

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

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**Wednesday, January 27, 2021**

The livestream meeting of the Local Government Commission (Commission) was called to order by Senator Scott Hutchinson at 9:00 a.m. with the following Commission Members, staff and guests participating:

### **MEMBERS**

**Senator Scott E. Hutchinson, Chair**  
**Senator Judy Ward**  
**Senator Timothy P. Kearney**  
**Representative R. Lee James**  
**Representative Dan Moul**  
**Representative Robert Freeman**  
**Representative Christina D. Sappey**

### **STAFF**

**David A. Greene, Executive Director**  
**Kristopher J. Gazsi, Assistant Director**  
**Danette H. Magee, Senior Research Analyst**  
**Julia E. Frey, Research Analyst**  
**Karen S. Bear, Executive Assistant**  
**Sonya I. Ebersole, Fiscal Administrator**  
**Blake Marks, Legal Intern**

### **GUESTS**

**Senator Cris Dush**  
**Representative Regina Young**  
**Justin Leventry, Senator Hutchinson's Office**  
**Sam Arnold, Senator Kearney's Office**  
**Joseph Foust, Senator Dush's Office**  
**Jon Castelli, House Local Government Committee (D)**  
**Andrew Sheaf, Department of Community and Economic Development**  
**Ashley White, County Commissioners Association of Pennsylvania**  
**Amy Sturges, Pennsylvania Municipal League**  
**Kaitlin Errickson, Pennsylvania Municipal League**  
**Ed Troxell, Pennsylvania State Association of Boroughs**  
**Ron Grutza, Pennsylvania State Association of Boroughs**  
**Melissa Morgan, Pennsylvania State Association of Township Supervisors**  
**Hayden Rigo, Greenlee Partners**  
**Joe Regan, PA State Fraternal Order of Police**  
**John Fiorill, PA State Fraternal Order of Police**  
**R. Scott Hartman, Appraisal Institute/Coalition of PA Real Estate Appraisers**  
**Malike Williams, student, Community College of Philadelphia**

As the first order of business, the Executive Director read a statement giving a brief summary of the remote proceeding. Mr. Greene announced that the meeting was being conducted with both Member and Commission staff participation by livestream and was being recorded. Also, on Thursday, January 14, 2021, notice of the meeting was posted on the committee meeting pages of the Senate of Pennsylvania and the House of Representatives through the Legislative Data Processing Center. The meeting agenda was posted on the Commission's website, [www.lgc.state.pa.us](http://www.lgc.state.pa.us), on Monday, January 25, 2021. Any questions on agenda items for consideration by the Commission would be addressed during the meeting. After adjournment, the recording of the meeting will be posted on the Commission's website at [www.lgc.state.pa.us](http://www.lgc.state.pa.us).

Chairman Hutchinson welcomed Senator Cris Dush to the meeting. Senator Dush was appointed to the Local Government Commission on Tuesday, January 26, 2021, for the new 2021-2022 legislative session. When all ten Commission Member appointments are received, a reorganization will take place and Senator Dush will be officially seated as a Member of the Commission. To date, the Commission has received the reappointments of Senator Hutchinson, Representative James, Representative Moul, Representative Freeman and Representative Sappey.

The Members discussed the minutes of the December 9, 2020, business meeting, which were unanimously approved on a motion by Representative Freeman and a second by Senator Kearney. The financial reports for the month of December 2020 were presented, and an explanation was given by the Executive Director. The financial reports were unanimously approved on a motion by Representative James and a second by Representative Freeman.

The Executive Director explained the next item on the agenda, which was a printing contract to be awarded for the publication and distribution of the new permanent edition of the Second Class Township Code. A permanent edition of the Second Class Township Code was previously printed in 2003 with updated supplements provided to each second class township at the conclusion of each two-year legislative session with the last being distributed at the end of the 2017-2018 legislative session. Mr. Greene stated that the information sheet contained in the Members' meeting packets provides an analysis of the three bids received for the printing, distribution and delivery of the Second Class Township Code. After a discussion, the Members unanimously decided on a motion by Representative Sappey, which was seconded by Senator Ward, to accept the bid submitted by Art Communication Systems, Inc. (ACS) of Harrisburg, Pennsylvania. The bid document from ACS showed a final quote of \$19,965.00 for the printing and distribution of the new permanent edition. The Commission will also reimburse ACS for postage costs associated with the mailing of the Second Class Township Code. Second class townships should anticipate receiving the new Code books by mid-February.

The Members reviewed the list of bills from the 2019-2020 legislative session projected for reconsideration by the Members upon the Commission's 2021-2022 legislative session reorganization. Below are the bills for reconsideration, along with a summary of each.

**SB 1039** (Martin)--Consolidation of the County Code into Title 16 of the Pennsylvania Consolidated Statutes. Senate Bill 1039 sought to incorporate Act 154 of 2018, the revision of the County Code (Code), Act 130 of 1955, into the Pennsylvania Consolidated Statutes (Pa.C.S.) as Part IV (Counties of the Second Class A through Eighth Class) of Title 16 (Counties). Act 154 was a seven-year effort by the Pennsylvania State Association of Elected County Officials (PSAECO)

County Code Revision Committee, the Local Government Commission and other stakeholders to modernize the Code. The effort included integrating the Second Class County Code to the extent it applied to counties of the second class A into the County Code, modifying language to conform to case law developments, removing obsolete provisions, and incorporating other substantive changes. The Legislative Reference Bureau assisted Commission staff by converting substantive changes. The Legislative Reference Bureau assisted Commission staff by converting the Code into consolidated statute format, and then participating in a review of the product to ensure that the conversion was substantively consistent with Act 154. The original bill provides that it is to be construed as substantively identical to the County Code. *After a substantial revision of a municipal code in its freestanding form, the Commission routinely introduces a “consolidation bill” the next session to integrate the code into Consolidated Statutes.*

**HB 1034** (Everett)--Clarifying and broadening repairs/upgrades to homes which could occur without triggering a property assessment review. The proposed legislation would amend the Consolidated County Assessment Law (CCAL) to more precisely define changes to real property that could occur without authorizing the assessment office to adjust an assessment, and to increase the value of other improvements that may occur before the assessment office is required to be notified. The bill also requires forwarding of demolition permit information to the county assessment office, provides greater accountability for existing requirements that permit information be submitted to the assessment office, and authorizes counties to enact reporting ordinances. The legislation is an outcome of the 2017-2018 Local Government Commission Assessment Reform Task Force.

