



Amendment to PA Sunshine Act Imposes New Regulations on Meetings Held by Local Government Agencies

Recently Governor Tom Wolf signed Senate Bill 554 (now Act 65 of 2021) into law. This legislation amends the Pennsylvania Sunshine Law to require agencies (including political subdivisions such as counties, cities, townships, boroughs and authorities as well as both traditional public and charter school boards) to make available in advance to the public the proposed agenda for any meeting.

The Sunshine Act, 65 Ps.C.S. §701, et seq., previously required that agencies notify the public of where and when a meeting will be held but did not impose a requirement to inform the public of the business to be considered at the meeting. Act 65 now requires that agencies notify the public as to what business will be decided at any given meeting. Specifically, the Act amends Section 709 of the Sunshine Act (relating to the giving of public notice) to require agencies to do the following:

- Post the agenda on its internet website (if the agency has a website) no later than 24 hours in advance of the time of the meeting;
- Post the agenda at the location of the meeting;
- Post the agenda at the principal office location of the agency; and
- Make copies of the agenda available to those in attendance.

The agenda must include a listing of each matter of agency business that will be or may be the subject of deliberation or official action. The Act also prohibits an agency from taking official action on a matter of agency business at a public meeting, if the matter is not included in the meeting agenda that was posted and distributed for the meeting in question.

The Act does not apply to a conference or working session under section 707 (relating to exceptions to open meetings) or an executive session under section 708 (relating to executive session).

Further, the Act provides specific circumstances under which an agency may take official action on business that is not on the agenda:

- The business relates to an emergency involving a clear and present danger to life or property;
- The business arises 24 hours before the meeting and the matter is de minimis in nature and does not involve an expenditure of funds or entering into a contract;
- The business arises during the conduct of the meeting, by a resident or taxpayer; or
- The business is added to the agenda by a majority of the governing body of the agency through an amendment to the agenda to include the additional matter. The reasons for amending the agenda must be announced at the meeting, and the amended agenda must be posted on the agency's website and at the principal office location of the agency no later than the first business day after the meeting.

Act 65 will likely increase public awareness as to the specific business to be discussed at any given meeting of an agency. It will be important for local agencies to carefully plan their meeting agendas. Act 65 takes effect 60 days from June 30, 2021.

For more specific information, please contact one of our Municipal Law Attorneys at (412) 281-5423.

The summary above does not constitute legal advice. It is to be used for general informational purposes only. We fully expect that many of the provisions discussed above will be modified by future law changes and administrative guidance. You should refrain from acting on the basis of any content included in this alert without seeking legal or other professional advice.