

**TOWNSHIP OF LOWER MACUNGIE
LEHIGH COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2022-72
(Duly Adopted October 20, 2022)**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LOWER
MACUNGIE TOWNSHIP, LEHIGH COUNTY, ESTABLISHING RULES
AND REGULATIONS FOR THE CONDUCT OF PUBLIC MEETINGS IN
CONFORMITY WITH THE SUNSHINE ACT.**

WHEREAS, the Lower Macungie Township Board of Commissioners holds public meetings to conduct the business of the Township;

WHEREAS, the Board of Commissioners wishes to ensure that the conduct of its meetings complies with the Sunshine Act;

WHEREAS, the Board of Commissioners wants to provide a reasonable opportunity at each public meeting for public comment on matters of individual or Township concern, and official actions of the Board of Commissioners which may come before the Board;

WHEREAS, the Board of Commissioners has determined that in order to conduct public meetings in an orderly manner and to provide for full public participation in such meetings, it is necessary to establish rules and regulations so as to conduct the Township's business within a reasonable period of time at each meeting; and,

WHEREAS, pursuant to Resolutions No. 2012-05 & 2016-21, the Board of Commissioners adopted rules and regulations for such meetings, and desires to amend the existing rules and regulations as set forth herein.

NOW, THEREFORE, BE IT RESOLVED, that the Lower Macungie Township Board of Commissioners hereby adopts the following rules and regulations for its public meetings.

1. An agenda shall be prepared in advance of all public meetings which shall be posted on the Township's website before the scheduled public meeting not less than 24 hours prior to the public meeting. Copies shall also be made available at the Township Offices.
2. All appointments, correspondence, or requests to be placed on the agenda shall be made one (1) week before the scheduled public meeting. No appointments or individuals shall be placed on the agenda outside of this time period without specific direction from the President of the Board of Commissioners.
3. Order of Business – The order of business at the Board of Commissioner meetings shall be:

Call to Order
Pledge to the Flag
Roll Call
Agenda Modifications
Announcements & Presentations
Hearings & Approvals
Public Comment on Non-Agenda Items
Communications
Appointments to Various Boards, Committees, Commissions
Approval of Minutes of Previous Meeting(s)
Approval of Transfers, Bill List and Payroll
Departmental Matters and Reports
Committee Reports (Include in agenda as needed)
Other Business
Board of Commissioners Reports
Executive Session (If necessary)
Adjournment

The foregoing may be amended from time to time by a majority vote of the Board of Commissioners.

4. Order of Motions by the Board:
 - a. A Commissioner is recognized by the President.
 - b. The recognized Commissioner (or the President) makes a motion concerning the item on the agenda.
 - c. The motion is seconded by another Commissioner.
 - d. The President asks if any Commissioner wishes to discuss the motion before a vote is taken.

If several Commissioners wish to discuss the motion, the Commissioner making the motion may speak first. Commissioners wishing to speak shall do so upon recognition by the President. A Commissioner, once recognized, shall not be interrupted when speaking unless it is for the purpose of calling such Commissioner out of order.

- e. The President then asks if any member of the public wishes to comment on the motion before a vote is taken. Members of the public shall observe the procedures outlined in Section 5 (a-d) and Section 7 (a-e) of this Resolution when providing comments.

The President should not permit any member of the public to speak twice on a motion until all have had a chance to speak once.

- f. Any Commissioner may offer an amendment to a motion or motion to postpone/table. The President shall ask the maker of the original motion if they agree to include the amendment or accept the motion to postpone/table. If the Commissioner agrees and no other Commissioner objects, the original motion is amended or postponed/tables. If any Commissioner objects, the amendment or motion to postpone/table must be seconded, be opened for discussion and be voted on the same as any motion.
- g. The President shall call for a vote on the motion. Votes for Resolutions or other action items shall be made by voice vote. Votes for Ordinances shall be made by roll call.

5. Public Comment on Non-Agenda Items – At the beginning of the agenda for each public meeting, time shall be set aside for members of the public to comment on matters of general or individual concern in the Township and not on the public meeting agenda.

- a. Public comment is intended to afford the general public an opportunity to express opinions and to bring important matters to the attention of the Board of Commissioners. Although they may, nothing herein shall require Commissioners to answer questions or engage in debate. All remarks by the public shall be addressed to the President.
- b. The President shall limit public comment to no more than three (3) minutes per person, which shall commence from the beginning of the speaker's remarks and include any time that passes during questioning or discussion between the speaker and the Commissioners.
- c. A Commissioner may request that the President extend the three (3) minute limit on a case-by-case basis. A Commissioner requesting an extension should state the reason why and for how long they wish to extend the limit. If no other Commissioner objects, the extension shall be granted. If any Commissioner objects, a motion must be made and seconded, opened for discussion and be voted on the same as any motion.
- d. Letters shall not be read during public comment unless such letter can be read within the three (3) minute time limit. No extension shall be granted for members of the public reading a letter during public comment. Any letters cited or read may be submitted to the Township Secretary.

