll call ballot for the appointment.

(2) After nominations are completed, council shall conduct a roll call vote, in which each council member shall signify her/his selection by announcing a candidate's name.

(3) In a roll call vote concerning two candidates, the candidate receiving six (6) votes, regardless of the number of Members present, shall have their name put forth on a resolution, which must be passed by a majority of present council members to effectuate any appointment.

(4) In a roll call vote concerning three or more candidates, the candidate receiving six (6) votes, regardless of the number of Members present, shall have their name put forth on a resolution.

a. If any one candidate does not receive six (6) votes, all candidates except for the two candidates receiving the highest number of votes shall be eliminated. Council shall then conduct another roll call vote for selection between the two highest voted candidates. The candidate receiving the highest number of cast votes shall have their name put forth on a resolution.

b. If any one candidate does not receive six (6) votes, and there is a tie for the second highest number of votes, council shall do the following:

i. Perform a roll call vote for selection between the second place-tied candidates to break the tie.

ii. Perform a subsequent roll call vote for selection between the highest voted candidate and the winning tie-breaking candidate. The candidate receiving the majority of cast votes shall have their name put forth on a resolution.

**Rule 8G: Presiding Officer to Direct Meetings**

All discussion in Council meetings, Work Sessions and Committee Meetings shall go through the Presiding Officer, who shall control the order of speakers and shall put motions offered by Members before the Council or committee for consideration and action.

**Rule 8H: Reading of Legislation**

Legislation shall be read by title only.

## Rule 8I: Amendments

All amendments shall be germane to the subject that is proposed to be amended. All proposed amendments to an ordinance, resolution, or Motion of Council shall be in written form, except that the Chair or the chairperson of a committee may accept for consideration a verbal amendment that is clear, unambiguous, and may be presented in a single sentence or a few words. A motion need not be in written form.

## **Rule 9. Legislation**

### Rule 9A: Information Required in Legislation

Legislation shall be clear and concise with the proper dates required.

### Rule 9B: Introduction of Legislation

Legislation to be considered by Council may be discussed at a Committee meeting or a Work Session by any member of Council. Legislation requests from members of the public may be made to any member of Council, but the legislation must be sponsored by a member of Council and discussed with Council at a Work Session in order to be considered by Council.

### Rule 9C: Clerk to Maintain Legislation

Following introduction, the Clerk shall maintain all original copies of proposed and adopted legislation in a safe and permanent manner, allow for public inspection of all proposed and adopted legislation, and provide copies upon request pursuant to the public records law.

### Rule 9D: Vote Required for Adoption of Legislation

Adoption of legislation shall require the affirmative vote of at least six (6) Members of Council, except as otherwise provided by the Charter, the Codified Ordinances of Luzerne County, or applicable general law.

### Rule 9E: Effective Date of Legislation

Legislation shall take effect at the time provided for in general law, unless a later time is specified in the legislation.

### Rule 9F: Publication and Codification of Legislation

All legislation shall be published on the County's website, codified as prescribed by law and these Rules of Council, and shall be kept in a permanent file, which may be in an electronic format.

### Rule 9G: Codification of Legislation

The Clerk, in consultation with the Chief County Solicitor, shall regularly compile the legislation of Luzerne County into a code or compilation of laws in book form by title, chapter, and section, without substantive change or alteration of purpose or intent.

### Rule 9H: Maintenance

The Clerk shall maintain the Codified Legislation.

## **Rule 10. Committees**

### Rule 10A: Referral to Committee

All legislation is encouraged to be introduced for discussion at a committee meeting and must be accompanied by an agenda submittal provided to the Chair of that Committee with a copy to the Clerk in the final form that will be submitted to Council no later than the close of business on the second (2nd) business day prior to the Committee Meeting. Exceptions to this deadline may be made with the approval of the Committee Chair.

The Council Chair may assign legislation to committee for review and recommendation.

### Rule 10B: Chair to Appoint Committees

Not later than the second Regular Council Meeting following each Organizational Meeting, the Council Chair shall appoint the Chairperson, Vice-Chairperson, and Members of each standing committee. The Chair is encouraged to, the best extent possible, make committee assignments that reflect the interests and experience of Members. Committee assignments shall be for a term of one year, but changes in assignments may be made at other times at the discretion of the Chair, with the provision that each standing committee shall have no fewer than three (3) members. Each Council member shall serve on at least one committee.

### Rule 10C: Standing Committees

1. The following standing committees are established for the Council;
  - a. Authorities, Boards, and Commissions Committee
  - b. Budget, Finance, and Audit Committee
  - c. Legislative Committee - dedicated to 1) crafting County legislation of any type (Motions, Resolutions, Ordinances, Policies) within the Council's purview, 2) working with federal, state, and municipal officials on matters affecting the County and its residents, and 3) performing research on issues and other related tasks as designated by Council.

