

HYBRID BUSINESS MEETING OF THE LOCAL GOVERNMENT COMMISSION

Wednesday, June 16, 2021

The hybrid meeting of the Local Government Commission (Commission) was called to order by Senator Scott E. Hutchinson at 9:05 a.m. in Room 515 Irvis Office Building with the following Commission Members, staff and guests participating in person and remotely:

MEMBERS

Senator Scott E. Hutchinson, Chair
Senator Cris Dush
Senator Judy Ward
Senator Judith L. Schwank
Senator Timothy P. Kearney
Representative R. Lee James
Representative Dan Moul
Representative Jerry Knowles
Representative Robert Freeman
Representative Christina D. Sappey

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

Justin Leventry, Senator Hutchinson's Office
Nathan Akers, Senator Hutchinson's Office
Joseph Foust, Senator Cris Dush's Office
Matt Maniskas, Senator Schwank's Office
Sam Arnold, Senator Kearney's Office
Bre Medevich, Representative Freeman's Office
Mary Yoder, Senate Local Government Committee (R)
Kyle Schaeffer, House Local Government Committee (R)
Jon Castelli, House Local Government Committee (D)
Ashley White, County Commissioners Association of Pennsylvania
Amy Sturges, Pennsylvania Municipal League
Kaitlin Errickson, Pennsylvania Municipal League
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
Melissa Morgan, Pennsylvania State Association of Township Supervisors
Joe Regan, Pennsylvania State Fraternal Order of Police

HYBRID BUSINESS MEETING OF THE LOCAL GOVERNMENT COMMISSION

Page 2 – June 16, 2021

The recorded hybrid meeting was conducted with both Member and Commission staff participation. On Wednesday, June 9, 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 information was posted on the Commission's website, www.lgc.state.pa.us, on Tuesday, June 15, 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.

The Members discussed the minutes of the May 12, 2021, business meeting, which were unanimously approved on a motion by Senator Dush and a second by Representative Freeman. The financial reports for the month of May 2021 were presented, and an explanation was given by the Executive Director. The financial reports were unanimously approved on a motion by Senator Dush and a second by Senator Schwank.

Three legislative proposals were presented to the Members for their review and consideration. Assistant Director Kris Gazsi explained that the first bill on the agenda is the product of the Civic Boundary Working Group established by the Pennsylvania Department of Community and Economic Development (DCED), which includes various stakeholders. The proposed language establishes the Municipal Boundary Change Act in Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes (Pa.C.S.) by consolidating the existing legal process for contesting a municipal boundary in court, providing statutory procedures for changes in boundaries between municipalities by agreement or referendum, adopting consistent information reporting standards and addressing practical and legal matters between impacted municipalities following a change. Ultimately, this bill establishes two new subchapters, a and b, in Chapter 7 of Title 53 to consolidate and modernize all law relating to a change in municipal boundaries other than changes that occur incident to a municipal merger or consolidation under existing subchapter c. To bring this to effect, the bill has four primary objectives:

- (1) Reenact the provisions of the Second Class Township Code, First Class Township Code, Borough Code and Third Class City Code that allow a court of common pleas to establish a legal territorial boundary where the existing boundary is in dispute by appointing a board of three commissioners to hold a hearing and view to determine the boundaries.**
- (2) Establish a new process by which municipal officials from adjoining municipal corporations can make an agreement by ordinance to adjust a municipal boundary or settle a dispute where an existing boundary is unclear.**
- (3) Require consistent notification of county and state officials and agencies of the boundary change. Modeled after the notification requirements contained in the Merger and Consolidation Act.**
- (4) Clarify and establish the rights and responsibilities of municipal corporations after a change of boundary occurs, including adjustment of municipal wards, collection of taxes, adjustment of election districts and adjustment of debts associated with impacted territory. The governing bodies of the municipal corporations may resolve questions of apportionment of property rights, finances, apportionment of indebtedness and tax collections by agreement, or petition the court of common pleas for adjustment proceedings under subchapter b.**

