

Dear District Chairman:

We are in receipt of several questions on whether or not a District Retreat needs to be advertised under Pennsylvania's Sunshine Act. We have reviewed the content of the Sunshine Act and offer the following opinions:

As a sub-unit of state government, a conservation district must adhere to Sunshine Act requirements when conducting its business. The Sunshine Act defines a "meeting" as any prearranged gathering of an agency attended by a quorum of its members held for the purpose of deliberating agency business or taking official action. "Deliberation" means the discussion of agency business held for the purpose of making a decision. "Agency business", in turn, means framing or enacting any law or policy, entering into a contract or adjudicating rights, duties and responsibilities. Excluded from the definition of agency business is administrative action.

Administrative actions are things that involve the execution of policies or procedures previously decided upon at a public meeting. Administrative actions are the discussions of the details that need to be worked out to administer the effects of a previously made decision. An example that might be offered would be if a district decided to take on delegated responsibilities in the Dirt and Gravel Road Program. The decision to take on the administration of the program would have to be made at a public meeting. The discussions of such things as which district staff would conduct specific duties in the program, how the district would keep track of D&GR activities and how the district would keep track of the program's finances would be administrative actions needed to carry out the decision to accept delegated responsibilities in the Dirt and Gravel Road Program.

Using this example as a foundation, I would say that if your discussions at the District Retreat will solely be for the purpose of updating the directors on current district programs and discussing how those programs may be run differently, then you would not have to worry about sunshining the retreat. However, if you don't sunshine the retreat and the information presented leads into unplanned deliberations that result in policy decisions or decisions to modify previous decisions by the Board, you might be opening the District up to being in violation of the Sunshine Act.

It might be better to take the precaution of sunshining your District Retreat. The cost of a simple advertisement in the newspaper and posting the information at the district office would be much less than any potential fines incurred by violating the Sunshine Act. It would also be available to include a time frame for public input on the agenda for your District Retreat, similar to what you should be using at your district board meetings.

Sincerely,

Karl G. Brown
Executive Secretary