

RESOLUTION NO. 260-2021

WHEREAS, the Board of Commissioners of Berks County holds public meetings to conduct the business of the County; and

WHEREAS, the Board of Commissioners seek to fully comply with the “Sunshine Act,” Act of July 3, 1986, P.L. 388, No. 84 65 P.S. 271 et seq., as amended, by providing a reasonable opportunity at each public meeting for residents and/or taxpayers of Berks County (hereinafter “speaker(s)”) to comment on matters of County concern, official actions or deliberation which are or may be before the Board whether the meeting is held in person, virtual or in a hybrid format.

NOW THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED that the Board of Commissioners of Berks County amends Resolution 10-2020, in order to conduct all public meetings in an orderly manner and to provide for public participation in such meetings, hereby establishes public meeting rules and regulations as follows:

1. There will be provided at the beginning of the agenda for each public meeting an opportunity for speakers to comment one time on printed agenda items which are before the Board of Commissioners. At the end of the public agenda, there shall be an opportunity for speakers to make one public comment on matters germane to County business. Germane comments are comments which subject matter relate to items or issues which are currently before the Commissioners for consideration or which may come before the Commissioners at a future date. Such times on the agenda shall be titled “Public Comment”. The following guidelines are established for this portion of an in person public meeting:
 - a) Speakers who wish to address the Board must sign the public comment sign-in sheet, located in the lobby of the Boardroom prior to the start of the meeting. Sign ins must include name, municipality and specific topic of comment.
 - b) The County Solicitor shall determine whether the subject matter of a proposed comment is germane to County business. The County Solicitor shall be the final arbiter in matters of dispute regarding the propriety of any comments.
 - c) Comment shall be received only after the speaker is recognized by the Chair conducting the meeting.
 - d) The speaker shall proceed to the microphone or lectern at the front of the meeting room and announce his or her name and address prior to addressing the Board of Commissioners.
 - e) The Chair may rule out-of-order profane, scandalous, impertinent, irrelevant and redundant comments, or comments the discernible purpose or effect of which is to disrupt or needlessly protract the proceedings of the meeting.
 - f) The Chair may request any speaker to leave the meeting and may contact security to that end when that speaker does not observe reasonable decorum.

Further, the Chair may request the assistance of law enforcement officers to remove a disorderly person when his/her conduct interferes with the orderly progress of the meeting.

- e) The Chair may call a recess or adjournment to another time when the lack of public decorum interferes with the orderly conduct of the meeting.
- f) The Chair may allocate available time among speakers wishing to comment.

2. For meetings conducted by virtual means the following guidelines are established for public comment:

a) Speakers wishing to comment on a printed agenda item shall immediately upon opening of the meeting type their name and municipality and the words [comment on agenda item] followed by the text of their comment to alert County staff that they will be submitting a comment on an agenda item.

b) Speakers wishing to make a comment on a non-agenda item may do so as soon as the meeting begins until such time as the public comment period closes.

c) Speakers wishing to comment on non-agenda items shall list their name and municipality and type their comment. Speakers shall be limited to one opportunity to present public comment per meeting. Public comment for virtual meetings shall be limited to the character limits imposed by the specific platform they are utilizing to submit their public comment.

d) The Chair may rule out of order and decline to read any public comment which is profane, scandalous, impertinent, irrelevant, redundant, or comments which the discernible purpose or effect of is to disrupt or needlessly protract the proceedings of the meeting. The County Solicitor shall be the final arbiter in matters of dispute regarding the propriety of any comments.

3. Meetings conducted in a hybrid format that gives speakers the option to comment in person and via a virtual format shall follow the above listed guidelines. Comments from speakers attending in person shall be accepted first. Once all in person comments are received, comments received by a virtual format shall be read.

4. The Board is not required to respond to public comments during the meeting but may choose to do so at their discretion. The public is reminded that this a public comment opportunity and not a Q&A session.

5. Time allocated for the all public comment period at each meeting shall not exceed thirty (30) minutes. Each in person speaker will be allotted three (3) minutes to present his or her topic. Time limits will be monitored, and County staff will respectfully request speakers to conclude their comments if the speaker goes beyond the time allotted. Said time limitations may be altered or waived at the Chair's discretion.

6. At the discretion of the Chair conducting the meeting, a group of speakers registered to address the Board on the same issue may be required to designate a spokesperson.
7. Any individual proposing to operate recording/video equipment at the public meeting shall so notify the Chief Clerk or Chair prior to the commencement of the meeting.
8. Individuals may use audio or stenographic recorders to record all or any portion of the meeting. Said recorders shall be operated from the area set aside for the general public seating and may not be placed on the Board of Commissioners table without prior consent of the Chair conducting the meeting.
9. Video recorders may be used to record all or any portion of a public meeting. The operator of the recorder shall remain seated in the area set aside for the general public or stand in the rear of the room behind the general public seating area so as to not interfere in any way with the activities of the Board of Commissioners or the ability of the general public to observe the Board.
10. In the event there is not sufficient time for all public comment, the Board of Commissioners, at its discretion, may extend the public comment period.

ADOPTED THIS 15th DAY OF JULY, 2021.

COUNTY OF BERKS



Christian Y. Leinbach, Chair




Kevin S. Barnhardt, Commissioner

Attest:



Maryjo Gibson, Chief Clerk



Michael S. Rivera, Commissioner