

# EXHIBIT 5

RESOLUTION 31-2010

AS AMENDED

I offer the following Resolution and move its adoption:

*Gary Martin Roberts*

A Resolution amending the Rules of Council for the Harrisburg City Council. (Additions indicated by underscoring; deletions by [bracketing].)

**RULES OF COUNCIL**

**GENERAL RULES:**

**ELECTION OF OFFICERS**

**RULE NO. 1.** At its organizational meeting required by law on the first Monday of January following the regular municipal election, the members of City Council shall assemble [at the usual place of meeting] in Council Chambers at 12:00 p.m. (noon) and organize and elect a President and Vice President of the Council, by majority vote, from among its members to serve a two (2) year term. If the first Monday is a legal holiday, the meeting shall be held on the first day following. In the event the President of City Council is unable to complete his/her term, for whatever reason, City Council shall, within thirty (30) days of notification, duly elect a new President to serve the remainder of the term. Pending said election, the Vice President shall preside. In the event that the Vice President of City Council is unable to complete his/her term, for whatever reason, City Council shall, within thirty (30) days of notification, duly elect a new Vice President to serve the remainder of the term.

**MEETINGS OF COUNCIL**

**RULE NO. 2.** Council shall meet in Legislative Session at 6:00 p.m. on the second and fourth Tuesday of each month in Council Chambers, preceded by a non-voting review session at 5:30 p.m., but Council may adjourn from time to time. [Council shall meet in non-legislative session on the first and third Tuesday of each month at 6:00 p.m.] When such days fall on legal holidays, the regularly stated meeting for such day shall be held at the stated time and place on the next day. Special meetings may be called by the President or upon request of [two] four members[. The Call shall specify that it be] for special business, and no other business shall be considered. Each member shall have at least twenty-four (24) hours' notice of special meetings, or they may waive the same. If a member is unable to attend a Legislative Session or Special Legislative Session, said member shall notify both the City Clerk and the President of Council of his/her absence as soon as practicable.

*(amended)  
(6/08/10)*

**CALLING MEETINGS TO ORDER**

**RULE NO. 3.** The President shall call the meeting to order and shall preside. In the absence of the President, the Vice President shall serve as the Presiding Officer. If both the President and Vice President are absent, the meeting shall not be called to order unless the President

has designated a member of Council, in writing, to serve as Presiding Officer of that session. No Legislative [, Non Legislative] or Special Legislative Session of Harrisburg City Council shall be called to order with or without a quorum in the absence of the City Solicitor or a staff attorney from the Law Bureau[to provide proper legal advice and avoid possible serious and potentially devastating consequences].

#### **CONFLICT [DISCLOSURE] OF INTEREST**

**RULE NO. 4** [A member who has a personal or private interest in any question, measure or bill proposed or pending before the Council shall disclose the fact to Council and shall not vote thereon. If such interested person shall vote without disclosing his/her interest in such question, measure or bill, Council may avoid the enactment or transaction or not, as it deems best.] City Council members must avoid conflicts of interest between the member and the business of the city of Harrisburg. Any situation that involves, or may be reasonably expected to involve a conflict of interest with his/her duties and decisions as a City Council member should be promptly disclosed to the President and all other Council members. A conflict of interest can occur when a member's private interest interferes or influences in any way, or even appears to interfere with or influence, the interests/decisions of the Council body. The President shall consult with the City Solicitor as to what is the appropriate action to be taken to deal with the conflict of interest and the member shall abide with the recommendation of the City Solicitor.

#### **PROCEDURE**

**RULE NO. 5** The Standard Code of Parliamentary Procedure by Alice Sturgis (most current edition) shall govern the proceedings of the Council on all matters not specifically provided for herein. The Solicitor shall serve as the Parliamentarian.

