

## **RULES AND PROCEDURES OF YORK CITY COUNCIL**

### **RULE NO. 1 - RULES, PURPOSE AND EFFECT**

- A. The City Council is the Legislative body of the City. The City Council holds responsibility for setting City policy through ordinances, resolutions, and adoption of the City's budget. The Council legislates by passing ordinances and resolutions.
- B. The Council's meetings must be noticed and conducted in accordance with applicable open meetings statutes and other laws.
- C. These rules and procedures are adopted by the Council of the City of York under the Council's authority provided by the City Charter, 3<sup>rd</sup> Class City Code, Optional Charter, and by the City's Codified Ordinances, to determine its own rules, order of business, and to regulate the conduct of its meetings. Where not inconsistent with these rules and procedures, applicable laws will be used as a supplementary guideline.
- D. Unless otherwise stated, these rules or portions thereof may be suspended during a meeting or hearing by the affirmative vote of four members of the Council.
- E. Where not stated applicable laws shall apply.
- F. Any rules or parts hereof inconsistent shall be and are hereby repealed to the extent of such inconsistency.
- G. **Definitions:** As used within these rules and procedures, the following words shall have these definitions:
  - 1. **Liaison:** A Council member formally appointed as Council's representative to a specific department within the city as outlined by the Codified Ordinances of the City of York or to another governmental entity or agency as defined by a resolution of Council. The Council at its first meeting in January following a municipal election shall appoint by resolution liaisons to each department. A liaison has direct responsibility to know and understand the problems, responsibilities, goals, and services undertaken by the specific department and serves as the communications arm of the Council day-to-day with that department. Each liaison shall work through the director of the department or governmental entity or agency that the liaison is assigned. Any Council member seeking information about a specific department may work with the liaison assigned to the department and shall work with the department director. Council members shall not

interfere with the day-to-day operations of a department or the work of its employees. Each Council member shall be assigned as a liaison to at least one department.

2. **Committee Meetings/Work Sessions:** Meetings held for informational purposes of the Council or Committees. These meetings shall be more informal in nature. No formal legislative vote will be taken at these meetings. These meetings shall be held in public, unless their focus or agenda meets one of the exceptions as stated in the Pennsylvania Sunshine Act, which they then may be held as executive sessions closed to the public.

3. **Public Comment:**

(a) **General:** A time established by Council in which a member of the public may comment about any concern they may have regarding city business not on the legislative Council agenda.

(b) **Legislative:** A time established by Council in which a member of the public may comment on a legislative agenda item.

4. **A Bill:** A draft of a law presented to a legislature, in this case Council, for enactment.

5. **An Ordinance:** A law set forth by governmental authority, such as Council; *specif:* a municipal regulation.

6. **A Resolution:** A formal expression of opinion, will, or intent voted by an official body, such as Council, or assembled group.

7. **Personal Attack:** A comment, criticism or complaint aimed pointedly at the most intimate aspects of a person, especially in a hostile manner.

## **RULE NO. 2 – ADOPTION**

- A. Adoption of the Rules and Procedures governing the Council shall be approved by Resolution by the affirmative vote of at least three members of Council and shall become effective upon passage.
- B. At the first meeting after a municipal election, Council shall approve its Rules and Procedures and prior to adoption, may amend its rules and procedures by the affirmative vote of at least three members of Council.
- C. Council may suspend its rules and procedures or portions thereof by the affirmative vote of at least four members of Council.

### **RULE NO. 3 – DISCLOSURE OF INTEREST & ABSTENTION**

- A. A Council member who has a personal or pecuniary interest in any question, measure or bill proposed or pending before the Council, shall disclose the fact to Council, and shall not vote thereon.
- B. If such interested person shall vote without disclosing his/her interest in such question, measure or bill, Council shall refer the matter to legal Counsel for opinion and recommendations.
- C. Any member of Council who abstains from voting must first disclose the reason for abstention and the abstention shall be approved or denied by at least three members of Council.

