

MEETING OF THE LOCAL GOVERNMENT COMMISSION

Wednesday, May 23, 2018

The meeting of the Local Government Commission was called to order by Senator John Eichelberger, Jr., at 8:45 a.m. in Room 14 East Wing–Main Capitol Building, Harrisburg, Pennsylvania, with the following individuals present:

MEMBERS

Senator John H. Eichelberger, Jr., Chair
Senator Scott E. Hutchinson
Senator John P. Blake
Senator Judith L. Schwank
Representative Kate Harper
Representative Warren Kampf
Representative R. Lee James
Representative Robert Freeman
Representative Mary Jo Daley

STAFF

Philip H. Klotz, Executive Director
David A. Greene, Assistant Director-Legal Counsel
Kris Gazsi, Associate Legal Counsel
Danette H. Magee, Research Associate
Karen S. Bear, Secretary

GUESTS

Lee Derr, Senator Eichelberger's Office
Justin Leventry, Senator Hutchinson's Office
William Casey, Senator Schwank's Office
Lisa Schaefer, County Commissioners' Association of Pennsylvania
Ron Grutza, Pennsylvania State Association of Boroughs
Don Petrille, Pennsylvania State Association of Elected County Officials
Amy Sturges, Pennsylvania Municipal League
Karey Molnar, Pennsylvania Municipal League
Tim Barr, Evaluator Services and Technology

As the first order of business, Representative Harper, chair of the House Local Government Committee (HLGC), announced that the HLGC would be meeting at 9:30 a.m. in 205 Ryan Office Building to conduct an informational meeting on House Resolution (HR) 50. HR 50 is a resolution that directed the Legislative Budget and Finance Committee (LBFC) to conduct a comprehensive review of the fiscal impact on Commonwealth agencies and local governmental agencies for implementation of the Right-to-Know Law. LBFC's final report is to be unveiled at the HLGC meeting.

The Commission Assessment Reform Task Force Model Request for Proposal (RFP) and Contracting Guidelines for County Assessments was presented to the Members for their review. The Director acknowledged all of the individuals who contributed to the report and gave special

thanks to Steve Howe, Director of the Offices of Tax Assessment and Tax Claim, Dauphin County, and Chair of the Assessors' Association of Pennsylvania (AAP) Contracting Standards Subcommittee, Deb Crawford, Chief Assessor, Tioga County, and president of the AAP, and Josh Zeyn, Assistant Chief Assessor, Tioga County, Charles "JR" Hardester, Director of Assessment, Lawrence County, as well as to Commission staff members Danette Magee, David Greene and Kristopher Gazsi.

Ms. Magee stated that in an effort to produce Model RFP and Contracting Guidelines for Pennsylvania that was as unbiased as possible towards any one vendor, the Subcommittee began its work using a model RFP/contract that is endorsed by the state of New York. The Subcommittee made administrative and procedural modifications to the New York template to reflect Pennsylvania-specific laws and practices. Guidance was also sought from other Pennsylvania contracts, where necessary. The goal of the Guidelines is to assist counties to help ensure that reassessment is conducted appropriately and implemented successfully. The RFP is to serve as the basis for any subsequent contractual agreement between a county and a vendor and incorporated as part of a contract. The manual is composed of three sections: The RFP, Contracting Guidelines and Appendices.

The RFP includes a model RFP with suggestions for customizing a county proposal for products and services from a reassessment vendor. The RFP also includes a sample cover letter to prospective vendors and various tables to assist the county in preparing for and effectuating a countywide reassessment. Within the body of the RFP, certain comments are in bold blue brackets. The comments are intended to offer guidance to those officials working to customize the county's RFP.

The manual contains sample contracting guidelines that would specifically set forth in the body or in an appendix the duties and responsibilities of each of the parties. This can be accomplished by preparing a contract which prioritizes all of the contract documents—the RFP, the contractor's proposal and applicable appendices—and merges them so as to accurately reflect the agreement and understanding of the parties. The contract would become the primary document and the RFP, contractor's proposal and integrated appendices would become subordinate documents.

Various appendices are included at the end of the manual to further guide the county in planning for and monitoring the progress of a countywide reassessment. The appendices also include important standards, statutes and "best practices." The county may include the appendices in the RFP and/or contract, as applicable.