**HB 1035** (Sappey)--This legislation would amend Act 78 of 1979 to authorize political subdivisions and authorities to enter into contracts for services when two consecutive advertisements fail to induce bids. Currently, the law only covers the purchase of goods and the sale of property. Act 78 of 1979 is titled, “An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received.” Under the provisions of this legislation, when a political subdivision, municipality authority or transportation authority is required to advertise for bids in order to enter into a contract for services and no bids are received, the political subdivision or authority may advertise for bids a second time. In the event that no bids are received within 15 days of the second advertisement, the political subdivision or authority may initiate negotiations for a contract for services with any provider not otherwise disqualified by law or an enactment or policy of the governing body.

**HB 1246** (Freeman)--This bill provided for the responsibilities of coordinators and receivers appointed to assist financially distressed municipalities by requiring compliance with ethics statutes. This bill would amend the Municipalities Financial Recovery Act, or “Act 47,” by specifying additional ethical compliance requirements for the appointees, recovery coordinators and receiver, who work directly with financially distressed municipalities on behalf of the Department of Community and Economic Development (DCED). A recovery coordinator would be prohibited from engaging in conduct that is be prohibited under the Ethics Act (65 Pa.C.S. Ch. 11) and the State Adverse Interests Act (Act 451 of 1957). These acts require covered persons to avoid conflicts of interest, nepotism and self-dealing in contracts among other things.

**HB 2122** (Moul)--Made various technical changes and clarifications to the Borough Code. The legislation also repeals current provisions in the Borough Code regulating the accumulation and collection of garbage and other refuse materials, and creates a new chapter 25B “Solid Waste Collection and Disposition.” This bill is in the nature of an omnibus, with the following notable provisions, briefly:

- Clarified the mandatory nature of reimbursements to a mayor for attending annual meetings.
- Clarifying amendment and inclusion of the provisions of Act 54 of 2017 relating to counting specified active military service for purposes of residency requirements for office.
- Removing ambiguous language being interpreted as requiring an ordinance for budget enactment.
- Creating a new chapter 25B “Solid Waste Collection and Disposition,” which delineates regulation of the accumulation, collection and disposal of municipal waste and recyclables and contracts, rates and charges related thereto, closely tracking provisions in the Third Class City Code and Second Class Township.

**HB 2141** (Moul)--Abbreviated home rule charter adoption process for distressed municipalities and clarifying tax limitations in charters. This bill introduces an alternative process to form a government study commission to consider and potentially propose a new, or amend an existing, home rule charter in a municipality that is currently in the Municipalities Financial Recovery Act Program (“Act 47”), see Act of July 10, 1987 (P.L. 205, No. 47). To be eligible, a municipality must have adopted a plan, which recommends the adoption of a home rule charter, under Chapter 2 of Act 47 to address fiscal distress, or to facilitate the municipality’s exit from the program, and must currently be served by a coordinator appointed by the Department of Community and Economic Development (“DCED”). The bill also clarifies that the governing body of a home rule municipality is constrained from violating provisions contained in the municipality’s home rule charter imposing limits on the rates of taxation which may be imposed on the municipality’s residents.

Commission meeting dates for 2021 were presented to the Members for their approval. After briefly reviewing the dates, the Members voted unanimously on a motion by Senator Ward and a second by Representative James to meet on the following dates: March 17, 2021, monthly business meeting and meeting with local government associations; April 21, 2021, monthly business meeting; May 12, 2021, monthly business meeting; June 16, 2021, monthly business meeting and meeting with local government associations; July 14, 2021, monthly business meeting; September 29, 2021, monthly business meeting and meeting with local government associations; October 27, 2021, monthly business meeting; November 17, 2021, monthly business meeting; and December 15, 2021, monthly business meeting and meeting with local government associations. The Director noted that a February reorganizational meeting may be scheduled if all ten Commission membership appointments are received prior to the March 17 business meeting.

The Director introduced Commission Legal Intern Blake Marks to the Members. Mr. Marks is a third year Widener University School of Law student and is working under the guidance of Commission Assistant Director/Legal Counsel Kris Gazsi.

New General Assembly Member meet and greet meetings have begun. Every legislative session, the Executive Director and Assistant Director meet with all new incoming freshman

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legislators to explain what the Commission offers to the Members of the General Assembly and to answer any local government questions or concerns.

Assistant Director Kris Gazsi provided an outline to the Members detailing the proposed municipal government seminar to be hosted by the Commission staff whereby legislative attorneys may earn continued learning education credits on the topic of Act 47 municipal fiscal distress. The Director also plans to hold future seminars on the issues of assessment and consolidation.

The Director also reported that Commission Research Analyst Julia Frey is finalizing results from her study on solicitor compensation of county row offices, and Assistant Director Kris Gazsi is awaiting feedback on suggested updates to the Municipal Claims and Tax Liens Act. Both of these items will be presented to the Members at a future meeting.

The meeting adjourned at 9:45 a.m.

ATTESTED: \_\_\_\_\_  
February 26, 2021