



**July 1, 2021**  
**Client Alert**

## **GOVERNOR UPDATES SUNSHINE LAW REQUIREMENTS**

Governor Wolf signed amendments to the Sunshine Act into law on June 30, 2021. Act 65 of 2021 becomes effective on Sunday August 29, 2021. This legislation amends the Sunshine Act provisions of Title 65 to establish requirements for the distribution and posting of information relating to the agenda of a public meeting. Under the legislation, any agency subject to the Sunshine Act will be required to:

- Post the agenda on its 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.
- 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 legislation 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.

This section 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).

There are a few exceptions to this new procedure. An agency may **not** take official action on business that is not on the agenda unless:

- 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
  - **and** the matter is de minimis in nature
  - **and** does not involve an expenditure of funds or entering into a contract.

Any amended agenda must be posted at the principal office location or the agency's website, if it has one, no later than the first business day following the meeting in which the agenda was amended. If action is taken on a matter of agency business added to the agenda, the minutes of the meeting must reflect the substance of the matter added, the vote on the addition, and the announced reasons for the addition.

Agencies should work with their solicitors to ensure compliance with this new requirement and plan ahead for timely events such as a draft motion in July/August which grants authority to the Superintendent to advertise for vacancies, if required, as advertising would be an expenditure of funds. Likewise, hirings that may have been or are discussed in executive session should already have a placeholder on the printed agenda with blanks for name and salary that may be filled in.

*While the Beard Legal Group Client Alert is designed to provide information on topics of concern to Pennsylvania Public Schools, it is not legal advice and school districts should contact their Solicitor, Labor of Special Counsel for advice related to their specific circumstances.*

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