

MEETING OF THE LOCAL GOVERNMENT COMMISSION

Wednesday, June 13, 2018

The meeting of the Local Government Commission (LGC) 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 Thomas J. McGarrigle
Senator Scott E. Hutchinson
Senator John P. Blake
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

Justin Leventry, Senator Hutchinson's Office
Rob Gaertner, House Local Government Committee (R)
Sarah Filauri, House Local Government Committee (R)
Lisa Schaefer, County Commissioners' Association of Pennsylvania
Don O'Shell, Pennsylvania State Association of Elected County Officials
Anna McAdam, Pennsylvania School Boards Association
Deb Crawford, Chief Assessor/Tax Claim Director, Tioga Cty., and President of the AAP

As the first order of business, the Commission Assessment Reform Task Force draft of the *Pennsylvania Property Assessment: A Self-Evaluation Guide for County Officials* offered by the Assessors' Association of Pennsylvania (AAP) Self-Evaluation Tool Subcommittee was presented to the Members for their review. The Director acknowledged those individuals who served on the AAP Self-Evaluation Guide Subcommittee, most notably Subcommittee Chairperson Deb Crawford, Chief Assessor/Tax Claim Director, Tioga County, and President of the AAP, and Josh Zeyn, Assistant Chief Assessor, Tioga County, and Danette Magee, Commission Research Associate. 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.

Ms. Magee gave introductory comments by clarifying that the Self-Evaluation Guide is different from other Task Force work products in that the Guide is neither legislative nor a

template from which a county may form other internal assessment-related documents. Instead, the Guide is meant to provide county commissioners or their equivalent officers, county assessors and other county officials and employees, and the public with a one-stop compendium on the reasons for periodic review of the status of an assessment system and the broad strokes of how that review may be conducted. Determining the necessity of a countywide reassessment is not only a highly technical and statistical endeavor, but under Pennsylvania laws it is an inherently local decision based on multifaceted local considerations, such as the county's population, property inventory, home values, property market stability, economy and industries. Counties also differ in their technological capabilities, staff complement, training and expertise. Because of these differences, the dynamics that influence property values will vary from one county to another. Consequently, the Guide is not intended to answer whether a reassessment is appropriate for any county, but is instead more of a "toolbox" of information to assist counties in conducting a self-evaluation for purposes of reaching such a conclusion.

Ms. Magee further explained that the Guide is divided into several sections. The first portion of the document, pages 1 through 12, contains an overview of the importance of assessment self-evaluation and the diverse considerations, questions and observations that such an evaluation entails. Among other things, the Guide provides information about the national, regional or neighborhood trends that may disrupt the equity and accuracy of real property values. Assessment appeal volume and concentration within the county may be indicators of possible shifts in property values. Various administrative factors can influence the accuracy and equity of assessments, including the length of time since the last reassessment and/or the absence of routine data analysis to monitor assessment performance. The Guide also identifies key components that influence a county's readiness to conduct a reassessment, for example, adequate valid sales that represent the property inventory in the county, current property record card information, maps and deeds, and technological tools.

Numerous appendices provide additional information relating to, among other things, constitutional uniformity of taxation, statistical considerations when conducting and interpreting ratio studies, and ratio study standards, as well as an overview of planning and conducting a reassessment. Like the Model RFP (Request for Proposals) and Contracting Guidelines for County Assessments, this handbook also contains certain comments in bold blue brackets. Those comments are intended to offer further guidance to county officials and staff. The Guide is the last product submitted by the Task Force and completes the Assessment Reform Task Force's goal to implement recommendations related to the efficiency, transparency, modernization and fairness of the property assessment process in this Commonwealth.

After a lengthy discussion, the Members unanimously agreed on a motion by Representative Harper and a second by Senator McGarrigle to recommend that the County Commissioners Association of Pennsylvania (CCAP) and the Assessors' Association of Pennsylvania (AAP) adopt and implement the *Pennsylvania Property Assessment: A Self-Evaluation Guide for County Officials* developed under the LGC's Assessment Reform Task Force. The report may be accessed from the LGC website, www.lgc.state.pa.us.

The Members discussed the minutes of the May 23, 2018, business meeting which were unanimously approved on a motion by Representative James and a second by Senator Hutchinson. The financial report for the month of May 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 James.

Don O'Shell, President of the Pennsylvania State Association of Elected County Officials (PSAECO), presented to the LGC Members the following bills as requested by members of his association.

Senate Bill 1065, Printer's Number 1517, which would amend Act 14 of 1949, known as the Public School Code of 1949, by establishing the School Safety and Security Augmentation Account and providing for court costs and filing fees. PSAECO and the Pennsylvania State Associations of the Prothonotaries and Clerks of Courts are concerned about the funding mechanism that is of Judicial Computer Project funds that would remove resources from the Administrative Office of Pennsylvania Courts to maintain statewide systems, the Criminal Case Management System and the Magisterial District Judge Automated System. Senate Bill 1065 was referred to the Senate Education Committee on March 2, 2018.

House Bill 56, Printer's Number 189, would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes (Pa.C.S.), by providing access to adoption-related counseling services to birth parents who are considering relinquishing their parental rights and placing their child for adoption, or who have relinquished parental rights and have consented to placing their child for adoption. The Registers of Wills and Clerks of Orphans' Court Association supports this bill. House Bill 56 was re-referred to the Senate Appropriations Committee on May 23, 2018.

House Bill 61, Printer's Number 56, would amend Title 23 (Domestic Relations) of the Pa.C.S. by clarifying that an employee of a correctional facility may serve as a signed witness to the execution of a consent to adoption by a birth parent who is incarcerated. The Registers of Wills and Clerks of Orphans' Court Association supports this bill. House Bill 61 is on second consideration in the Senate.