### **RULE NO. 4 – COUNCIL MEETING DATES & TIMES**

- A. All regular/legislative meetings of Council are held the first and third Tuesday evenings of each month, except when such Tuesday is a legal holiday observed by the City Government, summer recess, when the general and/or primary elections fall on such Tuesday, or during special circumstances as approved by Council, then the regular meeting will be held on the following day or at such other day as the Council shall designate.
- B. All regular meetings of Council and are held in Council Chambers located at 101 S. George St., York, PA, except when an emergency or other matter requires said meetings to be held in another location, which shall be advertised.
- C. General public comment on items not on the legislative agenda shall begin prior to the start of Council's legislative meetings and shall extend no longer than 30 minutes. The President of Council may, at his or her discretion, continue the general public comment at the end of the Council meeting for members of the public who did not have an opportunity to speak during the comment period prior to the Council meeting.

### **Rule No. 5 – COMMITTEES**

- A. The following committees shall be established: Police Committee, Fire Committee, Public Works Committee, Economic & Community Development Committee, Business Administration Committee, Rules and Administrative Code Committee, and General Committee. The committee shall be responsible for the resolutions, bills and other actions that will come before the Council during a regular or special meeting.
  - 1. **Exceptions**
    - a. The civil service board affecting the Police Department shall be the responsibility of the Police Committee, while the civil service board regarding the Fire Department shall be the responsibility of the Fire Committee.

b. The York City Human Relations Commission and other non-designated items/entities shall be referred to General Committee.

- B. The Council liaison to each department shall chair its respective committee, except for the Rules and Administrative Code Committee, which shall be specifically appointed by a majority of the Council. The Council President (or in the absence of the Council President, the Council Vice-President) shall chair the General Committee.
- C. Each committee shall have a total of three Council members with the Council nominating and appointing the other Council members of each committee and its Chair. The General Committee shall include all members of Council with the Council President (or in the absence of the Council President, the Council Vice-President) serving as Chair.
- D. The meetings of the committees shall function as a committee of the whole with all Council members having the opportunity to attend and participate in each committee meeting. At least two Committee members shall make a quorum for a committee meeting. The meetings shall be open to the public and shall allow for public comment of committee business.
- E. Before appearing on the legislative agenda, all resolutions, bills and other items affecting specific departments shall be referred to the committee in charge of that department, unless otherwise approved by Council. All bills amending the Codified Ordinances of the City or other rules and regulations shall be referred to the Rules and Administrative Code Committee. Resolutions, bills and other items not affecting a specific department, or non-designated, items shall be referred to the General Committee.
1. **Exceptions:**
    - a) Subdivision/Land Development Plans (SD/LDP) and Historical Architectural Review Board (HARB) – Resolutions relating to SD/LDP or HARB shall not go through the Committee process and may be introduced at any legislative session per Rule No. 6 of the Rules and Procedures of York City Council. (Amended Res. 24-2014)
    - b) Appointments – Appointments to the various Boards, Authorities, or Commissions of the City shall not go through the Committee process and may be introduced at any legislative session per Rule No. 6 of the Rules and Procedures of York City Council. (Amended Res. 24-2014)
- F. The committees shall consider each item of business referred to it during its committee works sessions.

- G. Committee agenda items shall be submitted in accordance with Rule No. 6 "Agendas." (Amended Res. 26-2022)
- H. The committee can recommend the item be released from committee or held in committee for further discussion. If released, the Committee Chair or designee shall specify which legislative agenda said items shall appear. Once an item is placed on the legislative agenda, a member of Council may request an item be referred back to committee, which the Council may grant by a majority vote of members in attendance at a regular or special meeting.
- I. If a committee is unable to meet, the item will automatically appear on Council's next legislative agenda and may be referred back to committee by a majority vote of Council.
- J. The Council, by approval of four of its members, may waive the committee requirement of an agenda item and immediately consider an item for action.
- K. Committee Chair & Committee Members Responsibilities:
  - 1. Each committee will be represented.
  - 2. The Chair or designee of each committee will preside.
  - 3. Committee Chair or designee will ultimately determine which legislative meeting agenda the item will appear.
- L. Director's Roles:
  - 1. Determine which items will appear on the committee agenda.
  - 2. List all required information on the "Issues Chart."
  - 3. Request which committee meeting items should appear and the requested legislative agenda date for Council to consider said items.
  - 4. Compile all Resolutions and supporting documentation.
  - 5. Submit the "Issues Chart" along with all items in accordance with Rule No. 6 "Agendas." (Amended Res. 26-2022)
  - 6. The Director or designee shall appear at the Committee meeting to answer questions.
  - 7. The Director or designee shall make all necessary amendments to items as approved by Council during the committee meeting and forward the amended version to the City Clerk and the City Solicitor(s) no later than 12 noon on the Thursday before the scheduled Council meeting for inclusion on the designated legislative agenda. (Amended Res. 26-2022)

