

Borough Council Operating Manual – Policies and Procedures

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1. Roles of Borough Manager, Council and Council Committees

Borough Manager

The Manager is generally responsible for taking care of the day-to-day business of the borough (effectively functioning as chief administrative officer). The Manager serves at the will of Council and the Manager's performance is evaluated by Council to ensure that the Manager is effectively and efficiently working to achieve the objectives approved by Council.

The Manager is responsible for all aspects of Borough operation, including:

- directing and supervising the daily work of the administrative staff
- delegating responsibility and authority for performance of assigned functions to departments
- setting priorities consistent with any strategic plan approved by Council
- developing the budget in consultation with the Borough's Finance Committee
- reviewing budget performance of all departments throughout the year
- keeping Council informed of significant issues affecting the Borough
- preparing the agenda for each meeting of Council and supplying facts pertinent thereto
- making recommendations to Council for major actions as needed
- reviewing applications of prospective employees, interviewing and hiring, and when necessary, firing

The Manager is expected to:

- attend meetings of boards and commissions, as well as other municipal meetings
- attend professional association meetings and trainings in order to keep abreast of new developments in the field
- develop annual goals, in consultation with Council President, to be used in evaluating performance
- timely review and respond to complaints and inquiries of Borough residents

The powers and duties of the Manager are and shall be as set forth at length in Chapter 32 of the Borough's Code of Ordinances, as amended from time-to-time.

Council:

Council serves as the legislative body of the Borough; however, it is also vested with quasi-judicial powers as a hearing board.

As a legislative body, council is responsible for:

- setting policy
- enacting ordinances and resolutions
- adopting budgets
- levying taxes
- and various other powers and duties as specified in the Pennsylvania Borough Code

As a body with quasi-judicial powers, council is required to:

- hear cases, interpret local ordinances, and decide certain issues (e.g., various types of applications under the Municipalities Planning Code).

As elected officials responsible for formulating legislative policy, Council may advocate for or against particular policies. However, when the Council is acting in a quasi-judicial role, a different pattern of behavior is required. Council must then base decisions solely on compliance of the case with relevant codes, ordinances, etc.

The Council members are expected to:

- attend monthly meetings of Council
- attend meetings of the committees they serve on, and prepare and make recommendations to Council as a whole regarding the respective committee's area of focus (e.g., finance, personnel, parks and recreation, public works, etc.)
- attend professional association meetings and trainings in order to keep abreast of new developments in the field
- clearly communicate whether opinions they are sharing are those of the council as a body, or their personal opinions when speaking outside council meetings

Recognizing that the Borough Manager is responsible to manage Borough staff, and that the Borough Manager and staff are responsible for executing the direction of the Borough Council as a whole, it is the express policy of Council that individual Council members may not unilaterally direct staff actions or decisions, or otherwise provide guidance to staff, except as agreed by the Borough Manager or Council as a whole.

Process for Council's evaluation of Borough Manager

Annual goals will be established according to the process described below. There will be a mid-year review and an annual evaluation where progress toward goals will be assessed.

Setting annual goals:

- The Borough Manager will provide personnel committee with a document proposing goals for each calendar year by 1/15.
- Council's Personnel Committee will work with the Borough Manager to clarify and amend as needed, and jointly agree to the draft proposed goals by 1/30 of each calendar year.
- The draft set of proposed goals will then be shared with all Council members, who can provide comments regarding proposed goals to the Personnel Committee by 2/5 of each year.
- The Personnel Committee will incorporate Council members' comments as appropriate, discuss and finalize the goals with the Borough Manager, and share the finalized annual goals with Council.
- The Council President will meet with Borough Manager at least monthly to discuss progress on goals and other pertinent issues.

Mid-year review:

- The Borough Manager will perform a self-evaluation of his or her performance year-to-date in light of goals established at the beginning of the year by 5/15 of each calendar year.
- The Personnel Committee will solicit input from Council on Manager's progress toward goals by 5/30 of each year.
- The Personnel Committee will synthesize input from Council members in a written mid-year evaluation of the Manager.
- An overview of the mid-year evaluation will be shared with Council only in Executive Session by 6/15.

- The Personnel Committee or its designee will also discuss the review with the Borough Manager.

