

MEETING OF THE LOCAL GOVERNMENT COMMISSION

Wednesday, January 29, 2014

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

MEMBERS

**Senator John H. Eichelberger, Jr., Chairman
Senator Edwin B. Erickson
Senator John P. Blake
Representative Chris Ross
Representative Mauree Gingrich
Representative Kate Harper
Representative Robert L. Freeman
Representative Mary Jo Daley**

STAFF

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

GUESTS

**Chris Yniquez, Senator Robbins' Office
Luc Miron, Senator Blake's Office
Kyle Mullins, Senator Blake's Office
John Fulton, Representative Freeman's Office
Wanda Snader, House Republican Research Office
Rob Gaertner, House Republican Research Office
Brett Mauser, House Republican Research Office
Elam Herr, PA State Association of Township Supervisors
Amy Sturges, Pennsylvania Municipal League
Karey Molnar, Pennsylvania Municipal League**

As the first order of business, the Members discussed the minutes of the December 11, 2013, business meeting, which were unanimously approved on a motion by Representative Ross and a second by Senator Erickson. The financial report for the month of December 2013 was presented, and a detailed explanation was given by the Executive Director. The financial report was unanimously approved on a motion by Senator Erickson and a second by Representative Ross.

There was nothing to report from the December 12, 2013, meeting with the local government associations. The minutes from that meeting were unanimously approved on a motion by Representative Ross and a second by Senator Erickson.

The Executive Director apprised the Members that he and pertinent staff are viewing alternate office space and assembling cost estimates associated with a possible office relocation. The Commission's lease at Forum Place is due to expire June 2014. While the Commission is attempting to renegotiate its lease at Forum Place, the Members at a prior meeting recommended exploring other options in the event a mutually acceptable lease agreement is unattainable. The Executive Director will present an office space recommendation and, if needed, an applicable office relocation estimate to the Members at the March business meeting.

The Members were presented with draft language that would amend the First Class Township Code and the Second Class Township Code to specifically provide townships with the same authority to adopt and enforce a property maintenance code and property maintenance ordinances as currently exists for boroughs and third class cities. This proposed language was initiated by a resolution of the Pennsylvania State Association of Township Supervisors (PSATS) at its 2013 convention. Amy Sturges, representing the Pennsylvania State Association of Township Commissioners (PSATC), reviewed the

language prior to today's meeting and conveyed PSATC's endorsement of the proposed amendatory language to the First Class Township Code.

The Executive Director reported on a proposed amendment to the Second Class Township Code that would create a new Article XVII-A pertaining to the Uniform Construction, Property Maintenance Code and Reserved Powers. Elam Herr, representing PSATS, requested that Section 1702-A – Changes in Uniform Construction Code be removed from the language and replaced with Section 1702-A – Public nuisance. After a review by the Members, Representative Harper suggested that clarifying language be added to Section 1703-A – Property maintenance code. The clarifying language would require that a summary of the ordinance, as opposed to the entire ordinance, be advertised once in one newspaper of general circulation at least one week and not more than three weeks prior to the ordinance's presentation. The specified change would mirror that of the other municipal codes. Elam Herr, as well as the Commission Members, concurred with Representative Harper's proposal. The Commission staff was directed to draft legislation, as discussed, for introduction into the Senate of Pennsylvania and House of Representatives.

The Executive Director reported to the Members that the staff of the Senate Education Committee had contacted him regarding the possible introduction of a Senate Resolution directing the Commission to identify obsolete education mandates. The Director explained that the Commission provided an electronic file consisting of 1500 education mandates to the Senate Education Committee for the Committee's perusal. It was the opinion of the Director that the Commission lacks expertise in education matters, especially identifying obsolete education mandates. The Director proffered that the State Board of Education, Department of Education, the Pennsylvania State Education Association and the Pennsylvania School Boards Association are more knowledgeable in education matters and would be better equipped to undertake such a task. Chairman Eichelberger noted that he will discuss this matter with Senator Folmer, Chairman of the Senate Education Committee.

The Members unanimously agreed on a motion by Representative Ross and a second by Senator Erickson to cancel the February 12, 2014, business meeting. The February business meeting conflicts with budget hearings scheduled during February. The Commission's next business meeting is planned for March 12.

The Executive Director proposed a new lease for a Lanier Digital Multi-Functional Photocopier System and a maintenance agreement for the new machine with Capital Business Systems, Inc. The Commission's current photocopier lease expires at the end of March. The new black/white photocopier, which will run \$255.00 per month, costs \$24.00 less a month than the current lease. The maintenance agreement will average approximately \$81.00 per month, a cost 15 percent less than the current price. The Members unanimously approved the new lease and maintenance agreement on a motion by Representative Ross and a second by Senator Erickson.

As the last order of business, the Members were given copies of proposed legislation that would amend Act 47 of 1987. The amendments were prepared at the request of Representative Ross, who co-chaired the 2013 Act 47 Municipal Fiscal Distress Task Force. The legislation would do the following:

(1) More clearly establish the conditions under which the fiscal emergency status of a city subject to receivership can end. The amendment would modify Section 608 to specify that a municipal fiscal emergency shall end upon the Secretary's determination that the city is solvent and able to provide vital and necessary services; and,

(2) Establish provisions for the transition of a city from receivership by either: (1) rescinding the city's distress status thus removing it from Act 47 or (2) recognizing that the city remains in fiscal distress status in accordance with Chapter 2 of the Act. The amendment provides that upon a termination of a fiscal emergency as provided in Section 608, the Secretary shall issue an administrative determination that the city should either be removed from Act 47 or continue to be subject to further Act 47 proceedings outside of receivership. If the latter is recommended, the Secretary shall appoint a coordinator, and the recovery plan established under the receivership shall continue in

effect as the recovery plan of the city under Chapter 2. Plan amendments would occur by ordinance of the city's governing body after recommendation by the coordinator in accordance with Chapter 2. The administration of the plan, however, would differ from that of other distressed municipalities as follows:

- The coordinator would retain powers and duties of a receiver with regard to enforcement of plan completion.
- The Commonwealth Court would retain jurisdiction to adjudicate disputes and enforce orders issued by the coordinator in accordance with the current plan.
- The same restrictions that apply to Scranton for the imposition of nonresident earned income tax increases would apply to the city.

Act 47 of 1987, also known as the Municipalities Financial Recovery Act, provides options and procedures to address financially distressed municipalities. The Act resulted from the work of a task force formed by the Local Government Commission in 1985 and reconstituted in 2013 to study problems associated with distressed municipalities and formulate a legislative proposal to alleviate those problems. The proposed legislation, which was unanimously approved on a motion by Senator Erickson and a second by Representative Gingrich, will be introduced in the Senate of Pennsylvania and House of Representatives with Senator Eichelberger and Representative Ross as prime sponsors.

The meeting adjourned at 9:10 a.m.

ATTESTED: _____
January 31, 2014