#### **AMENDMENTS**

**RULE NO. 6** Proposed amendments to these Rules must be presented in writing [at a non-legislative meeting of Council held at least one week prior to the date when the same are to be finally considered] to the Chair of the Administration Committee. The Chair of the Administration Committee shall provide all members of Council with said proposed Rule change(s) and shall hold an Administration Committee meeting to review same within 30 days from receipt. Rule changes shall be voted on at a regular or special legislative session and shall be adopted only by the affirmative vote of two-thirds (2/3) of all members of Council [, which would the affirmative vote of five member of Council as log as Council is composed of (7) seven members].

#### **SUSPENSION OF RULES**

**RULE NO. 7** These rules may be suspended by the affirmative vote of the majority of all members of Council present, but such suspension shall not extend beyond adjournment. No Rule of Council which is a subject of legislative enactment shall be suspended.

#### **LEGISLATIVE SESSIONS**

**RULE NO. 8** The order of business for legislative meetings shall be as follows:

Call to Order  
Roll Call  
Invocation/Moment of Silence  
Pledge of Allegiance



the appropriate committee to which legislation and other issues shall be referred.)

The Parliamentarian shall preside at the meeting until the President is elected.

- 2.) The President of Council shall have general supervision of all Legislative Sessions and Special Legislative Sessions, [The President shall be responsible for all administrative and fiduciary duties of the office of the City Clerk, including but not limited to evaluations of all management level staff, all capital purchases within the Office of the City Clerk, staff leave requests and signing of contracts, bonds and the annual financial statement provided to the Commonwealth of Pennsylvania.]
- 3.) The President shall be responsible for overseeing the general administrative and fiduciary functions of the office of the City Clerk. The City Clerk shall be responsible for all administrative, fiduciary, and day-to-day operations of the office of the City Clerk, including employee supervision, work assignment, leave requests, and evaluations. The President shall be responsible for approving the leave requests of the City Clerk, reviewing and approving the office Budget prepared by the City Clerk, signing contracts, bonds, and the annual financial statement provided to the Commonwealth of Pennsylvania.

**B. Vice President [(duties)]**

- 1.) The Vice President shall [in the absence of the President for whatever reason] preside over [conduct] all Legislative and Special Legislative Sessions [Meetings, Chair all Administration Committee Meetings, attend and represent Harrisburg City Council at functions and perform other requirements normally accomplished by the President.] in the absence of the President. The Vice President shall represent Harrisburg City Council at functions and perform other requirements normally done by the President, in the President's absence.

**[INTRODUCTION AND PASSAGE OF] ORDINANCES AND RESOLUTIONS  
RULE NO. 12**

- A. Every legislative act of City Council shall be by Ordinance and every act of policy shall be by Resolution, both having passed Council, [and having been] signed by the President of Council, and attested to by the City Clerk.
- B. All Bills to be given first reading and Resolutions to be considered shall be introduced [upon First Reading then placed into the appropriate committee] in written form as Bills or Resolutions and shall be numbered serially for the calendar year. No Ordinances[, except general appropriation Ordinances,] shall be passed containing more than one subject, [which shall be expressed in its title] except for general appropriation Ordinances.
- C. The title of every Bill shall be read when introduced, if amended, and on final passage. A complete copy of every Bill introduced shall be available for public inspection at the City Clerk's Office during regular office hours. Upon final passage, Ordinances shall be numbered serially for the calendar year.
- D. A majority of the whole number of members of City Council shall constitute a quorum[, but no]. No Resolution or Ordinance shall be adopted by [the] City Council without the

affirmative vote of a majority of all members of [the] Council. [A Resolution may be adopted by the affirmative vote of a majority of the quorum present.]