End-of-year review:

- The Borough Manager will perform a self-evaluation of performance year-to-date in light of goals established at the beginning of the year by 10/30 of each calendar year.
- The Personnel Committee will share the self-evaluation and solicit input from Council on the Manager's progress toward goals by 11/15.
- The Personnel Committee will synthesize input from Council members in a written end-of-year evaluation. The Committee will share the evaluation, along with a salary recommendation, with the Borough Manager
- An overview of the end-of-year evaluation will be shared with Council in Executive Session by 11/30. Any adjustment in salary to the Borough Manager shall be approved by Council.

Council Committees:

All Council members are assigned to serve on multiple committees, and are typically expected to chair at least one committee. Committees shall:

- Investigate facts and make recommendations on issues that have been before Council and been "referred to committee"
- Take initiative to investigate and make recommendations on matters within their purview, but should coordinate with the Borough Manager and Council President when doing so.

2. Requests by Council Members to the Borough Manager, staff, vendors, engineers or attorneys/solicitor

On issues that are of interest or concern to an individual Council member, it is important to have guidance for how these are addressed in order to:

- ensure that, to the extent possible, all Council members have knowledge of important concerns and projects of others on Council
- avoid the Borough Manager and/or staff spending time answering the same questions, separately, for multiple Council members
- respect the processes we have agreed upon to determine what issues are given priority (e.g. in the strategic plan or budget)
- to respect the Borough Manager's role, and to avoid undermining his or her authority in terms of directing staff priorities and activities

With those considerations as the background:

- A council member may make a request for information or action that is minor in terms of significance to the Borough and demand placed borough staff (e.g. asking how many sewer bills are issued each month or advising the codes officer of a concern). If a Council member is unsure if something should be considered minor, the Borough Manager or Council President can advise.
- If a council member has a request for information or action on a more significant matter or would like to seek the counsel of the solicitor or other professional consultant on a matter not subject to discussion by a majority of Council at a public meeting, the request should be directed first to the Borough Manager and/or Council President), who will then have the ability to decide whether the matter can be addressed or whether the matter should be referred to a Council committee.

- In order to avoid potential conflict, it is important that Council members respect the Borough Manager's or Council President's decision to refer or not to refer a given matter to legal counsel, a consultant, or Committee.
- In cases where a staff response to an individual Council member involves a written response that may be of interest to other Council members, the response should normally be distributed to all of Council.

3. Communications by residents and others with Council and staff

Many times, residents will communicate concerns or priorities to Council or staff. It is important to convey information in a manner that respects the processes outlined in this document as well as the Pennsylvania Borough Code. Outlined below is the agreed upon protocol in responding to communications from residents, whether in person, via email, or at Council meetings.

- If an email is sent to all Council members, the President will supply any response that is warranted. The President may contact a committee chair to provide a more in-depth response if necessary. Similarly, the President may assign a committee chair to research the issue and respond, if needed.
- If a resident would like to speak to the Borough Manager in person, they can call the office to request a time to meet or discuss the matter with the Borough Manager as his or her schedule allows. A Borough resident may stop in any time to request to speak with the Borough Manager, however if the manager is not available, a meeting or call may be set up as needed.
- Comments by residents at Council meetings and committee meetings are addressed in the sections below regarding Council and committee meetings.

4. Addressing issues raised by residents

Residents may raise issues of concern to Council or staff in person (either at meetings or by dropping by the office) or via electronic communication. Outlined below is the protocol for addressing concerns raised.

- When ***questions or concerns are brought to staff by residents***, staff will answer questions, either in person or by telephone or email, if the question or concern is within the staff member's realm of expertise. Questions that are larger or more complex in scope will be brought by the staff member to the Borough Manager. If necessary, the Borough Manager will bring the question to the Council President, and the President will elevate the question to Council at a monthly meeting and, if Council agrees, will assign to a committee.
- Regarding ***questions or concerns raised at Council or committee meetings during public comment***, see the sections below addressing Council and committee meetings
- When ***questions or concerns are raised to a Council member outside of a scheduled Council meeting***, the Council member may bring the question to the Borough Manager or the Council President. If brought to the President, the President will either 1) assign to the Borough Manager or a committee, or 2) share it with Council at a monthly meeting, allowing Council to determine whether the issue should be assigned to a committee.
- The Borough Manager, with assistance from the communications director, will be responsible for following up on a resident's questions or concerns with the resident. The Manager will provide updates to Council members during monthly Manager reports.

