

## **MEETING OF THE LOCAL GOVERNMENT COMMISSION**

**Wednesday, June 12, 2013**

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., Chairman  
Senator Robert D. Robbins  
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  
Kristopher Gazsi, Associate Legal Counsel  
Karen S. Bear, Secretary**

### **GUESTS**

**Lee Derr, Senator Eichelberger's Office  
Chris Yniguez, Senator Robbins' 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  
Ron Grutza, PA State Association of Boroughs  
Stephanie Drake, PA State Association of Boroughs  
Amy Sturges, PA Municipal League  
Karey Molnar, PA Municipal League  
Joe Regan, Fraternal Order of Police**

As a special order of business, the Members first addressed Item #5 on the agenda, which was a discussion on a dedicated police tax for four classes of municipalities. The Members had requested at the May business meeting that the following proposed substantive change to the Borough Code, as requested by the Pennsylvania State Association of Boroughs (PSAB), be resubmitted to the Commission at its June 12, 2013, business meeting to determine the need for the amendment to be tailored and applied to the other municipal codes:

**Page 190, between lines 15 and 16. Add a new special 5 mill dedicated tax for police services to provide support for boroughs that offer police services through a borough police department, participation in a regional police department, or through contracted police services.**

At the Commission's direction, staff contacted representatives of the Pennsylvania State Association of Township Supervisors (PSATS), the Pennsylvania Municipal League (PML), and the Pennsylvania State Association of Township Commissioners (PSATC) and requested appropriate input on the proposed amendment. Differing concerns were expressed by the municipal associations with the officers of both the PML and PSATC being in opposition to the additional taxing option and the addition of language authorizing this type of tax in the Third Class City Code and the First Class Township Code. As explained in a letter from PML and PSATC, the tax would have the effect of forcing additional taxes on a constituency least able to afford higher property taxes. Representative Chris Ross offered that a consensus among the municipal associations

should be developed prior to the Commission taking action on the amendment. Senator Erickson agreed with Representative Ross' sentiments, with all Members determining that the Commission should table consideration of the amendment at this time. Representative Ross suggested that the PSAB meet with PSATS to develop a uniform compromise and then return the proposed language to the Commission for consideration.

The Members discussed the minutes of the May 8, 2013, business meeting, which were unanimously approved on a motion by Senator Erickson and a second by Representative Ross. The financial report for the month of May 2013 was presented, and a detailed explanation was given by the Executive Director. The financial report was unanimously approved on a motion by Representative Gingrich and a second by Representative Ross.

At last month's meeting, House Bill 1226, which is a Commission-sponsored bill, was discussed. House Bill 1226 would amend the Second Class County Code to adopt a vacancy board process for filling vacancies in the office of county commissioner. The bill would require that the two remaining commissioners request that the county committee of the same political party or political body of the commissioner, whose office is vacant, select and submit a list of three names, which may be ranked by the committee's preference, to the two remaining commissioners within 30 days after the vacancy occurs. The two remaining commissioners would be required to appoint a successor within 45 days of the vacancy. Upon the failure of the remaining commissioners to fill the vacancy within the prescribed time, the vacancy would be filled within fifteen additional days by the vacancy board. The vacancy board would consist of the remaining county commissioners and one elector of the county, who would be appointed by the commissioners at the board's first meeting each calendar year or as soon thereafter as practical. The elector would serve as the chairperson of the vacancy board.

Concerns were expressed that the makeup of the three-member vacancy board could allow for an inequitable selection for the office of county commissioner. After some discussion, the Members directed staff to draft language to expand the vacancy board to five members. The vacancy board would be established as follows: two appointments from the majority party, two appointments from the minority party, and the appointment of the president judge or his designee who would be chair of the 5-member vacancy board. The language was forwarded to the CCAP for its review prior to today's meeting. Doug Hill, Executive Director of CCAP, expressed his Association's reservations with the language, in particular, the language providing for court participation. Mr. Hill communicated that CCAP prefers no court involvement in choosing someone to fill a vacancy on the board of county commissioners. As a former county executive and member of a county council, Senator Erickson echoed Mr. Hill's viewpoints and noted that having court participation in selecting an appointee can create other problematical issues. It was decided by the Members to postpone action on bills related to this matter until staff has met with CCAP representatives in an effort to find acceptable amendatory language.

A review of the Title 8 amendments of the Borough Code and discussion of its introduction was next on the agenda. At the May business meeting, Commission staff was directed to take action on the three additional changes outlined for consideration by the Members. Page and line numbers are in reference to the draft legislation.

Page 11, lines 18-20, and page 12, lines 22-24. Add the definition of "freeholder" and remove language related to the residence of the freeholder in light of the added definition.

Page 64, line 25. Adds Section 904.1 that references the constitutional provisions relating to removal of elected borough officials from office.

Page 184, lines 18-19. Amend Section 1202 (60) by permitting boroughs to purchase, own, use, operate, and control natural gas works.

The Members were presented with the changes at today's meeting, which were met with unanimous approval. The draft incorporates the provisions of the Borough Code (Act 43 of 2013) into Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes and will be introduced in the House of Representatives.

The Executive Director gave an update on the Act 47 Municipal Fiscal Distress Task Force. To date, two subcommittees have met twice and two subcommittees have meetings scheduled for tomorrow, June 13, 2013. Recommendations by the Subcommittee on Labor (chaired by Representative Ross) and the Subcommittee on Act 47 Procedure (chaired by Senator Eichelberger) have been circulated to Act 47 Task Force Subcommittee Members for their review and comment. The Subcommittee on Finance/Indebtedness (chaired by Senator Blake) and the Subcommittee on Community and Economic Development/Tax-Exempt Property (chaired by Representative Freeman) plan to submit their Subcommittee's recommendations in the near future. The next full task force meeting is planned for July 2, 2013.

As the last order of business, the Members unanimously agreed to cancel the June 20, 2013, meeting with the Pennsylvania State Association of Elected County Officials since that day is now a session day in both the Senate and House of Representatives. Also, the Members unanimously agreed on a motion by Representative Freeman and a second by Senator Erickson to allow the Chairman to either cancel or alter the time of the July 10, 2013, business meeting as deemed appropriate. The Executive Director stated that he would consult with the Chairman at a later date to determine if any business needs to be conducted at the meeting.

The meeting adjourned at 9:15 a.m.

ATTESTED: \_\_\_\_\_  
June 14, 2013