

SCHWENKSVILLE BOROUGH
RESOLUTION NO. 2020-04

WHEREAS, the Council desires to establish rules and procedures for the conduct of its meetings to promote effective and efficient government; and

WHEREAS, the Council desires to encourage meaningful and orderly citizen input prior to the deliberative process of Council; and

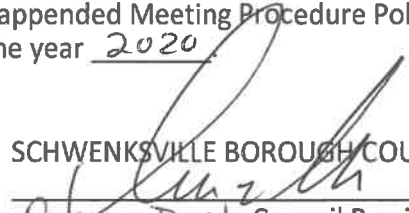
WHEREAS, the Council desires to improve transparency and access to Meeting Materials; and

WHEREAS, the Council desires to have meetings which provide for timely consideration of agenda items of interest to meeting attendees and which provide for timely completion thereof; and

WHEREAS, the Council deems the following rules and procedures to further the goals of Council.

NOW, THEREFORE, BE IT RESOLVED that the appended Meeting Procedure Policy is hereby adopted this 6th day of Jan in the year 2020.

SCHWENKSVILLE BOROUGH COUNCIL


Darren Rash, Council President

Attest:


Gail Phillips, Secretary

SCHWENKSVILLE BOROUGH MAYOR


Joseph Giunta, Mayor

Schwenksville Borough
Agency Public Meeting Policy

I. PURPOSE:

To establish rules and procedures for the conduct of its meetings to promote effective and efficient government; and

To give public notice of public meeting schedules of Borough agencies pursuant to The Pennsylvania Sunshine Law, 65 Pa.C.S.A. § 701, et. seq.; and

To take official action/conduct deliberations by a quorum of the Borough Council at meetings open to the public; and

To encourage meaningful and orderly public input into the deliberative process of Council; and

To have meetings which provide for timely consideration of agenda items of interest to meeting attendees and which provide for timely completion thereof; and

To maintain cooperative, rather than adversarial relationship with constituents and to promote better communication and transparency; and

To provide an open, public forum in which Borough Officials conduct government business openly, orderly, respectfully and compliance with The Pennsylvania Sunshine Law, 65 Pa.C.S.A. § 701, et. seq; and

To provide a specified and scheduled period of public comment and a reasonable amount of time dedicated for giving public comments that shall be held at each meeting open to the public unless closed under The Pennsylvania Sunshine Law, 65 Pa.C.S.A. § 701, et. seq; and

To adopt reasonable rules and regulations to govern the conduct of Borough Council Meetings, the Borough Officials in attendance as well as members of the public in attendance and to provide for the maintenance of order in conformance with The Pennsylvania Sunshine Law, 65 Pa.C.S.A. § 701, et. seq; and

To give the public the right to **be present** at all business meetings of Schwenksville Borough Council and **to witness** the deliberation, policy formulation and decision-making of Borough Council and to be afforded an opportunity and right to comment on issues that are or may be before Council prior to a decision taking place which is appropriate, desirable and lawful for the enhancement and proper functioning of the democratic process.

II. DEFINITIONS

In addition to the Definitions in The Pennsylvania Sunshine Law, 65 Pa.C.S.A. § 701, et. seq, attached hereto as Exhibit B, the following words and phrases when used in this

policy shall have the meanings given to them as outlined below.

Business Meeting: Any public meeting held to conduct routine and official business and/or where any vote is taken by Borough Council. Agenda items may include: approval of meeting minutes; approval of month bills; approval of the Treasurer's Report; administrative reports; hearing and action on proposed land development and subdivision plans, conditional uses, requests for zoning or zoning map amendments; approval of agreements, contracts or bids; adoption of borough policy, ordinance and resolutions; and other similar business matters.

Executive Session: A meeting from which the public is excluded, although the agency may admit those persons necessary to carry out the purpose of the meeting. Executive sessions may cover those subjects specified under Section 8(a) of the Pennsylvania Sunshine Act, including: Personnel Matters, Collective Bargaining Strategy Sessions, Consideration of the purchase or lease of real property; consulting with an attorney about active or pending litigation; the Lawful Privilege Exception; and certain Public Safety issues. No official action may be taken in Executive Sessions.

