RESOLUTION NO. 787

BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MALVERN, CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA, RESCINDING RESOLUTION NO. 714 AND ESTABLISHING PARLIAMENTARY RULES FOR THE CONDUCT OF PUBLIC MEETINGS OF THE BOROUGH COUNCIL.

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

WHEREAS, The Home Rule Charter, in 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, the Borough is subject to the Sunshine Act, 65 Pa.C.S. Sections 701 *et seq.*, which imposes certain obligations upon the Borough and imparts certain rights to the public; and

WHEREAS, the Borough has heretofore enacted an Administrative Code at Chapter 25 of the Borough's Code of Ordinances which, at Section 25-9 B., requires that the business of Borough Council meetings be conducted in accordance with Robert's Rules of Order; and

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

WHEREAS, the Borough Council previously adopted Resolution No. 714 of 2016 establishing a Code of Conduct governing public meetings of the Borough.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Malvern hereby rescinds Resolution No. 714 and establishes the following Parliamentary Rules for the conduct of public meetings of the Borough Council:

1. **Management of meetings**
   a. The conduct of business before the Borough Council during meetings will be under the direction of the presiding member of Borough Council in accordance with Robert's Rules of Order and applicable statutes.
   b. 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 Resolution.

2. **Agenda**
   a. The Agenda shall be adopted by Borough Council near the beginning of each meeting.
   b. In order 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.
   c. The public is invited to raise any issues which do not appear on the meeting agenda during the designated "Public Forum" period of each public meeting.

3. **Recognition to speak**
   a. Participation in debate shall be limited to members of Borough Council, as well as Borough staff and members of Borough boards or commissions whose role is germane to the topic.
   b. Public comment shall be addressed to Borough Council. Public comment may be made only by a person who has been recognized by the presiding member of Borough Council. All remarks shall be germane to the business before the Borough Council at the meeting.
   c. Recognition of any person who is neither a resident nor a taxpayer of the Borough shall be at the discretion of the presiding member of Borough Council.

4. **Time limits**
   a. The time allowed for presentations and reports shall be at the discretion of the presiding member of Borough Council.
   b. Each member of Borough Council shall be afforded a reasonable opportunity to participate in debate. No time limit shall apply to debate among the members of Borough Council and appointed officials, but a member of Borough Council or appointed official shall yield the floor upon the affirmative vote of a majority of Borough Council present.
   c. Public comment on Agenda items shall be limited to three (3) minutes per individual per Agenda item. The presiding member of Borough Council may open additional periods of public comment if the Agenda item has been substantially amended while under consideration.
   d. Public comment during Public Forum shall be limited to three (3) minutes per individual.
   e. Time limits permitted for public speaking are for individual use only and shall not be saved or transferred to another individual.

5. **Transparency**
   a. In order to provide an accessible environment for all members of the public in attendance, any person recognized to speak must use a microphone if there is an amplification system in use at the meeting.
   b. Each person recognized to speak shall begin their remarks by stating their name and either their place of residence or the basis of their status as a taxpayer within the Borough.
   c. 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:

      i. 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?"
      ii. 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.

6. **Enforcement**
   a. Public comment shall be conducted in a civil and polite manner. The presiding member of Borough Council shall rule out of order:

      i. Comments which are personal attacks upon the members of Borough Council, employees of Borough Council, members of the audience or any other persons.
      ii. Comments which are defamatory, scandalous, impertinent, or disruptive.
      iii. Comments which are designed to support a specific political candidate or party.
      iv. Comments which are redundant.

   b. The Malvern Police Department shall remove from any meeting any individual who is a threat to public safety, who is persistently disrupting the business of the Borough Council, or who refuses to comply with the provisions of this Resolution despite admonition by the presiding member of the Borough Council.

7. **Adjustments and appeals**

a. 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.

b. Rulings by the presiding member of the Borough Council shall be final unless appealed immediately by a member of the Borough Council to the full Borough Council present when such ruling is made. Upon such appeal, a majority vote of the Borough Council present (and in the case of a tie, the Mayor) shall overturn the decision of the presiding member.

c. Where any member of the public is aggrieved by such ruling or the outcome of any appeal, he or she shall be entitled to submit a concise written statement of his or her comments to the Borough Manager within three (3) 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Resolution No. 714 of 2016 is hereby repealed and replaced with this, Resolution No. 787 of 2019.

Passed by Borough Council,
this 2 day of April, 2019.

Jamie S. Grossman, President

Approved by the Mayor,
this 2 day of April, 2019.

David B. Burton, Mayor

Enacted,
this 2 day of April, 2019.

Christopher Bashore, Secretary