- d. Strategic Initiatives Committee – dedicated, among other things, to crafting policy that shall serve to communicate to the County Manager regarding Council’s vision for the County’s future;
  - e. Real Estate Committee-dedicated to addressing real estate matters of the County.
2. Each standing committee shall meet at least once in every quarter of the year.
  3. Special Committees may be established for a specific purpose or a specific time frame to serve as authorized by the Council Chair.

Rule 10D: Committee meetings

Not later than the third Regular Council Meeting each year or by the third Regular Council meeting following amendments to the Rules and Procedures of Operation for the Luzerne County Council, the Committee Chairs shall set the regular days, meeting times, and locations for the standing committee meetings and notify the Chair and Clerk of such.

Rule 10E: Committee Voting Rights

Each piece of legislation may be reviewed first by a Committee. That Committee will vote on the legislation, and if it passes by majority vote, then the legislation will proceed to a Work Session of all Members of Council. If the legislation does not pass, the party submitting the legislation shall have the option to have the legislation discussed by the Council at a Work Session. The request will be made to the Council Chair with a copy to the Clerk. The Council Chair shall list the matter for review at the soonest Work Session of Council.

Rule 10F: Quorum

A quorum for any committee shall be a majority of its Committee Members. The Clerk shall determine the presence of a quorum by roll call at the beginning of each committee meeting, shall announce when a quorum is present, and shall keep a record of Members present. In the absence of a quorum, a committee may take testimony and engage in discussion, but otherwise may not take any action, other than those actions allowed to be taken in the absence of a quorum, in compliance with the Sunshine Act and as provided in Robert's Rules of Order, Newly Revised.

Rule 10G: Notice Requirements for Committee Meetings

All Members shall be notified of the date, time, location, and agenda for any committee meeting at least two (2) business days before the meeting, and the same information shall at the same time posted on the County's website and posted at the Clerk's Office and publicly advertised. The agenda shall include a list by number and short title of all legislation to be considered at the meeting.

#### Rule 10H: Emergency Committee Meeting

An emergency Committee Meeting may be conducted with shorter notice than that required above, provided that at least twenty-four (24) hours before the meeting, all the notice requirements are completed.

#### Rule 10I: Clerk or Designee to Staff Committees

The Clerk shall determine the presence of a quorum, take roll call, keep audio minutes, note individuals in attendance, and record votes at each committee meeting but may appoint another member of Council's staff to perform these duties for any committee meeting.

#### Rule 10J: Participation of Members at Committee Meetings

Any Member may participate in discussion as a public participant. A Member who has not been appointed to a committee may not offer motions or vote at that committee.

#### Rule 10K: List of Committees

The Clerk shall maintain and post on the County's website a list of all standing, or special committees and all subcommittees and advisory subcommittees currently existing within the Council, the officers and members of each, and the regular day, time, and location of meeting of each, if established.

### **Rule 11: Vacancies on Authorities, Boards, and Commissions**

#### Rule 11A. Declaration and Filling of Vacancies

The procedure as set forth in Luzerne County Home Rule Charter Section 8.02 is incorporated herein.

#### Rule 11B. Application Procedure for Vacancies on Authorities, Boards, and Commissions

1. **Application form availability:** A common application form listing all County Authorities, Boards, and Commissions shall be readily available to the public through the Luzerne County website or by contacting the Clerk to Council office.
2. **Acceptance of applications:** Applications of interest in appointment to County Authorities, Boards, and Commissions may be submitted on an ongoing basis to County Council through the Clerk to Council. If possible, the County website may also make available an interactive application that may be submitted electronically. An applicant may submit a resumé or other relevant documents along with the common application form. All applications must include complete contact information for the applicant, including current mailing address, telephone number(s), and email address. Applicants will be contacted via email to acknowledge receipt of their application materials.

3. **Retention of application materials:** Application materials shall be scanned and electronically retained by Clerk to Council and Council Liaison. Paper application forms shall be retained for 3 years. Applicants may submit revised or updated applications at any time.

