



**THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK**

Date: September 22, 2021

Sponsored by Council Members: Scaringi, Riley, Friedman, Burns, Strawn, Scanlon, Resciniti

Introduced by Committee: Rules/Special Studies

**ORDINANCE**

*entitled*  
AN ORDINANCE AMENDING THE CODE OF  
THE CITY OF BINGHAMTON, CHAPTER 26,  
CITY COUNCIL, TO REGULATE AND  
PROVIDE FOR PUBLIC COMMENT AT MOST  
BUSINESS MEETINGS

WHEREAS, the Council of the City of Binghamton wishes to amend the City Code to regulate and provide for public comment at most business meetings.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Code of the City of Binghamton, Chapter 26, *City Council*, is hereby amended as follows:

§ 26-5. Rules adopted. [Amended 10-5-1992 by Ord. No. 92-92; 2-6-1995 by Ord. No. 10-95; 6-1-1998 by Ord. No. 98-57; 7-20-1998 by Ord. No. 98-107; 12-21-1998 by Ord. No. 98-172; 1-19-1999 by Ord. No. 99-4; 12-17-07 by Ord. No. 57-2007; 2-4-08 by Ord. No. 11-2008; 4-5-2017 by Ord. No. 17-26; Amended 9-22-21 by Ord. No. O21-102

**B. [New] Business Meetings.**

(1) Order of business. Except as set forth in (2) and (3) below, the order of business at a regularly scheduled business meeting, which shall not in any case be departed from unless by the unanimous consent of the members of City Council present, shall be as follows:

Same as currently in Code

(2) At a special business meeting with pending legislation to be voted upon the order of business shall be as follows:

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll call
- IV. Public comment/communication related to the pending legislation only
- V. Business specified in the notice of meeting, must include legislation to be voted upon
- VI. Adjournment

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(3) For all other special business meetings where no legislation is to be voted upon, e.g., City Council Organizational meeting, State of the City, and the Mayor's presentation of the annual budget, the order of business shall be as follows:

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll call
- IV. Business specified in the notice of meeting, no legislation will be on the agenda for a vote
- V. Adjournment

**O. [New] Members of public addressing City Council and attendance at meetings.**

(1) Public Comment is permitted at all City Council business meetings in which there is pending legislation to be voted upon, see § 26-5 B(1) and (2) above. Public comment is not permitted at a business meeting where no legislation is to be voted upon, see § 26-5 B(3) above, or at work sessions and committee meetings. Public comment is subject to the following rules:

- (a) Speakers must provide their name and any organization they are representing, if any; and state (i) if they live in the City, (ii) work in the City, (iii) live and work in the City, or (iv) do not live or work in the City. Speakers may include a home or work address at the speaker's discretion.
- (b) Speakers will appear in person, unless in person meetings are suspended by New York State. If a person wishes to submit public comment but is unable to attend a meeting in person, they may submit a letter or email to the City Clerk no later than 1 pm on the day of the meeting. The letter or email should provide a name and any organization they are representing, if any; and state (i) if they live in the City, (ii) work in the City, (iii) live and work in the City, or (iv) do not live or work in the City. The letter or email will be distributed to members of Council. The letter will be included in the record. The letter may be read by any member of City Council during the public comment period.
- (c) Speakers will have up to five (5) minutes to address City Council regarding pending legislation and issues affecting the City.
- (d) Public comment is not a question and answer period. It is an opportunity for the public to address City Council. Members of Council should not interrupt speakers.
- (e) Speakers will conduct themselves in a professional and respectful manner and they will not defame, intimidate, make personal affronts, make threats of violence, or use profanity.
- (f) Speakers will address their remarks to City Council, not to other members of the public nor City staff.
- (g) Speakers and attendees will not interfere with, touch, manipulate, or disturb City equipment, including microphones and audio visual equipment, nor will they move tables or barriers.
- (h) Speakers and attendees are not permitted to advance beyond the table designated for public comment without the consent of the Presiding Officer.

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(i) Attendees will not delay or otherwise interrupt speakers nor will they disrupt the orderly conduct of the meeting. In this regard, members of the public will not shout, engage in unruly behavior, or speaking out when not recognized by the Presiding Officer (the President or President Pro Tem), City Clerk, or Deputy Clerk, defame, intimidate, issue personal affronts, threats of violence, or use profanity.

