

MEETING OF THE LOCAL GOVERNMENT COMMISSION

Wednesday, April 15, 2015

The meeting of the Local Government Commission was called to order by Senator John Eichelberger, Jr., at 8:50 a.m. in hearing Room #2 North Office Building, Harrisburg, Pennsylvania, with the following individuals present:

MEMBERS

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

STAFF

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

GUESTS

Lee Derr, Senator Eichelberger's Office
Justin Leventry, Senator Hutchinson's Office
Virginia Gregory, Representative Ross' Office
Brianna Medevich, Representative Freeman's Office
Wanda Snader, House Republican Research Office
Rob Gaertner, House Republican Research Office
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
Joe Regan, Fraternal Order of Police

As the first order of business, the Members discussed the minutes of the March 4, 2015, business meeting, which were unanimously approved on a motion by Representative Ross and a second by Senator McGarrigle. The financial report for the month of March 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 Representative Harper.

At last month's business meeting, Commission staff was instructed to draft legislation for Resolution Number 4 adopted at the Pennsylvania State Association of Boroughs' (PSAB) 2014 annual conference. Resolution Number 4 "seeks appropriate remedies to address the impacts of county reassessments on various tax rates and/or millage established by [boroughs] as a result of referendum." Staff prepared an amendment to the "Consolidated County Assessment Law," Title 53, Chapter 88, of the Pennsylvania Consolidated Statutes to clarify that "anti-windfall" tax rate reductions apply to tax levies established by referendum.

After presentation of the amendment to the Members, the Executive Director explained the proposal in detail and proffered that the language was concurred in by PSAB. The Members agreed unanimously on a motion by Representative Ross and a second by Senator McGarrigle to introduce the amendments into the Senate of Pennsylvania and the House of Representatives and to draft language that would amend the Second Class County Code in a similar manner.

The Commission staff was also directed at the March business meeting to draft legislation for Resolution Number 26 and further examine Resolution Number 30 submitted by the Pennsylvania State Association of Township Supervisors (PSATS) as adopted at PSATS' 2014

annual convention. Resolution Number 26 seeks legislation that would authorize townships to annually appropriate township funds to recognize township employees, other township officials and volunteers for their service to the township. Draft amendatory language to Section 1540 of the Second Class Township Code was submitted to the Members for their review. There was a discussion among the Members as to a suitable dollar amount that a township could realistically spend on tangible personal property. At the conclusion of the discussion, the Members agreed to set a monetary limit of \$100.

The Members unanimously approved on a motion by Senator McGarrigle and a second by Representative Gingrich to introduce the amendatory language into the Senate of Pennsylvania and the House of Representatives and to have similar language introduced that would amend the other municipal codes. The amendatory language would govern expenditures for tangible personal property other than cash, gift certificates, etc. Hospitality, such as meals and beverages would be excluded.

PSATS Resolution Number 30 seeks an amendment to the Municipal Records Act to define as a permanent public record any papers, books, maps, photographs or other documentary materials existing in a nonphysical secure electronic form and further the act be amended to authorize the formal recording and copying of a permanent public record in a nonphysical secure electronic form. Maintaining electronic copies as official records provides a new option that could ease the burden of record retention. The Executive Director stated that the staff had discussions with the Pennsylvania Historical and Museum Commission (PHMC) and the State Archivist and it was their recommendation that Resolution Number 30 be tabled. Currently, no standards have been adopted relating to permanent electronic records, but standards are being considered for certain judicial records and once implemented, could be extended to local government records. The Members unanimously agreed with the recommendation to table this matter.

A review of the Third Class City Code—Title 11 was next on the agenda. The Members were provided with a draft of a bill that incorporates Act 22 of 2014, the reenactment and amendment of the Third Class City Code, Act 317 of 1931, into the Pennsylvania Consolidated Statutes as Part V (Third Class Cities) of Title 11 (Cities). Act 22 was a decade-long effort among the Pennsylvania Municipal League, the Local Government Commission and other stakeholders to modernize the Code. 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 22. With the exception of six sections that the Executive Director outlined for the Members, the bill is substantively identical to the Third Class City Code. The Members unanimously agreed on a motion by Senator McGarrigle and a second by Representative Ross to introduce the proposed bill into the Senate of Pennsylvania with Senator Eichelberger as the prime sponsor.

The Director apprised the Members that the Commission’s May 13, 2015, business meeting will be held at 8:45 a.m. in Room 14 East Wing-Main Capitol Building. The Members’ attendance at this meeting is encouraged.

As the last order of business, a copy of the formal resignation submitted by the Executive Director was provided to all of the Members. Mr. Gasbarre, who has worked for the Local Government Commission for 37 years, will resign his position effective June 1, 2015.

The meeting adjourned at 9:15 a.m.

ATTESTED: _____
April 21, 2015