

LIVESTREAM BUSINESS MEETING OF THE LOCAL GOVERNMENT COMMISSION

Wednesday, October 27, 2021

The meeting of the Local Government Commission (Commission) was called to order by Senator Scott E. Hutchinson at 9:00 a.m. in Room 523 Irvis Office Building with the following Commission Members, staff and guests participating in-person and remotely:

MEMBERS

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

STAFF

David A. Greene, Executive Director
Kristopher J. Gazsi, Assistant Director
Martin A. Toth, Associate Legal Counsel
Danette H. Magee, Senior Research Analyst
Julia Frey, Research Analyst
Karen S. Bear, Executive Assistant
Sonya I. Ebersole, Fiscal Administrator

GUESTS

Justin Leventry, Senator Hutchinson's Office
Aaron Weltner, Senator Judy Ward'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)
Rob Gaertner, House Local Government Committee (R)
Kyle Schaeffer, House Local Government Committee (R)
Jon Castelli, House Local Government Committee (D)
Liz Wagenseller, Office of Open Records
Nathan Byerly, Office of Open Records
Kelly Isenberg, Office of Open Records
George Spiess, Office of Open Records
Ashley White, County Commissioners Association of Pennsylvania
Brianna Petitti, County Commissioners Association of Pennsylvania
Amy Sturges, Pennsylvania Municipal League
Kaitlin Errickson, Pennsylvania Municipal League
Ed Troxell, Pennsylvania State Association of Boroughs
Eric Feder, Pennsylvania State Association of Elected County Officials
Dawn Eddinger

The in-person and virtual meeting was recorded and conducted with both Member and Commission staff participation. On Monday, October 25, 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 agenda was posted on the Commission's website, www.lgc.state.pa.us, on Monday, October 25, 2021, and outside of the Commission's office located at 506 Irvis Office Building. 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.

As the first order of business, the Members discussed the Commission budget requests for Fiscal Year (FY) 2022-2023. The Director noted that the aggregate proposed budget for the Commission's general operation is less than the FY 2021-2022 budget request, with the requested amount for FY 2022-2023 totaling \$1,117,843.00. The Director noted that the line items for Senate medical and prescription drug benefits were increased by 8.5 percent, and the line item for Commission staff salaries reflects a projected salary increase through combined cost-of-living and merit increments of 5 percent for staff excluding the Executive Director. Overall, the budget request for FY 2022-2023 is 14 percent lower than the appropriation the Commission received during FY 2020-2021. Representative James commended Mr. Greene for holding the line on the Commission budget for the past few years without negatively altering the Commission's functions. On a motion by Representative Freeman and a second by Representative James, the Members unanimously agreed to submit the proposed FY 2022-2023 Commission budget request to the Budget Secretary.

The Chairman then requested a motion to approve the Commission code account request for FY 2022-2023 in the amount of \$0.00. The requested decrease is a result of having a sufficient code account fund balance. Recent consolidations of the Borough Code (Title 8) and the Third Class City Code (Title 11) have also attributed to the ample fund balance. Upon consolidation, the printing of the aforementioned Titles becomes the responsibility of the Legislative Reference Bureau (LRB), thus precluding the necessity for a separate printing. The Executive Director anticipates that the Commission will only be responsible for the printing of a new supplement to the Second Class Township Code during FY 2022-23. The Members unanimously agreed to the proposed FY 2022-2023 code account request on a motion by Senator Kearney, which was seconded by Senator Ward. In the past, budget submissions were due by October 31; however, the submission date was recently adjusted to October 6. As a result, future Commission budgets will be discussed during the September business meetings.

The Members discussed the minutes of the September 29, 2021, business meeting, which were unanimously approved on a motion by Senator Kearney and a second by Senator Ward. The financial reports for the month of September 2021 were presented, and an explanation was given by the Executive Director. The financial reports were unanimously approved on a motion by Representative James and a second by Representative Knowles.