#### Rule 11C. Selection Process for Appointment

##### **1. Open interview procedure:**

- a. Interview sessions shall be scheduled at least once in each quarter of the year. Special interview sessions may be scheduled at the discretion of the Chair of the Authority, Boards, and Commissions Committee when a vacancy is declared on any County Authority, Board, or Commission. All applicants who have not been interviewed since submitting their applications shall be invited to participate in interview sessions.
- b. Applicants who are determined to be ineligible for appointment for reasons specified in the Home Rule Charter or due to specific requirements of a County Authority, Board, or Commission shall be notified of the determination of ineligibility in writing.
- c. Applicants shall be invited to participate in a group interview with Council members that shall be open to the public.
- d. The format of the interview shall be defined by Council Chair with topics of discussion suggested by Council members.
- e. The interview shall include an opportunity for any Council member present to ask relevant questions of applicants in addition to those determined by Council Liaison.
- f. An applicant who has participated in at least one group interview for another County Authority, Board, or Commission may be excused from the interview process at the applicant's request but retain eligibility for appointment.
- g. In the interest of full disclosure and transparency, applicants must disclose any professional, occupational, or financial relationship they may have with any council member. Failure to do so may disqualify the applicant from consideration.

##### **2. Establishment of eligibility list:**

- a. Eligibility lists of interested applicants for each County Authority, Board, and Commission shall be retained and updated following each interview session.
- b. Each applicant shall remain eligible for appointment to a County Authority, Board, or Commission for a period of two (2) years following his or her interview.

- c. The eligibility list for each Authority, Board, and Commission shall be updated following an interview session for that Authority, Board, or Commission.

## **Rule 12. Work Sessions**

### Rule 12A: Work Sessions

At the discretion of the Council Chair the Council will hold a Work Session to work on matters through a more informal process. The Council Chair shall act as the Presiding Officer over these Work Sessions. All notice rules that apply to Council committees shall also apply to Work Sessions, including but not limited to the requirements for open meetings, advance notice of the meeting, advance publication of the agenda, keeping of minutes, and provision of time for public comment.

### Rule 12B: Informal Process Permitted at Work Sessions

All Work Sessions shall be conducted under the leadership of the Presiding Officer, but the presiding officer may suspend the usual rules regarding the control of discussion and debate to allow for informal discussion among Members or between Members and the public and informal processes for drafting potential language for inclusion in ordinances, resolutions, and Motions of Council.

### Rule 12C: No Formal Action Permitted at Work Sessions

No formal action regarding any legislation or a Motion of Council may be taken at a Work Session. The results of Work sessions may be put into formal action at a meeting of Council subsequent to conclusion of the Work Session.

## **Rule 13. Open Records, Executive Session, Specific Notice**

### Rule 13A: Open Meetings

All meetings of Council or any Council committee shall be open to public, with the exception of Executive Sessions.

### Rule 13B: Availability of Public Records

All records of the Council that relate to public business shall be available to the public as public records, excepting those protected by attorney-client privilege or other federal or state law.

Rule 13C: Executive Session: The Council may hold Executive Sessions before, during, or after a regular or special meeting, in compliance with Sunshine Law. An Executive Session may also be called by the Chair separate from a regular or special meeting, in compliance with "Sunshine Law," if lengthy discussion on executive session topics is anticipated. If an Executive Session is called during a meeting, the presiding officer shall announce the purpose of the session and the anticipated length of such session, and

whether further action is anticipated following the Executive session. The Council will return to Council chambers or other designated meeting area, as applicable, for adjournment of the meeting.

Confidential discussions during Executive sessions shall not be disclosed by any Council member or other person in attendance to any person unless permitted by law. Violation of confidentiality may result in a censure motion by the Council against the violator during a regular meeting. **Any individual in violation of confidentiality may be subject to personal, financial or any other repercussion under the law.**

#### **Rule 14. Records of Meetings of Council and Committees**

##### Rule 14A: Minutes of Council Meetings

The Clerk shall keep minutes of all Council meetings, which shall include the time, date, and location of all meetings; roll call of Members present; actions taken; and the vote of each Member on all questions.

##### Rule 14B: Minutes to be Provided to Council Members

Not later **than five (5) business days after the Regular Meeting takes place or two days prior to the subsequent meeting, whichever is sooner**, the Clerk shall provide each Member a copy of the minutes of the previous meeting, and shall provide copies of the final version of the minutes to each Member if the minutes are amended. Copies of the minutes may be provided in electronic format. The minutes shall include a written summary of actions taken at the meeting. The minutes shall also include an audio and/or video or digital record of each Council meeting, but the digital record is not required to be included in the copies of minutes sent to Members.

#### **Rule 15. Requests to Address Council**

##### Rule 15A: Public Comment

The Council encourages the public to direct any address or presentation to County Council. Any behavior that is disruptive of the Meeting or meeting decorum may result in removal from the Meeting.

