

RESOLUTION NO. 12808 -3

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; and

WHEREAS, the Borough of Gettysburg (hereinafter the "Borough") is an "agency" as defined by the Sunshine Act; and

WHEREAS, the Borough desires to adopt rules and regulations for the conduct of its meetings and the maintenance of order.

WHEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Gettysburg hereby adopts 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 Gettysburg, Adams County, Pennsylvania, Regarding Conduct of Public Meetings." Said rules and regulations shall take effect on January 1, 2009.

THIS RESOLUTION DULY ADOPTED according to law on this 8th day of December, 2008, at a duly advertised meeting of the Borough Council of the Borough of Gettysburg.

BOROUGH OF GETTYSBURG

By: 

Edwin R. Peterson
President of Borough Council

Attest:


Sara L. Stull, Secretary

APPROVED this 8th day of December, 2008.

By: 

William E. Troxell, Mayor

Exhibit "A"

**RULES AND REGULATIONS OF THE BOROUGH COUNCIL OF
THE BOROUGH OF GETTYSBURG, ADAMS COUNTY,
PENNSYLVANIA, REGARDING CONDUCT OF PUBLIC MEETINGS**

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; and

WHEREAS, the Borough of Gettysburg (hereinafter the "Borough") is an "agency" as defined by the Sunshine Act; and

WHEREAS, the Borough shall use Robert's Rules of Order (1986 Bantam Books edition published by arrangement with Poor House Press, 1982 Poor House Press edition) (hereinafter "Robert's Rules") as a general guide for the conduct of meetings; and

WHEREAS, the purpose of this document is to set forth further rules and regulations regarding the conduct of public meetings of the Borough Council of the Borough of Gettysburg (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 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. 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. 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 purpose of solely reciting or reading legislation, ordinances or other such documents.

2. PROCEDURES FOR ACCEPTING PUBLIC COMMENT:

a. REGULAR OR SPECIAL MEETINGS OF BOROUGH COUNCIL

(1) Resident/taxpayer: The Borough Council shall provide a reasonable opportunity for residents and/or taxpayers of the Borough at the beginning of each regular or special meeting to comment on all matters listed for official action and to comment on any other matters of concern or deliberation which are or may come before Borough Council. In the course of each regular and/or special meeting, residents and/or taxpayers 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 a matter before Borough Council.

(2) Nonresident/non-taxpayer: Extending the courtesy of public comment to nonresident/non-taxpayer individuals is discretionary. If a nonresident/non-taxpayer wishes to address Borough Council on a matter for official action or a matter of concern, the Borough Council may extend the courtesy of public comment and may want to provide for this comment, especially if the individual(s) has information that may be helpful or in the best interests of the Borough for the Borough Council to 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 an equal opportunity to speak, that Borough Council shall receive all comments on matters for official action prior to voting, and that Borough Council shall be able to conduct the required business of the meeting agenda.

Generally, each person to address Borough Council shall be provided a maximum of five (5) minutes.

If a time limit of fewer than five (5) minutes is to be utilized, it shall be indicated at the beginning of the public comment portion of the meeting. In no case shall a time limit of fewer than two (2) minutes be designated.

The presiding officer shall designate the timekeeper, usually the Borough Secretary. The speaker will be told when one (1) minute remains on time.

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

(4) Agenda: A resident and/or taxpayer of the Borough may request to be placed on the agenda for the public comment period of a regular meeting or special meeting of Borough Council. Such request must be made directly to the Borough Secretary a minimum of three (3) business days prior to the date of the 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 have a sign-in form available and require that all those present who desire to make public comment sign up to speak. This form will provide name, address, and indicate whether the matter is an agenda item for action or other 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 each speaker is required.

b. TOPICAL WORK SESSIONS/COMMITTEE MEETINGS

Topical work sessions and committee meetings are non-voting meetings held to gather information, work on items to get ready for consideration of placement on the agenda, and to prepare the agenda of items for official action. It shall be the policy of Borough Council to provide for a period of comment on matters of concern within the allowed scope at the beginning of each session. Given the topic(s) of the work session, required participation of committee members, other professionals or consultants, the presiding officer, or committee chair, as appropriate, may set a time limit on the period for public comment and/or defer it to the end of the work session or committee meeting.

3. CONDUCT AND PROTOCOL:

a. All public comment shall be directed to the presiding officer, who will provide response as appropriate. This shall include comment related to any presentation made to Borough Council. In those instances, the presenter, when asked to make responses, shall do so through the chair (the presiding officer), as Robert's Rules direct.

b. If a member of Borough Council has information he or she 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 his or her discretion, request or offer a member of Borough Council the opportunity to respond to a comment.

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

d. Comments which make statements of personal attacks or statements that could be construed as libelous, slanderous, or that defame the character of any elected or appointed 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 comment that a member of Borough Council would like discussed, the member may request that Borough Council take up this item under the appropriate category of the agenda for discussion or future action.

g. Robert's Rules shall be used as a guide for public meetings. However, any actions by the Borough Council which may not be in strict accordance with Robert's Rules or the within Rules and Regulations shall not be deemed invalid or illegal unless and except any federal, state or local law or ordinance is violated.

4. USE OF RECORDING DEVICES:

a. Recording devices, including tape recorders, video cameras, television cameras, microphones, cameras, wireless telephones, and other similar mechanical, electric or electronic devices shall generally be permitted in public meetings. However, no recording devices which produce sound 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 the general public to observe the Borough Council.

c. Recording devices shall be positioned only in the location designated by the Borough Council, which designation shall provide reasonable access to record the proceedings, without distracting or blocking the view of the audience 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 Borough Manager in consultation with either the Borough Council president or the vice president if the president is unavailable.

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 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 operated while concealed.

g. No recording device may be operated prior to a meeting being called to order, while a meeting is in recess, or after a meeting is adjourned.

h. No recording device may be used to record private conversations between audience members, officials or others whose comments or questions are made privately and not for public consumption.

i. 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 public meetings.

6. POSTING

A copy of these Rules and Regulations shall be conspicuously posted at the Borough offices at 59 East High Street, Gettysburg, Pennsylvania 17325.


7. EFFECTIVE DATE.

These Rules and Regulations shall take effect on January 1, 2009.

ADOPTED on this 8th day of December 2008, at a duly advertised regular meeting of the Borough Council of the Borough of Gettysburg.


BOROUGH OF GETTYSBURG

By:



Edwin R. Peterson, President

ATTEST:


Sara L. Stull, Secretary

