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Senate Bill No. 544 Amends Pennsylvania Sunshine Act to Require Agencies to Provide, in Addition to Any Public Notice, Notice of Agency Business to be Conducted at the Public Meeting

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Recently approved Senate Bill No. 554 amends the Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701-716, to bring additional transparency to government decision-making. Currently, the Sunshine Act requires political subdivisions/agencies to deliberate and take official action on agency business in an open and public meeting. The Sunshine Act requires that meetings have prior notice as to the date, time and place of the meeting and that the public can attend, participate and comment before an agency takes official action. Senate Bill No. 554, which was approved by Governor Wolf on June 30, 2021 and is effective on August 29, 2021 (sixty (60) days after its approval), requires that agencies not only provide notice of their meetings, but now also must make their meeting agenda available to the public and once the meeting agenda is finalized, the agency may not take any official action on any items not listed on such notice, except in emergency situations or to consider matters *de minimis* in nature.

Specifically, Senate Bill amends Section 709 of the Sunshine Act, relating to public notice, to require an agency in addition to any public notice, to provide the following notification of agency business to be considered at a meeting:

- The Agency shall post the meeting agenda, including a listing of each matter of business, on its website no later than 24 hours in advance of the meeting.
- The Agency shall post the meeting agenda at the location of the meeting and at the principal office of the Agency.
- The Agency shall make copies of the agenda available to individuals in attendance at the meeting.

These new requirements and the various exceptions listed below do not apply to a conference or a working session (under section 707 of the Sunshine Act) or an executive session (under Section 708 of the Sunshine Act).

Senate Bill 554 includes exceptions to when an agency may take official action despite not having provided the proper notice:

- Emergency Business: An Agency may take official action on a matter relating to a real or potential emergency involving a clear and present danger to life or property regardless of whether public notice was given.
- Business Arising Within 24 Hours Before Meeting: An Agency may take action if the matter arises within a 24-hour period prior to the meeting and is *de minimis* in nature and does not involve expenditure of funds or entering into a contract or agreement by the agency.
- Business Arising During Meeting: If during the meeting a resident or taxpayer brings a matter of business not listed, the agency may take action to refer the matter to staff for inclusion on a future agenda or if the matter is *de minimis* in nature and does not involve expenditure of funds or entering into a contract, the agency may take official action.
- Changes to Agenda: Upon a majority vote of individuals present and voting, an agency may add a matter of agency business. Reasons for such change must be announced at the meeting prior to the vote to change the agenda. The agency may then take official action on the added agenda item(s). Thereafter, the amended agenda must be posted on the agency's website and at the principal office no later than the first business day following the meeting.

Political Subdivisions should be aware of these new changes in order to ensure that their public meetings moving forward are in compliance with the Sunshine Act.

The full text of Senate Bill No. 554 can be found [here](#). For more information on the changes made by Senate Bill No. 554, please contact George T. Magnatta, Chair (215-972-7126, George.Magnatta@saul.com); Joshua S. Pasker, Vice Chair (215-972-7783, Josh.Pasker@saul.com), or; Morgan Haas, Associate (215-972-7862, Morgan.Haas@saul.com), Public Finance Practice, Saul Ewing Arnstein & Lehr LLP.

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