Official Action: Recommendations made by Council pursuant to statute, ordinance or resolution, the establishment of policy by Borough Council, the decisions on Borough business made by Council, the vote taken by Borough Council on any motion, proposal, resolution, rule, regulation, ordinance, report or order.

Presiding Officer: The Council member presiding over the Council and is charged with maintaining order and recognizing members to speak.

Quorum: The minimum number or majority of voting members of an agency that must be present in order for the agency to conduct business.

Workshop/information Meeting: Any public meeting held for deliberation of agency matters and where no vote is taken or any agency businesses is acted upon.

III. PROCEDURE AND RESPONSIBILITY

A. Advertisements

1. All public meeting notices shall be advertised and posted in accordance with The Pennsylvania Sunshine Law, 65 Pa.C.S.A. § 701, et. Seq . Schwenksville Borough chooses to advertise public meetings primarily in the *Pottstown Mercury* but reserves the right to utilize other local publication should need or conflict arises.

In addition to the lawfully required legal notices,

The public meeting schedule for the forthcoming year shall be posted at the Borough Hall and will be added to the Calendar of events on the Borough Website upon publication.

Notices of Special Meetings, Hearings, Meeting Cancellations or Changes of Meeting Location will be posted at Borough Hall upon publication or confirmation. The Calendar of events on the Borough Website and Social Media will be adjusted to reflect these irregular events as a matter of routine; however exceptions are possible due to administrative or technological limitations.

2. It shall be the Borough Manager or administrative designee's responsibility to ensure compliance with advertising requirements and for promoting such notices through other information outlets.

B. Meeting preparation

1. Typical order of business of Borough Council Meetings shall be as follows:

Call to Order at 7:00 P.M.

Roll Call

Salute to the Flag/Pledge of Allegiance

Meeting Announcements

Public Safety Reports & Special Presentations

Public Forum

Action Items

Engineer's Report

Solicitor's Report

Manager's Report

Reports of Municipal Committees, Boards and Commissions

Council Items or New Business

Adjournment

Executive Session – As Needed

2. Any Council member may place an item on the agenda for motion and debate:

a) By notifying the person charged with the preparation of the agenda, and

b) By providing a copy of the proposed motion or action to be considered with any informational material to the Borough Office by 4:00 p.m. on the Monday before the scheduled Council Meeting or as otherwise directed by the Council President. The item to be considered shall be set forth in the New Business section of the agenda by descriptive title and a copy of the proposed action or motion and informational material shall be provided to Council.

3. Promulgation of the Agenda & Action Items

The Draft Agenda with Ordinances, Resolutions and action items other than routine business items such as minutes and bills list, appended, shall be published to or delivered to Borough Council Members by the close of the business four (4) business days prior to the date when the meeting is scheduled.

Best efforts shall be made by the close of business two (2) business days prior to the date when the meeting is scheduled, to have the Draft Agenda as appended also be posted publicly in Borough Hall and on the Borough Website.

It shall be the Borough Manager or administrative designee's responsibility to do so.

C. Meeting Conduct

1. Quorum.

Borough Council shall have a quorum or majority of voting members present in order for the agency to conduct business.

2. Participation by telecommunication device.

Pursuant to Resolution No. 2013-04, once a quorum is physically present, then a Council member may contact the Council President at the advertised meeting time to use a telecommunication device to participate in the meeting. Everyone in the chamber should be able to hear the speaker and vice versa. This method will be used for those reasons approved under Section 1003 of the Borough Code. The Council member participating by speakerphone cannot be counted to reach a quorum.

3. Taping or transmitting of the meeting.

Members of the public and press are permitted to videotape or otherwise record or transmit a meeting subject to the following conditions:

- a) Any person audio or video recording or transmitting the meeting shall sign the attendance sheet and indicate so on the Meeting Attendance Sign-in Sheet and affirm or announce such when asked by the Presiding Officer.
- b) All recording or transmitting of the meeting shall be done from the back of the room and shall be done in such a manner so as not to disrupt the meeting.
- c) Any person audio or video recording or transmitting the meeting shall not block the doorways or the aisles and shall allow for the safe movement of the public in and out of the meeting room.

4. Executive Sessions

An agency may discuss certain matters in Executive Session, which is not held in public. The Pennsylvania Sunshine Law, 65 Pa.C.S.A. § 701, et. seq enumerates seen reasons an agency may hold an Executive Session. Closed gatherings may also be held solely for the purpose of collecting information or educating agency members about an issue.

