

**BOROUGH OF NORTH YORK
YORK COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2023- 05

**A RESOLUTION OF THE NORTH YORK BOROUGH COUNCIL
ADOPTING RULES REGARDING PUBLIC MEETINGS**

WHEREAS, the primary purpose of Borough Council meetings, Committee meetings, Council Workshop meetings is to afford elected officials the opportunity to conduct Borough business set forth in the Agenda; and

WHEREAS, Borough Council is committed to the democratic process, individual rights of expression, robust debate, and respect of those with opposing viewpoints; and

WHEREAS, Borough Council recognizes that our society is burdened by a trend of increasing incivility and a growing intolerance towards those with different views; and

WHEREAS, specific examples of these general societal trends have been evident at recent Borough Council meetings which has the effect of stifling participation, threatening the quality of decision-making on the part of Council, and shifting the focus of the meetings away from its primary purpose; and

WHEREAS, Borough Council desires to be a positive model of local government, to seek excellence in public administration, and to hold ourselves to the highest personal standards; and

WHEREAS, the purpose of the following Rules of Decorum is to assure an orderly framework within which the business of the Borough can be conducted by setting basic ground rules for public participation, encouraging Council and the public to act toward each other with charity and respect, and providing a framework for enforcing the rules we set for ourselves; and

WHEREAS, the authority for establishment of these rules is derived from the Borough Code, 8 Pa. C.S.A. Section 101, et seq. and the Sunshine Act, 65 P.S. 271 et seq. and all amendments thereto; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Borough of North York, York County, Pennsylvania, as follows:

RULES OF CONDUCT

Civility and Decorum: Borough officials and members of the public are expected to conduct themselves with civility and to accord each other a measure of dignity and respect. Shouting, personal insults, attacks, or any conduct that disrupts the flow of business is considered to be out of order.

At the discretion of Council/Committee, disruptive individuals shall be subject to removal from the meeting by a majority vote of Council unless they agree to maintain civility and decorum.

Editorial Note: This should be a rarity, if ever. Any decision to remove someone should be made by the Council by motion and majority vote to ensure that a decision is not made in haste or is content based. A decision should be based only on a repeated breach of the rules. Prior to removal, a person should be reminded of the rules, If the disruption continues, Council can recess a meeting for a cooling off period. If after the recess, the disruption continues, then a person can be removed as outlined above.

All persons attending public meetings should strive to:

- Treat everyone courteously.
- Listen to others respectfully.
- Exercise self-control, including the perceived need to address every topic needlessly.
- Exercise brevity, considering the rights of all others to be heard within the reasonable time constraints of the meeting.
- Be aware of non-verbal expressions.
- Give open-minded consideration to all viewpoints.
- Focus on issues and avoid personalizing debate.
- Embracing respectful disagreements and dissent as democratic rights inherent in public service and public participation.

General Procedure: It is the policy of Borough not to become involved in entanglements over "parliamentary procedure" in its public meetings. It is the intent of the Borough to act consistently with the Pennsylvania Borough Code and any applicable Borough Ordinance or other legal requirement. In general, Roberts' Rules of Order shall apply to the conduct of public meetings subject to the authority of the Chair.

Authority of the Chair: The Chair shall act as a facilitator, assisting members to focus on the agenda, discussions, and deliberations. The Chair shall be responsible for maintaining the decorum at the public meetings and uniformly enforcing the rules expressed in this Resolution.

Limit Deliberations: Members will limit their comments to the subject matter, item, or motion being currently considered by Council/Committee, subject to the civility and decorum rules expressed in this Resolution. Deliberations will end when a call for the question has been raised and acknowledged.

Obtaining the Floor: Members wishing to speak must first obtain the floor by being recognized by the Chair.

PUBLIC PARTICIPATION

Every public meeting shall provide opportunity for residents and taxpayers to be heard. The following rules shall apply:

Borough Council adopts, under Section 710 of the Pennsylvania Sunshine Act, the following rules for public comment and participation at public Borough meetings:

- Public comment will be scheduled at least once on any agendas, at the beginning of meetings, prior to Council/Committee deliberating or taking official action on any matter.
- Residents and taxpayers of the Borough have the right to comment on matters that are before or of concern to the Borough during the public comment portion of all Borough public meetings, subject to a five (5) minute time limit.
- Residents and taxpayers are asked to sign a register at the beginning of each meeting briefly indicating the nature of the public comment they will be provide.
- Residents and taxpayers of the Borough wishing to address Council/Committee must state their name and addresses for the record.
- At the discretion of the Chair, members of the public who are not residents or taxpayers may be recognized to speak.
- There shall be no interruptions when a member of the public has been granted the floor by the Chair.
- At Borough Council meetings, the President of Council shall be the spokesperson for Council and will generally refer citizen concerns to the Borough Manager for research by staff and reporting back to Council.
- The Chair may allocate time among those wishing to speak in order to manage meeting time.
- The Chair has the discretion to rule out of order comments that appear disruptive, vulgar, defamatory, or redundant.
- If a resident needs a reasonable accommodation to attend a meeting, they should contact the Borough Secretary no later than three days in advance so the Borough can make the accommodation for them to attend the meeting.
- If, in the judgment of Council / Committee, the period for public comment is unusually long, the atmosphere has become unruly, or the comments become repetitive, Council/Committee may move to close public comment or defer all or portions of the public comment to a subsequent regular meeting or to a work session or an advertised special meeting to be held in advance of the next regular meeting.

