

## Sunshine Act Amended to Include New Executive Session

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On October 24, 2018, Governor Tom Wolf expanded municipalities' ability to conduct executive sessions that are closed to the public when he approved the Act of October 24, 2018, P.L. 1144, No. 156. This Act amends the law commonly known as the Sunshine Act or Open Meeting Law by amending 708(a). This Section relates to executive sessions and 708(a) relates specifically to executive sessions which are permissible. An executive session is defined as the deliberation of a public body which need not occur in an open meeting. Previous to October 24, 2018 there were only six (6) appropriate reasons for an executive session. The Act signed by Governor Wolf on October 24, 2018 amends 708(a) of the Sunshine Act creating an additional permissible reason for an executive session under the Sunshine Act. This Section, now known as 708(a)(7), states that a municipality may hold an executive session for an additional reason as follows:

"(7) to discuss, plan or review matters and records that are deemed necessary for emergency preparedness, protection of public safety and security of all property in a manner that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection."

The Act as adopted does not appear to provide definitions for "emergency preparedness, protection of public safety and security of all property" and therefore ultimately these terms will have to be interpreted and defined by the Courts in the opinions which they issue under this Act. However at this time, the plain meaning of these words can be used in order to interpret this new ground for executive sessions and therefore executive sessions would be permissible for any meeting relating to emergency preparedness or protection of public safety and/or security of all property if disclosure of the substance of the meeting would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection.

As stated in 708(b) an executive session may be held during an open meeting, at the conclusion of an open meeting, or may be announced for a future date. The reason for holding the executive session must be announced at the open meeting immediately previous to the executive session or subsequent thereto. Lastly, as stated in 708(c), official action resulting from an executive session shall occur at an open meeting.

**WRITTEN BY:**

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