OVERVIEW OF LEGAL ISSUES RELATED TO COVID-19

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CONDUCTING PUBLIC MEETINGS DURING THE COVID-19 PANDEMIC

• Sunshine Act requires public meetings to be attended or participated in by a quorum of the board.

• PA Milk Marketing Board Case (1992) – Pennsylvania Supreme Court rules that one member physically present and two board members participating by speaker phone was appropriate to satisfy the open meeting requirements of the Sunshine Act.
CONDUCTING PUBLIC MEETINGS
DURING THE COVID-19 PANDEMIC

– Absent members must be able to hear the comments of all present at the actual public meeting, and those at the public meeting must hear the comments of the absent members.

– MAA requires that majority of board members be “present” to constitute a quorum.

• Act 15 of 2020
  – How long will Act’s provisions remain in effect?

THE RIGHT-TO-KNOW LAW AND COVID-19

• Office of Open Records (“OOR”) encourages requesters and agencies “to be considerate and patient” with each other during the current situation.

• As of June 5, 2020, OOR notes that all counties are in “yellow or green” status. Therefore, “all agencies should process RTKL requests as they would under normal circumstances.”
THE RIGHT-TO-KNOW LAW AND COVID-19

• Agencies requesting an extension may be required to provide evidence demonstrating why an appeal cannot proceed as scheduled.

• Mediation process continuing, although such discussions may take longer to schedule.

HUMAN RESOURCE AND RELATED ISSUES DURING THE COVID-19 PANDEMIC

• Families First Coronavirus Response Act (FFCRA)
  – Who is covered by FFCRA?
  – What is an employer’s responsibility under FFCRA?
  – Are municipal authorities covered by FFCRA?
HUMAN RESOURCE AND RELATED ISSUES DURING THE COVID-19 PANDEMIC

• What are other areas of concern for municipal authorities since the onset of the Pandemic?

ECONOMIC AND REVENUE ISSUES IMPACTING AUTHORITIES

• Business and residential use of services.
• Other economic impacts on authorities.
• Potential termination of services.
• Prospective funding for authorities.
ENVIRONMENTAL COMPLIANCE ISSUES DURING THE COVID-19 PANDEMIC

• COVID-19 has presented various environmental compliance issues related to authorities (water, wastewater, solid waste).

• On March 26, 2020, EPA published a policy addressing enforcement actions during the Pandemic, including the exercise of its enforcement discretion.
  – As of September 1, 2020, EPA’s policy is no longer in effect.

• COVID-19 may not be an “excuse” for noncompliance, although EPA and others have recognized the impact on utilities and authorities.

• Force majeure-related issues.