RECORDING AND STREAMING

Borough Council adopts the following rules for recording and streaming of its public meetings by members of the public:

- Those persons present at a meeting and intending to record/stream the meeting shall notify the Chair that they have an active audio or visual recording/ streaming device. The Chair shall notify the public that the meeting is being recorded/ streamed.
- Recording/streaming devices shall be conspicuously placed in the meeting room, in such a position to reasonably record the entire meeting.
- Such recording/ streaming devices shall be operated so as not to interrupt or disrupt the activities of the participants of the meeting or the ability of the public to be seated or to observe a meeting.
- All recording/ streaming devices shall be powered by their own source, unless permitted by Council, preferably handheld, and not mounted to chairs, tables or any objects permanently housed in the meeting room. If the recording device is mounted on a tripod or stand it must be placed in a designated rear corner of the public seating area.
- Recording/ streaming prior to Call to Order, during any recess of the public meeting, and after adjournment is prohibited. No person shall have the right to make public comment without being recorded/ streamed if recording devices are present.

RULES RELATING TO MOTIONS AND VOTING

Motions, Resolutions & Ordinances: A motion is the normal means by which a matter is brought before Council/ Committee for consideration. Most routine matters are approved by a simple motion.

At Council meetings, Resolutions need to be approved by a simple majority vote after a motion. Ordinances are approved by roll call vote after a proper motion.

Ordinances, such as legislative actions, shall be submitted to the Mayor for signature.

A motion requires a second, or sponsorship, by a second member before it can receive consideration at a meeting. If a motion is seconded, the motion moves to discussion and then vote. If a motion is not seconded, it is lost and no further action is taken on the matter. The Chair then proceeds with the next item on the agenda.

The first rule of parliamentary order is that only one matter of business can be considered at a time. That is, when one "main motion" has been properly introduced and seconded, no other main motion can be presented until the first has been disposed of. In the usual course of business, the motion is disposed of when it is either passed or defeated. However, a number of other things can happen to the motion, including:

- The motion can be amended.
- The motion can be referred to a committee for further consideration.
- Action can be postponed until a definite date.
- The motion can be tabled.

Voting: Voting is done in one of two ways- by expressing either favor or opposition or by roll call vote. In any instance where the result of expressing favor or opposition seems other than unanimous, or in the event of one or more abstentions, the Chair shall call for a roll call vote. Any member of Council/Committee may demand a roll call vote on any question before Council/Committee.

Conflict of Interest: In the case that a member believes that he/she has a conflict of interest in the matter being decided, he/she is required by law to abstain from voting and to so inform Council/Committee orally and in writing to the Borough Secretary of the nature of the conflict. If Council would be unable to take any action on a matter because the number of members required to abstain from voting makes the majority or other legally required vote of approval unattainable, then such members shall be permitted to vote if said disclosures are made.

Abstention: All members of Council/Committee are required to vote in favor or in opposition unless they are required to abstain on grounds of a conflict of interest.

Mayor's Tie-Breaking Authority: At Borough Council meetings, the authority of the Mayor to cast the deciding vote applies whenever, as a result of a tie vote, Council is unable to:

- Enact or pass an Ordinance, Resolution, or motion;
- Declare or fill a vacancy on Council or in any other Borough office; or
- Take any action on any matter lawfully brought before it.

MAYOR

While the Borough Code provides limited statutory powers for the Office of Mayor, he/she is the ceremonial head of Borough government and is in a position to exercise leadership. The Mayor has the right to attend all Council meetings and is permitted to take part in discussions, and may vote in in the case of a tie vote as set forth above. The Mayor presides over Council only twice during each term of office – at the reorganizational meeting of Council in even-numbered years.

If the mayor is absent or incapacitated or there is a vacancy in the office, the duties of the office shall be discharged by the President of Council or, in the absence or incapacity of the President of Council or if there is a vacancy in the office, by the Vice President of Council.

The President or Vice President of Council while acting as Mayor shall have power to veto a proposed ordinance or the annual tax resolution under section 1302(a) (relating to tax levy) or to

break a tie but shall not have power to vote as a member of Council.

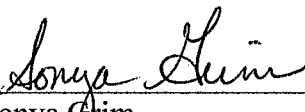
NON-OBSERVANCE OF RULES

These rules, wholly or in part, may be amended or repealed by majority vote in any regularly scheduled meeting of Borough Council. Rules adopted to expedite and facilitate the transition of the business of Council/Committee in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of or invalidate any action taken by Council / Committee.

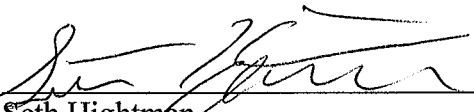
This Resolution was duly adopted by a motion of Council this 14th day of March 2023.

ATTEST

BOROUGH OF NORTH YORK



Sonya Grim
Borough Secretary



Seth Hightman
Council President

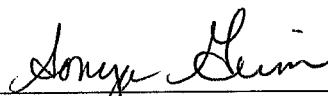
CERTIFICATE

2023- 05

I, the undersigned officer of the Borough of NORTH YORK, hereby certify that the foregoing Resolution was approved by majority vote of the entire Council at a meeting duly convened according to law and held on March 14, 2023, at which meeting a quorum was present; said Resolution has been recorded in the minutes of said Council; and said Resolution remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Borough of NORTH YORK met the advance notice requirements of the Pennsylvania Sunshine Act, 65 Pa. Cons. Stat. §701 et seq., by advertising the time and place of said meeting and by posting prominently a notice of said meeting at the principal office of the Borough or at the public building in which said meeting was held.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough of NORTH YORK this 14th day of March 2023.



Sonya Grim
Secretary

(SEAL)