5. Procedures pertaining to Council meeting (preparation, meeting itself, and approval of minutes)

Publication of notice of meetings and agendas, and communication of meeting minutes

- The first regularly scheduled Council meeting of the calendar year must be publicly advertised three days in advance in a paid publication of general circulation. Notice of all other regularly scheduled Council meetings for the year are published along with the notice of the first meeting. For the public convenience, notices of meetings will also be published on the Borough's website.
- Any special meetings, other than an emergency meeting, of Council must be advertised at least 24 hours prior to the scheduled meeting, in a paid publication of general circulation. A notice must also be posted at Prosser Hall, where the meeting will take place.
- The meeting agenda for each monthly Council meeting will be made available on the Borough webpage three days in advance of regularly scheduled Borough meetings.
- Council members should receive the meeting agenda and packet 5 days prior to a regularly scheduled Council meeting.

Establishing the agenda

- The agenda for monthly Council meetings is established by the Borough Manager in close consultation with the Borough Council President and with input from the chairs of Council committees, with review by the Borough Solicitor as needed. It will be made available to the public 5 days prior to the monthly council meeting, barring any exceptional circumstances.
- Committee chairs are responsible for sending the Borough Manager any agenda items one week prior to the scheduled Council meeting. In the case that a committee meets DURING the week immediately prior to the Council meeting, any necessary items will be added to the final draft of the agenda.

Public comment procedure

- There will be an opportunity for public comment at the beginning and end of all Council meetings.
- The opening comment period is particularly important as it allows the public to provide input on agenda items before Council takes action. If there is deliberation with the potential for action on an item NOT included on the agenda, Council must provide an opportunity for public comment before taking action.
- The public comment period is not the appropriate venue for specific questions to be asked and answered. However, if a simple question (e.g. what date is x?) is asked by a resident during public comment, the Council President (or at the request of the Council President, a Council member or staff member) may opt to provide an answer on the spot or respond that they will have someone follow up with an answer after the meeting.
- The President will determine whether the comment or concern can be readily answered, or if it should be sent to a committee for further research or to the Borough Manager for consideration. If the president determines that the question should be sent to a committee, the President will determine the appropriate committee.
- Whether or not a response will be provided to a public comment, and whether or not other Council members may ask clarifying questions or provide a response, will be at the sole discretion of the Borough Council President (or other meeting chair in the President's absence)
- Public comments are limited to one, three-minute comment per resident (or property or business owner or other person with a direct interest in Borough governance) during each of the public comment periods (i.e. the same person could offer three minutes of public comment during the initial public comment period, in the middle of the meeting in the case that a public

comment period is opened for an item not on the agenda, and at the final public comment period prior to adjourning the meeting).

- The solicitor is responsible for enforcing time limits during the public comment period. He or she will remind residents to state their name and address before speaking and will inform the resident when their time has expired.
- Those speaking during public comment period should refrain from personal insults or accusations, and inappropriate language. While these terms are inherently subjective, it will be left to the discretion of the police chief, the solicitor or the Council President to decide when someone has violated these conditions during the public comment period.
- Borough Council may from time-to-time adopt rules of decorum governing public meetings in addition to the policies and protocols established herein.

Presentation of agenda items by committee chairs

- Committee chairs are responsible for leading the sections of the agenda that are relevant to their committees. They should be prepared to provide an update to Council and to the public on the work their committee has done during the preceding month, and to make any relevant motions needed for actionable items being put forth by their committee.
- In the event that a committee chair is not present for a Council meeting, he or she will designate another Council member to lead in his or her place.
- The Borough Manager or solicitor may be asked to provide relevant context on agenda items as needed.

Drafting, reviewing, and approving meeting minutes

- A secretary should be present at all Council meetings to take minutes. There will also be an audio recording of Council meetings, which is created for the sole purpose of confirming details of Council meetings. Recordings will be maintained only until minutes are approved by Council at a subsequent public meeting.
- Council members should send any corrections to the minutes to the secretary in advance of the meeting at which the minutes will be approved (blind carbon copying the Borough Manager). The secretary will then, to the extent practicable, be responsible for ensuring that all corrections to the minute are made and that they appear in the final draft of the minutes, included in the meeting packet distributed prior to the next Council meeting.
- When there is a dispute about the minutes, Council members will discuss prior to a vote to approve at the next scheduled Council meeting. The recording may also be checked to resolve the dispute.

Recording of meetings

- To the extent possible, the monthly meetings of Borough Council will be recorded and posted to a YouTube channel maintained by the Borough. The secretary will be responsible for setting up the recording equipment, downloading the recording, and posting the meeting online within 48 hours of the meeting.
- Any member of the public is free to independently record any public meeting.

