

MEETING OF THE LOCAL GOVERNMENT COMMISSION

Tuesday, September 25, 2012

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

MEMBERS

**Senator Robert D. Robbins, Chairman
Senator Edwin B. Erickson
Senator John H. Eichelberger, Jr.
Senator John N. Wozniak
Senator John P. Blake
Representative Chris Ross
Representative Mauree Gingrich
Representative Robert L. Freeman**

STAFF

**Michael P. Gasbarre, Executive Director
Philip H. Klotz, Assistant Director
David A. Greene, Legal Counsel
Karen S. Bear, Secretary**

GUESTS

**Chris Yniguez, Senator Robbins' Office
Lee Derr, Senator Eichelberger's Office
Luc Miron, Senator Blake's Office
Kyle Mullins, Senator Blake's Office
Christine Goldbeck, House Republican Research Office
Melissa Morgan, PA State Association of Township Supervisors**

As the first order of business, the Members discussed the minutes of the June 13, 2012, business meeting, which were unanimously approved on a motion by Representative Freeman and a second by Representative Ross. The financial reports for the months of June, July, and August 2012 were presented, and relevant portions thereof were explained by the Executive Director. The financial reports were unanimously approved on a motion by Representative Ross and a second by Representative Gingrich.

There was nothing to report from the June 21, 2012, meeting with the local government associations. The minutes from that meeting were unanimously approved on a motion by Senator Erickson and a second by Representative Ross.

Review of specifications for a new mail processing system was next on the agenda for discussion. Currently, the Commission has a 6-year old mail processing system for which a maintenance contract is now unavailable. Priority Systems submitted bids for the cost of purchasing versus leasing a new digital mailing system. Over the span of five years, it would cost the Commission \$7,262 to purchase new mail processing equipment as opposed to the cost of \$6,835 to lease the same equipment. It is estimated that the Commission's existing mail meter costs \$2,232 annually to operate. The Commission Members unanimously agreed on motion by Senator Erickson and a second by Representative Ross to enter into a 5-year lease with Priority Systems for an IM420 Digital Mailing System at a total 5-year cost of \$6,835.

The retirement of Commission Research Associate Philip G. Bear was presented to the Members for their approval. Mr. Bear served as Commission Research Associate from July 1987 until his retirement on July 31, 2012. Mr. Bear's resignation was retroactively and unanimously accepted. The Director stated that the Commission is accepting resumes until October 31, 2012, to fill the recently vacated position of Associate Legal Counsel. The tentative start date for the position of Associate Legal Counsel is January 2013. At this time, the position of Research Associate will remain vacant.

The Executive Director shared correspondence with the Members that he had received from the Department of General Services' (DGS) Secretary Sheri Phillips regarding availability of office space. In the July 25, 2012, DGS correspondence, Secretary Phillips' expressed her willingness to work with the Commission to identify any potential future office locations, since office space is currently unavailable in the Capitol complex that would accommodate the Commission's needs. At June's business meeting, the Members unanimously agreed to the Director's request that he, in concert with Chairman Robbins, begin to investigate the availability of office space in State office buildings. The Commission's lease agreement at the Forum Place building expires in June 2014. It is the desire of the Commission to relocate into a State office building, thereby freeing the Commission from monthly lease payments.

A bid quote from Dell Computers was submitted to the Members for their approval. The Commission is unable to purchase maintenance agreements on its 8-year old computers, which due to age and usage have been malfunctioning. The total quote amount for seven new Dell computers is \$8,132.25. The Executive Director explained that the quote reflects the State contract price and is approximately \$2,000 less than what the Commission had allocated for new technology in its 2012-2013 budget. The Members unanimously approved the purchase of seven new Dell computers on a motion by Representative Gingrich and a second by Representative Ross.

A draft of the Senate Resolution 323 (SR 323) Report was submitted to the Members for their review. The draft report is a culmination of at least 12 meetings held during the course of the study, which included those with municipal association representatives, academic advisors, agency staff and Local Government Commission (LGC) staff, as well as the SR 323 Task Force as a whole. Philip Klotz, Assistant Director of the LGC, gave a thorough review of the preliminary draft. The report is divided into three sections. The first section is an introduction and overview of the report. It explains the purpose and intent of the study, which is to establish a Task Force whose overall objectives were to compile a comprehensive list of statutory mandates placed on municipalities and describe for each mandate its origin, its method of imposition, its cost (if determinable), possible funding to implement it, and findings and recommendations on costs savings and alternative procedures for mandate relief. The member composition of the Task Force may be found in the preface and section one of the draft report.

Section two begins by summarizing findings from a literature review of other states' mandate provisions and studies, including their definitions of "mandate," mandate provisions for defining the SR 323 methodology, measures for mandate relief, and mandate inventories, catalogs, studies, manuals, and reports. The second part of section two provides a comprehensive list of state statutory mandates placed on counties and municipalities, including whether each mandate is federal and/or state in origin, and required or discretionary. The third part reports the amount of money provided by the federal government or the Commonwealth during Fiscal Year 2011-2012 to implement state statutory mandates. The final part of section two focuses on the most burdensome mandates as identified by the municipal associations, addressing the costs of those mandates to counties and municipalities, if determinable, and the counties' and municipalities' recommendations for mandate relief.

Section three summarizes findings and recommendations for cost savings and possible alternative procedures that could provide mandate relief. General legislative recommendations include suggested mandate impact statements, revenue sharing, and sunset provisions. Institutional recommendations include a periodic review and evaluation of mandates and an ongoing state mandate task force. Specific legislative recommendations focus on the most burdensome mandates identified by the municipal associations and take into account the top recommendations from the surveys of municipalities that at least 50 percent of the respondents sanctioned, recommendations from other relevant studies, and current and recently enacted legislation. At the end, section three also draws overall conclusions from the SR 323 mandate study.

Several Commission Members conveyed their thanks to Mr. Klotz and Commission staff and to the other Members of the Task Force for the countless hours involved in completing such an immense study by the October 15, 2012, deadline. On a motion by Representative Ross and a second by Senator Erickson the Members unanimously

approved the release of the Local Government Commission SR 323 Report upon formal submission of the Report to the Senate of Pennsylvania by a dated letter of transmittal from Senator Eichelberger, Chairman of the SR 323 Task Force.

The Executive Director stated that the Commission has received from the Legislative Reference Bureau a draft of Title 8 of the Pennsylvania Consolidated Statutes (Pa.C.S.) for the Commission's review prior to its likely introduction at the start of the 2013-2014 legislative session. Senate Leadership staff, prior to the enactment of Act 43 of 2012 (*Borough Code*), suggested that the recodified *Code* be placed into consolidated statute format. The Executive Director and Commission Legal Counsel David Greene will review the draft for consistency with Act 43.

As the last order of business, the Director announced that the Commission is meeting with the local government associations on Thursday, September 27, 2012. The meeting is scheduled at 11:00 a.m. in the Senate Majority Caucus Room. Also, the Commission's next scheduled business meeting is October 17, 2012. At the business meeting, the Commission will be reviewing its budget requests for fiscal year 2013-2014. All budget requests must be submitted to the Budget Secretary by October 31.

The meeting adjourned at 9:35 a.m.

ATTESTED: _____
September 26, 2012