

CITY OF JOHNSTOWN

RULES AND ORDERS OF THE
COMMON COUNCIL

**Rule 1**

At each regular or special session the presiding officer shall take the chair at the hour to which the Common Council shall have adjourned. He/She/They shall immediately call the council to order, and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules. As provided for in Section 45 of the Charter of the City of Johnstown, the Mayor shall be the presiding officer of the Common Council, but shall have no vote therein except as in a case of a tie, when He/She/They shall have the casting vote and the Council Member-at-Large shall be the presiding officer of the Common Council in the absence of the Mayor, but shall not lose his vote as Council Member by reason of his acting as such presiding officer and when He/She/They shall vote as Council Member He/She/They shall have no casting vote on a tie.

In the event of the absence of both the Mayor and Council Member-at-Large the Council Member in the following order shall act as temporary presiding officer: Council Member Ward 1, Council Member Ward 2, Council Member Ward 3, and then Council Member Ward 4. The temporary presiding officer shall only act for the following purposes:

1. If there is absence of a quorum He/She/They shall adjourn the meeting.
2. If there is a quorum He/She/They shall as the first order of business proceed to take nominations for presiding officer pro-tempore which shall be chosen by the members of the Common Council and the presiding officer pro-tempore upon election shall then proceed with the business of the meeting at hand.

Where applicable, reference to the Mayor in the rules hereinafter set forth, shall refer to the Council Member-at-Large or presiding officer pro-tempore, as such presiding officer. (Amended 6/29/64 – Resolution 105, 1964)

**Rule 2**

As presiding officer, the Mayor shall possess the power and perform the duties herein prescribed, as follows:

1. He/She/They shall preserve order and decorum.
2. He/She/They shall decide all questions of order, subject to the appeal of the Common Council. On every appeal He/She/They shall have the right, in his place, to assign his or her reasons for his or her decision.
3. He/She/They shall appoint all committees, except the committee on auditing accounts provided for in Section 58 of the City Charter, unless otherwise ordered by the Common Council.
4. He/She/They shall have a casting vote only in the case of a tie between the members of the Common Council.
5. He/She/They shall promptly report to the Common Council all complaints against city officers for misconduct or neglect of duty.
6. He/She/They shall recommend to the Common Council, from time to time, such measures as He/She/They shall deem necessary or expedient for them to adopt.

**Rule 3**

The Chief of Police shall be Sergeant–at-Arms of the Common Council, and in that capacity shall attend all meetings when not otherwise engaged in official duty. If so engaged in official duty He/She/They shall designate one of the patrolmen to act in his place. He/She/They shall have the power, when directed by the Common Council, to enforce the attendance of absent members, and shall at all time discharge promptly every duty imposed upon him.

**Rule 4**

The presiding officer having taken the chair at the hour appointed and a quorum being present, the minutes of the preceding session shall be read to the end that any errors therein may be removed and the minutes corrected accordingly. If no error be claimed, the presiding officer may, upon his own motion and without a vote of the Common Council, order the minutes to stand approved as read. If error be claimed, the presiding officer may, if no objection be made, upon his own motion and without a vote of the council, order the error so claimed to be removed, the minutes to be corrected accordingly, and, as so corrected, to stand approved. If error be claimed and objection made to the removal thereof, the presiding officer shall order the minutes to stand approved as read, unless a majority of the council present and voting order that the minutes as read be corrected; and then, as so corrected, it shall stand approved. The minutes as first read shall not be altered on the face, nor shall any interlineations or erasures thereon be made, but all corrections shall form a part of the minutes of the session at which the same was order. After the reading and approval of the minutes, except in case of special meetings, or when any subject shall have been made a special order for a particular time, the order of business shall be as follows, and shall not be departed from, unless by unanimous consent of the Common Council:

1. Presentation of petitions
2. Presentation of claims and accounts
3. Matters pertaining to opening and widening of streets
4. Reports from City officers
5. Reports from standing committees
6. Report of select committees
7. Motions and Resolutions
8. Unfinished business of previous session
9. New business

**Rule 5**

Petitions, memorials, or any other papers addressed to the Common Council, may be presented by the Mayor, or by any member in his place.