Two pieces of draft legislation in response to the joint Senate and House Local Government Committee meeting held on September 21 and discussed at the Commission's business meeting on September 29 were presented to the Members for their review. The joint public hearing explored the positives experienced by local government entities during the COVID-19 pandemic. First, Commission Assistant Director Kris Gazsi shared with the Members draft amendments to Title 65

(Public Officers), Chapter 7, known as the Sunshine Act. Essentially the amendments would allow remote public participation by establishing broadly enabling guidelines for permanent remote public participation in municipal meetings to preserve existing rights to public comment while preserving the integrity of municipal official action and providing guidance for the broadcast and preservation of recordings of virtual municipal proceedings. The proposed language was shared with the various municipal associations and the Office of Open Records for their analysis and comment. To date, the Pennsylvania Municipal League (PML) and the County Commissioners Association of Pennsylvania (CCAP) have issued their support for the legislation. After a lengthy discussion, the Members directed the Commission staff to refine the language and include it as an agenda item for the November 17 business meeting.

The second item discussed by the Members resulting from the joint hearing would amend Title 53 (Municipalities Generally) Chapter 11, Subchapter B (Emergency Seat of Government) and Subchapter C (Emergency Succession of Officers). In Subchapter B, the definition of “emergency” is expanded, and proposed language is added to authorize the governing body of a political subdivision to conduct hearings, meetings, proceedings or other business through the use of an authorized telecommunications device until the expiration of an emergency, if the conditions that have rendered a meeting with the physical presence of the participants unsafe, hazardous to human health, or impossible. Also, a municipal entity may be permitted to move a municipal meeting outside of the municipal boundaries during emergency situations. Subchapter C would remove the definition “attack” and add language that would expand the circumstances surrounding the appointment of emergency interim successors for local offices and provide guidelines for the term and removal thereof. After a brief discussion, the Members directed the Commission staff to refine the language and add it as an agenda item for the November 17 business meeting.

Additionally, proposed legislation amending Title 11 (Cities) was provided to the Members for consideration. The Assistant Director explained that the language would repeal Act 188 of 1895, known as the “City Classification Law” by affording cities, now in existence and cities to be created, the ability to divide into four classes for the purposes of legislation and the regulation of a city’s affairs. The proposed city classifications would not include Pittsburgh or Philadelphia. The four classes would be as follows:

- (1) Cities of the first class, having a population of at least 1,000,000 inhabitants.
- (2) Cities of the second class, having a population of at least 250,000 inhabitants but less than 1,000,000 inhabitants.
- (3) Cities of the second class A, having a population of at least 80,000 inhabitants but less than 250,000 inhabitants on the date that the city adopts or amends a home rule charter designating it a city of the second class a.
- (4) Cities of the third class, having a population of less than 250,000 inhabitants other than cities of the second class A.

Provisions for the ascertainment, certification and effect of change of class are included in the language. The PML studied the language and suggestive changes were incorporated in the draft. After a brief discussion, the Members unanimously agreed to introduce the language into both chambers. Senator Schwank and Representative Moul will be the prime sponsors of the bills.

LIVESTREAM BUSINESS MEETING OF THE LOCAL GOVERNMENT COMMISSION

Page 4 – October 27, 2021

The Executive Director quickly outlined the status of legislation sponsored by the Commission. One bill has been enacted and several bills have passed at least one chamber. On Tuesday, October 26, House Bill 1877 was unanimously passed by the House Local Government Committee, as amended, and was tabled on first consideration in the House. House Bill 1877, Printer’s Number 2309, is prime sponsored by Representative Freeman and establishes the Municipal Boundary Change Act.

The Chairman welcomed Commission Associate Legal Counsel Martin Toth to the Commission. Mr. Toth joined the Commission staff on Monday, October 4, 2021, and replaces former Commission Legal Counsel Wanda Dehan who retired in November 2020. Mr. Toth, who briefly outlined his education and work history, thanked the Commission Members for giving him the opportunity to continue his service to the public.

The Executive Director announced that the Pennsylvania State Association of Elected County Officials have invited the Commission Members and staff to its annual meeting and luncheon scheduled for Thursday, November 18, 2021, at 10:00 a.m. Reservations are due by November 8. The next Commission business meeting will be conducted on Wednesday, November 17, 2021, at 9:00 a.m.

As the last order of business, the Chairman congratulated the Commission staff for conducting a successful Symposium on October 21, 2021. The Executive Director thanked the Commission Members for their participation and Commission staff, particularly Commission Research Analyst Julia Frey, for organizing the inaugural event.

The meeting adjourned at 9:55 a.m.

ATTESTED: _____
November 10, 2021