The specific reason for an Executive Session must be announced in the public meeting either before or directly after the Executive Session.

No official action may be taken during an Executive Session or a closed gathering. All official actions must be taken during a public portion of a meeting.

5. Minutes

The Borough is required to keep minutes of public meetings. The minutes shall record the time, date, and place of the meeting; the names of the members present, the substance of all official action taken during the meetings, and a record of how each individual voted. The minutes shall also list all members of the public who participated in the meetings and a summary of their comments.

The Borough Secretary is responsible for taking the minutes of public meetings. After the minutes are approved by Council they shall be the official record of the meeting. Approved minutes shall be posted to the Borough Website within a reasonable amount of time.

6. Council President or Presiding Officer

The Council President or Council Member presiding over the meeting shall:

- a) Preside over the Meeting and ensure that the proper decorum is maintained during the meeting. This includes making sure that Council Members address their remarks to the President in a respectful manner, ensuring that council members do not hold side bars; that personal comments are not tolerated and that all council members are afforded an opportunity to speak within guidelines established by Council without interruption.
- b) Inquire whether or not anyone is recording or transmitting the meeting and directing them to sign the Attendance Register.
- c) Ensure that members of the public follow the rules established by Council to oversee public comments as well as sign the Attendance Register.

d) Make Meeting Announcements that may include:

(1) Announce that the meeting is being recorded for the purposes of preparation of minutes only. All recordings are destroyed upon the approval of meeting minutes.

(2) Announce any Executive Sessions planned.

(3) Announce that a Meeting Procedure Policy is in effect, the location of how/where the policy may be read;

(4) Ask if anyone is recording or transmitting the Meeting and for them to identify themselves and what they are doing.

(5) Announce that he/she has discretion over enforcement of the policy and may extend public comment time if it is desirable to do so or can table it to a future meeting in accordance with the Sunshine Act;

(6) Announce that all public comments about both items on the agenda proposed for action or discussion as well as non-agenda items are to be given during the Public Forum Period at the top of the agenda prior to Council Action in accordance with the Sunshine Act and that Council is **not required** to take additional public comments prior to or after each individual agenda item;

(7) Announce that all public comments shall be addressed to Council as a whole body;

(8) Announce that Council is not obligated to respond to or answer questions from the floor, especially those considered to be rhetorical, but may answer questions that are simplistic or routine in nature and may take note of other questions to research and respond directly to the petitioner outside of the public meeting.

d) Recognize individuals wishing to offer comment

e) Require identification of such persons

f) Allocate available time among individuals wishing to comment.

g) Rule out of order disrespectful, impertinent, sarcastic, repetitive and redundant comments; or any comment, the discernible purpose of which is to disrupt or prevent the conduct of business of the meeting, or which was previously received by Council, is abusive, rude, overly loud or contains inappropriate or offensive content.

- h) Rule out of order personal remarks relating to any member of the Council, Mayor or Borough Staff or professional consultants.
- i) Rule out of order any public comment made out of turn or not made from a designated lectern provided for public comment.

IV. Public Participation

Schwenksville Borough desires to have a good working relationship with the public and encourages members of the public to be involved in their local government by attending public meetings and volunteering to serve on its citizen committees, boards, commissions and Municipal Authority. Borough Council recognizes and desires to grant the public its right to be present at all business meetings of Schwenksville Borough Council and to witness the deliberation, policy formulation and decision-making of Borough Council as well as to be afforded an opportunity and right to comment on issues that are or may be before Council prior to a decision taking place which is appropriate, desirable and lawful for the enhancement and proper functioning of the democratic process.

A. Public Forum

In compliance with The Pennsylvania Sunshine Law, 65 Pa.C.S.A. § 701, et. seq, the Borough of Schwenksville hereby designates a portion of the Agenda for every Borough Council Business or Work Session Meeting for a Public Forum. The Public Forum shall be at the top of the agenda prior to official deliberation or official action scheduled later on the Agenda. Should any Special Business come in advance of the Public Forum that requires deliberation or official action, the public will be granted an opportunity for public comment independent of the Public Forum. Likewise, if anything new is added to the Agenda after the Public Forum, the public will be granted an opportunity for public comment at that time.