Mr. Greene explained Sections 8 (Payment Schedule and Penalty) and 9 (Contractual Requirements) of the manual. Section 8 emphasizes that, with the exception of per diem rates for work related to vendor staff charges outside of the agreement and any court proceedings, the agreement is a fixed price contract. Each proposal shall include a payment schedule that shows deliverable products at easily identifiable stages of the project. Payment shall be made to the vendor according to the agreed upon schedule. The schedule is to adhere to criteria outlined in Section 8. Also, there are suggested remedies for the county if the county project administrator determines that, due to the fault of the vendor, the reassessment project is not progressing as scheduled.

Section 9 addresses items that constitute legal and insurance obligations which should in some form be included in the reassessment contract, particularly subsection 9.5 dealing with insurance requirements. The vendor is to serve in the capacity of an independent contractor during the project and maintain insurance so as to protect itself and the county from any and all claims under the Workers' Compensation Law, and from claims for damage to person or property arising out of and during its operation for the entire pendency of the reassessment project.

Mr. Greene also stated that Section 9 includes Subsection 9.12 on the Pennsylvania Right-to-Know Law (RTKL) and how it applies to the contract. If the county needs the vendor's assistance in any matter arising out of the RTKL related to the contract, it is to notify the vendor in writing. Upon receipt of the notice the vendor shall: (1) provide the county, within ten calendar days after receipt of the written notification, access to and copies of any document or information in the vendor's possession arising out of the contract that the county reasonably believes is requested information and may be a public record under the RKL, and (2) provide such other assistance as the county may reasonably request in order to comply with the RTKL. The county is to reimburse the vendor for any costs associated with complying with the provisions only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable. Subsection 9.12 also addresses other RTKL scenarios that may occur. It was noted that the vendor's duties relating to the RTKL are continuing duties that survive the expiration of the contract and shall continue as long as the vendor has requested information in its possession.

After a lengthy discussion, the Members unanimously agreed on a motion by Representative Harper and a second by Representative Daley to recommend that the County Commissioners Association of Pennsylvania (CCAP) adopt and implement the "Model RFP and Contracting Guidelines for County Reassessment Services" developed under the Local Government Commission's Assessment Reform Task Force. The Members also advised that some background information regarding the Task Force be added to the report's letter of transmittal. The report may be accessed from the Local Government Commission website, www.lgc.state.pa.us.

The Members discussed the minutes of the April 18, 2018, business meeting which were unanimously approved on a motion by Senator Schwank and a second by Representative Freeman. The financial report for the month of April 2018 was presented, and a detailed explanation was given by the Executive Director. The financial report was unanimously approved on a motion by Senator Blake and a second by Representative Freeman.

At the April 18, 2018, business meeting a 45-minute presentation on the status of Act 47 (Municipalities Financial Recovery Act) municipalities was given by Commission Associate Legal Counsel Kris Gazsi. At the conclusion of that report, consideration was given by the Members to form a committee of Commission Members to systematically study the written options provided by Commission staff in the Act 47 presentation. Senator Eichelberger invited Members who wish to participate on the proposed committee to contact either himself or the Director by next month's meeting. Senator Blake, Senator Schwank and Representative Freeman agreed to serve on the committee.

At 9:05 a.m. the Chairman announced that the Members would resolve into executive session for the purpose of discussing the Executive Director's performance evaluation. At

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9:10 a.m. the Members returned to public session, and unanimously voted on a motion by Senator Hutchinson and a second by Senator Schwank to grant the Executive Director a satisfactory rating on his performance evaluation and extend his tenure with the Commission by one year, budget permitting.

As the last order of business, the Director announced that the Assessment Reform Task Force’s final meeting is scheduled for Monday, June 4, 2018, at 10:00 a.m. in Room 461 Main Capitol Building. At that meeting, the Task Force Members will review a preliminary draft of the Self-Evaluation Tool presented by the AAP’s Self-Evaluation Tool Subcommittee. The Subcommittee’s members have focused on developing a framework of statistical measures that may help guide a county in planning for and determining when a countywide reassessment is warranted. Upon the Task Force’s approval of the draft, the report will be made available to the Commission Members for their consideration at the next business meeting, which is slated for Wednesday, June 13, 2018, at 8:45 a.m. in Room 14 East Wing-Main Capitol Building.

The meeting adjourned at 9:15 a.m.

ATTESTED: _____
May 31, 2018