##### Rule 15B: Public Comment Available at All Committee Meetings

The Chair shall honor all requests to address committee received during a committee meeting. The Chair may impose a reasonable time limit per presentation, and such time limit may be extended at the discretion of the Chair. Public Comment shall be the final matter heard at the end of each Committee Meeting.

##### Rule 15C: Public Comment Available at All Work Sessions

The Council Chair shall honor all requests to address Council at a Work Session. There shall be a three (3) minute time limit for each public comment, and such time limit may

be extended at the discretion of the Chair. Public Comment shall be the final matter heard at the end of each Work Session.

#### Rule 15D: Public Comment at Council Meetings

The Council shall provide time at the beginning of each Council meeting for public comment regarding items on the agenda for that meeting and shall provide time at the end of each Council meeting for public comment that relates to County business but does not relate to the agenda for that meeting. Requests to address Council shall be made in writing to the Clerk prior to the meeting on a form to be provided for this purpose. The presenter shall state his/her name and address and may speak for not more than three (3) minutes, unless such time is extended at the discretion of the Chair.

### **Rule 16. Council Space**

There shall be space allocated on County property for Council use. This shall include, but not be limited to, office space, meeting space, and document storage space.

#### Rule 16A: Office Space

The Clerk of County Council shall have designated and dedicated office space and office equipment located in the Luzerne County Courthouse. No Council member shall have an assigned individual office space in the Courthouse or on County property. However, Council members shall have at-large access to office space and office equipment in the Clerk's office area.

#### Rule 16 B. Meeting Space

The Council shall have a designated public meeting room in the Courthouse that may be used by other entities or individuals for meetings when not scheduled for use by Council. The Council shall have a dedicated private Council meeting room in the office space allocated to Council that may be used for Executive Sessions or other non-public purposes, in conformity with the "Sunshine Law."

#### Rule 16C. Document Storage

Council members shall have general storage space allocated within the Clerk of Council office area for documents related to the operation of Luzerne County government. Such documents shall be maintained by the Clerk of Council. No individual Council member shall have a private storage space allocation, nor shall any member or members have the ability to lock files. All documents maintained in the Council storage area shall be accessible to all Council members.

### **Rule 17. County Resources**

Council members shall have use of County resources for the purposes of conducting County business.

1. Office supplies and equipment (such as copy paper, printer, other similar items) shall be available to Council members for the purposes of conducting County business.
  - a. Council members may submit requests for supplies to be ordered through the budget of the Office of Clerk of Council, within the limits proscribed by the County Budget. Such requests shall be reviewed and approved by the Chair of Council.
  - b. Council members may submit, through the Office of Clerk of Council, receipts for reimbursement of the actual cost of supplies used in the course of County business but not available through the Office of Clerk of Council, within the limits proscribed by the County Budget, subject to prior approval of the Chair.
  - c. Expenditures must be approved by the Chair in writing prior to submission to the Division of Budget and Finance for payment. Expenditures made without prior approval of the Chair may be denied for reimbursement.
  - d. The Chair shall regularly provide information to Council regarding reimbursements to individual Council members.
2. County email addresses shall be assigned to each Council member for the purpose of communicating regarding County-related matters.
  - a. Council members shall adhere to the Internet/Technology Policy applicable to County employees.
  - b. County Council members shall use their County email addresses for correspondence related to County-related matters.

### **Rule 18. Travel and Conference Reimbursement**

1. Council members may submit receipts or vouchers for reimbursement of costs related to the conduct of County business, including travel cost for attendance at regular or special meetings, work sessions, and committee meetings, and costs for designated official Council representatives to attend meetings, conferences, conventions, and special events approved by the Chair in accordance with these bylaws.
  - a. Reimbursement limits shall be established as per budget limitations by the Chair for each meeting, conference, convention, or special event prior to the incurring of expenses.
  - b. Reimbursement shall be available annually up to the amount estimated in advance and provided for within the Administrative expenses of the annual County Budget.
- (2) Up to two Council members may be designated by the Chair of Council as Official Council Representatives at meetings, conferences, and conventions, such as CCAP conventions/conferences or other events, with associated expenses reimbursed. This shall not prohibit any other Council member from attending meetings, conferences, or conventions at his/her own expense. All reimbursable expenses must be pre-approved by Chair. Council members attending at their own expense shall not need the approval of the Chair to attend such functions.

### **19. Continuity and Amendment of Rules**

#### Rule 19A: Continuity of Rules

These Rules of Council shall remain in effect until amended or repealed and shall not need to be re-enacted at each Organizational Meeting of Council.

Rule 19B: Amendment of Rules

Any provision in these Council rules may be amended by adoption of a Motion of Council, approved by at least six (6) Members of Council.