B. Public Forum Rules

The public is invited to address Council on any matter including agenda items or non agenda items. This will be the only scheduled opportunity for public input on the agenda in accordance with this policy. This is not a Public Question and Answer Session. It is an opportunity for the public to make public comments on any subject. The tentative or draft agenda will be made available at the Borough Office and on the Borough Website by the close of business two (2) business days prior to the scheduled meeting; however Borough Council reserves the right to adjust the tentative agenda as necessary.

1. Attendance Register

An attendance register will be located near the entrance to the public meeting

and members of the public who wish to participate in the meeting by giving public comment or being recognized by Council; or who plan to record or transmit the meeting are required to sign the register providing their name, and address and whether or not they are recording or transmitting the meeting. A sample Attendance Register is attached as Exhibit A to this Policy.

2. Public Speaking

- a) Any member of the public wishing to address Council shall indicate their desire to do so at the appropriate time by raising their hand. The Presiding Officer will then call on individuals to address Council.
- b) If a lectern or microphone is provided by Borough Council all public comments shall be made from such. If no lectern or microphone is provided, members of the public are encouraged to stand when recognized by the Presiding Officer.
- c) Only one speaker will be recognized to speak at one time. Anyone else interrupting or speaking over the recognized speaker can be ruled out of order.
- d) The speaker shall provide his or her name and address upon being recognized prior to providing comment.
- e) Speakers are requested to furnish the Borough Secretary with copies of any prepared statement/presentation or photo exhibits.

3. Public Forum Time

- a) Council shall allot up to a half an hour for the Public Forum. However, this time allotment can be adjusted at the discretion of the Council President or Presiding Officer depending on the number of people present and the number of topics raised.
- b) When a group of persons wishes to address the Council on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesperson be chosen by the group to address the Council and to limit the number of persons addressing the Council on the same matter so as to avoid unnecessary repetition.
- c) Each individual speaker with something different or unique to contribute will be given a maximum of 3 minutes to address the Council on any/all topics of interest. The Council President or Presiding Officer shall determine speaking order and may adjust the duration of public comments according to repetition, the number of speakers, topics and time allotment. Once the Public Forum has passed, the Presiding Officer is not obligated to grant further or additional public comment opportunities unless required otherwise or new business is added.
- d) The 3 minute per person speaking allotment during the Public Forum Section of the Agenda is not inclusive of special public hearings on specific subjects during which the Presiding Officer shall ask for public comment and shall determine speaking order and duration.

V. ADMINISTRATIVE POLICY

Public participation at Council meetings shall be encouraged. It shall be facilitated by adherence to the rules and procedures hereof and the making of this policy readily available to the public including making paper copies available at Council Business Meetings, posting of it on the Borough Website, writing about it in the newsletters and e-newsletters.

Unless otherwise required, all proceedings will be governed by "Robert's Rules of Order, Newly Revised." All debates by Council members shall be limited to five (5) minutes in lieu of the ten (10) minute time limit as set forth in Robert's Rule of Order. The Presiding Officer may upon application or request from a Council member, waive this provision

SCHWENKSVILLE BOROUGH
ATTENDANCE SIGN IN SHEET

By signing in, you acknowledge that you have read and understand the Schwenksville Borough Meeting Procedure Policy.
A copy of the full Policy is available upon request.

<u>Name</u>	<u>Address</u>	<u>Signature</u>	<u>Recording/ Transmitting?</u>
_____	_____	_____	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>
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_____	_____	_____	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>

Exhibit B

TITLE 65 PUBLIC OFFICERS

Part

II. Accountability

Enactment. Unless otherwise noted, the provisions of Title 65 were added October 15, 1998, P.L.729, No.93, effective in 60 days.

PART II ACCOUNTABILITY

Chapter

- 7. Open Meetings
- 11. Ethics Standards and Financial Disclosure
- 13. Lobby Regulation and Disclosure (Deleted by amendment)
- 13A. Lobbying Disclosure

Enactment. Part II was added October 15, 1998, P.L.729, No.93, effective in 60 days.

Special Provisions in Appendix. See sections 2 and 7 of Act 93 of 1998 in the appendix to this title for special provisions relating to transition provisions and legislative intent.

