

RESOLUTION NO. 2024-11

A RESOLUTION OF THE BOROUGH OF ROBESONIA
BERKS COUNTY, PENNSYLVANIA, ADOPTING A POLICY
TO ESTABLISH RULES AND REGULATIONS
GOVERNING ALL PUBLIC MEETINGS FOR BOROUGH OF
ROBESONIA.

WHEREAS the Borough Council of Borough of Robesonia desires to adopt a Public Meeting Policy to ensure that all public meetings of Borough of Robesonia are operated in an orderly and efficient manner while maintaining a decorous atmosphere for the benefit of both the public and the Borough by and through this Resolution.

NOW, THEREFORE, BE IT RESOLVED, the Borough Council of Borough of Robesonia hereby adopts a Public Meeting Policy, as follows:

BOROUGH OF ROBESONIA
PUBLIC MEETING POLICY

SECTION 1. Intent and Purpose. All meetings of the Borough Council of the Borough of Robesonia, Berks County, Pennsylvania (the "Borough") shall be generally conducted in accordance with Robert's Rules of Order, unless otherwise provided in this Public Meeting Policy. The purpose of this Public Meeting Policy is to maintain order of public meetings by structuring the public comment process in such a way as to allow the Borough to efficiently and effectively perform its primary function of making collective decisions on the issues before it. Furthermore, this Public Meeting Policy is adopted to ensure that each resident and / or taxpayer of the Borough has an equal opportunity to comment on matters of concern before the Borough and that such opportunity to comment is not infringed upon or limited by another person's undue disruptions or behavior at a public meeting.

SECTION 2. Meeting Structure and Agenda. The meetings of the Borough, unless otherwise agreed by the Borough, are generally conducted according to the following order of business:

- (1) Call to Order / Pledge of Allegiance / Roll Call
- (2) Approval of Minutes
- (3) Payment of Bills
- (4) Police Report
- (5) Scheduled Guests
- (6) Solicitor's Report
- (7) Engineer's Report
- (8) Planning Commission's Report
- (9) Borough Manager's Report
- (10) Committee Reports (Finance / Administration, Personnel, Public Safety, Streets / Highways / Sewers / Building Maintenance, Parks & Recreation Board)
- (11) Council Members' Reports
- (12) Authority's Report

- (13) Public Comment
- (14) Executive Session
- (15) Adjournment.

The President may, from time to time, direct the publication and posting of a meeting agenda prior to such meeting in such manner as he or she may determine. The agenda shall be made available in hard copy in the meeting room of the Borough at the beginning of each meeting.

SECTION 3. Public Comment. Public comment at all meetings of the Borough Council shall be governed by the following:

(A) Role of President. The President of Borough Council (or the Borough Solicitor at the direction of the President) shall preside over public comment period(s) and recognize residents and taxpayers of the Borough wishing to offer comment in the order of the sign-in sheet. For purposes of this Resolution as a whole and as set forth in the Borough Ordinances, during the President's absence or incapacity, the Vice-President shall preside over the meetings of the Borough Council and perform other duties of the President as are prescribed in the Borough Code and in this Resolution during such period.

(B) Persons permitted to make comment. No person shall be permitted to speak who is not a resident or taxpayer of the Borough, except upon permission of the President. To ensure accurate minutes, any person wishing to make public comment shall sign in on the "sign-in sheet" available at the meeting. All persons shall sign in with their name and address on sign in sheet.

(C) Time for public comment.

(i) If the item(s) for public comment are "non-agenda" items, the period of public comment on the agenda shall be utilized by such individual(s) to give comments on such non-agenda items at each meeting. Each statement by an individual for non-agenda items shall be limited to no more than three (3) minutes duration unless the individual requests more time in advance of making his or her comments. Prior to receiving the comments, the President, in his or her discretion, may grant no more than an additional three (3) minute period of time. Said time limitations may be altered or waived at the discretion of the President.

