

## **MEETING OF THE LOCAL GOVERNMENT COMMISSION**

**Wednesday, January 23, 2013**

The meeting of the Local Government Commission was called to order by Senator Robert D. Robbins at 8:45 a.m. in Room 14 East Wing-Main Capitol Building, Harrisburg, Pennsylvania, with the following individuals present:

### **MEMBERS**

**Senator Robert D. Robbins, Chairman  
Senator Edwin B. Erickson  
Senator John H. Eichelberger, Jr.  
Representative Chris Ross  
Representative Mauree Gingrich  
Representative Kate Harper  
Representative Robert L. Freeman  
Representative Steven J. Santarsiero**

### **STAFF**

**Michael P. Gasbarre, Executive Director  
Philip H. Klotz, Assistant Director  
David A. Greene, Legal Counsel  
Karen S. Bear, Secretary**

### **GUESTS**

**Chris Yniguez, Senator Robbins' Office  
Lee Derr, Senator Eichelberger's Office  
Luc Miron, Senator Blake's Office  
Kyle Mullins, Senator Blake's Office  
Christine Goldbeck, House Republican Research Office  
Rob Gaertner, House Republican Research Office  
Justin Abel, Law Clerk, PennDOT  
Drake Nakaishi, Nakaishi Group**

As the first order of business, the Members discussed the minutes of the December 12, 2012, business meeting, which were unanimously approved on a motion by Senator Erickson and a second by Representative Ross. The financial report for the month of December 2012 was presented, and relevant portions thereof were explained by the Executive Director. The financial report was unanimously approved on a motion by Representative Ross and a second by Senator Erickson.

There was nothing to report from the December 13, 2012, meeting with the local government associations. The minutes from that meeting were unanimously approved on a motion by Senator Erickson and a second by Representative Gingrich.

A review of the Local Government Commission's fee schedule for right-to-know requests was addressed at the suggestion of Commission Legal Counsel David Greene. Mr. Greene conveyed to the Members that he had been contacted by Vincent DeLiberato, senior drafting attorney for the Legislative Reference Bureau (LRB), who expressed that the LRB is experiencing some difficulty with individuals requesting large and complex legislative records. As a result, the LRB plans to clarify its fee policy by adding an amendment to its fee schedule in the LRB's Right-to-Know Policy. The amendment would require that any request estimated to exceed a cost of \$100 be paid in advance to the initiation of providing the requested document. If prepayment is required, a check, certified check, or money order should be made payable to the "Commonwealth of Pennsylvania" in the total amount of the estimated fee. Since the Commission's Right-to-Know Policy mirrors that of the LRB, Mr. Greene recommended that the Commission's policy be updated to reflect the LRB's proposed amendment. Representative Freeman questioned if a refund provision should also be added to the Commission's policy. After some discussion, the Members unanimously approved on a motion by Representative Ross and a second by Representative Harper an amendment to the Commission's Right-to-Know Policy that would clarify the advance payment provision and add a refund provision to the fee schedule.

The renewal of the warehouse Memorandum of Understanding (MOU) with the Department of General Services (DGS) was explained by the Executive Director. DGS will allocate 225 square feet to adequately serve the requirements specified by the Commission at a cost of \$2,945. The Commission Members unanimously approved payment from the Commission Code account for the MOU as proposed by DGS for July 2012 through July 2013 on a motion by Representative Ross, which was seconded by Senator Eichelberger.

A review of Act 47 Task Force membership was next on the agenda. At the December 12, 2012, business meeting, the Director listed the reformation of the Act 47 Task Force as one of the Commission's priorities for 2013. The Members agreed that a lot has transpired since the Act's implementation over 25 years ago. Enacted in 1987, Act 47 is the Municipalities Financial Recovery Act that provides options and procedures to address financially distressed municipalities. The Act resulted from the work of a task force formed by the Commission in 1985 to study problems associated with distressed municipalities and to formulate a legislative proposal to alleviate those problems.

It was noted by several Members at a prior business meeting that Act 47 has proven to be insufficiently effective in putting some distressed municipalities back on firm financial footing, and that any reexamination of the Act requires a multifaceted approach including an examination of pension issues, tax-exempt property, personnel costs, and regionalization of services. The Members also urged participation of all relevant stakeholders in any review of the Act. After review and discussion by the Members regarding the proposed Act 47 Task Force membership listing, it was decided to postpone issues related to the Local Government Commission composition on the Task Force until the February 13, 2013, business meeting. In the meantime, staff was instructed to prepare letters of invitation under the signature of the Chairman to all individuals enumerated on the recommended list.

Senator Wozniak and Representative Ross were nominated to serve as the Commission's representatives on the County Uniform Forms Committee, which is under the purview of the Pennsylvania Department of Community and Economic Development. The nominations were unanimously approved on a motion by Senator Erickson, which was seconded by Representative Gingrich.

The Director welcomed Representative Kate Harper to the Commission. Representative Harper replaces former Representative Tom Creighton, who retired at the end of the 2011-2012 legislative session. Representative Harper will join Senators Robbins, Erickson, and Eichelberger, as well as Representatives Ross and Gingrich who were reappointed to the Commission. The Commission is still awaiting its final four appointments for the 2013-2014 legislative session.

As the last order of business, the Executive Director provided the Members with a copy of Senate Resolution (SR) 5, Printer's Number 171, which would establish a commission to study the Commonwealth's fragmented system of local governance and identify methods to promote more regional collaboration in the delivery of municipal services and the execution of local government. SR 5 outlines the membership of the commission, which would include the Executive Director of the Local Government Commission or his designee and provides that the Local Government Commission staff the commission. SR 5 was referred to the Senate Intergovernmental Operations Committee on January 18, 2013.

The meeting adjourned at 9:05 a.m.

ATTESTED: \_\_\_\_\_  
January 24, 2013