

NEW PUBLIC MEETING REQUIREMENTS UNDER THE SUNSHINE ACT

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Effective August 29, 2021, government agencies covered under the Pennsylvania Sunshine Act, including local governments, must make meeting agendas available to the public 24 hours in advance of public meetings. These new rules are pursuant to recent amendments (“Act 65”) to the Sunshine Act, signed by Governor Wolf on June 30, 2021. Under Act 65, if an agency has a public website, the meeting agenda must be posted on the website no later than 24 hours prior to the start of the meeting. The agenda must also be posted, 24 hours in advance, at the agency’s principal office and at the meeting site. Finally, the agency must also make agenda copies available to attendees at the meeting.

These new requirements apply to regular and special public meetings, but not to executive sessions or work sessions. The posted agenda must include a list of each matter that will be, or may be, the subject of deliberation or official action. However, there are certain scenarios, as listed below, where the agency may consider business not listed on the posted agenda:

1. The agency may take official action on any matter “relating to a real or potential emergency involving a clear and present danger to life or property,” even if the matter was not included on the posted agenda.
2. The agency may take official action on a matter if it arose or was brought to its attention within 24 hours prior to the meeting, and the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement.
3. If, during the meeting, a resident or taxpayer brings a matter to the attention of the agency, that is not listed on the agenda, the agency may refer the matter to staff for the purpose of researching the matter for inclusion on a future meeting agenda, or if the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement, the agency may take official action on the matter.
4. The agency may also make a change to the posted agenda at the meeting upon majority vote of the individuals present and voting during the meeting to approve the agenda change. 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 agency’s principal office, no later than the first business day after the meeting.

Effective August 29, 2021, these new rules will require more careful advance preparation for public meetings to ensure that all agenda items are included in the advance agenda. Please contact the attorneys at Campbell Durrant with any questions regarding the new requirements.

Takeaways

- Effective August 29, 2021, local and state agencies must make meeting agendas available to the public 24 hours in advance of public meetings.
- The advance agenda must be posted on the agency's website, and at the agency's principal office and meeting site.
- Agenda copies must also be made available to attendees at the meeting.
- The new advance agenda rules apply to regular and special meetings, but not to work sessions or executive sessions.
- There are limited scenarios under the new rules where the agency may consider business not listed on the posted agenda.