Unclear application of current law, and limited availability of documentation regarding boundary changes have led to a challenge across the Commonwealth to accurately map municipal

HYBRID BUSINESS MEETING OF THE LOCAL GOVERNMENT COMMISSION

Page 3 – June 16, 2021

boundaries. Map data is essential for a variety of local and state services including 911 deployment and allocation of liquid fuels tax revenues. Accurate data is also essential to coordinate with the United States Census Bureau, and many industries to provide a wide range of public, nonprofit and commercial services. This bill is an effort to consolidate existing law related to boundary change into an appropriate chapter of the Consolidated Statutes, improve reporting of boundary changes in a manner consistent with the merger and consolidation act and provide an option for communities to work with neighboring communities to address boundary change issues amicably. The DCED and the State Tax Equalization Board provided comments on a prior draft of the bill which have been incorporated. The Commonwealth Departments of Education and Transportation, as well as the various municipal associations, were each provided with a draft of the bill, and none has raised any objections to date. After a lengthy discussion, the Members voted unanimously to introduce the legislation into both chambers. Prime sponsors of the bill will be Senator Kearney and Representative Freeman.

The second legislative proposal the Members reviewed was language that would eliminate obsolete statutory provisions by repealing an act from March 1, 1867, authorizing the election of the position of ‘constable and collector’ in Cameron County. The language, which only pertains to Cameron County, is a housekeeping cleanup bill. Senator Dush inquired if the Cameon County Commissioners were consulted on the bill. The Executive Director stated that the Cameron County Commissioners had not been contacted, but he would reach out to the Commissioners and obtain their feedback prior to official introduction of the language. After a brief discussion, the Members voted unanimously to introduce the bill into both chambers. Senator Dush and Representative James will be the prime sponsors.

The third legislative proposal the Members examined was recommended language submitted to the Commission by the Pennsylvania Recorder of Deeds Association (PRODA). At the May 12, 2021, business meeting the Members unanimously agreed to eliminate the fee authorization from the proposed language and directed that the revised amendment be presented to them for their consideration at today’s business meeting. As discussed at last month’s meeting, the suggested language would amend section 321 of Title 57 (Notaries Public) of the Pa.C.S. to enable recorders of deeds or prothonotaries to choose to record notary signatures with the recorder of deeds and allow the use of digital technology to capture signatures and store signature cards. The PRODA maintains that current law pertaining to notary signature cards is outdated and that technology has improved to allow for the collection of signature cards electronically for future verifications; thereby, providing constituents with improved public service. At the Members’ request, the proposed amendment removed language that would allow prothonotaries to collect a notary public fee under this section for the official signature of each notary public. Tammy Shearer, President of the Pennsylvania State Association of Elected County Officials, provided a memo to the Members that outlines the current process that a notary public must follow. The updated legislation would provide each county the ability to determine the most efficient and constituent-friendly way to register documents. The Pennsylvania State Association of Prothonotaries and Clerk of Courts also expressed support for the proposed amendment. After further discussion and analysis, the Members unanimously agreed to introduce the legislation in both chambers. Senator Judy Ward and Representative Sappey offered to be the prime sponsors.

As the last order of business, the Executive Director announced that the next Commission business meeting will be conducted via livestream on Wednesday, July 14, 2021, at 9:00 a.m. At

HYBRID BUSINESS MEETING OF THE LOCAL GOVERNMENT COMMISSION

Page 4 – June 16, 2021

the July meeting, the Members will be presented with a proposed survey for discussion and approval. The survey, which is being conducted jointly by the Center for Rural Pennsylvania and the Local Government Commission, seeks information regarding elected municipal officials' opinions on public service. Upon Member approval, the survey will be distributed electronically to all elected municipal officials.

The meeting adjourned at 9:50 a.m.

ATTESTED: _____
July 7, 2021