

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

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**Wednesday, January 25, 2012**

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.**  
**Senator John N. Wozniak**  
**Representative Chris Ross**  
**Representative Mauree Gingrich**  
**Representative Thomas C. Creighton**  
**Representative Robert Freeman**

### **STAFF**

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

### **GUESTS**

**Chris Yniquez, Senator Robbins' Office**  
**Lee Derr, Senator Eichelberger's Office**  
**Luc Miron, Senator Blake's Office**  
**Christine Goldbeck, House Urban Affairs Committee (R)**  
**Amy Brinton, House Local Government Committee (D)**  
**Ed Troxell, PA State Association of Boroughs**  
**Stephanie Brennan, PA State Association of Boroughs**

As the first order of business, the Members discussed the minutes of the December 7, 2011, business meeting, which were unanimously approved on a motion by Representative Ross and a second by Senator Erickson. Mr. Gasbarre noted that as directed by the members at the December meeting, Commission staff forwarded to the Members' offices a listing of municipalities in their legislative districts that did not respond to the mandate survey that was sent in the fall of 2011. He noted that our staff only received a few responses from those municipalities. The financial report for the month of December 2011 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 Wozniak.

There was nothing to report from the December 8, 2011, meeting with the local government associations.

At the December 2011 business meeting, the Members directed staff to prepare statutory language as suggested by Commission Legal Counsel David Greene. At the December meeting, the Director discussed a draft prepared by Associate Counsel Wanda Snader to implement Resolution 11-64 of the Pennsylvania State Association of Township Supervisors (PSATS). Through the resolution, PSATS member townships requested that Act 442 of 1967, commonly referred to as the "Open Space Act," be amended to permit up to 25 percent of revenue derived from a special tax levy to be used for maintenance of municipal open space property. In addition to addressing the resolution in the draft, Attorney Snader also prepared language to address the termination of a special tax levy under the act. The Director had explained that Commission staff was aware of a lack of specific statutory guidance on how to end an increased levy after it has been authorized by referendum, although two townships had recently used "back end" referenda to determine whether to continue a special levy. The Director suggested that the Commission may wish to use the proposed legislation as an opportunity to clarify this ambiguity. The draft

provided two alternatives for the method of termination: by referendum or by ordinance. Representative Freeman had advocated for the referendum process, noting that if the electorate authorized the tax, they should also authorize its termination, particularly if incoming governing bodies are opposed to acquiring open space. Representative Ross, Senator Wozniak, and Chairman Robbins advocated for termination by ordinance, noting that it should be easier to reduce taxes and that referenda are costly. Legal Counsel David Greene had suggested that an accommodation could be considered by the Commission: statutory language that stipulated the method of termination at the time the additional levy was authorized by the electorate.

At today's meeting the statutory language was provided to the Members for their perusal. After a lengthy discussion, the Members agreed to change the last sentence in Section 7.1(a.3). The sentence is as follows: Regardless of whether the referendum question fails or passes, a referendum on either the reimposition of the local option tax pursuant to subsection (a.1) or the continued imposition of the local option tax pursuant to this subsection shall not be held any sooner than three years after the approval or disapproval of the referendum question. The Members unanimously approved a motion by Representative Freeman and a second by Representative Creighton to introduce the language in both the Senate of Pennsylvania and the House of Representatives. Senator Erickson will be the prime sponsor in the Senate, and Representative Gingrich volunteered to be the prime sponsor in the House of Representatives.

The Director discussed the need for a new telephone system for the Commission offices. The Commission's current telephone system is 25 years old and has become unreliable. Philip Klotz, Commission Assistant Director, provided the Members with a detailed outline of bids submitted by four vendors that have provided telephone systems to the Senate of Pennsylvania, the House of Representatives, the Office of Administration, and the Legislative Data Processing Center. After a review of the bids, the Members unanimously agreed to award the bid to Black Box Network Services at a cost of \$7,380.63. Black Box, which submitted the lowest bid, would provide the Commission with 14 desk telephones, including one expanded model for the receptionist's desk.

The Director reported that Senate Bill 1080, Printer's Number 1255, may be considered on March 7, 2012, in the Senate Intergovernmental Operations Committee. The bill would amend Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure), 46 (Legislature), 53 (Municipalities Generally), 61 (Prisons and Parole) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, by codifying and adding provisions relating to certain legislative service agencies, and making conforming amendments and related repeals. This bill also would create the Pennsylvania Office for Research and Public Policy by consolidating several legislative service agencies.

A Legislator's request was reviewed by the Members and unanimously approved. The Legislator asked that the Commission cease making hard copies of its compendium *Acts Signed into Law by the Governor* and instead send it electronically to Members of the General Assembly. Currently, the Commission only provides hard copies to each Legislator and then places the summary of acts on its Website ([www.lgc.state.pa.us](http://www.lgc.state.pa.us)) for everyone's perusal. The Members agreed to comply with the Legislator's request. The Executive Director will contact both the House of Representatives and Senate of Pennsylvania to procure e-mail addresses for all legislative offices.

As the last order of business, the Executive Director discussed the printing of the municipal codes and supplements for 2011-2012 legislative session. At the end of each legislative session, the Commission prints and distributes updated codes and supplements to all municipal governments as required by statute. Due to limited funds in the code account, the Director expressed concern that when both the recodified *Borough Code* and *Third Class City Code* have passed both chambers, it will be financially impossible to print both Codes and supplements to the other three municipal codes. After discussing the prospect of printing a limited number of Codes to be sent to the boroughs, the Members agreed to seek expeditious passage of House Bill 1441, a bill authorizing the Commission to post municipal codes electronically, and then place the Codes on the Commission Website for local governments and individuals to access. The Director also noted that in the event of passage of House Bill 1702, the *Borough Code* Recodification, he will endeavor to work with the Legislative Reference Bureau and the Legislative Data Processing Center to

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ensure that the “new” *Borough Code* will be available electronically on the Commission’s Website by the 60-day effective date of the proposed act. This codification will be accompanied by an updated summary and commentary on the Code that also will be made available on the Commission’s Website.

Ed Troxell, representing the Pennsylvania State Association of Boroughs, thanked the Commission and its staff for their years of work with his Association on the recodification of the *Borough Code*. Mr. Troxell offered his Association’s resources to aid the Commission in making the *Borough Code* available to all 958 boroughs in the Commonwealth.

The meeting adjourned at 9:15 a.m.

ATTESTED: \_\_\_\_\_  
January 26, 2012