

RESOLUTION NO. 12-2020

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF NEW OXFORD, ADAMS COUNTY, PENNSYLVANIA, APPROVING AND ADOPTING RULES AND REGULATIONS OF THE BOROUGH COUNCIL REGARDING THE CONDUCT OF ALL MEETINGS OPEN TO THE PUBLIC AND THE MAINTENANCE OF ORDER AT SUCH MEETINGS OF THE BOROUGH COUNCIL.

WHEREAS, pursuant to the laws governing open meetings, 65 Pa.C.S. § 701 et seq. (hereinafter the “Sunshine Act”), an agency, by official action, may establish and adopt reasonable rules and regulations for the conduct of its meetings open to the public and the maintenance of order at such meetings; and

WHEREAS, the Borough of New Oxford, Adams County, Pennsylvania, is an “agency” as defined by the Sunshine Act; and

WHEREAS, the Borough Council of the Borough of New Oxford desires to establish and adopt rules and regulations for the conduct of its meetings open to the public and the maintenance of order at such meetings.

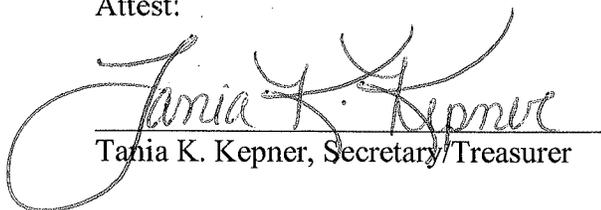
WHEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of New Oxford, Adams County, Pennsylvania, hereby adopts, pursuant to section 710 of the Sunshine Act, the rules and regulations as set forth on Exhibit “A” attached hereto and made a part hereof, entitled “Rules and Regulations of the Borough Council of the Borough of New Oxford, Adams County, Pennsylvania, Regarding Conduct of all Meetings Open to the Public and the Maintenance of Order at such Meetings of the Borough Council of the Borough of New Oxford.” The attached Rules and Regulations shall be used in the conduct of subsequent regular and special meetings and work sessions of the Borough Council of the Borough of New Oxford and shall officially take effect on January 1, 2021.

THIS RESOLUTION DULY ADOPTED according to law on this 5th day of October, 2020, at a duly advertised monthly general business meeting of the Borough Council of the Borough of New Oxford, Adams County, Pennsylvania.

BOROUGH OF NEW OXFORD

By: 
Dorothy M. Robinson
President of Borough Council

Attest:


Tania K. Kepner, Secretary/Treasurer

**RULES AND REGULATIONS OF THE BOROUGH COUNCIL OF
THE BOROUGH OF NEW OXFORD, ADAMS COUNTY,
PENNSYLVANIA, REGARDING THE CONDUCT OF ALL MEETINGS
OPEN TO THE PUBLIC AND THE MAINTENANCE OF ORDER AT
SUCH MEETINGS OF THE BOROUGH COUNCIL OF THE
BOROUGH OF NEW OXFORD.**

WHEREAS, pursuant to the laws governing open meetings, 65 Pa.C.S. § 701 et seq. (hereinafter the “Sunshine Act”), an agency may establish reasonable rules and regulations for the conduct of its meetings and the maintenance of order at such meetings; and

WHEREAS, the Borough of New Oxford, Adams County, Pennsylvania (hereinafter the “Borough”) is an “Agency” of the Commonwealth of Pennsylvania, as defined by the Sunshine Act; and

WHEREAS, the purpose of this document is to set forth and establish rules and regulations regarding the conduct of public meetings of the Borough Council of the Borough of New Oxford (hereinafter the “Borough Council”), including guidelines for public comment, conduct and protocol and the use of recording devices at such meetings.

NOW, THEREFORE, BE IT ADOPTED by the Borough Council of the Borough of New Oxford, Adams County, Pennsylvania, and it is hereby adopted by the authority of the same as follows:

1. SCOPE OF PUBLIC COMMENT: The scope of public comment, as defined in the Sunshine Act, shall be limited to matters of concern, official action or deliberations which are or may come before the Borough Council prior to its taking official action. These matters are defined by the Borough Code which sets forth the powers and responsibilities and delineates the corporate and specific powers of the Borough Council. Public comment is not intended for the purposes of reciting or reading legislation, ordinances or other such documents in order to make the same a part of the official records of the agency.