6. Committee meeting procedures

- At the start of the year, the chair of each Council committee will establish a regular meeting schedule for the committee. Additionally, ad hoc meetings will be scheduled as needed, at the discretion of the committee chair.
- The committee chair may cancel a regularly scheduled meeting if there are no items for the agenda, one or more members are unable to attend, or for other reasons.
- It is the responsibility of the committee chair to **establish the agenda for the meeting** at least 5 days before the meeting.
- The committee chair shall provide the Borough Manager the agenda for the meeting no less than 5 days before the meeting occurs, and the Borough Manager or his designee shall **publish notice of the meeting and the agenda**.
- Members of the public attending a committee meeting shall be allowed up to 3 minutes for public comment on any items on the meeting agenda.
- The committee chair is responsible to manage the meeting, and shall have sole discretion regarding the extent to which public comment or discussion will be allowed outside of the public comment period.
- The committee chair, at the start of the year, will determine which committee member will act as secretary of the committee. The secretary will be responsible for recording notes of each meeting and circulating the draft notes to the rest of the committee within 5 days of the meeting.
- The committee chair will determine the final form of the minutes, and circulate the final minutes to the rest of Council and the Borough Manager within 7 days after the meeting occurs.
- Minutes shall be provided to other Council members and included in the council packet for the monthly Council meeting. Whenever it is deemed useful, the committee chair may provide a brief report on Committee activities during the regular Council meeting.

7. Sunshine Act policy

- Any deliberation among 4 or more council members (a quorum of Council) must take place only at an open, advertised public meeting.
- Information can be shared among Council members via email. However, to ensure no responses to informational emails result in anything that could be construed as deliberation, any emails that include a quorum of Council members as recipients should be sent to the Borough Manager and Council President, with all other recipients being blind carbon copied (i.e. in the “bcc” field) on the email. (Should anyone unwittingly respond with something that could be interpreted as deliberative, the response will not go to a quorum of council). Council members and staff are mindful that email communications, regardless of the storage location of the same, may be subject to disclosure under the Right-to-Know Law in the event they discuss agency business, whether exchanged among a quorum of members of Council or not.
- Council members may attend events together outside of Council meetings (e.g., holiday party, parades, trainings), but must refrain from discussing Borough business at events or when traveling to events.
- Borough Council may conduct executive sessions from which members of the public are excluded only as authorized by the Sunshine Act. Other than executive sessions called by a majority of Council at a public meeting, the Borough Council President and Borough Manager shall be solely authorized to schedule an executive session in advance. They may also call upon the solicitor to determine whether the intended subject matter of the executive session is an appropriate subject of an executive session meeting pursuant to the Sunshine Act.

8. Gift policy

General Prohibition: No Council member or employee of the Borough [or any other representative of the Borough] may accept gifts or donations of any type, on their own behalf or on behalf of the Borough, unless the gift or donation is covered by one of the exceptions below.

- “Gifts” shall include, but not necessarily be limited to, the following: cash, products, food, meals, tickets, attendance at events, forgiveness or waiver of costs or fees, or anything else of monetary value.
- Exceptions:
 1. Gifts may be accepted if the total value of the gift or gifts is less than \$150 in the case of an individual recipient or \$300 in a case where the Borough is the recipient, unless approved by Council in a public meeting. Value is cumulative for the calendar year.
 2. For things of benefit to the Borough generally, and not a particular individual or group (e.g. if someone offered to donate money to the Borough to build a bike trail), donations may be accepted provided they are approved by Council in a public meeting.

9. Donation policy (donations by the Borough)

- Donations by Borough Council may be in the form of a direct donation or in the form of waiving fees for use of Borough facilities.
- Direct donations are allowed:
 - Only to organizations that are focused on the Borough alone or somewhat broader (e.g. county-wide). (No donations may be made to state or national organizations, even if their work happens to benefit the Borough or one or more Borough residents.)
 - Only where the organization’s work directly furthers Borough objectives (e.g., the library and the fire department).
- Fees normally charged for use of Borough facilities may be waived by borough staff pursuant to a fee waiver policy adopted by the borough at a public meeting.
- Except with respect to waivers of fees pursuant to a fee waiver policy as described above, or in extraordinary circumstances, donations shall only be allowed if they have been included in the Borough’s budget and are approved by Council in a public meeting.

10. Strategic Plan

Council will review the status of progress against objectives in the strategic plan at least twice per year, at Council’s March and September meetings, or more frequently as Council deems appropriate.