**RULE NO. 6 – AGENDAS** (Amended Res. 26-2022)

- A. No later than 12 noon on the Wednesday prior to the next scheduled Council meeting, agenda items must be:
1. Emailed to the City Clerk, City Solicitor(s) (hereinafter “attorney”), and the Council Chairperson assigned to the department submitting items (hereinafter “Council liaison”).
  2. For the Controller, Treasurer, and Human Relations Commission, the Council President will serve as the Council liaison.
- B. The city attorney(s) will review all upcoming agenda item submissions for correct form, code/regulation adherence and legality, only, and shall not alter the original intent and/or purpose of the item. Should the city attorney(s) recommend amended language to items submitted, he/she must submit the suggested amended language in final recommended form no later than 10:00 AM on the Friday before the next scheduled Council meeting. The city attorney(s) shall:
1. Email the City Clerk, the Council liaison, and the person who submitted the item(s), the amendments made to the item along with an explanation of the amendment(s).
    - i. The email shall include the suggested amendment(s) and revision(s), and all concerns regarding the item(s) along with an explanation detailing the legal reason(s) for the suggested amendment(s)/revision(s) and all code and regulation citations that support said amendment(s) and revision(s) along with the citation of at least one past legal precedent or court case in favor of or against (if available) for each suggested revision of the item to be listed on the upcoming agenda. The provisions of this subsection shall not apply to corrections to spelling, grammar or punctuation.
- C. Should a department, including the Controller, Treasurer and Human Relations Commission, wish to include an item on the agenda but missed the deadline, the Director of the Department shall:
1. Provide the Council liaison, the Council President, the city attorney(s), and the City Clerk with a memorandum, along with proof, explaining why the deadline was missed and why the item needs to appear on the next Council agenda.
    - i. In order for the late submission to be included on Council’s next agenda, the item(s) must be received and reviewed by the city attorney(s) and submitted in final corrected form to the City Clerk no later than 10:00AM on the Friday prior to the next scheduled Council meeting.
- D. Should an item(s) need corrected or amended after its final submission to the City Clerk as outlined above, said correction must be requested during the Council meeting in which the item appears on the agenda.

1. The request shall be made to Council by the originator or designee of the item.
  2. A motion of Council will be required to make the correction or amendment and will be approved/denied by a majority vote of Council.
- E. These Rules shall also apply to committee meeting agenda item submissions.
- F. These Rules shall not apply to Special, or Emergency meetings called by the Council or the Mayor in accordance with Article 111.04 of the Codified Ordinances.
- G. Rule 215: If items are received later than the Saturday preceding the stated Council meeting, the item(s) shall first be approved for inclusion on a Supplemental Agenda by either the committee chair in which the item would be referred or by the Council President if the committee chair is not available.
1. In order for an item(s) to be considered for inclusion on a supplemental agenda, the item(s) must be reviewed by the city attorney(s) and received by the committee chair (or Council President if the chair is unavailable) and the City Clerk no later than 10:00 AM on the Monday before the scheduled Council meeting.
  2. If a Supplemental Agenda item(s) is approved, the committee chair (or Council President if the committee chair is not available), shall notify the City Clerk who shall prepare a Supplemental Agenda.
  3. A motion to waive Rule 215 shall apply during the scheduled meeting in order to consider action on said item.

