

**RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF PORT JERVIS, ORANGE COUNTY, NEW YORK
REGARDING THE RULES OF CONDUCT AT COMMON
COUNCIL MEETINGS**

WHEREAS, the New York State Committee on Open Government has stated that a public body can adopt reasonable rules that treat members of the public equally, and

WHEREAS, The Committee on Open Government has stated that any such rules could serve as a basis for preventing verbal interruptions, shouting or other outbursts, as well as slanderous or obscene language or signs, and that a Common Council could regulate actions of the public attending meetings so as not to interfere with meetings or prevent others in attendance from observing or hearing the deliberative process, and

WHEREAS, a Common Council has a responsibility to insure that everyone has the right to participate in a public hearing and therefore can reasonably limit the length and general nature of public comments to the subject of the public hearing so that a Common Council can consider various points of view, and

WHEREAS, a Common Council can limit other comments from the public at Common Council meetings to a specific time set in the agenda for public participation and comment, and

WHEREAS, The New York State Open Meeting Law (Article 7, Public Officers Law) gives members of the public the right to attend meetings of public bodies but does not give the public the right to speak or otherwise participate at those meetings, except at public hearings and under other limited circumstances.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Port Jervis that the Common Council hereby adopts the following rules for public participation at the meetings of the Common Council:

1. Except for public hearings duly designated as such by action of the Common Council, public participation at meetings of the Common Council shall be limited to the public participation segment(s) of the agenda of Common Council meetings.
2. Public comment, whether during the public participation segment of the Common Council meeting or during a duly designated public hearing, shall be limited to five (5) minutes per person. An individual's time may not be given or traded to other speakers or reserved for other portions of the meeting.
3. Any person wishing to speak at a public meeting during the public participation segment or during a public hearing must sign the sign-in sheet upon entering the room, when such sign-in sheet is available, indicating his or her intention to speak, which sheet will be used by the Mayor or the presiding officer to recognize speakers.

4. Comments must relate to the purpose of the public hearing or to agenda topics of the particular meeting.

5. The City Clerk-Treasurer shall act as timekeeper or shall designate another elected official as timekeeper.

6. Members of the Common Council, speakers and audience members must observe proper decorum. Any statements made during the meeting or during a public hearing by the Mayor, members of the Common Council, City officials or employees, or members of the general public shall not involve personal, impertinent, or slanderous attacks on individuals, regardless of whether the individual so attacked is an elected official, a City official or employee, or a member of the general public.

7. The Mayor or the presiding officer shall control the meeting. The use of profane, vulgar, inflammatory, threatening, abusive, or disparaging language or racial or ethnic slurs directed at the Mayor, members of the Common Council, City officials or employees, members of the general public, or statements by a person attending the meeting which are not made during the public participation segment of the agenda or during a public hearing, shall not be tolerated.

8. It is inappropriate to utilize a public meeting for the purpose of making political speeches, including threats of political action and the same will not be allowed.

9. Comments by speakers must be addressed to the Common Council. Attendees may not address the Common Council unless recognized by the Mayor or the presiding officer.

10. Discussion between speakers and attendees of the public meeting or hearing are prohibited. A speaker may disagree with or support prior speakers in comments directed to the Common Council.

11. Banners, flyers or other signs are not permitted in the meeting room. Distribution of flyers in the meeting room are also not permitted.

12. If the Mayor or the presiding officer fails to enforce the rules set forth above, any member of the Common Council may move to require him or her to do so, and an affirmative vote of a majority of the Common Council shall require him or her to do so. Any decision relating to enforcement of the rules set forth above may be appealed and overturned by a vote of a majority of Common Council members.

13. Any person who disregards the directives of the Mayor or the presiding officer in enforcing the rules or who generally conducts himself or herself in a boisterous or inappropriate manner while addressing the Common Council disturbs the peace at a meeting and will be barred from further participation and forfeit any balance of time remaining for his or her comments.

14. If a speaker who has violated these rules refuses to step down, the Mayor or the presiding officer may ask for the individual to be removed from the meeting room and charged with disorderly conduct as per the Penal Law.

15. Speakers must give their name, address and organization, if any.

16. Speakers must be recognized by the presiding officer.

17. Common Council members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.

18. All remarks shall be addressed to the Common Council as a body and not to any member thereof.

19. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity, good taste and shall additionally observe these Rules of Conduct and Decorum.

20. The above rules shall take effect at the next meeting of the Common Council after the adoption of these rules.

MOTION BY:

SECONDED BY:

AYES:

NAYS:

ABSTENTIONS:

Dated: _____, 2019

CITY OF PORT JERVIS

ROBIN WAIZENEGGER, CITY CLERK-TREASURER