(ii) If the item(s) for public comment are "agenda" items, such individual(s) shall utilize the portion of the meeting devoted to such agenda items as it appears on the agenda during the discussion by the Borough Council. Individual(s) seeking to comment on an agenda item shall be recognized by the President (or Solicitor) by opening the floor for comment after the presenter and / or Borough Council conclude their presentation / discussion of the matter, or such individual shall make comments during the public comment portion of the meeting. Each statement by an individual for agenda items shall be limited to no more than five (5) minutes duration unless the individual requests more time in advance of making his or her comments. Prior to receiving the comments, the President, in his or her discretion, may grant no more than an additional three (3) minute period of time. Said time limitations may be altered or waived at the discretion of the President.

(iii) The public comment period on all discussions shall be limited to a total of thirty (30) minutes for each meeting unless previously approved by the President with advance notice or approved by Borough Council by a duly made motion.

(iv) If there is insufficient time for general public comment at a meeting due to an extensive business agenda or other reasons deemed appropriate by the President, the President may defer the non-agenda public comment period to the next regular meeting or special meeting occurring in advance of the next regular meeting of the Borough.

(v) If anyone is present in a group or association of citizens, each such group may designate a spokesperson to address the Borough on the group's collective behalf.

(vi) Each resident and/or taxpayer of the Borough shall be given the opportunity to comment at the appropriate time in accordance with this Public Meeting Policy.

(vii) No resident and/or taxpayer shall be permitted to defer his or her public comment time period to another resident or taxpayer.

(D) Subject matter of public comment. The Borough shall refer questions to the appropriate official or staff member of the Borough for subsequent response or answer during the meeting as appropriate.

(E) Manner of public comment.

(i) Each speaker shall speak only when recognized by the President (or Solicitor).

(ii) Each speaker shall identify themselves by name and address. If necessary, a speaker shall provide proof of residency or taxpayer status in the Borough.

(iii) Each speaker shall direct statements to the President.

(iv) Each speaker shall speak loudly, clearly, and slowly so that accurate minutes may be recorded.

(v) Each speaker shall not comment in a manner that is disruptive, scandalous, impertinent, redundant, otherwise disregards the rules of decorum, irrelevant to the business at hand, for the purpose of preventing the conduct of the business of the meeting or otherwise out of order for the meeting.

(vi) Each speaker shall not interrupt other speakers, or the deliberations or the discussion of the Borough.

(vii) No speaker shall speak more than once on the same topic unless all others who wish to speak on the topic have been heard. A speaker may address a topic no more than twice at a meeting.

(viii) In the event that any speaker violates this Public Meeting Policy or conducts his or her comment in a manner that fails to conform to this Public Meeting Policy, the President may request that individual to leave the meeting and may request the assistance of law enforcement officers to remove such individual(s) if he or she does not voluntarily leave when requested to do so.

(ix) The President may call for a recess or adjournment of the meeting to another time or place if the lack of public decorum interferes with the orderly conduct of the meeting.

(F) Sharing Documents Reviewed by Borough Council. It is at the discretion of the Borough Council regarding the sharing of documents (hard-copy or electronically) being considered by the Borough Council for discussion of matters during the meeting as many documents contain confidential or private information. All documents to be considered by the Borough Council for matters to be discussed on the agenda shall be supplied to the Borough Council by electronic mail or hard copy prior to the meeting or at the time of the meeting. Copies of documents may be requested and supplied to residents and / or taxpayers in accordance with the Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701-716.

SECTION 4. Recording by Audio/Video/Electronic Recording of Borough Council Meetings. This section is meant to establish guidelines regarding the recording of Borough Council meetings.

(A) Recording by Borough staff.

(i) The Borough Secretary may record the meeting for the purpose of accurately reporting the minutes of the meeting. This shall be considered the sole official recording of the meeting.

(ii) As authorized by the Borough Council, at its discretion, official recordings will be posted to the Borough website for a period not to exceed one (1) year duration from the time of recording.

(iii) All official original recordings not authorized by the Borough Council for posting on the Borough's website may be deleted once the minutes for the respective meeting are approved. All official recordings authorized by the Borough Council to be posted to the Borough's website shall be maintained at the Borough Hall for a minimum of one (1) year, or until sufficiently documented and approved. Copies of meeting recordings may be requested (through RTK) until disposed of. The requestor must provide appropriate media for transfer of the recording.

