

The Return to In-Person Municipal Meetings

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Municipalities across Pennsylvania have spent the last 15 months conducting public meetings via Zoom or another virtual meeting platform to help stop the spread of COVID-19, all the while wondering when they would be required to gather for in-person meetings again.

For some, the answer is now.

The end of Gov. Tom Wolf's disaster declaration means borough and city councils in Pennsylvania have to go back to meeting in person, thanks to a qualification in the state's municipal codes when the pandemic started and municipalities needed to meet virtually.

At the onset of the COVID-19 pandemic, Pennsylvania adopted an amendment to its Health and Safety Act that covered response to the COVID-19 disaster emergency. The amendment stated boroughs, as well as other municipalities, "may conduct hearings, meetings, proceedings or other business through the use of an authorized telecommunications device until the expiration or termination of the COVID-19 disaster emergency."

When Pennsylvania's legislature on Thursday voted to [end Wolf's disaster declaration](#) under new powers afforded to it in May's primary election, it effectively meant the end of that amendment in the Borough Code. This is the case because the Pennsylvania Borough Code defines a quorum as "a majority of the membership of council then in office shall constitute a quorum. Except as provided in subsection (c), only council members physically present at a meeting place within the borough shall be counted in establishing a quorum."

The same can be said for the Pennsylvania's city codes, which also have a similar definition of what constitutes a quorum.

But not every municipal code included the end of the governor's order as a qualification to go back to in-person meetings. Neither Pennsylvania Township Code - for first or second class townships - contained the same definition of a quorum and are free to make their own decision about returning to in-person meetings.

And while borough councils are now required to return to in-person meetings, borough planning commissions are not. Those governmental bodies are regulated by the Pennsylvania Municipalities Planning Code, which also does not require physical presence at a meeting to constitute a quorum.

The quick turn to virtual meetings in 2020 and the lack of uniformity throughout municipal codes present some confusion regarding the return to in-person meetings. Municipal government bodies - councils, supervisors, commissions, zoning hearing boards and all other bodies - should check with their solicitor to

determine if their governing code spells out when they must return to in-person meetings.

If you have any questions about how this could affect your municipal government entities, please [contact me](#) or any member of the [Barley Snyder Municipal Industry Group](#).

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