

Posting Meeting Agendas Act 65 of 2021 Fact Sheet



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Act 65 of 2021 amends the Sunshine Law to create a new requirement that all local government boards and commissions (governing boards, planning commissions, zoning hearing boards, recreation committees, etc) must post meeting agendas for all advertised public meetings at least 24-hours before each meeting. The new provision takes effect August 29, 2021.

Where must we post our meeting agendas?

Meeting agendas must be posted at the meeting location and the principal office of the township and at least 24 hours in advance of each meeting and on the township's website, if the township has a website. The posting at the meeting location and the principal office can be placed in the same location, such as a bulletin board, where your township currently posts meeting notices as required by the Sunshine Law. *Note: Townships without websites are not required to create one.*

What must we include in the agenda?

The agenda must include a listing of each matter of agency business that the board or commission expects to act on, or deliberate, at the upcoming meeting.

At our meeting, can we add a new business item that wasn't included on the posted agenda?

Yes. Boards and commissions may add new items to the agenda by majority vote, after first stating the reason for the change. Note that a vote to add the item to the agenda will be required before the board, or commission, votes on the new issue. In addition, the amended agenda must be posted on the township's website, if it has one, and at the township office by the first business day following the meeting at which the agenda was changed. In addition, the minutes must include the substance of the item added to the agenda, the vote on adding the item to the agenda, the announced reasons for the addition, and the final vote on the item added.

Are there any items that we can add to the agenda without formally amending the agenda and posting an amended agenda after the meeting?

Yes. The following items can be voted on without the need to formally amend the agenda or post an amended agenda after the meeting:

- Action can be taken at an emergency or regularly scheduled meeting on a real or potential emergency involving a clear and present danger to life or property.
- Matters that arise or are brought to the attention of the board less than 24 hours prior to the meeting if they are de minimis in nature, do not spend funds, and do not require a contract or agreement.

- Matters brought up by a resident or taxpayer may be referred to staff for research or acted on by the board if it is de minimis, does not spend funds, and does not require a contract or agreement.

Can we discuss an item that comes up without amending the agenda?

Yes. The act specifically requires that the agenda be amended before the board or commission takes official action. Act 65 does not require that the agenda be amended to discuss an issue. However, if the board does discuss an issue that was not listed on the agenda and determines that official action cannot wait, then the board would need to first vote to amend the agenda and then vote to take the desired action.

Must we provide copies of the agenda to meeting attendees?

Yes. Act 65 requires all local government boards and commissions to provide copies of agendas to meeting attendees. This is currently a recommended practice and necessary to comply with existing Sunshine Law requirement that an opportunity for public comment be provided before the board discusses an agenda item.

Must we post an agenda before we hold an executive session?

No. Executive sessions are excluded from Act 65.



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

David M. Sanko, Executive Director

4855 Woodland Drive • Enola, PA 17025-1291

Telephone: (717) 763-0930 • Fax: (717) 763-9732

www.usats.org

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of Township Supervisors