2. PROCEDURES FOR ACCEPTING PUBLIC COMMENT:

a. REGULAR OR SPECIAL MEETINGS OF BOROUGH COUNCIL

(1) Resident or Taxpayer: The Borough Council shall provide a reasonable opportunity for public participation of residents or taxpayers of the Borough at or near the beginning of each regular or special meeting in order to comment on all matters listed for

Exhibit “A”

official action and to comment on any other matters of concern or deliberation which are or may come before the Borough Council. In the course of each regular or special meeting, residents or taxpayers of the Borough may also be recognized at the discretion of the Borough Council president, vice president or president pro tempore (hereinafter the “presiding officer”), whoever is presiding over the meeting on behalf of the Borough Council, in order to provide comments or information which may be helpful to the Borough Council in its deliberations on matters before the Borough Council and particularly on matters which have been added to the meeting agenda following the commencement of the meeting.

(2) Nonresident or non-taxpayer: Extending the courtesy of public comment to nonresident or non-Borough taxpayer individuals is discretionary on the part of the Borough Council and its presiding officer. If a nonresident or non-Borough taxpayer wishes to address the Borough Council on a matter for official action or a matter of concern, the Borough Council may extend the courtesy of affording such public comment and may want to provide for the receipt of such comment, especially if the individual has information that may be helpful or which is in the best interests of the Borough for the Borough Council to receive and consider.

(3) Time limits: The purpose of a time limit is to assure that all wishing to speak have the opportunity to do so, that all shall have generally an equal opportunity to speak, that Borough Council shall receive all comments on matters for official action prior to voting on such matters, and that the Borough Council shall be able to conduct the required business of the meeting agenda.

Generally, each person to address the Borough Council shall be afforded a maximum of five (5) minutes within which period of time to provide public comment to the Borough Council.

If a time limit of fewer than five (5) minutes is to be utilized for each person to provide public comment to the Borough Council at an open meeting, it shall be indicated at the beginning of the public comment period of the meeting. In no case shall a time limit of fewer than two (2) minutes be designated for each resident or taxpayer of the Borough to provide public comment to the Borough Council.

If a strict time limit on public comment is to be utilized, the presiding officer shall designate a timekeeper. The speaker will be told when one (1) minute remains on her or his time to conclude public comment.

If after one-half (1/2) hour public comment period of the meeting has not been completed, the presiding officer may ask by a show of hands of those persons desiring to speak to agenda items, and those desiring to speak to other matters of concern. The presiding officer may, within her or his discretion, defer any additional public comment on the other matters of concern until the next regular monthly business meeting of Borough Council or to a special meeting of the Council occurring in advance of the next regular monthly business meeting.

(4) Agenda: A resident or taxpayer of the Borough may request to be placed on the agenda for the public participation period of a regular meeting, special meeting or work session meeting of the Borough Council. Such request must be made directly to the Borough through the Borough Secretary a minimum of five (5) business days prior to the date of the open meeting.

(5) Sign-in form: When it becomes known, either in advance of a meeting or upon arrival to a meeting, that there may be many persons wishing to comment, the Borough Secretary may decide to have a special sign-in form available and require that all those present who desire to make public comment sign up for the opportunity to speak during the public comment period of the meeting. This form will provide name, address, and indicate whether the matter for which public comment is to be made is an agenda item for action or regarding another matter of concern.

After review of the sign-in form, the presiding officer shall determine if a time limit of less than five (5) minutes for public comment of each speaker is required.

b. WORK SESSIONS:

Work sessions are non-voting meetings held to gather information, work on items to get ready for consideration of placement on the agenda of a subsequent regular or special meeting, and to prepare the agenda of items for official action at a subsequent regular or special meeting of the Borough Council. It shall be the policy of the Borough Council to provide for a period of public participation and comment on matters of concern within the allowed scope at the beginning of each work session. Given the topic or topics of the work session, the required participation of other professionals or consultants, the presiding officer may set a time limit on the period provided by the Borough Council for public participation and comment.

