

LIVESTREAM MEETING OF THE LOCAL GOVERNMENT COMMISSION

Wednesday, December 9, 2020

The livestream meeting of the Local Government Commission (Commission) was called to order by Senator Scott Hutchinson at 9:35 a.m. with the following Commission Members, staff and guests participating:

MEMBERS

Senator Scott E. Hutchinson, Chair
Senator Scott F. Martin
Senator Judy Ward
Senator Judith L. Schwank
Senator Timothy P. Kearney
Representative R. Lee James
Representative Robert Freeman
Representative Christina D. Sappey
The Honorable Garth D. Everett

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
Terrance Trego, Senator Martin's Office
Cindy Urban, Senator Martin's Office
Matt Maniskas, Senator Schwank's Office
Sam Arnold, Senator Kearney's Office
Brianna Medevich, Representative Freeman's Office
Rob Gaertner, House Local Government Committee (R)
Christopher Mulhall, House Local Government Committee (R)
Tim Scott, House Local Government Committee (D)
Amy Sturges, Pennsylvania Municipal League
Kaitlin Errickson, Pennsylvania Municipal League
Ed Troxell, Pennsylvania State Association of Boroughs
Ron Grutza, Pennsylvania State Association of Boroughs
Joe Gerdes, Pennsylvania State Association of Township Supervisors
Melissa Morgan, Pennsylvania State Association of Township Supervisors
Ben Holland, Pennsylvania State Association of Elected County Officials
Tammy Shearer, Pennsylvania State Association of Elected County Officials

As the first order of business, the Executive Director read a statement giving a brief summary of the remote proceeding. Mr. Greene announced that the meeting was being conducted with both Member and Commission staff participation by livestream and was being recorded. Also, on Monday, December 7, 2020, 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, December 9, 2020. Any questions on agenda items for consideration by the Commission would be 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 November 18, 2020, business meeting, which were unanimously approved on a motion by Senator Kearney and a second by Senator Martin. The financial reports for the month of November 2020 were presented, and an explanation was given by the Executive Director. The financial reports were unanimously approved on a motion by Senator Schwank and a second by Representative Freeman.

An update on the Commission's 2019-2020 legislative package was presented to the Members for their final review. During the legislative session, the Commission introduced 20 bills, eight of which were enacted and eight of which passed at least one chamber. The Executive Director provided to the Members a summary of each Commission bill that become law. The enacted Commission legislation is as follows:

Act 2 of 2020

SB 0690 | PN 829

Amends Act 34 of 1953 to increase from \$1,500 to \$6,000 the value of municipal real property below which an incorporated town need not publicly advertise for bids when selling its real property. This legislation was sponsored by the Local Government Commission.

Act 3 of 2020

SB 0691 | PN 830

Amends the Second Class Township Code to increase from \$1,500 to \$6,000 the value of municipal real property below which a second class township need not publicly advertise for bids when selling its real property. This legislation was sponsored by the Local Government Commission.

Act 4 of 2020

SB 0692 | PN 831

Amends the Borough Code and the Third Class City Code, in Titles 8 and 11 of the Pennsylvania Consolidated Statutes, respectively, to increase from \$1,500 to \$6,000 the value of municipal real property below which a borough or third class city need not publicly advertise for bids when selling its real property. This legislation was sponsored by the Local Government Commission.

Act 28 of 2020

HB 1036 | PN 3856

Amends Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes to: (1) amend the process by which a small borough, having a population of 3,000 residents or fewer, may seek to reduce the size of its borough council from seven members to either five members or three members; (2) permit landowners in a portion of a township of the first class or home rule

township to petition the county court of common pleas to form a new borough, as specified; and (3) retroactively exempt from the state gross receipts tax the purchase or sale of electricity by a borough for use inside the borough limits, as provided. Item 1 of this act was sponsored by the Local Government Commission.

Act 87 of 2020

HB 1032| PN 1204

Amends the Real Estate Appraisers Certification Act to: (1) add two Certified Pennsylvania Evaluators (CPE) to the membership of the State Board of Certified Real Estate Appraisers; and (2) provide for the appointments and terms of service. This legislation was sponsored by the Local Government Commission.