(B) Recordings by members of the public and unofficial recordings. All audio, stenographic, video or electronic recording of regular and workshop Borough Council meetings which are open to the public are subject to the guidelines set forth in this Section 4 including the following:

(i) Residents and / or taxpayers of the Borough may use audio, stenographic, video and / or electronic recording devices during a meeting provided that said

recorder shall be operated from the area set aside for general public seating area and may not be placed on the Borough Council table without the prior consent of the President. The Borough Council reserves the right of the Borough Council members and the Borough President or Secretary to direct the location of where any resident and / or taxpayer may use any recording device(s) during a regular or workshop Borough Council meeting during an in-person meeting so as not to interfere with normal activity during face-to-face meetings. Video recorders shall be set up in an area of the meeting room so as to not interfere with the viewpoint of the general public seating area or interfere in any other way with the business of the Borough Council meeting.

(ii) Similarly, members of the staff of the Borough, an elected official of the Borough including members of the Borough Council, may use audio, stenographic, video and/or electronic recording devices during a meeting, provided, said recording shall not constitute an official recording if not authorized pursuant to Section 4(A) of this Resolution. The Borough Council reserves the right to direct, by and through the President, to the location of the recording device so as to not interfere with the operation of the meeting and to ensure that no confidential information or confidential documents are recorded.

(iii) The recording party, including but not limited to residents, taxpayers, staff of the Borough and elected officials, must identify themselves (as well as any affiliation being represented) and announce their intent to record the meeting prior to the commencement of the recording. The recording party shall notify the President or the Borough Secretary of the use of such a recording device prior to the commencement of the meeting to avoid any disruption of the progression of the agenda.

(C) Portions of the meetings that may not be recorded. The Borough Council may hold an executive session during any regular meeting or workshop meeting pursuant to Section 708 of the Sunshine Act, 65 Pa.C.S. § 708. Unless otherwise authorized by the Borough Council, all staff of the Borough, all elected officials, and any member of the public including any taxpayer and / or resident shall be prohibited from recording any portion of an executive session. All executive sessions shall be announced prior to the commencement of the executive session. Examples of executive sessions include, but are not limited to:

- (i) Discussions of personnel matters;
- (ii) Information, strategy, or negotiation meetings related to the negotiation of a collective bargaining agreement;
- (iii) Considering the purchase or lease of real property;
- (iv) Consultation with the Solicitor or an attorney about litigation or with issues on which identifiable complaints are expected to be filed;
- (v) Discussing agency business which, if conducted in public, would violate a lawful privilege, or lead to the disclosure of information or confidentiality protected by law; and
- (vi) Discussing certain public safety issues if disclosure of the information

discussed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection.

(D) Limitation of Liability. The Borough does not support and shall not be held liable for unofficial recordings performed by non-sanctioned recorders, including members of the public, elected officials including members of Borough Council, or members of the staff of the Borough.

SECTION 5. Remote Meetings. This Section applies solely to meetings of the Borough Council held via teleconferencing or videoconferencing technology.

(A) Recording of Meetings. Recording of meetings held via videoconferencing or teleconferencing technology shall be permitted and subject to all policies and procedures set forth in Section 4 above. In addition to the notification requirements set forth in Section 4 above, any resident, taxpayer, elected official or member of the Borough's staff who is recording a meeting held via videoconferencing or teleconferencing technology shall notify all attendees at the commencement of the meeting of their recording and the form of recording (video, audio, etc.).

(B) Shared Documents. The meeting agenda shall be the only document shared during any public meeting of the Borough Council held via videoconferencing technology unless otherwise authorized by Borough Council. All documents to be considered by the Borough Council for matters to be discussed on the agenda shall be supplied by electronic mail or hard copy prior to the meeting or at the time of the meeting.

SECTION 6. Submission of public comment in writing. Residents and / or taxpayers of the Borough may provide public comment in writing according to the following procedures:

(A) Written public comment shall be addressed to the Borough Secretary at the following address:

Borough of Robesonia
75 South Brooke Street
Robesonia, PA 19551

(B) Written public comment shall have the same force and effect as oral public comment provided during the course of a meeting.

(C) All written public comment received shall be recognized at the next regularly scheduled meeting during the appropriate time on the agenda.

SECTION 7. Effective Date. This Resolution shall become effective immediately.