

RESOLUTION NO. 111312-2

RESOLUTION OF THE BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA, ESTABLISHING A POLICY FOR MEETING PARTICIPATION OF BOROUGH COUNCIL MEMBERS NOT PHYSICALLY PRESENT BY MEANS OF TELECOMMUNICATION DEVICES.

WHEREAS, Section 1001 of the Borough Code, 53 P.S. § 46001, as amended by Act 43 of 2012, permits borough council members not physically present to participate in council meetings by means of telecommunication devices and to be counted in establishing a quorum under certain circumstances outlined therein; and

WHEREAS, consistent with Section 1001 of the Borough Code, the Borough of Gettysburg desires to adopt a resolution and policy setting forth the guidelines to enable absent members of the Borough Council of the Borough of Gettysburg to participate in meetings by means of telecommunication devices.

WHEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Gettysburg does hereby adopt the following Resolution and Policy for meeting participation by Borough Council members not physically present by means of telecommunication devices:

1. Quorum: Borough Council members of the Borough of Gettysburg may participate in Borough Council meetings at which they are not physically present by means of telecommunication devices and may be counted to maintain a quorum consistent with the requirements of Section 1001 of the Borough Code as outlined hereinbelow:

(a) A majority of the membership of Borough Council then in office must be physically present at the advertised meeting place within the Borough and a quorum established at the convening or reconvening of the meeting. Except as provided in subsection (b), only Borough Council members physically present at a meeting place within the Borough shall be counted in establishing a quorum.

(b) If after the convening or reconvening of a meeting a Borough Council member has been disqualified from voting as a matter of law, but is still physically present, any Borough Council members participating by means of a telecommunication device shall be counted to maintain a quorum.

2. Reasons for Physical Absence: Borough Council may only authorize participation by means of telecommunication devices by absent members of Borough Council for one or more of the following reasons for physical absence:

- (a) the illness or disability of the member of Borough Council;
- (b) the care for the ill or newborn in the Borough Council member's immediate family;
- (c) an emergency; and
- (d) family or business travel of the member of Borough Council.

3. Telecommunication Device Specifications: Borough Council members may participate in Borough Council meetings at which they are not physically present by means of telecommunication devices, such as telephones or computers, which permit, at a minimum, audio communication between locations, provided that:

(a) The telecommunication device used must permit the member or members of Borough Council not physically present at the meeting to:

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

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

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

WHEREFORE, BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Gettysburg hereby adopts the written policy as set forth on Exhibit "A" attached hereto and made a part hereof, entitled "Policy of the Borough of Gettysburg, Adams County, Pennsylvania, Regarding Meeting Participation of Borough Council Members Not Physically Present by Means of Telecommunication Devices." Said policy shall take effect upon adoption.

Repealer: All other resolutions or parts of resolutions inconsistent herewith are hereby repealed.

Amendment: The provisions of this Resolution and the policy established hereby may be amended according to law by a resolution duly adopted by the Borough Council of the Borough of Gettysburg and approved by the Mayor of the Borough of Gettysburg.

THIS RESOLUTION DULY ADOPTED according to law on this 13th day of November, 2012, at a duly advertised meeting of the Borough Council of the Borough of Gettysburg.

BOROUGH OF GETTYSBURG

By: Michael J. Birkner
Michael J. Birkner
President of Borough Council

Attest:

Sara L. Stull
Sara L. Stull, Secretary

APPROVED this 13th day of November, 2012.

By: William E. Troxell
William E. Troxell, Mayor

Exhibit "A"

**POLICY OF THE BOROUGH OF GETTYSBURG, ADAMS COUNTY,
PENNSYLVANIA, REGARDING MEETING PARTICIPATION OF BOROUGH
COUNCIL MEMBERS NOT PHYSICALLY PRESENT BY MEANS OF
TELECOMMUNICATION DEVICES.**

WHEREAS, Section 1001 of the Borough Code, 53 P.S. § 46001, as amended by Act 43 of 2012, permits borough council members to participate in council meetings by means of telecommunication devices and to be counted in establishing a quorum under certain circumstances outlined therein; and

WHEREAS, consistent with Section 1001 of the Borough Code, the Borough of Gettysburg desires to establish and adopt a policy setting forth the guidelines to enable absent members of the Borough Council of the Borough of Gettysburg to participate in meetings by means of telecommunication devices; and

WHEREAS, the purpose of this policy is to set forth the procedures and guidelines for meeting participation of Borough Council members not physically present by means of telecommunication devices.

