

BOROUGH OF KUTZTOWN  
BERKS COUNTY, PENNSYLVANIA  
RESOLUTION NO. 6-2002

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH  
OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, ADOPTING  
RULES OF ORDER TO GOVERN THE MANNER AND CONDUCT  
OF PUBLIC BOROUGH COUNCIL MEETINGS AND THE  
PREPARATION OF RECORDS OF SUCH PROCEEDINGS.

**WHEREAS**, Section 710 of the Sunshine Law, 65 Pa. C.S. Sections 701-716 (as amended, the “Sunshine Law”), authorizes public agencies to adopt rules and regulations to govern the conduct of meetings and maintenance of order and requires certain matters to be reflected in the official minutes of proceedings; and

**WHEREAS**, The Borough Code, 53 P.S. Sections 45101-48501 (as amended, “The Borough Code”), authorizes a borough council to adopt such rules and by-laws as are deemed beneficial and directs borough councils to make and preserve records of their proceedings; and

**WHEREAS**, it is in the best interest of the public to maintain efficient, orderly and informative public meetings; and

**WHEREAS**, there is a need to establish rules of order to govern the conduct and maintenance of order of public meetings of the Borough Council.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Kutztown, Berks County, Pennsylvania and it is hereby adopted by authority of the same that procedure at all public meetings of the Borough Council shall be conducted and records thereof prepared, in accordance with the following rules:

SECTION 1. Meeting Agenda. With the approval of the Council member (or in the case of the police department the Mayor) having charge of the department in question or affected, any member of Council, the Mayor, the Borough Manager and the Borough Secretary shall have the right to place items for discussion, notice and/or decision on a regular Council meeting agenda prior to the preparation of a final agenda by the Borough Manager, or if such responsibility has been delegated, the Borough Secretary. The Council President shall have the authority, in his or her sole discretion, to determine the order in which matters from the agenda for the current Council meeting will be heard. Matters not placed on the agenda for the current Council meeting shall not be heard except upon a vote and approval of a majority of those Council members present on a motion made and seconded.

SECTION 2. Discussion on a Matter. After the Council President declares a matter open for discussion, either before or after a motion has been made and seconded, the Council President shall recognize the Mayor and any Council member who wishes to speak on the matter. Staff, consultants, Borough Secretary, and the Borough Solicitor shall be recognized at the discretion of the Council President. The Borough Manager shall have the right, pursuant to

Section 29-11B.(9) of the Code of the Borough of Kutztown, to take part in the discussions of Council. Discussion on the matter shall remain open until a member of Council “calls for the question”, thereby requiring a vote on the matter. However, if, in his or her sole discretion, the Council President determines discussion on a matter is no longer productive, the Council President shall have the authority to close the matter to further discussion and call for a vote if a motion has previously been made and seconded or, if necessary, request that a member of Council make a motion on the matter. If no motion is made, discussion on the matter shall cease and the matter shall be concluded without action. No action may be taken by the Borough Council except upon motion made and seconded by members of the Council.

SECTION 3. Discussion on the Minutes. Discussion on approval of proposed, draft minutes of any prior meeting of the Borough Council shall be limited, as to subject matter, to corrections and comments necessary to refine their accuracy. There shall be no discussion on the merits of the items and official acts contained within the proposed minutes of the prior meeting.

SECTION 4. Preparation of Minutes. The Secretary of the Borough shall maintain minutes of Council meetings in accordance with the provisions of the Sunshine Law and The Borough Code. The Secretary shall endeavor, in the case of all regularly scheduled meetings of the Council, to prepare and submit to the Council a draft of proposed minutes of each such regular meeting at least one (1) day prior to the next succeeding regularly scheduled meeting. The form of the minutes shall comply with the Sunshine Law, but need not contain an exhaustive transcript of all discussion and debate occurring at the public meeting.

SECTION 5. Limitation of Debate. By a two-thirds (2/3) majority vote of Council members present on a motion made and seconded, debate on any motion or discussion of any subject matter may be limited as to time of duration and/or scope of subject.

SECTION 6. Point of Order. Any Council member or the Mayor may raise a “point of order” at any time by inquiry of the Council President, without the need of a second. Such inquiry shall take priority over all other business and the inquiring party is permitted to interrupt a speaker and a vote, if necessary. The inquiring party shall state the point of order they are raising, identifying the procedural error in question. A point of order must be raised immediately after a procedural error has been made. The Council President shall decide the point of order.

SECTION 7. Suspension of Rules and Consent. By majority vote of the Council members in attendance approving a motion made and seconded, any or all of the rules set forth in this Resolution may be temporarily suspended for such period of time and in such manner as shall be specified in the motion. Any procedural action requiring a vote by Council members under the provisions of this Resolution may also be taken by unanimous consent, or without objection by any Council member.

