



### **Do Public Meetings Need More Sunshine?**

In mid-September, the Allegheny Institute was invited to testify to the PA House Committee on State Government on proposed changes to Pennsylvania's Open Meetings Law, or, as it is more commonly referred to, the "Sunshine Act". The Act sets out the requirements for how public meetings are to be conducted by agencies in the state, and by agency the definition is meant to apply to the state, its related entities, and all political subdivisions in Pennsylvania, such as counties, municipalities, and school districts.

Most times when one hears a reference to the law it is connected to a "violation" or a question related to what constitutes a quorum or whether an informal meeting was really a public meeting.

The changes would affect two main areas of the law as it exists. First, it would require what could be best termed "additional" public notice. Currently, an agency has to make notice of its annual meeting schedule, time, and place at least three days prior to the first annual meeting (whether operating on a calendar or fiscal year) in a newspaper with general circulation. It must also post the schedule of the meetings at the place where it conducts business. The proposed changes would require additional notice for each subsequent meeting, at least 24 hours prior to the time of the meeting. Stated another way, after an agency made notice of its annual meeting schedule in January it would have to do so one day or earlier each of the following months of the year.

Second, the changes would require that an agenda for the meeting be available, posted at the place of business, and that agencies not deviate from what was listed on the agenda. That would mean an agenda that spelled out items for action at the time of the meeting could not be joined by a "surprise, last minute" item that does not first appear on an agenda, likely the following month. There would be exceptions for what would be deemed an emergency item.

So what are the positives and negatives from this proposal? Certainly, giving citizens as much notice as is possible goes a long way to foster trust between them and their government. It seems appropriate to allow for technology to come into the definition of public notice in the law, since it would be reasonable for notice coming after the annual meeting schedule is established, website, e-mail, texting, and other methods of

communication could keep citizens informed. That way citizens who have missed the annual notice could easily visit the website of the governmental entity they are interested in to see when the next meeting would take place. Or they could elect to be placed on an e-mail blast or texting list that would automatically deliver a reminder.

On agenda creation and sticking to it, while some officials we spoke with felt that an agenda written for a monthly meeting might not be flexible enough for issues that may crop up near the day of the meeting (that sentiment was shared by local government associations that submitted testimony to the Committee), such an occurrence may be rare. However, a clear, descriptive agenda can let a citizen know what an agency is going to deliberate on and whether they feel it is worthwhile to attend a meeting or not.

In short, in this time of inexpensive internet communications in a variety of forms, there is every reason to believe that any government large enough to provide public services should have the resources to establish a webpage and e-mail list. Thus, for anyone who wants to keep up with meetings and other happenings can easily find out if the government entity maintains a basic webpage and is willing to send out e-mails to those who share them for the purpose of being notified. Indeed, the state could set aside some small amount of funds in one of the departments to assist local governments with relatively few funds in getting started.

Using modern technology as well as posting on a bulletin board near the meeting place should be more than adequate to inform people who are interested in attending public meetings. And, after all, as much transparency and openness as can possibly be created in governance is helpful to good government.

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