(j) No electioneering or campaigning is permitted at City Council meetings by speakers, attendees, nor members of City Council.

(k) All members of City Council are expected to preserve the order and decorum of City Council meetings. They will conduct themselves with decorum and advise members of the public to do the same.

(l) These rules will be posted in the City Council meeting room and on the City's website.

**(2) Public hearings. [This section replaces EE].** Public comment is permitted at all public hearings, e.g., local laws, annual budget hearing (not the budget presentation), zoning amendments, and other public hearings as may be required by law, under the same conditions as set forth in section (1) above, except (i) speakers are not required to state their name or organization, but may include their name, an organization, or a home or work address at the speaker's discretion, (ii) members of City Council are permitted to ask questions during the course of the public hearing, and (iii) the City Clerk will read any letter or email submitted as required in section 1(b) above.

(3) If these rules are violated, any member of Council, including the Presiding Officer, may raise a "Point of Order" and cite the section being violated. If the Presiding Officer agrees, then the Presiding Officer will advise the speaker or attendee that such conduct violates the rules of public comment/attendance and if that person or persons continue to violate the rules, at this or at any subsequent meeting, then their opportunity to present public comment may be terminated and that person or persons may be required to leave the meeting room. If the conduct continues, then any member of Council, including the Presiding Officer, may again raise a "Point of Order" and cite the section being violated and either provide a final warning or ask for a vote to terminate their opportunity to present public comment and/or to remove them from the meeting room. If passed by a majority vote, that person's opportunity to present public comment will be terminated and they will be requested to leave the microphone and take a seat in the meeting room. All public comment will be suspended until that person or persons leave the microphone. If the motion is for or includes a vote to remove the person or persons from the meeting room and the person or persons refuse to voluntarily leave the meeting room, then the Presiding Officer will advise that person or persons that they are trespassing, give one final opportunity to leave the meeting room, and if the person or persons continue to refuse to leave the meeting room, then the Presiding Officer may request that they be removed from the meeting room and they may be prosecuted to the fullest extent of the law. All public comment, if pending, will be suspended until that person or persons leave the meeting room.

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Any time a "Point of Order" is raised and pending resolution of the "Point of Order," the speaker's microphone will be turned off, if possible. The time to raise and resolve a "Point of Order" will be deducted from the speakers five minutes, unless it is determined that the speaker did not violate the rules.

If violations continue by other persons, in addition to the above procedure, then any member of Council, including the Presiding Officer, may again raise a "Point of Order" and ask for a vote to end public comment for that meeting, and if passed by a majority vote public comment will be terminated.

**EE. [New] Work Sessions and Committee Meetings.** The Presiding Officer at a work session is the President or President Pro Tem. The Presiding Officer at a committee meeting is the Chair of that committee. The Presiding Officer will conduct the meeting. While the Presiding Officer or City Clerk may prepare an agenda, other items may be presented if permitted by the Presiding Officer. Members of City Council will appear in person or otherwise comply with the Open Meetings Law. City employees, consultants, and other invited guests making a presentation may be permitted to appear remotely with consent of the Presiding Officer. There is no public comment at a work session or a committee meeting.

Section 2. That this ordinance shall take effect immediately.



Introductory No. 021-96

Permanent No. 021-102

Sponsored by City Council Members:  
Scaringi, Riley, Friedman, Burns, Strawn, Scanlon,  
Resciniti

AN ORDINANCE AMENDING THE CODE OF THE  
CITY OF BINGHAMTON, CHAPTER 26, CITY  
COUNCIL, TO REGULATE AND PROVIDE FOR  
PUBLIC COMMENT  
AT MOST BUSINESS MEETINGS

The within Ordinance was adopted by the Council of  
the City of Binghamton.

Date 9/22/21  
*Janine Faulkner*  
City Clerk

Date Presented to Mayor 9/23/21

Date Approved 10/4/21

Mayor \_\_\_\_\_

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilwoman Riley	✓			
Councilwoman Friedman	✓			
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
Councilwoman Resciniti	✓			
<b>Total</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>

Code of the City of Binghamton

Adopted  Defeated

7 Ayes 0 Nays 0 Abstain 0 Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 9/22/21. Approved by the Mayor on \_\_\_\_\_ *(Signature)*