- E. The vote upon every Motion, Resolution, or Bill shall be taken by roll call, and the yeas and nays shall be entered in the Minutes. The Presiding Officer shall vote last on all questions and may take part in debate without leaving the Chair. [The action of Council on Bills shall be noted in the minutes.]
- F. All Ordinances shall be adopted and published in the manner required by general law.
- G. The City Clerk shall record all Ordinances and Resolutions adopted by Council and at the close of each year, with the advice and assistance of the City Solicitor, as required by law, shall bind, compile, or codify all of the Ordinances and Resolutions, or true copies thereof, of the City which then remain in force and effect. The City Clerk shall also properly index the record books, compilation or codification of Ordinances and Resolutions.
- H. No rule or regulation made by any department, officer, agency, or authority of the City, except such as relates to the organization or internal management of the City government or a part thereof, shall take effect until it is filed either with the City Clerk or in such other manner as may be provided by Ordinance. The Council shall provide for the prompt publication of such rules and regulations.
- I. Ordinances adopted by the Council shall be submitted by the City Clerk to the Mayor within seventy-two (72) hours after passage, or as otherwise required by law.

#### RECONSIDERATION

**RULE NO. 13** A motion to reconsider shall be entertained only on Motion of a member who voted in the affirmative on the matter and may only be brought at the next legislative meeting (regular or special) following the one at which the vote was taken. [No second motion to reconsider the same motion shall be entertained.]

#### RECEIVING REPORTS

**RULE NO. 14** The Presiding Officer at a meeting of City Council [will] may announce that the Minutes, a report, or communication is received and accepted and that this action shall be so noted in the Minutes [by the City Clerk]. This shall not exclude the right of any member of City Council to move that a report or communication be referred to a committee or other appropriate body.

#### [NON-LEGISLATIVE MEETINGS

**RULE NO. 15** The order of business for non-legislative meetings shall be as follows:

CALL TO ORDER  
ROLL CALL  
COURTESY OF THE FLOOR  
COMMUNICATIONS

REPORTS OF COMMITTEES  
ORDINANCES FOR FIRST READING  
ORDINANCES FOR SECOND READING  
ORDINANCES FOR FINAL PASSAGE  
RESOLUTIONS  
OLD BUSINESS  
NEW BUSINESS  
PUBLIC PARTICIPATION  
ADJOURNMENT]

[COURTESY OF THE FLOOR

**RULE NO. 16.** Courtesy of the Floor during non-legislative sessions shall be conducted in the same manner as during legislative sessions: provided, that the Chair may recognize members of the audience during non-legislative sessions for the purposes of making comments, suggestions or answering questions posed by members of Council.]

**COMMITTEES**

**RULE NO. 15 [17]** The President Of City Council shall appoint the following standing committees with duties that include, but are not limited to, the matters as indicated. When a matter can be placed in more than one committee, the President shall solely determine the appropriate committee to which that matter shall be assigned, on a non-precedent setting basis.

- A. ADMINISTRATION:** All matters relating to personnel policy, personnel administration, Department of Administration, and related City agencies.
- B. BUDGET AND FINANCE:** All matters relating to budget, finance, taxes, indebtedness, bond issues, penalties, the operating and capital budgets, water and sewer rates and fees.
- C. BUILDING AND HOUSING:** All matters related to the activities of the Department of Building and Housing Development, or its successor, related municipal authorities, the rehabilitation of the housing stock within the city, and [applications filed for exterior alterations in] matters concerning the Harrisburg [Historic] Architectural Review Board (HARB).
- [D. CHILDREN AND YOUTH:** All matters relating to children and youth programming, including organizing conferences for sharing ideas, working on community projects identified by the student representatives, becoming involved with those organizations which also seek to serve children and youth, and working toward the development of new programs.]
- D. [E] COMMUNITY AND ECONOMIC DEVELOPMENT [COMMITTEE]:** Specific Matters related to [the department of Building & Housing Development] subdivision and land development plan approvals, the Federal Community Development Block Grant Program[’s housing activities] and the administration of the city’s entitlement of CDBG funds.

- E. **[F] PARKS AND RECREATION:** All matters falling within the jurisdiction of the Department of Parks and Recreation.
- F. **[G] PUBLIC SAFETY:** All matters falling within the jurisdiction of the Department of Public Safety; the Bureaus of Fire and Police.
- G. **PUBLIC WORKS:** All matters falling within the jurisdiction of the Department of Public Works [and Department of Steam Generation] and its related [City] authorities.

