

LIVESTREAM BUSINESS MEETING OF THE LOCAL GOVERNMENT COMMISSION

Wednesday, April 21, 2021

The livestream meeting of the Local Government Commission (Commission) was called to order by Senator Scott E. 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 Cris Dush
Senator Judith L. Schwank
Senator Timothy P. Kearney
Representative R. Lee James
Representative Jerry Knowles
Representative Robert Freeman

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

GUESTS

Representative Mike Sturla
Justin Leventry, Senator Hutchinson's Office
Joseph Foust, Senator Dush's Office
Matt Maniskas, Senator Schwank's Office
Sam Arnold, Senator Kearney's Office
Mary Yoder, Senate Local Government Committee (R)
Rob Gaertner, House Local Government Committee (R)
Jon Castelli, House Local Government Committee (D)
Tim Scott, House Urban Affairs Committee (D)
John Stump, Governor's Budget Office
Ashley White, County Commissioners Association of Pennsylvania
Melissa Gates, County Commissioners Association of Pennsylvania
Amy Sturges, Pennsylvania Municipal League
Kaitlin Errickson, Pennsylvania Municipal League
Edward Troxell, Pennsylvania State Association of Boroughs
Ron Grutza, Pennsylvania State Association of Boroughs
Tammy Shearer, Pennsylvania State Association of Elected County Officials
Eric Feder, Pennsylvania State Association of Elected County Officials
Joseph Gerdes, Pennsylvania State Association of Township Supervisors
Melissa Morgan, Pennsylvania State Association of Township Supervisors

LIVESTREAM BUSINESS MEETING OF THE LOCAL GOVERNMENT COMMISSION

Page 2 – April 21, 2021

**Joe Regan, Pennsylvania State Fraternal Order of Police
Benjamin Dannels, Greenlee Partners
Robert Routh, Clean Air Council
Logan Welde, Clean Air Council
Dean Pepicello, Harborcreek Township Supervisor, Erie County**

The recorded virtual meeting was conducted with both Member and Commission staff participation. On Wednesday, April 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, on Monday, April 19, 2021. Any questions on agenda items for consideration by the Commission were 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.

Chairman Hutchinson welcomed new Commission Member Representative Jerry Knowles to the meeting. Representative Knowles, who was recently named Chairman of the House Local Government Committee, was appointed to the Commission on March 29, 2021, by the Speaker of the House Bryan Cutler. Representative Knowles replaces Representative Carl Walker Metzgar who was the Chairman of the House Local Government Commission prior to his March 2021 reassignment as Chairman of the House Liquor Control Committee.

The Members discussed the minutes of the March 17, 2021, business meeting, which were unanimously approved on a motion by Senator Kearney and a second by Senator Dush. The financial reports for the month of March 2021 were presented, and an explanation was given by the Executive Director. The financial reports were unanimously approved on a motion by Representative Freeman and a second by Senator Schwank.

At the March 17, 2021, business meeting, the Members discussed a formal written request submitted by the Pennsylvania State Association of Boroughs asking the Commission to amend the Pennsylvania Borough Code (Title 8) in several areas to mirror that of the recently updated First Class Township Code. After that meeting, the Executive Director contacted the other municipal association to determine if some of the suggested borough amendments should be addressed in the other municipal codes. Proposed language was presented to the Members at today's meeting that would amend four sections in the Borough Code, and, to the extent applicable, the requested changes would be added to the law for incorporated towns, third class cities and townships of the second class. The suggested changes are as follows:

(Surcharge by auditors)—Adding language providing that an elected or appointed official of a municipality may not be surcharged if the official was acting in good faith on a written or publicly-disclosed opinion of the borough/township solicitor. Currently, the pertinent codes contain no protection for an official who, by unauthorized official action, causes a financial loss to the municipality, even if they relied on the opinion of the municipal solicitor. Drafted for boroughs and townships of the second class.

(Manager, Generally)—Authorizing a municipality to appoint a partnership, limited partnership, association or professional corporation as the municipal manager. Now, the applicable codes permit

only an individual to be appointed and employed as the municipal manager. Drafted for boroughs, townships of the second class, third class cities and towns.

(Organization of the civil service commission)—Permitting the civil service commission of a municipality to reorganize within 30 days of the first Monday in January of each even-numbered year. Presently, the Borough Code requires that a civil service commission organize on the first Monday in January in even-numbered years. Drafted solely for the boroughs.

(Preparation of budget)—Removing a requirement that a municipal preliminary budget be prepared beginning at least 30 days prior to the adoption of the budget. The codes now require that the preliminary budget be solely prepared beginning at least 30 days prior to the adoption of the budget. Drafted solely for the boroughs.

