



# Meeting Management/Municipal Governance

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# Key Players:

## Public Officials

- Council
- Board of Supervisors
- Board of Commissioners

## Manager/Secretary

## Solicitor

## Municipal Engineer

## Code Enforcement Officer

## Zoning Officer

## Chief of Police

## Director of Public Works

# What is a “Meeting”?



- Any prearranged gathering of an agency that 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

# Types of Meetings



## **Regularly Scheduled Monthly Meetings;**

Workshop or Agenda Preparation Meeting;  
Legislative Meeting



## **Special Meetings;**



## **Standing Committee Meetings;**



## **Board (ZHB, Recreation) & Commission (Planning, Civil Service) Meetings**

# Meeting Basics



General Rule: All deliberations and/or official action by a public agency must take place at a meeting that is open to the public. The public must be given advance notice of the meeting.

What is “Deliberation”?

- The discussion of agency business held for the purpose of making a decision.

What is “Official Action”?

The establishment of policy by an agency.

The decisions on agency business made by an agency. “Agency business” includes the creation of liability by contract or otherwise or the adjudication of rights.

The vote taken by any agency on any motion, proposal, resolution, rule, regulation, ordinance, report or order.



A quorum of public officials required to take official action.

- A “quorum” is when a majority of the agency's members are in attendance.

Remote participation is permitted, but a quorum of public officials must be present in-person.

# Executive Sessions



- An executive session is a meeting from which the public is excluded, although the agency may admit those persons necessary to carry out the purpose of the meeting.
- Executive Sessions may be conducted in a private meeting where the purpose is to do one of the following:
  - To discuss employment matters related to a specific employee or candidate;
  - To discuss collective bargaining, labor relations and arbitration;
  - To consider the purchase or lease of real property;
  - To meet with legal counsel regarding litigation;
  - For quasi-judicial deliberation;
  - To discuss agency business which would disclose information protected from disclosure by law;
  - To discuss, plan or review matters and records that are deemed necessary for emergency preparedness, protection of public safety and security of all property.
- Official action on item discussed in Executive Session must occur at public meeting.
- Can be held during, before or after a public meeting.
  - Caveat: Must announce to the public the purpose of the session either immediately before or after the session.

# Executive Session and the Duty of Confidentiality:



- Elected officials have a right and a duty to be present and participate in executive sessions, but also owe a duty and have a responsibility to their community, fellow elected officials, and the electorate of the municipality to keep confidential any and all such confidential and privileged information and material received and learned about at or in anticipation of an executive session.
- Confidential Communications, including those protected by the attorney-client privilege and the attorney work product doctrine, must remain confidential.
  - The mental impressions or conclusions, opinions, memoranda, notes, or summaries, legal research, or legal theories of an attorney are confidential pursuant to the attorney work product privilege.
  - Solicitor reports and other legal memoranda prepared by the solicitor should be kept confidential between public officials and not distributed to the public.
  - Privilege can be waived in certain circumstances.

# Beware of “the accidental meeting”!



Deliberations via email or via text message.



Contemporaneous exchanges among a quorum of public officials likely will be viewed as a meeting if deliberating agency business.

# Meeting Preparation:



## Prepare Agenda;

Understand your municipality's process for forming the agenda;  
Rely on Municipal Manager/Secretary;  
Ensure that agenda is sufficiently detailed.



## Ensure compliance with Pennsylvania Sunshine Act:

Proper meeting advertisement;  
Preparation and posting of meeting agenda;  
When applicable, ensure proper notice is provided when adopting Ordinances.



## Review Meeting Materials

Opportunity to ask questions, receive clarification, and identify ethical issues when applicable.

# Something was left off the agenda...now what?



- If it is less than 24 hours before the meeting, the agenda must be amended at the meeting.
  - Motion to amend agenda;
  - Allow for public comment on newly added agenda item;
  - Motion on the newly added agenda item;
  - Agenda must be amended accordingly and re-posted after the meeting.

# Public Participation:



Public must be given an opportunity “to comment on matters of concern, official action or deliberation which are or may be before the board or council prior to taking official action.”



Consider allowing public comment at the beginning of the meeting (for agenda items) and at the end of the meeting (for non-agenda items)

# Managing Public Participation:



Managing Public Participation:



Public comment = public's opportunity to comment, not an opportunity for Q&A.



Those wishing to speak must state their name and address to ensure that they are a resident or taxpayer.



Can regulate public comment via resolution.

