

CITY OF BETHLEHEM
City Council Memorandum

TO: Bethlehem City Council

FROM: Grace Crampsie Smith, Councilwoman

SUBJECT: Rules of Council

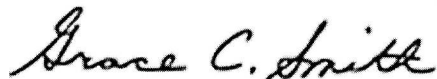
DATE: March 12, 2024

Given the unfortunate series of events that occurred at our recent council meeting of March 5, 2024, I feel it vital that we abide by the documented Rules of Council, which are to govern the business of Bethlehem City Council.

Additionally, I believe it prudent to amend current Rules of Council so they are consistent with the Sunshine Law, whereby public comment is limited to citizens and/or taxpayers of the City of Bethlehem. Non-citizens/non-taxpayers have no right to speak during Public Comment under Section 710.1 of the Sunshine Law. I have conferred with our solicitor, Attorney Steward, and it is her recommendation that the City of Bethlehem conforms to the Sunshine Law in this regard.

As such, attached please find a proposed Resolution limiting public comment at city council meetings to citizens and/or taxpayers of the City of Bethlehem, using the language from the Sunshine Law with respect to the subject matter of public comment.

Your attention and anticipated support of this resolution is appreciated. As always, please feel free to reach out should you have any questions and/or concerns.



Grace Crampsie Smith, Councilwoman

RESOLUTION NO. 2024-_____

WHEREAS, the Rules of Council, set forth at Resolution 2011-214 as amended by Resolution 2012-18, 2016-181 and 2017-049 govern the business of the Council of the City of Bethlehem; and

WHEREAS, Rules (3)(B), (C) and (D) thereof are addressed to public comment; and

WHEREAS, the Sunshine Act, at 65 Pa. C.S.A. § 710.1 dictates in relevant part that except in the case of boards or councils which had before January 1, 1993 established a practice or policy of holding special meetings solely for the purpose of public comment in advance of advertised regular meetings, the board or council of a political subdivision . . . shall provide a reasonable opportunity at each advertised regular meeting and advertised special meeting for residents of the political subdivision . . . or for taxpayers of the political subdivision . . or for both to comment on matters of concern, official action or deliberation which are or may be before the board or council prior to taking official action[,]" and

WHEREAS, Rules (3)(B) and (C) of the Rules of Council are not consistent with 65 Pa. C.S.A. § 710.1 in that they do not limit public comment to taxpayers and/or residents of the City of Bethlehem; and

WHEREAS, it is the intention of the Council of the City of Bethlehem to modify Rule 3 to be consistent with 65 Pa. C.S.A. § 710.1 with regard the right to participate in public comment at regular and special meetings;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bethlehem that the Rules of Council be further amended as follows:

1. Repealer of Rule 3(B). Rule 3(B), providing that "Public Comment is extended as set forth in Rule 3 hereinabove but in no event shall one individual address Council during Public Comment for a period of time in excess of five minutes[,]" is hereby repealed.

2. Repealer of Rule 3(C). Rule 3(C), providing that "Public Comment is extended for individuals to address through the Chair City officials on problems and issues of relevance to the operation of City government," is hereby repealed.

3. Replacement. Rules 3(B) and (C) are hereby replaced by the following:

Public Comment is extended to the citizens and taxpayers of the City of Bethlehem for comment on matters of concern, official action or deliberation which are or may be before the board or council prior to taking official action. In no event shall one individual address Council during Public Comment for a period in excess of five (5) minutes.

The same shall be identified as Rule 3(B).

4. Renumbering. Rule 3(D) stating that “Public Comment will not be extended for personal insults or personal attacks on any individual, name calling or other behavior that is inconsistent with the purpose and intent of Public Comment” shall be redesignated as Rule 3(C).

5. Full Force and Effect. Except as amended herein, the Rules of Council shall remain in full force and effect.

6. Effective Date. This resolution shall become effective immediately upon its adoption.

7. Repealer. Any resolution or parts thereof which are in conflict herewith are repealed and replaced only to the extent of such conflict.

Sponsored by _____

DULY ADOPTED this _____ day of _____ 2024, by
the Council of the City of Bethlehem, in lawful session duly assembled.

ATTEST:

President of Council

City Clerk