

MEETING OF THE LOCAL GOVERNMENT COMMISSION

Wednesday, March 20, 2019

The reorganizational meeting of the Local Government Commission was called to order by Senator Joseph B. Scarnati, III, President Pro Tempore of the Senate, at 8:45 a.m. in Room 14 East Wing-Main Capitol Building, Harrisburg, Pennsylvania, with the following individuals present:

Senator Joseph B. Scarnati, III, Presiding Officer

MEMBERS

Senator Scott Hutchinson, Chair
Senator Scott F. Martin
Senator Judy Ward
Senator Judith L. Schwank
Senator Timothy P. Kearney
Representative R. Lee James
Representative Dan Moul
Representative Garth D. Everett
Representative Robert Freeman
Representative Christina D. Sappey

STAFF

Philip H. Klotz, Executive Director
David A. Greene, Assistant Director-Legal Counsel
Kristopher J. Gazsi, Associate Legal Counsel
Wanda Snader Dehan, Associate Legal Counsel
Danette H. Magee, Research Analyst
Julia Frey, Research Analyst
Karen S. Bear, Secretary

GUESTS

Shelly Brown, Senator Scarnati's Office
Justin Leventry, Senator Hutchinson's Office
Cynthia Urban, Senator Martin's Office
Cheryl Schriner, Senator Ward's Office
William Casey, Senator Schwank's Office
Samuel Arnold, Senator Kearney's Office
Rob Gaertner, House Local Government Committee (R)
Christopher Mulhall, House Local Government Committee (R)
John Fulton, House Local Government Committee (D)
Lisa Schaefer, County Commissioners Association of Pennsylvania
Amy Sturges, Pennsylvania Municipal League
Karey Molnar, Pennsylvania Municipal League
Ed Troxell, Pennsylvania State Association of Boroughs
Ron Grutza, Pennsylvania State Association of Boroughs

**Don Petrille, Pennsylvania State Association of Elected County Officials
Hayden Rigo, Greenlee Partners**

The President Pro Tempore of the Senate opened the floor for nominations for the position of Chairman of the Commission. Senator Martin nominated Senator Hutchinson for Chair, and Representative James seconded the nomination. Senator Scarnati moved that nominations for the position of Chair be closed. This motion carried unanimously, and Senator Hutchinson was elected Chair of the Commission by a unanimous vote. Senator Scarnati then opened the floor for nominations for the position of First Vice-Chair of the Commission. Representative Moul nominated Representative James for the position of First Vice-Chair, and Senator Martin seconded the nomination. Senator Scarnati moved that nominations for the position of First Vice-Chair be closed. This motion carried unanimously, and Representative James was elected unanimously as First Vice-Chair of the Commission. Senator Scarnati then moved that nominations for the position of Second Vice-Chair be opened. Senator Kearney nominated Senator Schwank for the position of Second Vice-Chair, and Representative Freeman seconded the nomination. Senator Scarnati moved that nominations for the position of Second Vice-Chair be closed. This motion carried unanimously, and Senator Schwank was elected Second Vice-Chair by a unanimous vote.

At this point in the meeting, Senator Hutchinson assumed the chair and the business meeting of the Commission convened at 8:50 a.m.

As the first order of business, Senator Hutchinson welcomed the six new Commission Members to the meeting and invited all of the Members and staff to introduce themselves. The Members then discussed the minutes of the January 30, 2019, business meeting, which were unanimously approved on a motion by Representative Freeman and a second by Representative James. The financial reports for the months of January and February 2019 were presented, and a detailed explanation was given by the Executive Director. The financial reports were unanimously approved on a motion by Senator Martin and a second by Representative Freeman.

The Commission's proposed initial 2019-2020 legislative package was presented to the Members for consideration. Fourteen Commission-sponsored bills were signed into law by the Governor in the 2017-2018 legislative session. Five of the seven remaining bills were again presented to the Members for possible reintroduction into both the Senate and House chambers. After each bill was briefly explained by the Executive Director, a short discussion among the Members ensued as to whom would be the prime sponsors of each bill. Below is a brief summary of each bill and the designated prime sponsors.

- a. Former SB 832/HB 1594 – Amending the Assessors Certification Act to further provide for the qualifications and training of revaluation company personnel and Certified Pennsylvania Evaluators. Prime Sponsors: Senator Martin and Representative Moul.
- b. Former SB 689/HB 1361 – Amending the Real Estate Appraisers Certification Act to provide for appointment of Certified Pennsylvania Evaluators to the State Board of Certified Real Estate Appraisers. Prime Sponsors: Senator Ward and Representative James.

- c. **Former SB 1006/HB 1991 – Amending the Consolidated County Assessment Law to further provide for building permits. Prime Sponsors: Senator Kearney and Representative Everett.**
- d. **Former SB 693/HB 1364 – Amending Act 78 of 1979 (“No Bid” Law) to provide for award of contract for services when no bids are received. Prime Sponsors: Senator Martin and Representative Sappey.**
- e. **Former SB 1168/HB 2470 – Amending the Borough Code to provide for the option to decrease the size of borough council pursuant to petition and referendum. Prime Sponsors: Senator Kearney and Representative Moul.**

The 2019-2020 legislative package will be electronically circulated among the Members for sponsorship. The Director provided to the Members a copy of a “screen shot” showing a sample of the private co-sponsorship memoranda each Member will receive.