6. Public Comment on Agenda Items – In addition to the general public comment period on non-agenda items, the Board will take public comment during the meeting only on those items requiring official action. The Sunshine Act defines official action as “recommendations made by an agency pursuant to statute, ordinance or executive order; the

establishment of policy by an agency; decisions on agency business made by an agency; vote taken by an agency on any motion, proposal, resolution, rule, regulation, ordinance, report or order.” Members of the public commenting on Agenda Items shall follow the procedures outlined in Section 5 (a-d) and Section 7 (a–e) of this Resolution when providing comments.

7. General Conduct for Public Comment

- a. Members of the public shall comment only after being recognized by the President conducting the meeting.
- b. All comments shall be made from the podium at the front of the meeting room and made into a microphone.
- c. Members of the public shall record and announce their name and address prior to addressing the Board of Commissioners.
- d. The President may rule out of order scandalous comments, impertinent and redundant comments, and/or comments designed to disrupt the proceedings of the meeting, as outlined in Section 8.
- e. Public comments shall not contain personal attacks and shall not consist of or become arguments between residents, between residents and Township employees, or between residents and members of the Board.

8. Disruption of Public Meetings – No person(s) or group(s) shall disrupt a public meeting of the Lower Macungie Township Board of Commissioners.

a. Definitions.

- i. “Disrupt a public meeting” or “disruptive conduct” shall mean and include (i) addressing the Board of Commissioners without first being recognized; (ii) not addressing the subject before the Board of Commissioners; (iii) repetitiously addressing the same subject; (iv) shouting at or threatening the members of the Board of Commissioners in a manner which makes it difficult or impossible to maintain decorum, or which places the member(s) of the Board of Commissioners in fear for their lives or safety or for the lives or safety of other persons in attendance at the meeting; (v) failing to relinquish the podium when requested to do so; (vi) persistent disruptive conduct after a verbal warning has been issued by the officer presiding over the meeting; (vii) conduct which is violent and which jeopardizes the public health and safety and/or (viii) conduct otherwise preventing the Board of Commissioners from conducting its meeting in an orderly manner as determined by the presiding officer of the Board of Commissioners or by a majority of the members thereof.
- ii. “Sergeant at Arms” for a public meeting shall mean the Township Manager or his designee at any meeting of the Township, and/or the Township individual assigned to attend any public meeting of the Board.

b. Procedure.

- i. Verbal Warning: In the event that an individual or group of individuals violates the limits of permissible conduct during a public meeting in a manner determined by the presiding officer to constitute disruptive conduct, the presiding officer of the meeting may issue a verbal warning.
- ii. Removal from Meeting and/or Summons of Law Enforcement Officer: If the individual or group refuses to adhere to the direction of the presiding officer, the presiding officer shall recess the meeting and may (i) order the person, group or groups of persons disrupting the meeting to leave the meeting or be removed from the meeting; or (ii) direct the Sergeant at Arms to summon a law enforcement officer so that the law enforcement officer (or the Sergeant at Arms' designee) may remove the individual or individuals from the meeting room for disrupting the public meeting.
- iii. Arrest and Criminal Offense: Any person who is requested to leave the meeting and does so without being physically removed will not be arrested, provided he/she does not return to that meeting and provided no other unlawful conduct is involved. Any person who (i) is requested to leave the meeting and refuses to do so voluntarily and/or (ii) refuses to leave after being approached by a law enforcement officer and being requested to leave immediately, may be placed under arrest by an appropriate law enforcement officer and charged with a violation of the Pennsylvania Crimes Code, 18 P.S. §5508 (Disrupting Meetings and Processions).

9. Anyone wishing to use audio, video, or stenographic recorders to record a meeting shall announce their intention to do so at the start of the meeting and shall do so in a manner which will not interfere in any way with the business of the Board of Commissioners or the ability of the general public to observe and participate in the public meeting. The Board of Commissioners reserves the right to designate a specific area for the use of any such recording equipment.

10. In the event that there is insufficient time for public comment, the Board of Commissioners, at its discretion, may continue the public comment to its next regular meeting or to a special meeting occurring in advance of the next regular meeting.

11. When a group of persons wishes to address the Board on the same subject matter, the Board may request that a spokesperson be chosen by the group to address the Board so as to avoid unnecessary repetition.

12. Copies of any documents being reviewed/considered by the Board at a meeting, such as proposed ordinances and resolutions, shall be made available to the public on the Township's website not less than 24 hours prior to the public meeting.

13. Meeting Minutes are posted on the Township website after approval by the Board (usually following the next regularly scheduled meeting of the Board). Generally, meeting

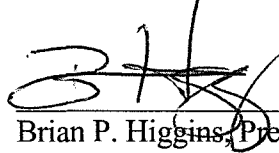
minutes from the two years preceding the current year are maintained on the website. All other meeting minutes are available for inspection at the Township Building.

14. To increase public transparency, Board meetings are video recorded. The recorded video is posted on the Township website and YouTube Channel within several days after the Board meeting. All electronic recordings of public meetings shall be destroyed after the meeting minutes are approved.

15. Resolution 2012-05 and Resolution 2016-21 are hereby repealed in their entirety.

DULY ADOPTED this 20th day of October, 2022 by the Board of Commissioners of Lower Macungie Township, in lawful session duly assembled.

**LOWER MACUNGIE TOWNSHIP
BOARD OF COMMISSIONERS**



Brian P. Higgins, President

Attest:



Renea Flexer, Township Secretary

