



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
SENATE AND HOUSE LOCAL GOVERNMENT COMMITTEES**

ON

MEETING FLEXIBILITY DURING THE PANDEMIC

PRESENTED BY

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DIRECTOR OF GOVERNMENT RELATIONS**

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HARRISBURG, PA**

Chairmen Dush and Knowles and members of the Senate and House Local Government Committees:

My name is Joe Gerdes and I am the director of government relations for the Pennsylvania State Association of Township Supervisors. Thank you for the opportunity to provide comments on behalf of the 1,454 townships in Pennsylvania represented by the Association.

The Association represents Pennsylvania's 1,454 townships of the second class and is committed to preserving and strengthening township government and securing greater visibility and involvement for townships in the state and federal political arenas. Townships of the second class cover 95% of Pennsylvania's land mass and represent more residents — 5.7 million Pennsylvanians — than any other type of political subdivision in the commonwealth.

Transparency During the Shutdown

Transparency is a governmental responsibility that the Association and its membership take seriously.

When the pandemic first hit and the shutdown began, PSATS actively worked with its members to provide guidance and clarification on how to comply with Commonwealth orders while continuing to provide critical governmental services. This communication was delivered via direct daily email, weekly virtual town halls, continually updated website, and through hundreds of direct phone calls and emails. Townships officials wanted to know how they could serve their residents safely and this meant rethinking how we govern, communicate, and deliver services.

We appreciate that the General Assembly provided clarification and flexibility with Act 15 of 2020, allowing our boards and commissions to meet in a fully remote capacity and providing a temporary pause on mandatory reviews and approvals for development. In addition, the Office of Open Records provided guidance on both the Right-to-Know Law and the Sunshine Law as early as March, which we promoted to our membership through the various platforms I mentioned. During the early days of the shutdown, township officials working from home may not have had access to all documents and requests could be challenging to fulfill within the required 5-business days.

The Office advised local agencies that Continuity of Operations Plans should be addressing how RTKL requests will be handled and clearly communicate the plan to the public. In some cases, this means that local agencies needed to take additional time to respond to requests, up to the 30 days provided by law. Agencies were encouraged to reach out to requesters to see if an extension would be agreeable and to find out the timely need for the information. Local agencies were appropriately reminded that transparency builds trust, especially in times of crisis.

As the reopening began, the Office advised that those agencies in yellow and green counties process requests as they normally would, in compliance with state law. This guidance has been in place since May 2020.

The biggest challenge for our members was to change how they held safe and transparent townships meetings while providing public participation opportunities for residents and taxpayers. Suspending local government operations was simply not an option as residents rely on these services and functions. Townships met this challenge with creativity in finding solutions that worked for their community. These solutions were yet the latest examples of the value of flexibility and the necessity to resist one-size-fits-all solutions. They ranged from fully virtual meetings, to teleconferences, to livestreaming, to outdoor and drive-in meetings, to finding a larger venue to allow for social distancing, to recording and posting audio or video of meetings. In many cases, hybrid options were embraced to provide the public, and board members, with options. Some expanded opportunities for public participation by encouraging advance written comments by email or mail and offering residents the option to call-in during public comment instead of appearing in person.

As we look back over the last year, we are happy to note that, with few exceptions, our membership has met this challenge. In cases where a situation should be handled differently, we have worked hard to continue to educate and promote best practices that are both transparent and provide options for public participation. There remains no doubt, however, that broadband technology capacity **MUST** be addressed by the Commonwealth moving forward if we are to ensure that all Pennsylvanians have equal access to opportunity.

Many members have noted that they have learned to better communicate with their residents, both proactively and through more mediums than before. Some have noted increased public engagement through virtual or hybrid meeting arrangements. And many have begun offering certain services digitally and accepting payments electronically.

Since the emergency declaration and the local control and flexibility provided by Act 15 of 2020 has ended, townships have ended **fully** virtual meetings. While most have returned to in-person meetings, others have embraced technology and hybrid options, exercising local control to determine the best approach for their communities with available resources. Some townships found that they had greater community participation when offering a hybrid option and have continued to do so. This usually involves the board meeting in-person with interested residents, while other residents/board members participate virtually.

We note that the Second-Class Township Code and the Sunshine Law do provide boards of supervisors with the flexibility to offer hybrid meetings where some or even all of the supervisors participate remotely, along with interested residents and taxpayers, while the remaining supervisors and staff meet at the designated physical location as required by the Sunshine Law and provide access to those residents that prefer an in-person location. This is possible because, unlike some of the other local government codes, the Second Class Township Code does not require supervisors to meet in-person. This opportunity to exercise local control within the confines of the law has been used in cases where local case rates are high or where one or more supervisors or key staff are unable to physically appear due to sickness, travel or possible exposure to COVID-19.

While we do represent townships that would prefer to have the option of fully virtual meetings, the Association's membership has not yet taken a position on this issue. With that said,

PSATS strongly supports the concept of local control and providing the greatest level of flexibility to our local elected officials within the confines of the law.

Along those lines, we recognize that the recent amendment to the Sunshine Law, Act 65 of 2021, that requires the posting of meeting agendas is intended to promote transparency. While PSATS strongly supports transparency and has actively promoted and educated our members about this new requirement, PSATS took a neutral position on this legislation because, despite the significant improvement in local control and flexibility over prior versions of this legislation, it is a mandate that imposes an unfunded administrative burden on townships.

We do appreciate the recognition provided by Act 65 of the critical importance local government websites play as a means of communicating with their communities. We ask that these committees take the next step and approve legislation such as HB 955 and SB 252 that would enhance local control by providing municipalities with the opportunity of placing legal notices prominently on their websites as an option to expensive legal advertisements in paid newspapers. Local officials' hands should not be tied in determining the best way to communicate with their residents and should instead be provided with a flexible menu of choices to do what they always do: make decisions in the best interest of their citizens for their own local conditions.

Thank you for the opportunity to participate today and talk about the importance of government transparency and local control. I am happy to take any questions that you have.