

**Upper Tulpehocken Township Information Sheet**  
**PENNSYLVANIA'S SUNSHINE ACT (OPEN MEETINGS LAW)**  
**<https://www.openrecords.pa.gov/SunshineAct>**

The Sunshine Act gives the public the right to comment on issues that are or may be before the Board. Agencies must provide a reasonable opportunity for residents and/or taxpayers to comment on an issue before a decision takes place.

Section 710.1 of the Sunshine Act states agencies are permitted to establish rules to oversee public comment by, for example, limiting the time for each commenter. The OOR encourages agencies to take care when imposing time limits on public comment. Three minutes is a common limit and may be more than enough at most public meetings.

Agencies are also permitted to limit comment to residents and taxpayers of the area served by the agency.

See *Sklaroff v. Abington School District*, which was decided by the PA Commonwealth Court in 2017. This case involved public comment over curriculum at a school board meeting in Montgomery County. The Court allowed a three minute time limit for comment. The Court found that the time limit, and time actually given, did not overly restrict the right of reasonable public comment under the Sunshine Law, and dismissed the complaint.

An agency may discuss certain matters in Executive Session, which is not held in public. Section 708 of the Sunshine Act enumerates seven reasons an agency may hold an Executive Session:

1. Discussing personnel matters;
2. Holding an information, strategy and negotiation session related to the negotiation of a collective bargaining agreement;
3. Considering the purchase or lease of real property;
4. Consulting with an attorney about active or pending litigation;
5. Discussing agency business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law;
6. Discussing certain academic matters (this reason is specifically limited to certain institutions of higher education); and
7. Discussing certain public safety issues if disclosure of the information discussed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection.

The specific reason for an Executive Session must be announced in the public meeting either before or directly after the Executive Session. See *Reading Eagle Co. v. Council of City of Reading*, 627 A.2d 305 (Pa. Cmwlth. 1993), ("The reasons stated by the public agency must be specific, indicating a real, discrete matter").

Closed gatherings may also be held "solely for the purpose of collecting information or educating agency members about an issue." See *Smith v. Township of Richmond*, 623 Pa. 209, 223 (Pa. 2013) ("The Supervisors' four closed-door gatherings did not violate the [Sunshine] Act because they were held for informational purposes only and did not involve deliberations")