

Pennsylvania State Association of Boroughs



Testimony on

House Bill 2408

“Sunshine Act Agenda Mandates”

*House State Government Committee
Tuesday September 16, 2014*

Ed Troxell

Director of Government Affairs

2941 North Front Street, Harrisburg PA 17110
(717) 236-9526 x1021 - - - Fax (717) 236-8289
www.boroughs.org
e-mail: etroxell@boroughs.org

Good Morning Chairman Metcalfe, Chairman Cohen, and members of the House State Government Committee. My name is Ed Troxell and I serve as the Director of Government Affairs for the Pennsylvania State Association of Boroughs (PSAB).

PSAB is a nonprofit, nonpartisan local government association comprised of over 900 boroughs and more than 10,000 elected and appointed borough officials. For the past 100 years, PSAB has helped to shape the laws that govern boroughs and municipal officials across the state. We look forward to the next century of service to our members and working with the General Assembly on a host of important issues.

House Bill 2408, sponsored by Representative Christiana, seeks to radically alter the way local governments, and other agencies under the Act, conduct official business. This bill would require a significant departure from the way the General Assembly has required open meetings be conducted. PSAB believes the changes in the bill will hamper the efficiency of running a local government and significantly escalate the costs of public notices. As a result, ***PSAB strongly opposes House Bill 2408.***

Pennsylvania's Sunshine Act would be altered under HB 2408 by requiring a public agency to:

- advertise in a newspaper of general circulation 24 hours before a regularly scheduled public meeting, regardless of the fact that meeting was already advertised at the beginning of the year;*
- advertise in the public notice the agenda of the meeting, which must include all items of agency business that will be or may be considered;*
- post the agenda at the location of the meeting, on the agency's website, and provide copies to the public in attendance.*

If all of these requirements are not met by the public agency, no official action may be legally taken on the matter. This prohibition would be similar to the current limit on taking official action at a meeting that is not duly advertised in a newspaper of general circulation.

PSAB membership strongly objects to the concept of providing specific agenda items in their advertised public notice. Not from a position of silence, but instead a matter of practicality and taxpayer cost. If a local government cannot consider a matter as simple as paying its bills or changing their municipality's Act 205 pension administrator at the next meeting because that item was left off the advertised agenda, urgent bills could not get paid or other pressing matters would be unnecessarily delayed. In such an example,

the municipality and most importantly, *its taxpayers* would incur additional expense by advertising a special meeting.

Expenses for public notices will increase dramatically as every regular meeting advertised at the beginning of the year will need to be advertised again at least 24 hours prior to the meeting. Additionally, the public notice for meetings will surely be increased in length due to the agenda mandate, which in turn will increase the already high cost of public notices in newspapers. We have not even considered those newspapers of general circulation which do not publish on a daily basis!

While most municipalities maintain websites, we caution the committee that not all municipalities maintain a website. The current language in Section 709 (c.1) requires an agency post their meeting agenda on their website. If a municipality does not maintain a website, this bill would mandate the additional cost of building and maintaining a website for the purpose of complying with the Sunshine Act.

Summary

The members of PSAB believe the current Sunshine Law strikes the right balance between informing the public and the governmental efficiency. Therefore, the *Pennsylvania State Association of Boroughs would oppose the passage of House Bill 2408*. Thank you for this opportunity to provide testimony on the bill. I'd be glad to answer any questions from the members of the committee.