**Rule 6**

Every member presenting a paper shall properly endorse the same; if a petition, memorial or report of city officer, with a brief statement of its subject or contents, adding his name; if a report of a committee, a statement of such report, with the name of the committee and member making the same, and every such petition, memorial or report of city officers, shall be referred by the Mayor to an appropriate committee. Resolutions not involving expenditure of money from the city treasury, and reports of committees may be acted upon at once, or postponed to any subsequent meeting of the Common Council. Every resolution or claim requiring the expenditure of money from the treasury, or touching the property or rights of any citizen, shall not be passed or considered at the same meeting of its presentation, provided any objection thereto shall be made when it is first present, and then, if such objection be made, it shall lie on the table at least one week or be referred to an appropriate committee.

**Rule 7**

Every member who shall be in his seat, when a question is stated by the chair, shall vote thereon, unless He/She/They be excused by the Common Council, or directly interested in the questions. No member shall be obliged to vote on any question unless in his or her seat when his or her name is called.

**Rule 8**

Any member requesting to be excused from voting, may make, when his or her name is called, a brief statement of the reasons for making such request, not exceeding five minutes in time. The question of excusing himself shall be taken without debate, and such request may be withdrawn at any time before He/She/They is excused, and He/She/They may vote.

**Rule 9**

No member rising to debate, to make a motion or report, or to present a petition or other paper, shall proceed until He/She/They has addressed the Mayor, and has been recognized by him.

**Rule 10**

While a member is speaking, no member shall entertain any private discourse or pass between him and the chair.

**Rule 11**

While the Mayor is putting a question, a count is being had, or the roll called, no member shall speak or leave his place.

**Rule 12**

When a motion to adjourn is carried, every member shall retain his seat until the Mayor declares the council adjourned.

**Rule 13**

No member shall speak more than once to the same general question, without leave of the council, until

 every member desiring to speak on the question pending shall have spoken.

**Rule 14**

If any member, in speaking, shall transgress the order of the Common Council the Mayor shall, or any member may, call him to order, in which case the member so called to order shall immediately sit down, and shall not rise, unless to explain or proceed in order.

**Rule 15**

All questions relating to the priority of business, that is, the priority of one question or subject matter over another, under the same order of business, shall be decided without debate.

**Rule 16**

It shall not be in order for any member to make a motion, or debate any question, or to present any petition, report, or other paper without rising to his feet, or while away from his own proper place.

**Rule 17**

Standing committees shall be appointed on the following subjects:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Fiscal | Public Safety | Public Works | Water | Public Utilities | Public Relations | Claims, Ordinances, & Rules | Sewer |
| -Auditing-Ways & Means-purchasing | -Judiciary-Police-Fire | -Parks-Streets, highways, &  bridges-Sidewalks, gutters, & crosswalks-Pavements & Sewers-Public buildings-Construction of  buildings | -water works | -electric-gas | -relations with  City & County-relations with  Chamber of  Commerce | -Rules-Claims-Ordinances-Insurance & Bonds | -Joint sewer |

 (Amended January 6, 1965 – Resolution 14, 1964)

**Rule 18**

Select committees shall be appointed from time to time, on such subjects, and for such purposes, as the exigencies of business shall seem to require.

**Rule 19**

It shall be the duty of each of the several committees to inquire into the matter indicated by its name, and report thereon to the Common Council any information which it may deem conducive to the public good.

**Rule 20**

It shall be the duty of the Auditing Committee and Committee of Ways and Means to examine into all the departments of the city government, with a view to the reduction of taxes, and the closest economy in public expenditures, and to that end they shall have the right of access at all times, to the books and papers of every officer.

**Rule 21**

All reports from either standing or select committees shall be in writing, and shall be properly filed and carefully preserved by the Clerk.

**Rule 22**

Any matter may be made a special order for any particular day by the assent of two-thirds of the members present, and no special order shall be postponed or rescinded except by vote of two-thirds of the members present.

**Rule 23**

When a question shall be under consideration, no motion shall be received except as herein specified, which motions shall have precedence in the order stated:

1. For an adjournment of the council.
2. To lay on the table.
3. To postpone indefinitely.
4. To commit to a standing committee.
5. To commit to a select committee.
6. To amend.