**Rule 215:** Resolution 215 of Session 1969 passed by City Council on December 29, 1969 reads as follows:

“Resolved, by the Council of the City of York, PA, that no Resolution or Legislative Bill shall be considered by the Council unless typewritten copies of the Resolution or Bill are delivered to the Mayor and all members of the Council not later than the Saturday preceding the stated legislative Council meeting.

“An affirmative vote of all the members present at a meeting shall be necessary in order to pass a waiver of the provisions hereof. The provisions of this Resolution shall not apply to the special meetings called by the Mayor or President of the Council.”

- H. Agendas are made available on the Friday afternoon preceding the regularly scheduled meeting of Council. In the event Friday is a holiday observed by the City or the Clerk’s office is closed, agendas shall be made

available on the preceding business day in which the office is open. In the event a special or emergency meeting is to be held, please contact the City Clerk's office for agenda availability.

- I. A public review copy of the agenda shall be made available at City Hall during normal business hours. The agenda may also appear on the City's website as may all proposed bills and resolutions.
- J. Agendas are subject to change before and during the meeting for consideration of such other business Council may desire to act upon, including items of business deferred from previous Council meetings.

### **RULE NO. 7 – ORGANIZATON OF THE COUNCIL**

- A. On the first Monday of January following a municipal election, the members of Council shall meet in Council Chambers, or such location as approved by the affirmative vote of three members of Council, to swear in Council members, elect its officer(s) and reorganize, and to consider general business as the Council desires. If the first Monday is a legal holiday, the meeting shall be held on the first day following. The City Clerk may serve as the temporary presiding officer of the meeting, or a member of Council shall serve as President Pro-Tempore, until a Council President is appointed.
- B. The first order of business for the meeting shall be the swearing in of the Council members. The Clerk or President Pro-Tempore shall then ask for nominations to the office of Council President. Once all nominations are made, the Clerk or President Pro-Tempore shall close the nominations and request a public vote of the Council.
- C. That person first receiving three votes shall be elected President. If more than one vote is necessary, then the person with the least number of votes will drop out of consideration and the Council will vote for those remaining until one person receives at least three votes. The person winning the nomination as Council President will then have his or her name submitted into a resolution that will then be voted upon by all Council members in attendance and the person shall take his or her seat as President. The Council shall follow the same procedure for the election of a Vice President and other assignments.
- D. As provided by the Codified Ordinances, the Council President, or in the Council President's absence, the Vice-President or President Pro-Tempore, as approved by the Council, shall be the presiding officer of the Council and shall preside at all meetings and hearings of Council.
- E. It shall be the duty of the presiding officer to promptly sign all resolutions and bills that have been passed by Council and shall perform such other duties as Council may prescribe.



- F. In the event that the President and Vice President are absent from a meeting, the other remaining members of Council shall vote by majority vote one of its own to serve as president pro-tempore or temporary presiding officer during the meeting.
- G. The presiding officer will preserve order and decorum at all meetings of the Council to allow the orderly conduct of the business of the meeting.
- H. The presiding officer shall make decisions on administrative and procedural matters, which is final subject only to appeal of the majority vote of Council.
- I. The presiding officer shall have power, authority and discretion, without a vote of the Council to:
  - 1. Declare the opening of a meeting.
  - 2. Rule any disruptions as being out of order and keep all discussions according to the item on the agenda that is under consideration.
  - 3. Terminate any communication from anyone who is declared out of order.
  - 4. Declare a recess.
  - 5. Enforce all rules and procedures adopted by the Council.
  - 6. Call a special or emergency meeting in accordance with the York City Codified Ordinances, Article 111.04(a).
- J. Each Council member shall have equal right to request information or to hold meetings with the Mayor or department directors. The Mayor may wish to meet with the President and Vice President of Council to communicate goals or share other information. The President and Vice President of Council shall have responsibility to attend and participate in such meetings and to inform other Council members during committee meetings, regular meetings or other times of the information presented. Council liaisons also should regularly meet with the director of the department that they are assigned and shall report to the rest of the Council at the regular meetings, committee meetings or other times of the information or recommendations they compile.