CHAPTER 7 OPEN MEETINGS

Sec.

- 701. Short title of chapter.
- 702. Legislative findings and declaration.
- 703. Definitions.
- 704. Open meetings.
- 705. Recording of votes.
- 706. Minutes of meetings, public records and recording of meetings.
- 707. Exceptions to open meetings.
- 708. Executive sessions.
- 709. Public notice.
- 710. Rules and regulations for conduct of meetings.
- 710.1. Public participation.
- 711. Use of equipment during meetings.
- 712. General Assembly meetings covered.
- 713. Business transacted at unauthorized meeting void.
- 714. Penalty.
- 714.1. Attorney fees.
- 715. Jurisdiction and venue of judicial proceedings.
- 716. Confidentiality.

Enactment. Chapter 7 was added October 15, 1998, P.L.729, No.93, effective in 60 days.

Special Provisions in Appendix. See sections 4(a) and (b) and 5 of Act 93 of 1998 in the appendix to this title for special provisions relating to applicability and codification of existing law.

Cross References. Chapter 7 is referred to in section 13A10 of this title; sections 1511, 9311, 9319 of Title 3 (Agriculture); sections 1201.1, 1202.1 of Title 4 (Amusements); sections 1006, 1111, 1183, 1191, 24A04 of Title 8 (Boroughs and Incorporated

Towns); sections 11005, 12416, 13706 of Title 11 (Cities); section 503 of Title 12 (Commerce and Trade); section 3115 of Title 27 (Environmental Resources); sections 5303, 8108 of Title 35 (Health and Safety); sections 9302, 9304 of Title 40 (Insurance); section 3305 of Title 58 (Oil and Gas); section 3753 of Title 62 (Procurement); sections 1511, 6017 of Title 64 (Public Authorities and Quasi-Public Corporations); section 2113 of Title 68 (Real and Personal Property); sections 3101, 5958 of Title 71 (State Government); sections 1741, 8205, 9103 of Title 74 (Transportation); section 3345.1 of Title 75 (Vehicles).

§ 701. Short title of chapter.

This chapter shall be known and may be cited as the Sunshine Act.

§ 702. Legislative findings and declaration.

(a) **Findings.**--The General Assembly finds that the right of the public to be present at all meetings of agencies and to witness the deliberation, policy formulation and decisionmaking of agencies is vital to the enhancement and proper functioning of the democratic process and that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society.

(b) **Declarations.**--The General Assembly hereby declares it to be the public policy of this Commonwealth to insure the right of its citizens to have notice of and the right to attend all meetings of agencies at which any agency business is discussed or acted upon as provided in this chapter.

§ 703. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Administrative action." The execution of policies relating to persons or things as previously authorized or required by official action of the agency adopted at an open meeting of the agency. The term does not, however, include the deliberation of agency business.

"Agency." The body, and all committees thereof authorized by the body to take official action or render advice on matters of agency business, of all the following: the General Assembly, the executive branch of the government of this Commonwealth, including the Governor's Cabinet when meeting on official policymaking business, any board, council, authority or commission of the Commonwealth or of any political subdivision of the Commonwealth or any State, municipal, township or school authority, school board, school governing body, commission, the boards of trustees of all State-aided colleges and universities, the councils of trustees of all State-owned colleges and universities, the boards of trustees of all State-related universities and all community colleges or similar organizations created by or pursuant to a statute which declares in substance that the organization performs or has for its purpose the performance of an essential governmental function and through the joint action of its members exercises governmental authority and takes official action. The term shall include the governing board of any nonprofit corporation which by a mutually binding legal written agreement with a community college or State-aided, State-owned or State-related institution of higher education is granted legally enforceable supervisory and advisory powers regarding the degree programs of the institution of higher education. The term does not include a caucus or a meeting of an ethics committee created under rules of the Senate or House of Representatives.

"Agency business." The framing, preparation, making or enactment of laws, policy or regulations, the creation of liability by contract or otherwise or the adjudication of rights, duties and responsibilities, but not including administrative action.

"Caucus." A gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action in the General Assembly.

"Conference." Any training program or seminar, or any session arranged by State or Federal agencies for local agencies, organized and conducted for the sole purpose of providing information to agency members on matters directly related to their official responsibilities.

"Deliberation." The discussion of agency business held for the purpose of making a decision.

