

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

**Wednesday, January 27, 2016**

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The meeting of the Local Government Commission was called to order by Senator John Eichelberger, Jr., at 8:50 a.m. in 14 East Wing–Main Capitol Building, Harrisburg, Pennsylvania, with the following individuals present:

### **MEMBERS**

**Senator John H. Eichelberger, Jr., Chairman**  
**Senator Thomas J. McGarrigle**  
**Senator Scott E. Hutchinson**  
**Senator John N. Wozniak**  
**Senator John P. Blake**  
**Representative Chris Ross**  
**Representative Mauree Gingrich**  
**Representative Kate Harper**  
**Representative Robert L. Freeman**  
**Representative Mary Jo Daley**

### **STAFF**

**Philip H. Klotz, Executive Director**  
**David A. Greene, Assistant Director-Legal Counsel**  
**Wanda L. Snader, Associate Legal Counsel**  
**Danette H. Magee, Research Associate**  
**Karen S. Bear, Secretary**

### **GUESTS**

**Lee Derr, Senator Eichelberger's Office**  
**Justin Leventry, Senator Hutchinson's Office**  
**Nathan Akers, Senator Hutchinson's Office**  
**Kyle Mullins, Senator Blake's Office**  
**Rob Gaertner, House Local Government Committee (R)**  
**Lisa Schaefer, County Commissioners Association of Pennsylvania**  
**Elam Herr, Pennsylvania State Association of Township Supervisors**  
**Greg Moreland, Intern, Representative Gingrich's Office**  
**Olivia Edwards, Intern, House Consumer Affairs/Local Government Committees (R)**

As the first order of business, the Members discussed the minutes of the December 9, 2015, business meeting, which were unanimously approved, as amended, on a motion by Senator Wozniak and a second by Senator McGarrigle. Representative Harper requested that page 2 of the December 9, 2015, meeting minutes include a description of the County Commissioners Association of Pennsylvania (CCAP) 2015 Resolution Number 4. Page 2 of the December 9, 2015, meeting minutes was amended to read:

**Resolution No. 4 - Tabled. The resolution states that CCAP "supports legislation to specifically delineate in statute that governmental immunity includes the county and its tax claim bureau's liability arising out of the possession, care,**

custody or control of real estate obtained or held in repository through the Real Estate Tax Sale Law and the Municipal Claim and Tax Lien Law.”

The financial report for the month of December 2015 was presented, and a detailed explanation was given by the Executive Director. The financial report was unanimously approved on a motion by Representative Ross and a second by Senator Blake. The Commission Members received an updated projection by the Executive Director of the Commission’s fiscal health as a result of the budget impasse through the end of the 2015-16 fiscal year.

The Members unanimously approved a motion by Representative Ross and a second by Senator McGarrigle to correspond with all third class cities that the Third Class City Code has been recodified and is now in Title 11 of the Pennsylvania Consolidated Statutes. The communication will include directions on how to access Title 11 electronically and methods by which one may obtain hard copies of Title 11 from either the Legislative Reference Bureau (LRB) and/or the Commonwealth’s online bookstore at [www.shoppaheritage.com](http://www.shoppaheritage.com). After a lengthy discussion, the Members agreed that encouraging electronic access to Title 11 would save valuable financial resources by reducing printing costs. The Executive Director stated that he would contact the LRB and inquire as to the possibility of having a PDF version of Title 11 made available to municipalities and interested individuals. Municipalities will be given the opportunity to contact the Local Government Commission with any concerns that may arise regarding access and availability of Title 11.

At the December 9, 2015, business meeting, Commission staff was instructed to draft an amendment to Resolution Number 12 that was adopted at the 2015 annual convention of the Pennsylvania State Association of Township Supervisors. Resolution 15-12 would amend Article 16, Section 1601, of the Second Class Township Code by specifically authorizing townships to impose penalties and late fees on solid waste rates and charges, sewer rental fees, water rents, and charges for township services that are delinquent by no less than 30 days after the billing date. At today’s meeting, the Members affixed their signatures to the amendatory language, which will be introduced into the Senate of Pennsylvania and the House of Representatives. Commencing with the 2017-2018 legislative session, all Commission-sponsored bills will be circulated among the Commission Members electronically, similarly to what is currently done by the Senate of Pennsylvania and the House of Representatives.

The Executive Director updated the Members as to the current status of the Commission-sponsored legislation. Twenty-three bills have been introduced by the Commission thus far in the 2015-2016 legislative session. Of those bills, eight have been enacted, nine are moving through the legislative process and six remain to be acted upon. Representative Harper, who chairs the House Local Government Committee (HLGC), reported that two of the six remaining Commission bills, House Bill 914 (adjusting the Sewage Facilities Act permit-exempt inspection fee) and House Bill 916 (including emergency management team volunteers under the municipality workers’ compensation policy), will be brought before the HLGC Members in the near future. The Executive Director also gave a brief overview as to the number and subject of inquiries the Commission staff received the last five months of 2015. Most of the queries the Commission staff fielded during those months dealt with taxation and finance, governance and police powers.

The Department of General Services (DGS) Warehouse and Distribution Division Services invoice for fiscal year 2015 was the next item on the agenda for discussion. The invoice for \$2,629,

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which was received on December 22, 2015, is for warehouse storage and distribution service the Commission utilizes for its supply of municipal code books and supplements. The invoice reflects an increase of approximately \$900 from the prior year's invoice, which was \$1,772. The Executive Director expressed his dissatisfaction with the amount of the invoice since the Commission has maintained its customary allocation of 101 feet of storage space. Moreover, DGS has modified its shared-cost distribution billing model so that if a client no longer uses the space and service of the DGS Warehouse, the cost of that unused space and service is then redistributed among the other clients; hence, the significant fee increase to the Commission. As a result of the escalated invoice, the Executive Director is pursuing alternative locations in which to store the Commission's municipal code book/supplement inventory. The Members will be kept apprised of any developments.

As the last order of business, the Members unanimously agreed on a motion by Representative Gingrich, which was seconded by Senator Blake, to cancel the February 10, 2016, business meeting and reschedule the Wednesday, March 9, 2016, business meeting for Wednesday, March 16, 2016, at 8:45 a.m. in Room 14 East Wing-Main Capitol Building. The March 16 meeting will be held in conjunction with the quarterly meeting of the Pennsylvania State Association of Elected County Officials (PSAECO). At that meeting, the Members will be reviewing the Commission's first quarterly legal update prior to its submission to all Members of the General Assembly and interested parties and also hear representatives from PSAECO address issues affecting county row offices.

The meeting adjourned at 9:30 a.m.

ATTESTED: \_\_\_\_\_  
February 2, 2016