Associate Legal Counsel Kris Gazsi presented to the Members proposed amendments to the Municipalities Financial Recovery Act, or “Act 47,” for consideration. The bill would amend Act 47 by specifying additional ethical compliance requirements for the appointees, recovery coordinators and receivers, 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 to be prohibited under the Ethics Act and the State Adverse Interests Act. These acts require covered persons to avoid conflicts of interest, nepotism and self-dealing in contracts, among other things. A violation of these prohibitions by a recovery coordinator would constitute grounds for the termination of the coordinator’s contract with DCED. The bill also clarifies that the ethics requirements do not bar an individual coordinator, receiver or other legal or financial consultant from qualifying for a contract to serve the same municipality under a separate program in Act 47. The Governor’s Center for Local Government Services of the DCED reviewed the proposal and suggested additional language, which has been incorporated into the bill. Additionally, the Pennsylvania Municipal League, the Pennsylvania State Association of Township Supervisors and the Pennsylvania State Association of Boroughs have expressed support for the concepts contained in the bill. After a brief discussion, the Members voted unanimously on a motion by Representative Everett and a second by Senator Martin to introduce the proposed Act 47 amendments into both chambers. Senator Kearney will prime sponsor the legislation in the Senate and Representative Freeman will prime sponsor the legislation in the House of Representatives.

At the April 18, 2018, business meeting, a 45-minute presentation on the status of Act 47 municipalities was given by Mr. Gazsi. At the conclusion of that report, consideration was given by the Members to form a committee of Commission Members to systematically study remedial policy objectives provided by Mr. Gazsi in the presentation. Senator Blake, Senator Schwank, Representative Kampf, Representative James and Representative Freeman formed a committee to systematically analyze the following policy objectives during three scheduled meetings in 2018.

- **Transitional revenue plans after distressed status rescission.**
- **Recovery-oriented home rule alternative process.**
- **Transparency and financial interest considerations.**
- **PILOT reform/tax exempt policy changes.**
- **Act 511 changes.**

Due to the Commission's membership changes for the 2019-2020 legislative session, the Director announced that any Commission Member who wants to participate in the committee is welcome. The goal of the committee is to make recommendations to the Commission Members during this legislative session. The following five Members offered to serve on the Commission's Act 47 Committee: Senator Hutchinson, Senator Schwank, Representative James, Representative Moul and Representative Freeman.

Donald Petrille, Register of Wills and Clerk of Orphans' Court, Bucks County, and President of the Pennsylvania State Association of Elected County Officials (PSAECO), explained to the new Members that his Association is a collective organization consisting of representatives from each of the various statewide associations of elected county officials. The goals of PSAECO are as follows.

- Act as liaison between state organizations and the General Assembly.
- Assist in creating a more effective and efficient government.
- Open lines of communication in government.
- Achieve uniformity and cooperation in government at all levels.
- Serve local government by representing its interest before the legislature.
- Work with the Local Government Commission and Local Government Committees in the House and Senate to promote legislation that will enhance the function of government.

Mr. Petrille stated that PSAECO is generating a legislative priority list, which will be finalized during PSAECO's April 11 retreat. Some of the topics that PSAECO would like to have addressed during the 2019-2020 legislative session are records management, the Right-to-Know Law, recorder of deeds uniform fee legislation and county pensions.

A listing of LGC Potential Legislation and Initiatives for 2019-2020 was provided to the Members for their perusal. Most notably are the recodification of the County Code into Title 16 of the Pennsylvania Consolidated Statutes and the comprehensive revision of the First Class Township Code (Act 31 of 1931), which was last done in 1949. The Executive Director invited the Members to make additional recommendations.

The Director informed the Members that during the week of April 22 the Commission will relocate its current office from the Forum Place, 555 Walnut Street, Harrisburg, Pennsylvania, to the fifth floor of the Irvis Office Building located in the Capitol Complex.

Additionally, it was announced by the Director that the first issue of the Quarterly Legal Update for 2019 was electronically disseminated to all of the Members of the General Assembly, as well as interested parties. Also, the Director requested that the new Members submit their preferred picture for use in the Commission's brochure, which is being updated to reflect the Membership changes for the 2019-2020 legislative session.

As the last order of business, the Commission's April 10, 2019, business meeting will be held at 8:45 a.m. in Room 14 East Wing-Main Capitol Building. The Members' Capitol offices will be notified. The Members will be discussing the municipal resolutions adopted at the 2018

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conferences conducted by the County Commissioners Association of Pennsylvania, the Pennsylvania State Association of Township Supervisors and the Pennsylvania Municipal Authorities Association.

The meeting adjourned at 9:30 a.m.

ATTESTED: _____
March 26, 2019