"Emergency meeting." A meeting called for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property.

"Executive session." A meeting from which the public is excluded, although the agency may admit those persons necessary to carry out the purpose of the meeting.

"Litigation." Any pending, proposed or current action or matter subject to appeal before a court of law or administrative adjudicative body, the decision of which may be appealed to a court of law.

"Meeting." Any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking official action.

"Official action."

(1) Recommendations made by an agency pursuant to statute, ordinance or executive order.

(2) The establishment of policy by an agency.

(3) The decisions on agency business made by an agency.

(4) The vote taken by any agency on any motion, proposal, resolution, rule, regulation, ordinance, report or order.

"Political subdivision." Any county, city, borough, incorporated town, township, school district, intermediate unit, vocational school district or county institution district.

"Public notice."

(1) For a meeting:

(i) Publication of notice of the place, date and time of a meeting in a newspaper of general circulation, as defined by 45 Pa.C.S. § 101 (relating to definitions), which is published and circulated in the political subdivision where the meeting will be held, or in a newspaper of general circulation which has a bona fide paid circulation in the political subdivision equal to or greater than any newspaper published in the political subdivision.

(ii) Posting a notice of the place, date and time of a meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.

(iii) Giving notice to parties under section 709(c) (relating to public notice).

(2) For a recessed or reconvened meeting:

(i) Posting a notice of the place, date and time of the meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.

(ii) Giving notice to parties under section 709(c).

"Special meeting." A meeting scheduled by an agency after the agency's regular schedule of meetings has been established. (July 15, 2004, P.L.743, No.88, eff. imd.)

Official action and deliberations by a quorum of the members of an agency shall take place at a meeting open to the public unless closed under section 707 (relating to exceptions to open meetings), 708 (relating to executive sessions) or 712 (relating to General Assembly meetings covered).

Cross References. Section 704 is referred to in section 708 of this title.

§ 705. Recording of votes.

In all meetings of agencies, the vote of each member who actually votes on any resolution, rule, order, regulation, ordinance or the setting of official policy must be publicly cast and, in the case of roll call votes, recorded.

§ 706. Minutes of meetings, public records and recording of meetings.

Written minutes shall be kept of all open meetings of agencies. The minutes shall include:

- (1) The date, time and place of the meeting.
- (2) The names of members present.
- (3) The substance of all official actions and a record by individual member of the roll call votes taken.
- (4) The names of all citizens who appeared officially and the subject of their testimony.

§ 707. Exceptions to open meetings.

(a) **Executive session.**--An agency may hold an executive session under section 708 (relating to executive sessions).

(b) **Conference.**--An agency is authorized to participate in a conference which need not be open to the public. Deliberation of agency business may not occur at a conference.

(c) **Certain working sessions.**--Boards of auditors may conduct working sessions not open to the public for the purpose of examining, analyzing, discussing and deliberating the various accounts and records with respect to which such boards are responsible, so long as official action of a board with respect to such records and accounts is taken at a meeting open to the public and subject to the provisions of this chapter.

Cross References. Section 707 is referred to in sections 704, 708 of this title.

§ 708. Executive sessions.

(a) **Purpose.**--An agency may hold an executive session for one or more of the following reasons:

(1) To discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the agency, or former public officer or employee, provided, however, that the individual employees or appointees whose rights could be adversely affected may request, in writing, that the matter or matters be discussed at an open meeting. The agency's decision to discuss such matters in executive session shall not serve to adversely affect the due process rights granted by law, including those granted by Title 2 (relating to administrative law and procedure). The provisions of this paragraph shall not apply to any meeting involving the appointment or selection of any person to fill a vacancy in any elected office.

(2) To hold information, strategy and negotiation sessions related to the negotiation or arbitration of a collective bargaining agreement or, in the absence of a collective bargaining unit, related to labor relations and arbitration.

(3) To consider the purchase or lease of real property up to the time an option to purchase or lease the real property is

obtained or up to the time an agreement to purchase or lease such property is obtained if the agreement is obtained directly without an option.

(4) To consult with its attorney or other professional advisor regarding information or strategy in connection with litigation or with issues on which identifiable complaints are expected to be filed.

(5) To review and discuss agency business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matters related to the initiation and conduct of investigations of possible or certain violations of the law and quasi-judicial deliberations.