NOW, THEREFORE, BE IT ADOPTED by the Borough of Gettysburg, Adams County, Pennsylvania, by the Borough Council of the Borough of Gettysburg, and it is hereby

ADOPTED by the authority of the same as follows:

1. NOTIFICATION OF ABSENCE: A Borough Council member, who will be unable to attend a Borough Council meeting for one of the reasons for physical absence set forth in this policy and who desires to participate in the meeting by means of a telecommunication device, shall notify the Borough Manager, the Borough Secretary and the Borough Council as soon as practicable of such intent. An electronic mail (e-mail) correspondence shall be sufficient for such notification.

2. CONTENTS OF NOTICE: At a minimum, the notice that a Borough Council member will be absent and desires to participate in a Borough Council meeting by means of a telecommunication device shall contain:

- (a) Identification of Borough Council member providing the notice;
- (b) Date of absence and identification of Borough Council meeting(s) at which Borough Council member will not be physically present;
- (c) Reason(s) for absence; and

(c) Identification of telecommunication device to be used for participation in meeting(s), to include any necessary telephone numbers, e-mail addresses, links or access codes necessary for the Borough to communicate with the absent Borough Council member.

3. QUORUM: Borough Council members participating in Borough Council meetings by use of telecommunication device(s) may only be counted to maintain a quorum consistent with the requirements of Section 1001 of the Borough Code as outlined below:

(a) A majority of the membership of Borough Council then in office must be physically present at the advertised meeting place within the Borough and a quorum established at the convening or reconvening of the meeting. Except as provided in subsection (b), only Borough Council members physically present at a meeting place within the Borough shall be counted in establishing a quorum.

(b) If after the convening or reconvening of a meeting a Borough Council member has been disqualified from voting as a matter of law, but is still physically present, Borough Council members participating by telecommunication device shall be counted to maintain a quorum.

4. REASONS FOR PHYSICAL ABSENCE: Borough Council may only authorize participation by means of telecommunication devices by absent members of Borough Council for one or more of the following reasons for physical absence:

- (a) the illness or disability of the member of Borough Council;
- (b) the care for the ill or newborn in the Borough Council member's immediate family;
- (c) an emergency; and
- (d) family or business travel of the member of Borough Council.

5. TELECOMMUNICATION DEVICE SPECIFICATIONS: Borough Council members may participate in Borough Council meetings at which they are not physically present by means of telecommunication devices, such as telephones or computers, which permit, at a minimum, audio communication between locations, provided that:

(a) The telecommunication device used must permit the member or members of Council not physically present at the meeting to:

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

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

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

Any telecommunication device to be used by an absent Borough Council member for meeting participation must be compatible with a similar device of the Borough. The Borough will make every effort to accommodate an absent Borough Council member's participation; however, circumstances beyond the Borough's immediate control, such as equipment malfunction or service interruption may preclude such participation.

6. ABSENT MEMBER NOT TO CHAIR: An absent Borough Council member participating in a Borough Council meeting by use of a telecommunication device may not chair a meeting.

7. AMENDMENTS: The Borough Council may adopt amendments to this Policy from time to time consistent with the Borough Code or as it deems necessary to further ensure proper meeting participation by absent Borough Council members.

8. POSTING: A copy of this Policy shall be conspicuously posted at the Borough offices at 59 East High Street, Gettysburg, Pennsylvania 17325.

9. EFFECTIVE DATE: This Policy shall take effect upon adoption.

THIS POLICY DULY ADOPTED on this 13th day of November, 2012, at a duly advertised regular meeting of the Borough Council of the Borough of Gettysburg.


BOROUGH OF GETTYSBURG

By: Michael J. Birkner
Michael J. Birkner, President

ATTEST:

Sara L. Stull
Sara L. Stull, Secretary

APPROVED this 13th day of November, 2012.

By: 
William E. Troxell, Mayor