Time limit (i.e. 3 min)

Caveat: Cannot restrict content of public comment under First Amendment.



Members of public can be removed for threatening behavior or disruptiveness

# Recording During Meetings:



**Must allow audio or video recording of meetings.**

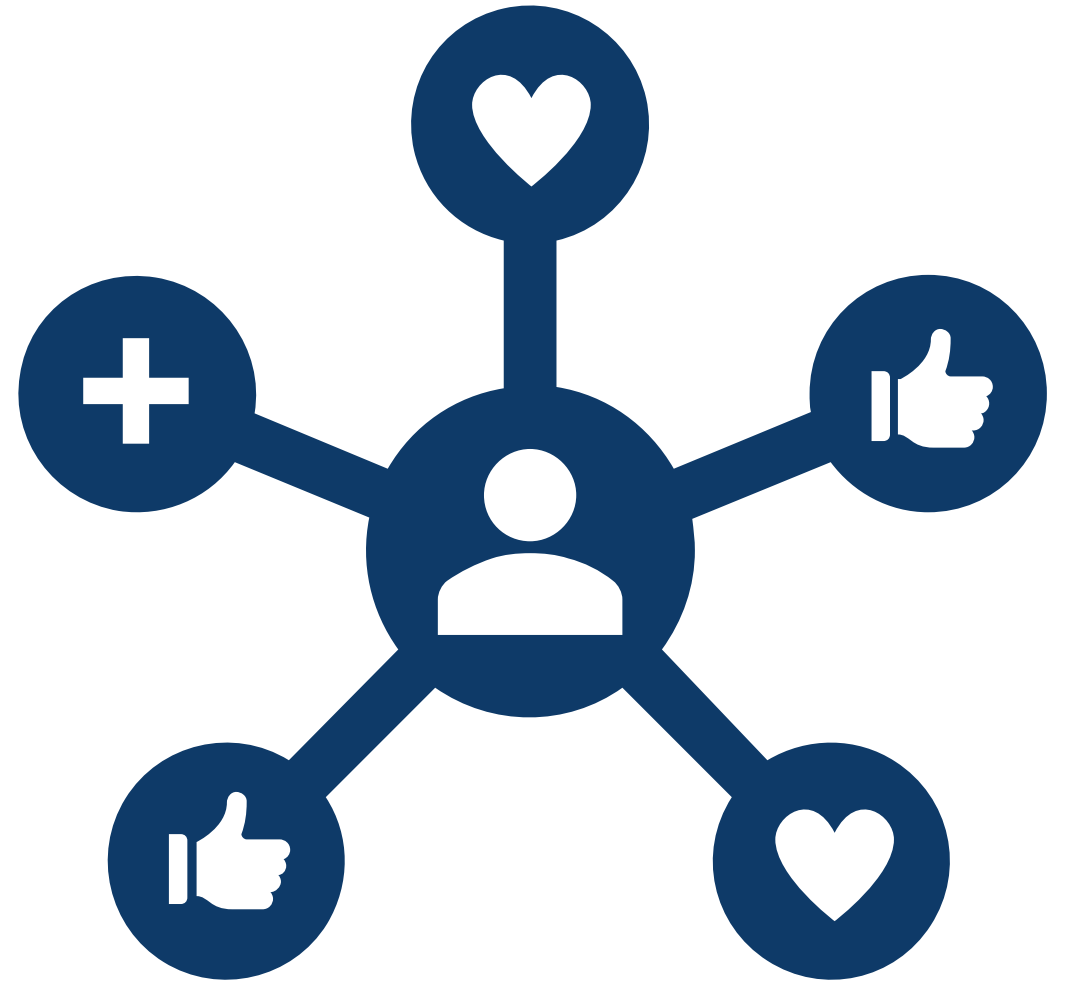


**However, this can be managed by establish a recording policy.**

Policy can regulate where they can record, notification requirements, etc.

## Public Comment on Social Media Websites:

- Cannot restrict content of public comment under First Amendment;
- Cannot delete comments from post.



# Meeting Minutes:



- Meeting Minutes must be taken at all open meetings (not executive session) and must include, at a minimum:
  - The date, time and place of the meeting.
  - The names of members present.
  - The substance of all official actions and a record by individual member of the roll call votes taken.
  - The names of all citizens who appeared officially and the subject of their testimony.
- If using recording device, transcript is discoverable under RTKL until meeting minutes are adopted.

Questions?

# Contact Information

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