



Management Directive

Commonwealth of Pennsylvania

Governor's Office

Management Directive 250.01 Amended – Notice and Advertisement of Meetings

Date: March 14, 2023

By Direction of:

A handwritten signature in black ink, appearing to be "N. Weaver".

Neil R. Weaver, Secretary of Administration

Contact Agency:

Office of Administration
Office of Continuity and Records Information Management
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This directive establishes policy, responsibilities, and procedures to ensure agencies are able to meet their obligations to provide Notice to the public of certain open Meetings in compliance with the *Sunshine Act* and the *Newspaper Advertising Act*.

1. PURPOSE.

To establish policy, responsibilities, and procedures to ensure agencies are able to comply with the requirements of the *Sunshine Act*, 65 Pa.C.S. §§ 701-716, and the *Newspaper Advertising Act*, 45 Pa.C.S. §§ 101, 301-310, regarding advance Notice and advertisement of certain Meetings that must be open to the public.

2. SCOPE.

This directive applies to all departments, offices, boards, commissions, and councils (hereinafter referred to as "agencies") under the Governor's jurisdiction that are required to provide Notice and advertisement of certain Meetings that the law requires be open to the public.

3. OBJECTIVES.

To ensure agencies utilizing the Office of Administration (OA) for advertising Meetings that must, by law, be advertised in a specific fashion and within specific time limits, submit all required documentation to OA in accordance with the requirements and procedures set forth in this directive.

4. DEFINITIONS.

- a. **Emergency Meeting.** A Meeting called for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property.
- b. **Meeting.** Any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking Official Action.
- c. **Newspaper of General Circulation.** A newspaper issued daily, or not less than once a week, intended for general distribution and circulation, and sold at fixed prices per copy per week, per month, or per annum, to subscribers and readers without regard to business, trade, profession or class.
- d. **Notice.** Advance publication or posting of the place, date and time of a Meeting(s) to make the general public aware of the opportunity to attend the open Meeting.
- e. **Official Action.** Recommendations made by an agency pursuant to statute, ordinance or executive order, the establishment of policy by an agency, the decisions on agency business made by an agency, or the vote taken by any agency on any motion, proposal, resolution, rule, regulation, ordinance, report, or order.
- f. **Special Meeting.** A Meeting scheduled by an agency after the agency's regular schedule of Meetings has been established.

5. POLICY.

- a. **General.** For agency Meetings that require Notice, agencies are required to follow the applicable procedures in this directive in order to ensure that OA's requirements for timely and cost-efficient publication are met. Agencies are responsible for determining whether Notice is required for a Meeting(s) and for ensuring that all legal obligations under the *Sunshine Act and the Newspaper Advertising Act*, including timely and proper publication, are met.
- b. **Timing of Notice.** Agencies are reminded that Notice to the public of their first regular Meeting of each calendar year or fiscal year must be provided not less than three (3) days in advance of the Meeting. Agencies are further reminded that they must also provide Notice to the public of their remaining regular Meetings. Finally, Agencies are reminded that Notice to the public of each Special Meeting or each rescheduled regular or Special Meeting must be provided at least 24 hours in advance of the time of the convening of the Meeting specified in the Notice. Notice is not required for an Emergency Meeting. If an agency has a public website, the agenda, including items that may be deliberated or subject to Official Action, must be posted on the website no later than 24 hours in advance of time of the convening of the Meeting.
- c. **Manner of Notice.** As required by *Section 703 of the Sunshine Act, 65 Pa.C.S. § 703*, Notice must be provided in accordance with the following:
 - (1) For a Meeting.
 - (a) Publication of Notice of the place, date and time of a Meeting in a Newspaper of General Circulation, which is published and circulated in the political subdivision where the Meeting will be held, or

publishing said Notice in a Newspaper of General Circulation which has a bona fide paid circulation in the political subdivision equal to or greater than any newspaper published therein.

