

RESOLUTION NO. 05-019

RULES OF PROCEDURE FOR MEETINGS OF
THE BOARD OF COMMISSIONERS OF ABINGTON TOWNSHIP

The Board of Commissioners of the Township of Abington does hereby RESOLVE that its meetings and the meetings of its standing committees shall be governed by the following rules of procedure:

Rule 1. Regular Meetings.

(a) Meetings of the Board of Commissioners. The Board of Commissioners shall hold a regular meeting on the second Thursday of each month. Regular meetings are those at which the Board considers and votes upon matters coming before it. Meetings of the Board of Commissioners shall begin at 8:00 p.m. and shall be held at the Abington Township Municipal building unless otherwise advertised.

(b) Meetings of Standing Committees of the Board of Commissioners. Meetings of the various standing committees (hereinafter "committees") of the Board of Commissioners shall be held pursuant to a schedule to be set by the Board of Commissioners, said schedule to be published by the Board of Commissioners at its first meeting of January of each year. At Committee meetings, each Committee will consider and adopt, by majority vote of the Committee, recommendations for the full Board of Commissioner to consider at its next regular meeting. Meetings of Committees of the Board of Commissioners shall begin at 7:30 p.m., and shall be held at the Abington Township Municipal building unless otherwise advertised.

(c) Voting at Committee Meetings. Matters that are time-sensitive or otherwise of an urgent nature may be voted upon at Committee meetings, PROVIDED (i) that a majority of the Board of Commissioners is present, and (ii) that legally required notice that the matter will be considered and voted upon has been published.

Rule 2. Special, Emergency and Recessed Meetings.

(a) Special Meetings. The president of the Board of Commissioners may at any time call a special meeting of the Board of Commissioners, in writing. At least twenty-four hours before a special meeting called in this manner, written notice of the special meetings at its time and place and the subjects to be considered shall be (i) given to each Commissioner; (ii) posted at the Township building; and (iii) posted on the Township's public access cable television channel. Said notice shall comply with the requirements of the first class township code and the Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701-716 (hereinafter the "Sunshine Act.")

A special meeting may also be called or scheduled by vote of the Board of Commissioners in open session during another duly called meeting. The motion or resolution calling or scheduling the special

meeting shall specify its time, place and purpose.

Only those items of business specified in the notice may be discussed or transacted at a special meeting.

(b) Emergency Meetings. Emergency meetings may be called only because of generally unexpected circumstances that require immediate consideration by the Board of Commissioners. Only business connected with the emergency may be considered at an emergency meeting.

(c) Recessed Meetings. A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a motion made and adopted in open session during the regular, special or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed session of a properly called regular, special or emergency meeting.

Rule 3. Organizational Meeting.

The organizational meeting shall be held in accordance with the procedures set forth in the Pennsylvania First Class Township Code. The Township Manager will in advance of the meeting secure the attendance of a person authorized to administer oaths, for the purpose of swearing in newly-elected commissioners and other newly-elected officials.

Rule 4. Agenda.

(a) Proposed Agenda. The Township manager in consultation with the Board president and/or the chairs of the respective committees, as may be appropriate, shall prepare a proposed agenda for each meeting of the Board of Commissioners and for each meeting of each Committee of the Board of Commissioners. A request to have an item of business placed on an agenda must be received by the Wednesday of the week preceding the week of the meeting in question. Any commissioner may, by a timely request, have an item placed on an agenda. A copy of the documents immediately pertinent to the issue shall be attached to the agenda, and an agenda package shall be prepared that includes, for each item of business placed on an agenda, as much background information on the subject as is available and feasible to reproduce. Each commissioner shall receive a copy of the agenda and agenda package proposed agenda, and the same shall be available for public inspection and/or distribution at the meeting to which the agenda pertains.

(b) Any commissioner may, under special circumstances, and following consultation with the Township manager and the president of the Board of Commissioners, have an item placed on the agenda of a Committee or of the Board of Commissioners at any time without following the procedure outlined in section (a), above. In such cases, all commissioners shall be advised, as soon as practicable, of the placement of the item on the agenda, and the reason for its placement on the agenda shall be stated at the time the item is considered at the public meeting.

(c) The Board may designate certain agenda items "for discussion only;" or for "discussion and possible action." Such designation means that the Board intends to discuss the general subject area of that agenda item before making any motion concerning that item.

Rule 5. Public Comment

Any individual who wishes to comment publicly on a matter which comes before, or may come before, the Board of Commissioners or any Committee of the Board of Commissioners, shall make a request so to be heard on a form made available for that purpose. Nothing contained herein shall be deemed to expand the right of the public to comment beyond that set forth in the Sunshine Act.

Rule 6. Order of Business.

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting of the Board of Commissioners shall be as set forth in the published agenda, provided that, by general consent of the Board of Commissioners in the case of a meeting of the Board of Commissioners, or by general consent of the Committee in the case of meetings of a Committee, items may be considered out of order.

Rule 7. Presiding Officer.

The president of the Board of Commissioners shall preside, as the chair, at meetings of the Board of Commissioners if he or she is present. The president shall vote as do all other commissioners unless precluded as in the ordinary course by a conflict of interest.

