

MEETING OF THE LOCAL GOVERNMENT COMMISSION

Tuesday, July 12, 2016

The meeting of the Local Government Commission was called to order by Senator John Eichelberger, Jr., at 9:15 a.m. in 14 East Wing–Main Capitol Building, Harrisburg, Pennsylvania, with the following individuals present:

MEMBERS

Senator John H. Eichelberger, Jr., Chairman (via telephone)
Senator Scott E. Hutchinson
Senator John N. Wozniak
Senator John P. Blake
Representative Chris Ross (via telephone)
Representative Kate Harper (via telephone)
Representative Mary Jo Daley

STAFF

Philip H. Klotz, Executive Director
David A. Greene, Assistant Director-Legal Counsel
Karen S. Bear, Secretary

GUESTS

Lee Derr, Senator Eichelberger's Office
Justin Leventry, Senator Hutchinson's Office
Nathan Akers, Senator Hutchinson's Office
Kyle Mullins, Senator Blake's Office
Rob Gaertner, House Local Government Committee (R)
Ed Troxell, Pennsylvania State Association of Boroughs
Ron Grutza, Pennsylvania State Association of Boroughs

As the first order of business, the Members discussed the minutes of the June 15, 2016, business meeting, which were unanimously approved on a motion by Senator Hutchinson and a second by Representative Daley. The financial report for the month of June 2016 was presented, and a detailed explanation was given by the Executive Director. The financial report was unanimously approved on a motion by Senator Hutchinson and a second by Representative Daley.

On June 30, 2016, the Commission received via electronic mail a copy of a proposed Intergovernmental Cooperative/Mutual Aid Agreement involving the City of Pittsburgh and the City of Cleveland, Ohio, and a proposed Pittsburgh ordinance that would authorize the cooperation. The Agreement would permit Pittsburgh to provide the service of police officers to the City of Cleveland for operational assistance during the Republican National Convention, occurring in Cleveland on July 18-21, 2016. The Agreement obligates delegated Pittsburgh personnel to attend training and conform to the operational command parameters as administered by the Cleveland Division of Police and to, under certain circumstances, participate in "after event activities" where required. The Convention has been classified by the federal government as a National Special Security Event and is subject to the operational planning direction of the United States Secret Service. This Agreement was received along with a request

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that the Local Government Commission review and comment on the documents in accordance with Title 53 of Pa.C.S., Section 2314. This provision requires the Commission to review “every agreement between a local government and the Commonwealth, any other state, government of another state or the Federal Government.” In accordance with the requirements of Title 53 of Pa.C.S., Section 2314, the Commission is charged with undertaking a “review” of the Agreement and, within 90 days of receiving it, determining whether it is in proper form. The Commission also has the authority to make a “recommendation.”

David Greene, Assistant Director-Legal Counsel, summarized the proposed Agreement and responded to the Members’ questions. At the time of the Commission meeting, the terms of the liability policy or policies obtained by the City of Cleveland remained subject to negotiation. The adequacy of insurance coverage is central to the interest of Pittsburgh and, consequently, requires careful consideration by Pittsburgh legal counsel. Mr. Greene stated that the Commission’s review of the Agreement has discovered no legal authority compelling it to conclude that the Agreement is not in compliance with Pennsylvania law, and it appears that the Agreement is in proper form. Provided Pittsburgh appropriately authorizes this Agreement by ordinance, and setting aside any potential issues with procedural requirements of 53 Pa.C.S., Chapter 23, and Pittsburgh Charter and Code provisions, no discernible case law, statutory or regulatory provisions apparently threaten the substantive validity of the Agreement.

The Members of the Commission unanimously agreed on a motion by Representative Ross and a second by Representative Harper to authorize Commission staff to send correspondence detailing the Commission’s comments to Ms. Yvonne Hilton, Deputy City Solicitor for the City of Pittsburgh, on July 12, 2016.

During discussion of the Agreement and the Commission’s review, some of the Members recognized that Ohio statute authorizes the delegation of broad law enforcement powers to officers of “adjacent states” for “planned events,” but that Pennsylvania law does not contain a similar authorization. Members discussed the prospect of a similar statute in Pennsylvania, and the possibility of staff preparation and Commission sponsorship of a proposal.

As the last order of business, the Director reminded the Members that the next monthly business meeting will be Wednesday, September 28, 2016, at 8:45 a.m. in Room 14 East Wing-Main Capitol Building. Notification of the meeting will be sent to the Members’ Capitol and district offices.

The meeting adjourned at 9:35 a.m.

ATTESTED: _____
July 13, 2016