- K. Department heads and/or designees shall attend Council meetings and committee meetings on items affecting their departments in order to answer any questions posed by the Council or the public and to present any other requested information regarding the item under consideration. The Council may table consideration of any item until such time that a department head and/or his or her designee attends a committee and/or regular meeting and presents the information that members of Council determine they need to make a decision on an item on the agenda.

### **RULE NO. 8 - ORDER OF BUSINESS/Resolutions, Bills & Ordinances**

- A. The order of business at regular meetings of the Council ordinarily will be as follows:

1. General Public Comment on items not on the legislative agenda. (Shall not extend beyond 30 minutes.)
2. Call Legislative Council meeting to order
3. Pledge of Allegiance
4. Moment of Silence
5. Approval of Minutes
6. Presentations, Proclamations and Awards
7. Meeting(s) Scheduled
8. Reports of Committees
9. Agenda items:
  - o Action on Subdivision, Land Development & HARB Resolutions
  - o Final Passage of Bills/Resolutions
  - o New Business
10. Requests for meetings
11. Council Comment
12. Administration Comment
13. Adjournment
14. Resumption of General Committee at the discretion of the presiding officer meeting to hear public comment

- B. In considering action on any bill or resolution, the President may call first upon the department head or committee chair for a report. The presiding officer shall then ask Council members if they have any comments or questions on the item under consideration. The presiding officer shall then ask if any members of the public have any comments or questions. The vote on that item shall then be taken.

- C. The presiding officer, or member of Council, may request to consider items out of sequence from the printed agenda, however, if there is disagreement regarding the sequence, the presiding officer shall decide the sequence.

D. **Bills/Resolutions:**

1. Bills: Upon introduction, all Bills shall be read by short title only at one meeting and voted upon at a separate meeting. A copy of every bill introduced shall be advertised and made available for public inspection in the City Clerk's office according to law.

2. Resolutions: Resolutions shall be read in their entirety unless, if a short title is available, may be read by short title only upon the approval of the majority of Council members. All Resolutions and Bills shall be in typewritten form as regulated under Article 115.01(a) of the Codified Ordinances. Amendments to Bills or Resolutions do not have to be in typewritten form and may be made from the floor during Council meetings, although written text would be preferable.

E. Other than Bills, all official acts by the Council are done by resolution, which become effective upon passage by the Council, unless otherwise stated in the resolution.

F. The Council shall pass Bills and Resolutions by majority vote of Council unless otherwise stated, or when by law a vote of four members is required.

G. All Bills adopted by Council shall be submitted forthwith to the Mayor who shall, within ten days after such submission, either approve an ordinance by affixing his/her signature thereto or veto it by returning it to Council through the City Clerk together with a statement of his/her objections thereto.

H. No Bills shall take effect without the Mayor's approval unless the Mayor fails to return the Bill to Council within ten (10) days after receiving it or unless Council, upon reconsideration of the Bill on or after the third day following its return, by resolution agreed to by four of its members, decides to override the Mayor's veto.

**RULE NO. 9 - ADDRESSING THE COUNCIL**

A. Persons wishing to speak during the General Committee Public Comment Session (non-agenda items) shall sign up with the City Clerk during normal business hours prior to the scheduled meeting or on the day of the scheduled meeting, by completing a public comment form located in Council Chambers and submitting it to the presiding officer before the general public comment session is called to order. Upon calling the meeting to order, the presiding officer may explain the need to sign up for the public comment period and ask if all those wishing to address the Council have had an opportunity to sign up.

B. Each speaker shall have five (5) minutes to speak depending on the number of speakers that have signed up for the public comment period. The presiding officer may reduce the time limit if the number of speakers who have signed up would extend the time period beyond

the thirty (30) minutes scheduled for public comment. Additionally, the presiding officer may ask a speaker to finish up his or her remarks or rule them out of order, particularly if the person begins to become, among other things, redundant, repetitive, or disorderly. The presiding officer shall not allow public comment to extend beyond 30 minutes. In the event additional comment is requested, the presiding officer may resume public comment after adjournment of the legislative session, or such other time as approved by a majority vote of Council.