Act 88 of 2020

HB 1033| PN 4539

Amends the Assessors Certification Act (Act 28) to: (1) clarify that revaluation company personnel who are directly responsible for the valuation of real property must not only complete the educational requirements pursuant to Act 28, but also be certified as a Certified Pennsylvania Evaluator (CPE); (2) extend the educational and CPE certification requirements to any individual employed by a revaluation company, or by a contractor of a county or a revaluation company, who is directly responsible for the development of a “property valuation model”; (3) add a component to the basic course of study requirement for CPE certification; (4) specifically prohibit any person from valuing real property for ad valorem tax purposes, including valuations for mass appraisals or developing property valuation models, unless certified as a CPE; (5) add new Section 6.1 to codify current practices in the assessment offices relating to duties, responsibilities and restrictions of employees who are not CPEs; (6) add clarifying amendments to Section 7 (disciplinary and corrective measures); and (7) add new Section 11.1 to make Act 28 applicable to counties of the first class, as specified. This legislation was sponsored by the Local Government Commission.

Act 96 of 2020

HB 2073| PN 3052

Modernizes and recodifies the First Class Township Code by removing obsolete provisions, incorporating language to reflect case law and current practices, standards and requirements, updating archaic language or language in conflict with other statutes, consolidating common subjects, and adding some language, as relevant, that had been part of previous significant recodifications. This legislation was sponsored by the Local Government Commission.

Act 114 of 2020

HB 2536| PN 4626

House Bill 2536, originally introduced by the Local Government Commission, authorizes a local government unit to obtain tax anticipation notes with a date of maturity at the conclusion of the local government’s fiscal year that ends in 2022. The bill was amended in the Senate to include omnibus Fiscal Code provisions.

Commission staff has started the process of redrafting various bills for possible introduction in the 2021-22 legislative session. When the Commission receives all of its Member appointments for the new legislative session, the Commission's legislative package will be presented to the Members for their review and introduction.

The Commission's strategic plan was the next item on the agenda for discussion. The Director reviewed the Commission's first quarter goals as outlined on the strategic plan, which encompasses activities from January 2021 through December 2022. Mr. Greene reported that the Commission staff plans to prepare the legislative package for the next session, as well as arrange for the printing of the Second Class Township Code. The Commission also intends to work with the County Commissioners Association of Pennsylvania and the Pennsylvania State Association of Elected County Officials (PSAECO) to reintroduce legislation that would consolidate the County Code into Title 16. During the 2019-2020 legislative session, the bill was introduced as Senate Bill 1039, which passed the Senate (50-0) and then was referred to the House Local Government Committee where it remained until the end of the 2019-2020 legislative session. Two other Commission strategic items of note being proposed are a municipal government seminar whereupon legislative attorneys may earn continued learning education credits on such topics as assessment law and Act 47 municipal fiscal distress, and a municipal issue symposium to be conducted in fall 2021. Senator Schwank supported all of the Commission's stated goals and applauded the Commission's comprehensive strategic plan.

The Members unanimously approved on a motion by Representative Freeman and a second by Senator Schwank to authorize the Executive Director and the Assistant Director to solicit bids for the printing of a new permanent edition of the Second Class Township Code. The last printing of a Second Class Township Code permanent edition was in 2003, with updated supplements provided to each second class township at the end of each two-year legislative session. Joe Gerdes, Director of Government Relations for the Pennsylvania State Association of Township Supervisors, endorsed having a new permanent edition available for second class township officials. Currently, the 2003 edition of the Second Class Township Code is used in tandem with Supplement 7, bringing the Code up-to-date through the 2017-2018 legislative session. The Members agreed that having one book is more efficient for elected officials as opposed to consulting two different compendiums. The Executive Director stated that typically permanent editions of the municipal code books are done every ten years. However, being mindful of taxpayer dollars, the printing of supplements was more economically prudent than incurring the cost of printing a new permanent edition. The Members agreed that the printing of a new permanent edition of the Second Class Township Code is now necessary. Bids for the printing of the Code will be provided to the Members at the January business meeting.

Outgoing PSAECO President Benjamin Holland, Butler County Controller, thanked the Commission Members and staff for their help and support during 2020. Mr. Holland invited the Members to attend PSAECO's monthly virtual meetings during 2021 and presented the new slate of PSAECO officers for 2021, which is as follows: President - Tammy Shearer, Cumberland County Recorder of Deeds; Vice President - Eric Feder, Philadelphia County Prothonotary and Clerk of Courts; Secretary - A.C. Stickel, Blair County Controller; and Treasurer - Barbara Bair, York County Treasurer. Ms. Shearer also echoed Mr. Holland's sentiments and announced that PSAECO plans to update its website, www.psaeco.org, for 2021.

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As the last orders of business, the Members agreed to schedule the next Commission meeting for Wednesday, January 27, 2021. At that meeting, the Commission’s 2021 meeting calendar will be approved. Chairman Hutchinson also reminded the Members to contact their respective Leadership offices if they wish to be reappointed to the Commission for the 2021-2022 legislative session.

The meeting adjourned at 9:40 a.m.

ATTESTED: _____

January 5, 2021