In order to address the Board, a member must be recognized by the chair.

If the president is absent, the vice-president shall preside at meetings of the Board of Commissioners. If both the president and vice-president are absent, another member designated by vote of the Board of Commissioners shall preside. The vice-president or another member who is temporarily presiding in accordance with this rule shall retain all of his or her rights as a commissioner, including the right to make motions and the right to vote.

If the commissioner presiding over a meeting becomes actively involved in debate on a particular matter, he or she may designate another commissioner to preside over the debate. The initially presiding commissioner shall resume presiding as soon as action on the matter is concluded.

The presiding commissioner shall have the following powers:

1. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes.

2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground.
3. To entertain and answer questions of parliamentary law or procedure.
4. To call a brief recess at any time.
5. To adjourn in an emergency.

A decision by the presiding commissioner under any of the first three powers listed may be appealed to the Board of Commissioners upon motion of any commissioner, pursuant to Rule 16, Motion 1. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The commissioner making the motion need not be recognized by the presiding commissioner, and the motion, if timely made, may not be ruled out of order.

Rule 8. Action by the Board of Commissioners.

The Board of Commissioners shall proceed by motion, except as otherwise provided for in Rules 3 and 4. Any commissioner, including the commissioner presiding, may make a motion.

Rule 9. Second Required.

A motion requires a second.

Rule 10. One Motion at a Time.

A commissioner may make only one motion at a time.

Rule 11. Main Motions.

A main motion is out of order while another main motion is pending.

Rule 12. Adoption by Majority Vote.

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 22 being present, unless otherwise required by these rules of the laws of the Commonwealth of Pennsylvania. A majority is more than half.

Rule 13. Voting.

Generally, voting shall be done by voice vote. The minutes shall reflect the names of commissioners voting for or against any motion if the vote not unanimous. If necessary, a roll call vote shall be immediately taken to have a record of the votes cast.

For matters involving a vote that is other than yes or no, as for example when voting for candidates to fill a vacancy, the Board of Commissioners may decide at such time upon any method (each commissioner voting for a particular person, voting yes or no as each name is called, etc.) provided that each commissioner's vote be publicly known and recorded. Written ballots may be used so long as they are signed and the ballots are available for public inspection.

Rule 14. Debate.

The presiding commissioner shall state the motion and then open the floor to debate. The chair shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first.
2. A commissioner who has not spoken on the issue shall be recognized before a commissioner who has already spoken.
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
4. At Committee meetings, discussion and debate on a matter under consideration is to be undertaken only by members of that committee, without interruption by other commissioners who may be present. The Committee chair may ask for input from other commissioners after the committee has discussed the issue.

Rule 15. Ratification of Actions.

To the extent permitted by law, the Board of Commissioners may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive *main* motion. It will always be considered preferable to vote on a matter in advance, rather than to ratify it after the fact.

Rule 16. Procedural Motions.

(a) Certain Motions Allowed. In addition to main motions stating substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a main motion is pending and at other times, except as otherwise noted.

(b) Order of Priority of Motions. In order of priority (if applicable), the procedural motions are:

Motion 1. To Appeal a Procedural Ruling of the Presiding Commissioner. A decision of the presiding commissioner ruling a motion in or out of order, determining whether a speaker has gone beyond the reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Board of Commissioners, as specified in Rule 7. This appeal is in order immediately after such decision is announced and at no other time. The member making the motion need not be recognized by the presiding commissioner and the motion, if timely made, may not be ruled out of order.

Motion 2. To Adjourn. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess or adjourn to a time and place certain shall also comply with the requirements of Rule 2(c).

Motion 3. To Take a Brief Recess.

Motion 4. Reserved.

Motion 5. To Suspend the Rules. The Board of Commissioners may not suspend the provision of the Rules that state requirements imposed by law on the Board of Commissioners. For adoption, the motion requires an affirmative vote equal to a majority of the entire membership of the Board of Commissioners.

Motion 6. To Go Into Executive Session. The Board of Commissioners may go into executive session only for one of the reasons enumerated in the Sunshine Act. The motion to go into executive session shall cite one or more of these purposes and shall be adopted at an open meeting. Upon passage of this motion, the presiding commissioner shall state the reason for the executive session, i.e., personnel, litigation, or whichever exception is applicable. Nothing contained herein shall be construed to restrain the Board of Commissioners from holding an executive session as may otherwise be provided for by law.)

Motion 7. To Leave Executive Session.

Motion 8. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a commissioner wishes to consider and vote on subparts of a complex motion separately.

Motion 9. To Defer Consideration. The Board of Commissioners may defer a main motion for

later consideration at an unspecified time. A main motion for consideration of which has been deferred expires one hundred (100) days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 16(b), Motion 14], or else to suspend the rules [Rule 16(b), Motion 5].

Motion 10. Motion to Call the Question. The motion is in order following reasonable public comment and reasonable time for debate amongst the commissioners as to the main motion, and may be made by any commissioner. The Motion to Call the Question requires a second, but is not itself debatable.