(6) For duly constituted committees of a board or council of trustees of a State-owned, State-aided or State-related college or university or community college or of the Board of Governors of the State System of Higher Education to discuss matters of academic admission or standings.

(7) To discuss, plan or review matters and records that are deemed necessary for emergency preparedness, protection of public safety and security of all property in a manner that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection.

(b) Procedure.--The executive session may be held during an open meeting or at the conclusion of an open meeting or may be announced for a future time. The reason for holding the executive session must be announced at the open meeting occurring immediately prior or subsequent to the executive session. If the executive session is not announced for a future specific time, members of the agency shall be notified 24 hours in advance of the time of the convening of the meeting specifying the date, time, location and purpose of the executive session.

(c) Limitation.--Official action on discussions held pursuant to subsection (a) shall be taken at an open meeting. Nothing in this section or section 707 (relating to exceptions to open meetings) shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of section 704 (relating to open meetings).

(Oct. 24, 2018, P.L.1144, No.156, eff. 60 days)

2018 Amendment. Act 156 added subsec. (a)(7).

Cross References. Section 708 is referred to in sections 704, 707 of this title.

§ 709. Public notice.

(a) Meetings.--An agency shall give public notice of its first regular meeting of each calendar or fiscal year not less than three days in advance of the meeting and shall give public notice of the schedule of its remaining regular meetings. An agency shall give public notice of each special meeting or each rescheduled regular or special meeting at least 24 hours in advance of the time of the convening of the meeting specified in the notice. Public notice is not required in the case of an emergency meeting or a conference. Professional licensing boards within the Bureau of Professional and Occupational Affairs of the Department of State of the Commonwealth shall include in the public notice each matter involving a proposal to revoke, suspend or restrict a license.

(b) Notice.--With respect to any provision of this chapter that requires public notice to be given by a certain date, the agency, to satisfy its legal obligation, must give the notice in time to allow it to be published or circulated within the political subdivision where the principal office of the agency is located or the meeting will occur before the date of the specified meeting.

(c) Copies.--In addition to the public notice required by this section, the agency holding a meeting shall supply, upon request, copies of the public notice thereof to any newspaper of general circulation in the political subdivision in which the meeting will be held, to any radio or television station which regularly broadcasts into the political subdivision and to any interested parties if the newspaper, station or party provides the agency with a stamped, self-addressed envelope prior to the meeting.

(d) Meetings of General Assembly in Capitol Complex.--Notwithstanding any provision of this section to the contrary, in case of sessions of the General Assembly, all meetings of legislative committees held within the Capitol Complex where bills are considered, including conference committees, all legislative hearings held within the Capitol Complex where testimony is taken and all meetings of legislative commissions held within the Capitol Complex, the requirement for public notice thereof shall be complied with if, not later than the preceding day:

(1) The supervisor of the newsroom of the State Capitol Building in Harrisburg is supplied for distribution to the members of the Pennsylvania Legislative Correspondents Association with a minimum of 30 copies of the notice of the date, time and place of each session, meeting or hearing.

(2) There is a posting of the copy of the notice at public places within the Main Capitol Building designated by the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(e) Announcement.--Notwithstanding any provision of this chapter to the contrary, committees may be called into session in accordance with the provisions of the Rules of the Senate or the House of Representatives and an announcement by the presiding officer of the Senate or the House of Representatives. The announcement shall be made in open session of the Senate or the House of Representatives.

Cross References. Section 709 is referred to in section 703 of this title; section 1511 of Title 3 (Agriculture).

§ 710. Rules and regulations for conduct of meetings.

Nothing in this chapter shall prohibit the agency from adopting by official action the rules and regulations necessary for the conduct of its meetings and the maintenance of order. The rules and regulations shall not be made to violate the intent of this chapter.

Cross References. Section 710 is referred to in section 711 of this title.

§ 710.1. Public participation.

(a) General rule.--Except as provided in subsection (d), the board or council of a political subdivision or of an authority created by a political subdivision shall provide a reasonable opportunity at each advertised regular meeting and advertised special meeting for residents of the political subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or of the authority created by a 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. The board or council has the option to accept all public comment at the beginning of the meeting. If the board or council determines that there is not sufficient time at a meeting for residents of the political subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or for both to comment, the board or council may defer the comment

period to the next regular meeting or to a special meeting occurring in advance of the next regular meeting.