3. CONDUCT AND PROTOCOL:

a. All public comment shall be directed to the presiding officer, who may, at her or his discretion, provide response as appropriate. This shall include public comment related to any presentation being made to Borough Council. In those instances, the presenter, when asked to make responses, shall do so by and through the presiding officer.

b. If a member of Borough Council has information which she or he wishes to offer, the member may request to be recognized and then provide the information to the presiding officer. The presiding officer may also, at her or his discretion, request or offer a member of Borough Council the opportunity to respond to a comment.

c. The public and the members of Borough Council are at all times to demonstrate mutual respect and decorum. The members of the Borough Council are not to engage members of the public in argument, nor are members of the public to speak out from their seats or engage the members of Borough Council or one another in discussion or argument. Any Borough Council members or members of the public engaging in any such conduct shall be called out of order by the presiding officer.

d. Comments, that make statements of personal attacks or statements that could be construed as being libelous, slanderous, or that defame the character of any elected or appointed Borough official or any member of the public, shall not be permitted.

e. Comments, of a partisan political nature to speak either in favor of or in opposition to any political candidate, shall not be permitted.

f. On those occasions when a topic or issue is brought forward during a public participation and comment period that a member of Borough Council would like an opportunity to discuss, the member may request that Borough Council take up this item under the appropriate category of the agenda for discussion or for future action.

g. Any actions by the Borough Council, which may not be in strict accordance with these Rules and Regulations, shall not be deemed invalid or illegal unless and except any federal or state law is violated and the violation of such federal or state law statutorily sets forth that such action shall be rescinded or invalidated for the violation.

4. USE OF RECORDING DEVICES:

a. Recording devices, including tape recorders, video cameras, television cameras, microphones, cameras, wireless or cellular telephones, and other similar mechanical, electric or electronic devices shall generally be permitted in public meetings. However, no recording devices which produce sound which is distracting to the audience or to meeting participants shall be permitted. No recording devices shall be permitted prior to the commencement of a public meeting, following the adjournment of a public meeting, during a recess of a public meeting, during a conference held pursuant to § 707(b) of the Sunshine Act, or during an executive session of the Borough Council held pursuant to § 708 of the Sunshine Act.

b. Recording devices shall be operated from the area set aside for the general public so as not to interfere in any way with the activities of the Borough Council or the ability of other members of the general public to observe the Borough Council.

c. Recording devices shall be positioned only in certain locations designated by the Borough Council, which designation shall provide reasonable access to record the proceedings, without distracting or blocking the view of members of the audience in attendance at the meeting and without being affixed to or occupying spaces on furniture, walls or fixtures in the meeting room.

d. Only available light shall be used for recording devices, unless prior approval for additional lighting is granted by the presiding officer of the Borough Council.

e. Movement about the room while a meeting is in progress may be distracting and bothersome to the audience and to meeting participants. Persons operating recording devices shall remain in a single, designated location during the meeting and shall not be permitted to move about in order to record while the meeting is in progress.

f. No recording device may be used to record private conversations between audience members attending the public meeting, or to record the private conversations between any elected or appointed Borough officials or of any others in attendance at the meeting whose comments or questions are made privately and are not intended for public circulation or disclosure.

g. Operators of recording devices, who violate these Rules and Regulations and who do not immediately remedy the violation at the request of Borough Council, shall not be permitted to continue recording during the meeting.

5. AMENDMENTS:

The Borough Council may adopt amendments to these Rules and Regulations from time to time in order to comply with the Sunshine Act or as it deems necessary to further ensure order in the conduct of meetings which are open to the public.

6. POSTING:

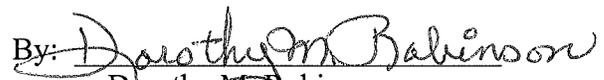
A true and correct copy of these Rules and Regulations shall be conspicuously posted at the Borough's municipal offices at 124 North Peters Street, New Oxford, Pennsylvania 17350.

7. EFFECTIVE DATE:

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ADOPTED on this 5th day of October 2020, at a duly at a duly advertised monthly general business meeting of the Borough Council of the Borough of New Oxford, Adams County, Pennsylvania.

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7. EFFECTIVE DATE:

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