

A new law imposes new requirements on municipalities for holding public meetings.

Act 65 of 2021 amends the Sunshine Act to require political subdivisions to make available in advance to the public the proposed agenda for any governmental meeting.

The Sunshine Act is intended to improve transparency in the operations of state and local governmental agencies within the Commonwealth. It requires that political subdivisions, such as boroughs and authorities, notify the public of when and where a meeting will be held but does not impose any obligation to inform the public of the business to be considered at such meetings.

Act 65 mandates that political subdivisions inform the public about what business will be “on the table” at any given meeting.

In short, the additions require political subdivisions to make available to the public the agenda for an upcoming meeting.

The new law amends Section 709 of the Sunshine Act relating to the giving of public notice to require every political subdivision to do all of the following:

- Post the meeting agenda on the political subdivision’s website at least 24 hours prior to a meeting, and the agenda must include a list of each matter that may be considered at the meeting. This only applies if the municipality has a “publicly accessible internet website”;
- Physically post the agenda at the meeting location as well as at the principal office of the political subdivision; and
- Distribute copies of the agenda to all members of the public in attendance.

These new rules would not apply for conference, work, or executive sessions.

Additionally, it lays out under what circumstances a political subdivision may depart from the

agenda and consider other business not previously disclosed on the agenda:

- **Emergency situations:** a political subdivision may take official action on any matter relating to a real or potential emergency that involves “a real and present danger to life or property,” regardless of whether consideration of the matter was included in an agenda.
- **New situations:** a political subdivision may take official action on a matter if it arose or was brought to the attention of the political subdivision within the 24-hour period before the meeting.
- **Trivial situations:** a political subdivision may take official action on a matter if it is trivial in nature and does not involve the expenditure of funds or the formation of a contract.
- **Additions by majority vote:** a political subdivision may

continues on page 44...

FEATURE ARTICLE

continued from page 43...

take official action on a matter if a majority of the governing body formally approves the amendment of the agenda to include the additional matter. The reasons for amending the agenda must be announced at the meeting, and the agenda, as amended, must be posted on the political subdivision's website, if applicable, and at the principal office location of the subdivision/agency no later than the first business day after the meeting.

Act 65 increases public awareness of what specific business will be discussed at any given meeting.

Boroughs and other political subdivisions would have to carefully plan their meeting agendas, with the exceptions outlined above providing needed flexibility.

***Editor's note:** The PA State Association of Boroughs (PSAB) worked with other municipal associations to successfully amend the intent of the original bill which would have imposed unreasonable unfunded mandates on our membership. PSAB believes the final version of the bill is exceedingly improved compared to the original version.*



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