SECTION 8. Public Participation. In accordance with the provisions of the Sunshine Law, the Council will solicit comment from the public in attendance at the beginning of a public Council meeting as to any matters of concern, official action or deliberation which do not appear on the agenda and will solicit comment from the public in attendance at a public Council meeting on agenda items at the time during such meeting such agenda items are addressed by the

Council. The Council President may set reasonable time limits for each member of the public to comment, consistent with the number of persons seeking to speak. The Council President may offer a greater period of time for comment to a spokesperson representing a group of attendees. Information presented to Council in written form by members of the public shall not be read aloud to the Council as part of public comment, unless the Council President so allows. If the Borough Council shall, by majority vote of those Council members present, determine that there is not sufficient time at a public meeting for residents of the Borough and for taxpayers of the Borough or for both to comment at any public Council meeting, the Council may, in accordance with Section 710.1(a) of the Sunshine Law, defer the comment period to the next regular public meeting or to a special public meeting occurring in advance of the next regular public meeting.

SECTION 9. Decorum and Disorderly Persons. The Council President shall demand and require that all attendees are treated with courtesy, dignity and respect. All attendees present at any Council meeting shall conduct themselves with appropriate decorum and no shouting, cursing and foul language, personal insults and defamatory statements shall be permitted. Interruption of any Council member or the Mayor when they are speaking, except to raise a point of order or as may otherwise be permitted by this Resolution, shall not be permitted. If any individual attending the Council meeting shall defy the Council President's request to cease discussion on a matter, or shall conduct themselves in a disorderly or disruptive manner or in defiance of the final procedural decisions of the Council President, the Council President shall warn that individual that the matter is closed to discussion or that their conduct is disorderly, disruptive or defiant. If the same individual persists in discussing a matter previously closed for discussion, or continues to conduct himself or herself in a manner which has been deemed by a final decision of the Council President to be disorderly, disruptive or defiant, the Council President shall have the authority to cause the removal of the individual from the meeting.

SECTION 10. Consultation and Interpretation. The Council President may consult with the Borough Solicitor at any time to obtain legal advice with respect to any decision the Council President is required or allowed to make under the terms of this Resolution. In the event that the Council President or Borough Solicitor shall deem it to be necessary or desirable for the purpose of resolving any matter not expressly addressed by this Resolution, they may consult and rely upon Parliamentary Procedure at a Glance by O. Garfield Jones, Penguin Books, Copyright 1971, ISBN 0 14 01.5328 4, published 1990, in order to assist the Council in deciding any matter.

SECTION 11. Appeal. Any person aggrieved by any decision of the Council President made under the authority of this Resolution shall have the right to appeal the same by immediately appealing such decision and requesting a vote on the decision by the Council members present. Such appeal shall take priority over all other business and must have the support of a second Council member. If the majority of the Council members present vote to approve the Council President's decision, the appeal shall fail and the Council President's decision shall stand. If a majority of the Council members present vote to deny the Council President's decision, the appeal shall succeed and the Council President's decision shall be overturned. The Mayor is permitted to make (but not support) an appeal under this Section 11 with respect to any decision of the Council President under this Resolution which the Mayor asserts infringes upon the Mayor's right, under Section 1003 of The Borough Code, to take part

in the discussions of the Council on matters pertaining to Borough affairs. An appeal by the Mayor must have the support of a Council member. The Mayor shall not vote on any appeal under this Section 11, unless a tie vote of the Council occurs, in which case the Mayor may cast the deciding vote, in accordance with Section 1003 of The Borough Code.

SECTION 12. Vice President. References herein to Council President shall be deemed to include the Vice President of the Borough Council when the Vice President of the Borough Council is presiding over a meeting pursuant to Section 1001 of The Borough Code. The Borough Council shall elect one (1) of its members as chairperson *pro tempore* at each organization meeting of the Council. The chairperson *pro tempore* shall preside over meetings of the Borough Council when a quorum is present but both the President and Vice President of Council are absent. References herein to the Council President shall be deemed to include the chairperson *pro tempore* when the chairperson *pro tempore* is presiding.

SECTION 13. Conflicting Laws. In the event of any conflict or inconsistency between the provisions of this Resolution and the current and any subsequently enacted provisions of The Borough Code, the Sunshine Law, any other applicable law of the Commonwealth of Pennsylvania, the Code of the Borough of Kutztown and/or any ordinance of the Borough, then the current and any subsequently enacted provisions of The Borough Code, the Sunshine Law, any other applicable law of the Commonwealth of Pennsylvania, the Code of the Borough of Kutztown and/or any ordinance of the Borough, shall control and prevail. Accordingly, nothing contained in this Resolution shall be construed so as to limit or expand the rights of the Mayor, any Council members, the Borough Manager and any officers and appointees of the Borough.

SECTION 14. Repeal. All resolutions, rules and/or by-laws previously adopted, and any portions thereof, which are inconsistent with this Resolution are hereby expressly rescinded, superceded and repealed. This Resolution shall remain in full force and effect until it is rescinded, superceded, repealed or amended by lawful vote of the Borough Council.

**DULY ADOPTED** as a Resolution by the Borough Council of the Borough of Kutztown this 23<sup>rd</sup> day of April, 2002, in lawful session, duly assembled.

BOROUGH OF KUTZTOWN

By: \_\_\_\_\_  
Eric Ely, Council President

Attest: \_\_\_\_\_  
Bonnie Bray, Borough Secretary

APPROVED as a Resolution this 3<sup>rd</sup> day of May, 2002.

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Gennaro A. Marino, Mayor