After a discussion, the Members voted unanimously to approve the introduction of the proposed language into the Senate of Pennsylvania and the House of Representatives that would address the above-mentioned sections in the applicable municipal codes. Prime sponsors for each of the designated municipal classification are as follows: Senator Kearney and Representative James--Boroughs; Senator Hutchinson and Representative Knowles—Incorporated Towns; Senator Schwank and Representative Freeman—Third Class Cities; and Senator Dush and Representative Knowles—Townships of the Second Class. The amended language is intended to create greater uniformity among the municipal codes.

Commission Research Analyst Julia Frey discussed the results from the Fall 2020 Row Office Solicitor Compensation Study, which was a collaborative effort by the Pennsylvania State Association of Elected County Officials (PSAECO) County Code Revision Committee and the Local Government Commission. Questions arose during the recent consolidation of the County Code as to row officer solicitor compensation. A survey was distributed to all row officers via their respective state associations in October 2020, and replies were collected through early December 2020. Row officers representing 65 counties and all row offices participated in the survey. Of those surveyed, 89 percent had their own solicitor and 11 percent responded that they do not have a dedicated solicitor. Overwhelmingly, row office solicitors are considered independent contractors, with one-fourth of respondents indicating that their solicitor is considered a county employee. The compensation for the row office solicitors varies greatly, with the smallest reported retainer of \$450 annually, and the highest retainer being \$25,000 annually. While the range is large, nearly half of all retainers are under \$2,500. The retainers vary according to row officer, as well. Solicitors for sheriffs and controllers, on average, enjoy the highest retainers, while the solicitors for auditors and those holding multiple offices have the lowest average retainers. Ms. Frey further explained that median and average salary also varied depending on county classification. Generally, as counties decrease in size, the average row office retainer decreases. The goal of the study was to identify trends in row office solicitor compensation across the Commonwealth to determine whether further amendments to the County Code are needed to address such trends. Tammy Shearer, President of the PSAECO, thanked Ms. Frey and the Commission for assisting in this survey and went on to state that the study results were shared with PSAECO members and other interested parties.

LIVESTREAM BUSINESS MEETING OF THE LOCAL GOVERNMENT COMMISSION

Page 4 – April 21, 2021

Ms. Frey also presented to the Members a copy of the request for proposals announcement for the Local Government Commission Symposium scheduled for October 7, 2021. The Commission is seeking presentation proposals particularly in projects and research reflecting the overall mission of the Commission, including: the structure and functions of local government, and bridging the generational gap in public employment; the cost of local government, innovative solutions to municipal fiscal concerns and ways and means of lessening the burden on local taxpayers; and the advisability and feasibility of regionalization of certain functions. Presentation proposals from local government officials, university faculty and students, state and regional professionals who study and work with local governments, state legislators, and other stakeholders are encouraged. Senator Schwank queried if out-of-state submissions would be considered. Ms. Frey stated that all proposals would be accepted and reviewed for relevance to the current issues facing the Commonwealth. The deadline for proposal submissions is May 31, 2021. The symposium aims to provide a platform where practitioners, policymakers and researchers can gather to connect, share research and policy proposals, and spread awareness of local government issues. The Members unanimously approved on a motion by Representative Freeman and a second by Senator Dush to circulate the request for proposals notice.

At last month’s business meeting, a resolution offered by the Pennsylvania Municipal League was given to the Members for their consideration. The resolution, which was adopted by the Borough of State College in 2020, seeks temporary property assessment relief for persons who have suffered COVID-19-related economic loss to their real property. Resolution #4-2020 calls for an amendment to the Consolidated County Assessment Law that will allow temporary reductions in the assessed value or real property for the years 2021, 2022 and 2023. Additional feedback was obtained on the resolution after last month’s meeting. The Executive Director reported that he spoke with representatives from the municipal associations, restaurant and hospitality industry and the Pennsylvania School Boards Association, all of which shared information with him that supports his recommendation to table the matter. After a brief discussion, the Members unanimously agreed with the Executive Director’s counsel to table the issue indefinitely and retain the draft language framework for possible future application.

As the last order of business, the Executive Director reported that the PSAECO will be meeting remotely on Wednesday, April 28, at 10:30 a.m. All Members and staff are encouraged to attend.

The next Commission business meeting is scheduled for Wednesday, May 12, 2021, at 9:00 a.m. in Room 515 Irvis Office Building. The hybrid meeting will afford in-person and remote participation. At the May meeting, two more legislative proposals will be presented to the Members for consideration.

The meeting adjourned at 9:45 a.m.

**ATTESTED: _____
April 23, 2021**