- (b) Posting a Meeting agenda and Notice of the place, date and time of a Meeting prominently at the principal office of the agency holding the Meeting, or at the public building in which the Meeting will be held.
 - (c) Posting an agenda, including items that may be deliberated or subject to Official Action, on the agency's public website no later than 24 hours in advance of time of the convening of the meeting.
 - (d) Giving Notice to parties under *Section 709(c) of the Sunshine Act, 65 Pa.C.S. § 709(c)* (relating to public Notice).
- (2) For a recessed or reconvened Meeting:
- (a) Posting a Meeting agenda and Notice of the place, date and time of the Meeting prominently at the principal office of the agency holding the Meeting or at the public building in which the Meeting is to be held.
 - (b) Giving Notice to parties under *Section 709(c) of the Sunshine Act, 65 Pa.C.S. § 709(c)* (relating to public Notice).

6. RESPONSIBILITIES.

a. Harrisburg Capital Area.

(1) Agency Heads or designees shall:

- (a) Submit to OA, Office of Continuity and Records Information Management (OCRIM), an approved Notice(s) for publication in the Patriot-News, Harrisburg.

NOTE: The Patriot-News only publishes three (3) times a week: Sunday, Tuesday, and Thursday. Due to the limited run dates, there are strict deadlines that may require the agency to plan ahead to meet the required 24-hour or three (3) day deadlines.

- (b) Ensure the accuracy of agency Notices.
- (c) Provide contact information for those needing a reasonable accommodation for a disability in order to attend the Meeting. Example: "If you require an accommodation in order to attend the meeting, please contact [ADA contact name] at [phone] or [Commonwealth email] by [date]."
- (d) Post Notice documents or information in the appropriate physical location(s) at appropriate times. As a courtesy, consider additionally posting virtual locations at appropriate times. Virtual locations may include a brief link to the agency's website or centralized pa.gov location, as well as any agency-operated social media accounts, if applicable.

(e) OA, OCRIM shall:

- 1** Establish procedures for agencies in the Harrisburg Capital Area to follow when submitting Notice information to OA. This includes limiting the size of the posting submitted by an agency for ease of public access and to reasonably reduce costs of advertising.
- 2** Establish procedures with the Patriot-News, for submitting Notice documents, and for paying the advertising costs for publication.
- 3** Coordinate with the Patriot-News, to publish agencies' Notices in the Patriot-News.

b. Outside Harrisburg Capital Area.

(1) Agency Heads or designees shall:

- (a)** Establish procedures with the appropriate Newspaper of General Circulation for submitting Notices and paying for advertising costs for publication.
- (b)** Provide contact information for those needing a reasonable accommodation for a disability in order to attend the Meeting. Example: "If you require an accommodation in order to attend the meeting, please contact **[ADA contact name]** at **[phone]** or **[Commonwealth email]** by **[date]**."
- (c)** Post Notice documents or information in the appropriate physical location(s) at appropriate times. As a courtesy, consider additionally posting virtual locations at appropriate times. Virtual locations include the agency's website or centralized pa.gov location, as well as any agency-operated social media accounts, if applicable.

7. PROCEDURES.

a. Harrisburg Capital Area.

- (1) Meeting Publication.** Procedures for submitting Meetings to OA, OCRIM for publication in the Patriot-News are available on OA's website at [Sunshine Notices](#).
- (2) Meeting Submission Form.** The form utilized for submitting meeting notices can be found at [Sunshine Act Form](#). Specific requirements can be found on OA's website.
- (3) Publication Review.** Agencies should confirm that a Meeting Notice has been published in the Patriot-News by visiting the [Public Notices](#) page on the Patriot-News website for up to thirty (30) days after publication.
- (4)** Publication errors should be reported immediately to OA, OCRIM at telephone (717)-783-5055, or via email at ra-sunshineactnotice@pa.gov.

- b. Outside Harrisburg Capital Area.** Procedures for submitting Notices directly to the appropriate Newspaper of General Circulation are available at [Sunshine Notices](#) on OA's website under the heading, "Meetings Outside Harrisburg Area".

This directive replaces, in its entirety, *Management Directive 250.1 Amended*, dated April 25, 2016.