

**RESOLUTION NO. 714**

**BOROUGH OF MALVERN  
CHESTER COUNTY, PENNSYLVANIA**

A Resolution to establish a Code of Conduct governing participation at all public meetings of the Borough of Malvern, Chester County, Commonwealth of Pennsylvania.

**WHEREAS**, the Borough of Malvern ("Borough") adopted a Home Rule Charter on April 22, 2008, and

**WHEREAS**, The Home Rule Charter, at Article II, Section 214 (E), requires that Borough Council provide opportunities for citizens and taxpayers to address Borough Council at all public meetings; and

**WHEREAS**, in order to establish a minimum level of civility and promote an atmosphere of reasoned expression of ideas the Borough Council desires to promulgate rules and regulations for its public meetings, and

**WHEREAS**, the Borough Council is strong advocates of "free speech" and wish to promote an atmosphere of reasoned expression of ideas;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Malvern hereby establishes the following rules and regulations regarding public comment and conduct at public meetings:

1. Management of meetings will be under the direction of the presiding member of Borough Council. Any comments made by the public during the meeting will be for the benefit of Borough Council.
2. Public comment shall be limited to three (3) to five (5) minutes per individual. Any additional time to make comments shall be at the discretion of the presiding member of Borough Council.
3. At the beginning of the meeting, the public is invited to raise any issues which do not appear on the meeting agenda. All other public comments on agenda items shall be reserved to the time that the agenda item is being presented.
4. Management of public participation, including public comment, shall be within the discretion and under the direction and control of the presiding member of Borough Council in accordance with the terms of this code.
5. Public comment shall be made only by residents or taxpayers of the Borough of Malvern. Recognition of non-residents or taxpayers shall be at the discretion of the presiding member of Borough Council.

6. Public comment may be made only by a person who has been recognized by the presiding member of Borough Council. If necessary, Borough Council will provide a microphone for use by the public. Parties making a formal presentation to Borough Council must use a microphone.
7. Public comment shall be conducted in a civil and polite manner. Comments which are personal attacks upon the members of Borough Council, employees of Borough Council, members of the audience or any other persons will not be tolerated.
8. The presiding member of Borough Council shall rule out of order any speaker or comment which is defamatory, contentious, scandalous, impertinent, redundant or disruptive. The presiding member of Borough Council may rule out of order any speaker whose comments raise a topic or matter which has been acted upon by the Borough Council in the preceding six (6) months.
9. In order to address and conduct the business of the Borough, the presiding member of Borough Council may rule out of order any speaker for comments which are designed to support any specific political candidate or party and which is not, in the discretion of the presiding member, germane to such business of the Borough.
10. The Malvern Police Department shall, at the direction of the Borough Council, remove individuals who are deemed to be in violation of the rules established by this Resolution.

11. Placement on the Agenda – Special Requests

To be placed on the Agenda for the night of a scheduled meeting of Borough Council, those with issues that wish to come before Borough Council need to contact the Malvern Borough Administrative Office and write, fax or E-mail such a request, no later than Friday, 12:00 p.m. (noon) before the meeting in question and include a brief description (no more than a short paragraph) of the issue in question. *Telephone requests will NOT be accepted.*

12. Recording Devices


Meetings of the Borough Council are open and public. As such, citizens have the right to record the proceedings. In fairness to all parties, and in an attempt to lend order to the process, recordings shall be made upon compliance with the following rules:

- a. Any individual wishing to record a meeting must state so early in the beginning of the meeting when the question is asked, "Is anyone taping the meeting?"
- b. No device, either video camera or otherwise, shall have artificial lighting. Video equipment should be set up in the rear of the room and shall not come any closer than the last row of chairs.

13. These rules may be temporarily suspended or amended, without prior notice or comment, upon the consent of a majority of the Borough Council, or by the presiding member upon the advice of the Borough Solicitor as may be required in the context of Public Hearings or pursuant to applicable law.

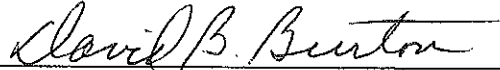
14. Rulings by the presiding member of the Borough Council shall be final and not subject to appeal. Where any member of the public is aggrieved by such ruling, he or she shall be entitled to submit a concise written statement of his or her comments to the Borough Manager within three business days following the meeting. The Borough Manager shall circulate such statement to the Borough Council and a copy of the statement shall be included as a "public comment" addendum to the minutes of the meeting without endorsement or ratification by the Borough Council.

Passed by Borough Council,  
this 5 day of July, 2016.



David G. Bramwell, President

Approved by the Mayor,  
this 5 day of July, 2016.



David B. Burton, Mayor

Enacted,  
this 5 day of July, 2016.



Christopher Bashore, Secretary