

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

VALIAN WALKER MONTGOMERY,)	CIVIL DIVISION
COURTNEY THOMPkins, TRACEY)	
JORDAN, AND JANINA RILEY,)	G.D. No. 21-1723
)	
Plaintiffs,)	
)	
v.)	
)	
MCKEESPORT CITY COUNCIL AND)	
THE CITY OF MCKEESPORT,)	
)	
Defendants.)	

CONSENT ORDER

AND NOW, this 10th day of March, 2021, Plaintiffs, Valian Walker Montgomery, Courtney Thompkins, Tracey Jordan, and Janina Riley (collectively, the “McKeesport Citizens”), and Defendants, McKeesport City Council (“City Council”) and the City of McKeesport (the “City”) (collectively, “Defendants”), hereby consent that it is ORDERED AS FOLLOWS:

1. Defendants shall provide public access to all future meetings in person unless public-health or public-safety reasons preclude such in-person gatherings, *e.g.*, due to COVID-19, in which case Defendants shall provide “meaningful public access” virtually or remotely.
2. “Meaningful public access” virtually or remotely includes at a minimum:
 - a. An online platform that permits the public to monitor the meeting in real time via at least audio, but preferably via audio and video, connection;
 - b. Permits the public to make comments in writing before the start of the meeting; and
 - c. Permits public comment during the virtual meeting itself via an audio or audio and video platform.

Third-party services providing such access include Zoom, Microsoft Teams, and Turbo Bridge

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3. Until Defendants can decide on a more suitable online platform to provide meaningful public access or meetings are open to the public in-person, Defendants shall livestream the audio of City Council meetings via Tube City Almanac or another similar online platform.

4. Additionally, members of the public who wish to comment on agenda items or potential agenda items shall be able to do so by providing their full name, address, a brief summary of their topic, and a valid phone number at which they can be reached either in writing to The City of McKeesport, c/o The Mayor's Office, 500 5th Avenue, Suite 305, McKeesport, PA 15132 by 5 p.m. the evening of any scheduled meeting or via e-mail at jenn.vertullo@mckeesport-pa.gov at least 15 minutes prior to the scheduled start time of any meeting. All such persons will be contacted and given the opportunity to speak to the council members live during the public comment period of the meeting to be held at its traditional time at the beginning of the meeting prior to any legislative actions to be taken and in accordance with the existing Ordinances of the City.

5. Each written comment submitted to Council pursuant to Section 2(b) will be made a part of the official record of the meeting through incorporation by reference and made part of the meeting minutes, which will be posted on City Council's public website. Written comments may be made within the timeframes identified in Section 4.

6. In compliance with the Sunshine Act, the public may comment on all "matters of concern, official action or deliberation which are or may be before" City Council. *See* 65 Pa.C.S. § 710.1.

7. Notice of the selected virtual or remote participation method, and how members of the public can attend virtually and how they may provide public comment, both in writing and

during the meeting, shall be provided to the public in a manner and at a time required by the Sunshine Act. See 65 Pa.C.S. § 709.

8. Any party may request that this Order of Court be enforced by the Court upon appropriate motion due to an actual or threatened violation of the provisions herein.

9. This Order of Court will remain in full force and effect until further Order of the Court and upon good cause shown by any party.

10. The McKeesport Citizens reserve the right and ability to move for attorney's fees and costs pursuant to the Pennsylvania Sunshine Act.

Plaintiffs, Valian Walker Montgomery,
Courtney Thompkins, Tracey Jordan, and
Janina Riley:

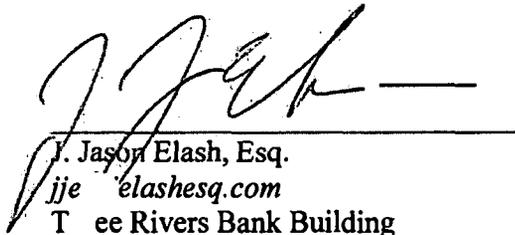


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City of McKeesport:



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BY THE COURT:



The Hon. John T. McVay, Jr.