(b) Limitation on judicial relief.--If a board or council of a political subdivision or an authority created by a political subdivision has complied with the provisions of subsection (a), the judicial relief under section 713 (relating to business transacted at unauthorized meeting void) shall not be available on a specific action solely on the basis of lack of comment on that action.

(c) Objection.--Any person has the right to raise an objection at any time to a perceived violation of this chapter at any meeting of a board or council of a political subdivision or an authority created by a political subdivision.

(d) Exception.--The board or council of a political subdivision or of an authority created by a political subdivision 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 shall be exempt from the provisions of subsection (a).

§ 711. Use of equipment during meetings.

(a) Recording devices.--Except as provided in subsection (b), a person attending a meeting of an agency shall have the right to use recording devices to record all the proceedings. Nothing in this section shall prohibit the agency from adopting and enforcing reasonable rules for their use under section 710 (relating to rules and regulations for conduct of meetings).

(b) Rules of the Senate and House of Representatives.--The Senate and House of Representatives may adopt rules governing the recording or broadcast of their sessions and meetings and hearings of committees.

§ 712. General Assembly meetings covered.

Notwithstanding any other provision, for the purpose of this chapter, meetings of the General Assembly which are covered are as follows: all meetings of committees where bills are considered, all hearings where testimony is taken and all sessions of the Senate and the House of Representatives. Not included in the intent of this chapter are caucuses or meetings of any ethics committee created pursuant to the Rules of the Senate or the House of Representatives.

Cross References. Section 712 is referred to in section 704 of this title.

§ 713. Business transacted at unauthorized meeting void.

A legal challenge under this chapter shall be filed within 30 days from the date of a meeting which is open, or within 30 days from the discovery of any action that occurred at a meeting which was not open at which this chapter was violated, provided that, in the case of a meeting which was not open, no legal challenge may be commenced more than one year from the date of said meeting. The court may enjoin any challenged action until a judicial determination of the legality of the meeting at which the action was adopted is reached. Should the court determine that the meeting did not meet the requirements of this chapter, it may in its discretion find that any or all official action taken at the meeting shall be invalid. Should the court determine that the meeting met the requirements of this chapter, all official action taken at the meeting shall be fully effective.

Cross References. Section 713 is referred to in section 710.1 of this title.

§ 714. Penalty.

(a) Fines and costs.--Any member of any agency who participates in a meeting with the intent and purpose by that

*member of violating this chapter commits a summary offense and shall, upon conviction, be sentenced to pay:

(1) For a first offense, the costs of prosecution plus a fine of at least \$100 and, in the discretion of the sentencing authority, of not more than \$1,000.

(2) For a second or subsequent offense, the costs of prosecution plus a fine of at least \$500 and, in the discretion of the sentencing authority, of not more than \$2,000.

(b) Payment.--An agency shall not make a payment on behalf of or reimburse a member of an agency for a fine or cost resulting from the member's violation of this section.

(July 7, 2011, P.L.270, No.56, eff. 60 days)

§ 714.1. Attorney fees.

If the court determines that an agency willfully or with wanton disregard violated a provision of this chapter, in whole or in part, the court shall award the prevailing party reasonable attorney fees and costs of litigation or an appropriate portion of the fees and costs. If the court finds that the legal challenge was of a frivolous nature or was brought with no substantial justification, the court shall award the prevailing party reasonable attorney fees and costs of litigation or an appropriate portion of the fees and costs.

§ 715. Jurisdiction and venue of judicial proceedings.

The Commonwealth Court shall have original jurisdiction of actions involving State agencies and the courts of common pleas shall have original jurisdiction of actions involving other agencies to render declaratory judgments or to enforce this chapter by injunction or other remedy deemed appropriate by the court. The action may be brought by any person where the agency whose act is complained of is located or where the act complained of occurred.

§ 716. Confidentiality.

All acts and parts of acts are repealed insofar as they are inconsistent with this chapter, excepting those statutes which specifically provide for the confidentiality of information. Those deliberations or official actions which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matter related to the investigation of possible or certain violations of the law and quasi-judicial deliberations, shall not fall within the scope of this chapter.