Council may establish special committees, as needed. The President of City Council shall serve as an ex-officio voting member of all committees. No committee meeting will be held prior to 5:00 p.m. and all committee meetings will be held from Monday through Thursday only, unless a majority [of the total] number [of members] of Harrisburg City Council agree to change the date and/or time.

#### **ESTABLISHMENT OF FEES**

##### **RULE NO. 16 [18]**

- A. Property owners and/or interested parties who make a request of City Council for street vacations, openings, widenings, easements, rights-of-way, special exceptions, appeals, or any other waiver or action which requires public advertisement, stenographic services or other costs must pay a fee equal to the costs incurred by the [City] Office of the City Clerk [in said action] prior to the final passage and receipt of a certified copy of City Council's actions.
- B. Applicants for such actions as noted in (A.) above shall be notified of the fees at the time the action is requested of City Council.
- C. Upon written request of the applicant, fees may be waived by City Council upon a two-thirds (2/3) majority vote.

#### **COMMITTEE MATTERS**

**RULE NO. 17 [19]** [Whereas,] No items shall be removed from a committee and placed on City Council's agenda without the approval of the Committee Chair, unless [a member of Council receives the approval of] it is approved by a two-thirds (2/3) majority vote of City Council [to do so].

#### **PROFESSIONAL SERVICES AGREEMENTS**

##### **RULE NO. 18 [20]**

- A. Each step in the process, from interviewing to setting final agreement terms, conditions, and restrictions, shall only be authorized by passage of a resolution of Harrisburg City Council, approved by a minimum of four votes.
- B. No individuals or professional firms shall be contacted or approached by any member of City Council or staff, in order to discuss the terms, conditions, general or specific nature

of representation, reviews related to financial requirements, at any time, unless authorized by passage of a Resolution of Harrisburg City Council.

- C. The President of Harrisburg City Council shall be the designated representative of the body, who shall communicate the intentions of City Council with respect to professional service contracts for "as needed" services, which can only be authorized upon a vote called by the President with a minimum of four votes for approval.
- D. Termination of any professional services contract for "as needed" services can only be Authorized by passage of a Resolution by four members of City Council.
- E. After all individuals/firms have been contacted in writing and all requested materials have been furnished, City Council shall meet in the Administration Committee and follow all rules pertaining to the further disposition of business.
- [F. Electronic Recording of City Council Meetings.**

- 1. No video taped session of Harrisburg City Council, including a Legislative Session, Committee Meeting or special session of Council taped by a contracted videographer shall be edited for any reason without or unless a majority of Council members agree that the content will not be altered by said edit.
- 2. Before any technical edit is made, the contracted videographer must submit to all members of Council a written explanation and reasons for this edit. A majority of Council Members must agree with the videographer's request and written approval must be transmitted to the contracted videographer by the President before the technical edit can be made.]

#### **ELECTRONIC RECORDINGS OF CITY COUNCIL MEETINGS**

**RULE NO. 19** No video taped session of City Council shall be edited by a videographer for any reason without or unless a majority of City Council members agree that the deletion is warranted by law and that the content will not otherwise be altered by said edit. Before any said edit is made, the videographer must submit a written explanation for this edit to all members of City Council and it must be approved by the majority of City Council members.

#### **PLEDGE OF ALLEGIANCE**

**RULE NO. 20** [21] All Legislative Sessions of Harrisburg City Council shall include the Pledge of Allegiance to the flag of the United States of America as the first order of business after the Invocation/Moment of Silence.

Seconded by:



\_\_\_\_\_

YEAS		NAYS
✓	SMITH	
✓	WILLIAMS	
✓	WILSON	
✓	ROBERTS	
✓	WILSON	
✓	SMITH	
✓	WILLIAMS	
✓	ROBERTS	
Yes: _____	7	_____
Nays: _____	0	_____

I call this to be a  
true and correct  
copy.  
K. [Signature]  
10-26-11

Presented to the City Council on June 8, 2010  
 by [Signature]  
 President of City Council  
 Attest: [Signature]  
 City Clerk