

LIVESTREAM BUSINESS MEETING OF THE LOCAL GOVERNMENT COMMISSION

Thursday, December 16, 2021

The meeting of the Local Government Commission (Commission) was called to order by Senator Scott E. Hutchinson at 9:12 a.m. with the following Commission Members, staff and guests participating remotely:

MEMBERS

Senator Scott E. Hutchinson, Chair
Senator Timothy P. Kearney
Representative R. Lee James
Representative Jerry Knowles
Representative Robert Freeman
Representative Christina D. Sappey

STAFF

David A. Greene, Executive Director
Kristopher J. Gazsi, Assistant Director
Martin A. Toth, Associate Legal Counsel
Danette H. Magee, Senior Research Analyst
Julia Frey, Research Analyst
Karen S. Bear, Executive Assistant
Sonya I. Ebersole, Fiscal Administrator

GUESTS

Nathan Akers, Senator Judy Ward's Office
Matt Maniskas, Senator Schwank's Office
Sam Arnold, Senator Kearney's Office
Mary Yoder, Senate Local Government Committee (R)
Kyle Schaeffer, House Local Government Committee (R)
Jon Castelli, House Local Government Committee (D)
Tim Scott, House Urban Affairs Committee (D)
Ashley White, County Commissioners Association of Pennsylvania
Brianna Petitti, County Commissioners Association of Pennsylvania
Melissa Gates, County Commissioners Association of Pennsylvania
Amy Sturges, Pennsylvania Municipal League
Kaitlin Errickson, Pennsylvania Municipal League
Ed Troxell, Pennsylvania State Association of Boroughs
Ron Grutza, Pennsylvania State Association of Boroughs
Eric Feder, Pennsylvania State Association of Elected County Officials
Joe Gerdes, Pennsylvania State Association of Township Supervisors
Matt Rucci, Greenlee Partners

The virtual meeting was recorded and conducted with both Member and Commission staff participation. On Tuesday, December 7, 2021, notice of the meeting was posted on the committee meeting pages of the Senate of Pennsylvania and the House of Representatives through the Legislative Data Processing Center. The meeting agenda was posted on the Commission's website,

www.lgc.state.pa.us, on Tuesday, December 14, 2021, and outside of the Commission's office located at 506 Irvis Office Building. Any questions on agenda items for consideration by the Commission were addressed during the meeting. After adjournment, the recording of the meeting will be posted on the Commission's website at www.lgc.state.pa.us.

Two pieces of draft legislation in response to the joint Senate and House Local Government Committee meeting held on September 13 were presented to the Members for their review. The joint public hearing explored the positives experienced by local government entities during the COVID-19 pandemic. The first proposal, which was discussed during the October business meeting, would amend Title 53 (Municipalities Generally) Chapter 11, of the Pennsylvania Consolidated Statutes (Pa.C.S.) by revising the emergency powers to designate a temporary seat of government and providing for emergency succession of officers during an emergency. A municipality would be permitted to establish a temporary location for the purpose of holding public meetings during an emergency declared by the governor or by a local authority that renders holding meetings at the ordinary location unsafe, hazardous, or impossible. Such a meeting may be held at any other place in the municipality, or in an adjacent or nearby municipality. The language would also permit a municipality that is currently subject to a requirement to establish a quorum in person to hold a remote public meeting by authorized telecommunications device during a declared emergency where an in-person meeting would be unsafe, hazardous, or impossible. The municipality must give 12 hours of advance notice of the meeting by posting a notification on its website or by publishing the notice in the newspaper. This meeting would allow, with certain conditions, the body holding the meeting to establish a quorum and take official action during the remote meeting. The bill would give additional flexibility to local government officials to address the challenges of holding public meetings and exercising official duties during future emergencies. After a brief debate, the Members decided unanimously to introduce the language into both chambers, with Senator Hutchinson and Representative Knowles as the prime sponsors.

Secondly, the Members reviewed suggested language that would amend the Sunshine Act to facilitate the creation of local rules allowing meetings to be broadcast online and allow public comment via authorized telecommunications devices. Political subdivisions and municipal authorities would be permitted to adopt local rules facilitating the broadcast of its meetings through its website, social media applications or other mobile applications. Political subdivisions and municipal authorities would also be authorized to adopt local rules permitting the public to offer remote public comment by an "authorized telecommunications device" in addition to in-person public comment. During the Covid-19 pandemic many local agencies experimented with business meetings made more accessible to the public via internet broadcast on familiar platforms including Facebook, YouTube and others, and in some cases, permitting the acceptance of public comment using teleconference and video conference services. After the Covid-19 emergency rules expired, communities sought additional clarity and flexibility regarding the ongoing use of these technologies. This bill would provide clear standards facilitating optional internet broadcast of, and acceptance of virtual public comment at, meetings by political subdivisions and authorities. These provisions are optional and would impose no further requirements on a political subdivision or authority that holds a public meeting without virtual public comment or internet broadcast. After some discussion, the Members unanimously decided to further define the categories of allowed public speakers and expand language providing for methods of public comment in the

event of technical issues with remote streaming. The revised language will be presented to the Members at the January 19 business meeting.

The Members reviewed the minutes of the October 27, 2021, business meeting, which were unanimously approved on a motion by Senator Kearney and a second by Representative Sappey. The financial reports for the months of October and November 2021 were presented, and an explanation was given by the Executive Director. The financial reports were unanimously approved on a motion by Representative Knowles and a second by Representative Freeman.

Local Government Commission meeting dates for 2022 were presented to the Members for their approval. After briefly reviewing the dates, the Members voted unanimously to meet on the following dates: January 19, 2022, monthly business meeting; February 9, 2022 monthly business meeting; March 23, 2022, monthly business meeting and meeting with local government associations; April 13, 2022, monthly business meeting; May 25 2022, monthly business meeting; June 15, 2022, monthly business meeting and meeting with local government associations; July 13, 2022, monthly business meeting; September 14, 2022, monthly business meeting and meeting with local government associations; October 19, 2022, monthly business meeting; November 16, 2022, monthly business meeting; and December 14, 2022, monthly business meeting and meeting with local government associations. Office closing dates for 2022 were presented to the Members, as well, with the Members unanimously approving all meeting and closing dates on a motion by Representative Freeman and a second by Senator Kearney.

As the last order of business, the Executive Director announced that at the January 19, 2022, business meeting the Members will be discussing the Sunshine Act amendments and reviewing a possible intergovernmental cooperation agreement. Commission Research Analyst Julia Frey and Center for Rural Pennsylvania Senior Policy Analyst Jonathan Johnson will be presenting the results from their joint survey report of local government officials in rural municipalities. The Executive Director also extended holiday wishes to the Members and staff.

The meeting adjourned at 9:55 a.m.

ATTESTED: _____
January 6, 2022