Motion 11. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules [Rule 16(b), Motion 5].

Motion 12. To Refer a Motion to Committee. It shall be the general procedure of the Board of Commissioners to refer each matter that comes before it to the appropriate Committee, such assignment to be made by the presiding commissioner, or in the case of routine matters, by the Township manager. After the matter has come before the Board of Commissioners for consideration, there may be made a separate motion to refer a matter to a committee, the particular committee to be named by the person making the motion, for its study and recommendations. Thirty (30) days or more after a main motion has been referred to a committee, the introducer of main motion may compel consideration of the measure by the entire Board of Commissioners, whether or not the committee has reported the matter to the full Board of Commissioners.

Motion 13. To Amend.

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different working for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by vote.

Motion 14. To Revive Consideration. The Board of Commissioners may vote to revive consideration of any main motion earlier deferred by adoption of Motion 9 of Rule 16(b). The motion is in order at any time within one hundred (100) days after the day of a vote to defer consideration. A main motion on which consideration has been deferred expires one hundred (100) days after the deferral unless a motion to revive consideration is adopted.

Motion 15. To Reconsider. The Board of Commissioners may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the "nos" prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through recess or adjournment to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

Motion 16. To Rescind or Repeal. The Board of Commissioners may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

Motion 17. To Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a main motion and at not other time. The motion requires for adoption a vote equal to two-thirds of the entire membership of the Board of Commissioners. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the Board of Commissioners, whichever occurs first.

Rule 17. Renewal of Motion.

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

Rule 18. Withdrawal of Motion.

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

Rule 19. Duty to Vote.

Each commissioner, including the chair, shall vote unless presented with a conflict of interest that would prevent that commissioner from voting in accordance with the State Ethics Law. Generally, an abstention is required whenever the matter under consideration involves an immediate family member would involve a matter of direct pecuniary interest to the commissioner.

Rule 20. Quorum.

A majority of the actual membership of the Board of Commissioners (excluding vacant seats) shall constitute a quorum. A majority is more than half. The presiding commissioner shall be considered a member of the Board of Commissioners in determining the number on which a majority is based and in

counting the number of members actually present. A commissioner who has withdrawn from a meeting without being excused by majority vote of the remaining commissioners present shall be counted as present for purposes of determining whether or not a quorum is present.

Rule 21. Public Hearings.

Public hearings required by law or deemed advisable by the Board of Commissioners may be organized by a special order that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The special order is adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the meeting room (so long as arrangements are made, in the case of hearings subject to the Sunshine Act, for those excluded from the meeting room to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the Sunshine Act applicable to meetings of the Board of Commissioners shall also apply to public hearings at which a majority of the Board of Commissioners is present; such a hearing is considered to be part of a regular or special meeting of the Board of Commissioners. These requirements also apply to hearings conducted by appointed or elected committees of the Board of Commissioners, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the Board of Commissioners, or a committee of the Board of Commissioners, as applicable, is present.

At the time appointed for the hearing, the presiding commissioner or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding commissioner shall declare the hearing ended.

Rule 22. Minutes.

Full and accurate minutes of the meetings of the Board of Commissioners and meetings of the committees of the Board of Commissioners shall be kept. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any commissioner, the entire Board of Commissioners shall be polled by name on any vote. Minutes of the meetings of the Board of Commissioners and of committees of the Board of Commissioners, once approved by vote of the Board of Commissioners or of a committee of the Board of Commissioners, as the case may be, shall be open to inspection of the public.

Rule 23. Amendment of the Rules.

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment shall require an affirmative vote equal to a quorum.

Rule 24. Reference to *Robert's Rules of Order*.

It is the intention of the Board of Commissioners that these Rules, to the extent that they are in conflict with *Robert's Rules of Order*, shall replace and supplant *Robert's Rules of Order*. When a situation arises that is not addressed by these Rules, the procedures set forth in *Robert's Rules of Order Newly Revised, 10th Edition*, shall be followed.

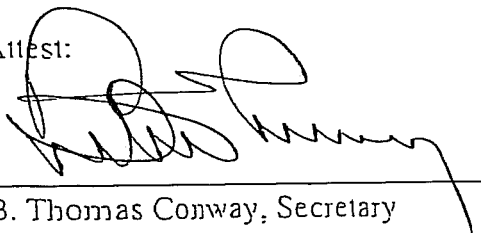
Rule 25. Applicability and Standing.

These rules shall be considered the standing rules of procedure for the Board of Commissioners of Abington Township and all Committees of the Board of Commissioners of Abington Township; shall not require re-adoption at each organizational meeting; and shall remain in effect until modified or rescinded by a majority vote of the Board of Commissioners.

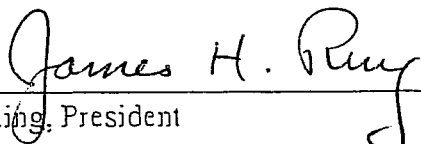
ADOPTED this 20TH day of OCTOBER, 2005.

BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF ABINGTON

Attest:



B. Thomas Conway, Secretary

By: 
James H. Ring, President
Board of Commissioners