



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

September 12, 2014

TO: House State Government Committee
FROM: Elam M. Herr, Assistant Executive Director
SUBJECT: House Bill 2408 (PN 3936)

The House State Government Committee is scheduled to hold a public hearing on **HB 2408 (PN3936)** and PSATS would like to convey its opposition to this legislation.

HB 2408 would amend Title 65 Chapter 7 of the Pennsylvania Consolidated Statutes, pertaining to notice for public meetings. This bill would require that a local agency at least 24 hours prior to convening a meeting provide additional public notice of what is scheduled to be deliberated and voted upon. Under this proposal, a local government must advertise their agenda which must include a listing of only those issues that the agency will deliberate or take official action on.

Under existing law local governments are required to advertise all public meetings in order to inform the public. As written, this proposal will decrease efficiency of local governments by preventing them from addressing issues that the public may bring to their attention during the mandated public comment period. Under current law, if an issue arises during an advertised public meeting the elected officials have the ability to discuss and take action and potentially alleviate the problem. Under this proposal, they would have to convene another meeting, delaying the time it takes to accomplish agency business and costing the taxpayers more money.

The legislation requires that the agenda must also be posted at the location of the meeting, on its publicly accessible website, and be made available to individuals in attendance at the meeting. Many local governments do not have websites and under this proposal would be forced to create one. We would like to point out that a majority of municipalities already make their agendas available to the public as a matter of good government.

This legislation further provides that official action on items that were not included in the public notice may not be taken at the public meeting. The only exception to this restriction is that a local agency may address emergency business, which is defined as a "real or potential emergency involving a clear and present danger to life or property" at an emergency meeting that was called for that purpose. The local agency would still have to meet the existing requirements of the law for emergency meetings. What the legislation does not address is if a pressing issue arises at a public meeting. The local government should be afforded the opportunity to take action on such an issue if it can be addressed at that moment. A citizen that wants the governing body to look into an issue should not have to wait until another public meeting for an answer to their concerns.

We oppose House Bill 2408 and ask that it not be considered by the committee. Should you have additional questions or would like to discuss this legislation further, please contact me.