House Bill 63, Printer's Number 58, would amend Title 23 (Domestic Relations) of the Pa.C.S., by revising the definition of "intermediary" in adoption law to include a licensed attorney or social worker who is acting in that capacity. The Registers of Wills and Clerks of Orphans' Court Association supports this bill. House Bill 63 was tabled on first consideration in the Senate.

House Bill 289, Printer's Number 283, would amend Title 23 (Domestic Relations) of the Pa.C.S. by allowing adoptive parent(s) to financially assist birth mothers with reasonable expenses incurred while pregnant and shortly after giving birth. It also eliminates a report of an intermediary and requires the inclusion of specific documents as exhibits to the petition for adoption. The Registers of Wills and Clerks of Orphans' Court Association supports this bill. House Bill 289 was re-referred to the Senate Appropriations Committee on April 16, 2018.

House Bill 1539, Printer's Number 3353, would amend Title 23 (Domestic Relations) of the Pa.C.S. by allowing a grandparent of a child, or other family member related to the child, to petition a court of common pleas for temporary guardianship of that child when a parent of that child has entered a rehabilitation facility for treatment of a drug or alcohol addiction, or has been subject to emergency medical intervention due to abuse of drugs or alcohol. The Registers of Wills and Clerks of Orphans' Court Association supports this bill. House Bill 1539 is on first consideration in the Senate.

Senate Bill 500, Printer's Number 603, would amend Title 23 (Domestic Relations) of the Pa.C.S. by revising the Protection From Abuse Act to permit the court to direct the police, sheriff or other individual approved by the court to accompany the plaintiff to his/her residence when

servicing the defendant petitions or court orders. The Pennsylvania Sheriffs' Association has concerns about personnel available to serve Protection from Abuse (PFA) Orders and assist plaintiffs in retrieving items from their homes. Senate Bill 500 was referred to the House Judiciary Committee on March 26, 2018.

Senate Bill 501, Printer's Number 1551, would amend Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pa.C.S. by, among other things, further requiring persons not to possess, use, manufacture, control, sell or transfer firearms, and providing for relinquishment of firearms and firearm licenses by convicted persons and for abandonment of firearms, weapons or ammunition. The Pennsylvania Sheriffs' Association has concerns about storage of weapons seized from a PFA defendant versus handing them over to a third party as is current practice. Senate Bill 501 was referred to the House Judiciary Committee on March 26, 2018.

Senate Bill 502, Printer's Number 1552, would amend Title 23 (Domestic Relations) of the Pa.C.S. by amending the Protection From Abuse Act to provide that a Protection From Abuse order shall be stopped while a defendant is incarcerated, and then continued for 90 days when the defendant is released. The Pennsylvania Sheriffs' Association supports this bill. Senate Bill 502 was referred to the House Judiciary Committee on March 26, 2018.

House Bill 466, Printer's Number 3355, would amend Title 42 (Judiciary and Judicial Procedure) of the Pa.C.S. by granting trained sheriffs and deputy sheriffs the ability to make warrantless arrests for all crimes and offenses while fulfilling their respective county court-related obligations. The Pennsylvania Sheriffs' Association supports this bill. House Bill 466 is on first consideration in the House.

Senate Bill 1005, Printer's Number 1782, by amending Act 130 of 1955, known as The County Code, by revising and integrating the County Code and the Second Class County Code to reflect case law and current practices, standards and requirements, as well as update outdated or archaic language and make provisions of the codes consistent where practicable. PSAECO supports this bill. Senate Bill 1005 was referred to the House Local Government Committee on June 6, 2018.

Senate Bill 1036, Printer's Number 1704, would amend Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pa.C.S. by ending the practice of incarcerating or revoking the driver's license of individuals who are too poor to pay court fines, fees and restitution. PSAECO and the Pennsylvania State Associations of the Prothonotaries and Clerks of Courts oppose this bill as it would eliminate and severely hamper collections efforts of costs, fines and/or restitution. Senate Bill 1035 is on first consideration in the Senate.

Kris Gazsi, Commission Associate Legal Counsel, distributed an Act 47 workgroup roadmap to the Members for their consideration. As discussed at previous business meetings, the Members formed a committee to systematically study the written options provided by Commission staff in the Act 47 (Municipalities Financial Recovery Act) presentation given by Mr. Gazsi at the April 18, 2018, business meeting. Mr. Gazsi proposes that three meetings be scheduled to analyze the following suggested policy objectives:

- Transitional revenue plans after distressed status rescission;
- Recovery oriented home rule alternative plan;
- Transparency and financial interest goals;

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- **Consideration of PILOT Reform/Tax Exempt policy changes; and**
- **Consideration of Act 511 changes.**

The initial meeting is projected to occur in July, with the following two meetings to be held in September and November. Senator Blake suggested that a public hearing also be held since it has been some time since a public hearing was held on the subject. It is the goal of the workgroup to make recommendations to the entire Commission for the 2019-2020 legislative session. Mr. Gazsi stated that an outline of the testimony given at the 2011 Joint Hearings on Act 47 by the Senate Community, Economic and Recreational Development Committee, Senate Local Government Committee, House Urban Affairs Committee and the House Local Government Committee will be made available to all interested Commission Members. The Director announced that any LGC Member who wants to participate in the workgroup is welcome.

As the last order of business, the Director announced that the next business meeting is scheduled for Wednesday, September 26, 2018, at 8:45 a.m. in Room 14 East Wing-Main Capitol Building.

The meeting adjourned at 9:15 a.m.

ATTESTED: _____
June 25, 2018