- C. Any person wishing to address the Council on an agenda item currently under consideration need not sign up but shall first be recognized by the presiding officer when he or she asks for public comment on an agenda item. The person recognized shall then indicate his or her name and identify whether he or she is for or against the legislation or just comment on said item. The presiding officer may, at any time, ask a speaker to finish his or her remarks if the person begins to become, among other things, redundant, disorderly or long-winded. All other requirements for public comment on non-agenda items, as set out by these rules, shall also remain in effect for public comment on agenda items.
- D. Speakers on any agenda item shall make every attempt to keep their comments concise and focused upon the item under consideration and shall avoid repetition of the comments of previous speakers on the item. Simply stating agreement with the points raised by the prior speaker(s) will help move the meeting along so that all who wish to speak have the opportunity to do so within a reasonable time. Large groups whose members wish to speak on a matter may designate a spokesperson.
- E. The purpose of public comment is to provide information and the speaker's views for Council consideration. Any questions raised by a speaker does not necessarily have to be answered by Council, the Administration or staff during the meeting and may be referred for follow-up. The speaker shall raise all points to the presiding officer, who then may address those points or refer them to the appropriate person. Members of Council may wish to answer any questions or comments made upon being recognized by the presiding officer.
- F. Proper decorum must be observed during the public comment period by members of the Council, the Administration, staff, speakers, and the public.
- G. The presiding officer shall keep control of the meeting and maintain proper decorum by requiring the speaker(s) and audience to refrain from abusive or profane remarks, disruptive outbursts, protests, or other conduct that disrupts or interferes with the orderly conduct of the business of the meeting.

- H. Personal attacks on Council members, the Administration, staff, other speakers, or members of the public will not be tolerated.
- I. Exhibits, letters, petitions and other documentary items presented or shown to the Council on an agenda item or public comment session, become part of the record. Whenever possible, a copy of said document(s) shall be provided to the City Clerk to include in the public record. No exhibits may be concealed, and as much as possible, must be presented to the City Clerk prior to the start of the meeting.

### **RULE NO. 10 – PRESENTATIONS, PROCLAMATIONS AND AWARDS**

- A. Anyone wanting to make a presentation, read a proclamation or present an award during the Council meeting shall contact the City Clerk or the Council President by the deadline set for items to be included on the agenda.
- B. The presiding officer or members of Council, by majority vote, may set a specific time frame for a presentation.
- C. Those requesting a proclamation on recognition from the Council must contact the City Clerk and submit a request form as provided by the City Clerk.

### **RULE NO. 11 - PUBLIC HEARINGS**

- A. The Council holds public hearings on issues as required by law or as the need arises.
- B. A public hearing is different from a public meeting in that a public hearing is a formal proceeding for the purpose of a fact finding and to gather information to aid in decision-making.
- C. A public hearing is not a debate and discussion forum. However, the public shall be given an opportunity to present testimony about the issue at hand.
- D. Testimony may be orally given or may be submitted in written or typewritten form and become part of the record.
- E. Each person providing testimony shall state his or her name for the record.
- F. Public Hearings are open to the public. Therefore, time, location, and the subject of the hearing will be advertised in accordance with the law.
- G. The Council President shall schedule all hearings with input from the rest of Council.

## **Questions or Comments**

If you have any concerns, questions or comments about these rules and procedures, please contact the City Clerk's Office at (717) 849-2246, or email at [dthompso@yorkcity.org](mailto:dthompso@yorkcity.org) Monday - Friday, 8:00 a.m. - 4:30 p.m. (Amended Res. 26-2022)

## **Special Accommodations**

If you are a person with a disability, please call (717) 849-2246 if any accommodations are needed to participate in the proceedings. Persons with hearing impairments may contact the Deaf Center at TDD848-6765. (Amended Res. 26-2022)

### Amendments

Res. 24-2014

Res. 26-2022