**Rule 24**

The motions to adjourn and to lay on the table shall be decided without amendment or debate of the main question.

**Rule 25**

Every motion or resolution shall be personally read and introduced by the Council Member sponsoring the same, before any action shall be taken thereon, and every motion shall be reduced to writing, if the Mayor or any member shall request it.

**Rule 26**

After a motion shall be stated by the Mayor it shall be deemed in the possession of the Council, but may be withdrawn at any time before it shall be decided or amended.

**Rule 27**

The motion to adjourn or to take a recess shall always be in order.

**Rule 28**

No motion for reconsideration of any vote shall be in order unless at the same session or the first subsequent regular session to that on which the decision propose to be reconsidered took place; nor unless one of the majority present and voting thereon shall move such reconsideration. A motion for a reconsideration being put and lost shall not be renewed, nor shall any subject or vote be a second time reconsidered without unanimous consent.

**Rule 29**

In all cases of the absence of a quorum during the session of the council, the members present may take such measures as they deem necessary to secure the presence of a quorum, and may inflict such censure or pecuniary penalty as they may deem just on those who, being called on for that purpose, shall render no sufficient excuse for their absence.

**Rule 30**

If any question contains several distinct propositions, it shall be divided by the Mayor, at the request of any member; but a motion to strike out and insert shall be indivisible.

**Rule 31**

The yeas and nays shall be taken on any question whenever so requested by two members, and when so taken shall be entered on the minutes.

**Rule 32**

The Clerk shall keep an accurate record of the proceedings of every meeting, and such proceedings shall be fully written out in a book to be kept by him for that purpose immediately after his minutes shall have been approved, and such minutes of proceedings shall at all times be open to the inspection of any member of the Common Council. He/She/They shall also properly file and carefully preserve every petition, memorial, report, or other paper presented to the Common Council, and have same ready at all times for speedy use or reference if desired by the Common Council. He/She/They shall promptly serve on the chairman of any standing or select committee a written copy of any resolution, or a succinct statement of any subject matter, together with al papers in his possession relating thereto, to which such resolution or subject matter may have been referred and until such committee, through its chairman, shall have been so served it shall not proceed to the investigation of the matter referred to. All papers shall be returned to the Council by the committee with their reports, and place in the custody of the Clerk, and, except for the purpose herein specified, the Clerk shall not allow any papers to go out of his possession.

**Rule 33**

All applications to the Common Council, for any purpose whatever, shall be made in writing and all arguments of any parties interested in the opening of streets, or other matters in which they are entitled to a hearing, previous to the action of the council, may be submitted in writing and read by the Clerk, or they may be heard orally as the council may elect, and all such applications and arguments, if in writing, shall be filed and preserved.

**Rule 34**

Persons desiring to be heard orally may be heard before the committees of the Common Council but the council itself will only receive arguments as prescribed in Rule 33.

**Rule 35**

No standing rule or order of the Council shall be changed, suspended, or rescinded until a regular meeting subsequent to one upon which notice to do shall be been given, nor shall such change be made unless by

a vote of a majority of all the members elected tot eh council, nor shall such notice be given at any except a regular meeting of the council. The notice and motion shall in all cases state specifically the object of the suspension, and every case of suspension of a rule under such notice and motion shall be held to apply only to the objects specified therein, but any rule any at any time be suspended for a particular purpose by unanimous consent of all the members present.

**Rule 36**

No member of this council shall occupy more than twenty minutes in the discussion of any one question, and the previous question may be ordered at any time by a two-thirds vote of the members present.

**Rule 37**

Upon any question which may arise not especially provided for in these rules, the general principles of parliamentary law shall apply so far as the same are applicable.

**Rule 38**

All requests for resolutions, all petitions to the Mayor and Common Council and any and all other matters to be presented at the Common Council meetings, except such matters as shall be determined by the Mayor and Common Council to be of an emergency nature,

**Rule 39**

That on all questions of procedure not specifically covered herein shall be under general principal of parliamentary law as set forth in Rule 37 and Robert’s Rules of Order shall be the authority.