

MEETING OF THE LOCAL GOVERNMENT COMMISSION

Wednesday, December 10, 2014

The meeting of the Local Government Commission was called to order by Senator John Eichelberger, Jr., at 4:05 p.m. in Room 39 East Wing-Main Capitol Building, Harrisburg, Pennsylvania, with the following individuals present:

MEMBERS

**Senator John H. Eichelberger, Jr., Chairman
Senator John N. Wozniak
Senator John P. Blake via telephone
Representative Chris Ross
Representative Mauree Gingrich
Representative Mary Jo Daley via telephone
The Honorable Robert D. Robbins**

STAFF

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

GUESTS

**Lee Derr, Senator Eichelberger's Office
Luc Miron, Senator Blake's Office
Wanda Snader, House Republican Research Office
Rob Gaertner, House Republican Research Office**

As the first order of business, the Members discussed the minutes of the November 12, 2014, business meeting, which were unanimously approved on a motion by Representative Gingrich and a second by Representative Ross. The financial report for the month of November 2014 was presented, and a detailed explanation was given by the Executive Director. The financial report was unanimously approved on a motion by Representative Ross and a second by Senator Wozniak.

The Members gave reconsideration to the Local Government Commission 2015 meeting dates that were approved at the November business meeting. After the dates had been approved, the legislative session calendar for the first six-months of 2015 became available. After briefly reviewing the dates, the Members voted unanimously on a motion by Representative Gingrich and a second by Representative Ross to accept the revised meeting dates as follows: January 28, 2015, monthly business meeting; February 11, 2015, monthly business meeting; March 4, 2015, monthly business meeting and meeting with local government associations; April 15, 2015, monthly business meeting; May 13, 2015, monthly business meeting; June 10, 2015, monthly business meeting; July 8, 2015, monthly business meeting; September 23, 2015, monthly business meeting and meeting with local government associations; October 14, 2015, monthly business meeting; November 18, 2015, monthly business meeting; and December 9, 2015, monthly business meeting and meeting with local government associations. The revised meeting schedule will be sent to the Members' offices.

The Executive Director explained the next item on the agenda, which was a printing contract to be awarded for the publication and distribution of new cumulative supplements to the County Code, the First Class Township Code, and the Second Class Township Code. Mr. Gasbarre stated that the Commission sent letters to approximately thirty printing firms inviting them to the prebid meeting, which was held on November 14, 2014. Seven firms responded by either attending the meeting or requesting that the bid specifications be sent to them. Three firms submitted bids for the printing of the supplements by the deadline, which was December 1, 2014. However, upon opening the bids, it was discovered that only two of the three firms that submitted bids complied with the bid instructions outlined in the contract. After a lengthy discussion, the Members unanimously decided on a motion by Representative Ross, which was seconded by Senator Robbins, to accept the lowest responsible bid submitted by Graphtech of Harrisburg, Pennsylvania. The bid document from Graphtech revealed a final bid of \$10,545.09 for the printing and distribution of the three new cumulative supplements.

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At last month's meeting, the Members approved a new billing contract offered by Thomson Reuters who provides the Commission with legal publications. The new billing contract selected by the Commission provides for a monthly discounted price plan of \$420.30 based upon a 36 month term with 5 percent annual price increases. With the monthly billing plan, an estimated \$2,774.77 savings would be realized over the three year period. Included in the contract was an addendum offered to government accounts that permits the subscriber to cancel the contract with 30 days' written notice to Thomson Reuters if insufficient appropriations are made to the government agency that would preclude the subscriber from making payment. In contract negotiations with Thomson Reuters, the Commission staff was informed that in order for Thomson Reuters to honor the contract, the Commission had to agree to an automatic renewal for a subsequent 12-month period and that the monthly charges for the renewal term(s) could increase 7 percent per year, unless either party gives written notice of cancellation to the other party 30 days in advance of the expiration of the then-current term. Due to the ambiguity of the language in the contract, Thomson Reuters agreed to send a 30-day notice to the Commission prior to the automatic renewal. After some discussion, the Members unanimously approved on a motion by Representative Ross and a second by Representative Gingrich to accept the amended automatic renewal terms so that the contract may be finalized.

Review of the Legislative Service Agency (LSA) Model Leave Policy was the next item on the agenda. The Policy, which was submitted on November 17, 2014, by the Honorable Joe Scarnati, President Pro-Tempore of the Senate of Pennsylvania, and the former Speaker of the House, the Honorable Sam Smith, was sent to ten legislative service agencies. The Policy's goal is to uniformly establish accrued liability for leave payouts of LSA employees from the Restricted Receipts Account established by the General Assembly. The Account may be used by the LSA for leave payouts only if the submitted model leave policy is adopted. The major changes affecting Commission employees would be the reduction of allowable accumulated annual leave and sick leave. In the LSA Policy, employees may only accumulate a maximum of 30 vacation days and 120 sick days, as opposed to the current 45 days of annual leave and 200 days of sick leave. Discussion ensued as to the proper way to compensate the four employees who have accumulated 45 vacation days. The options discussed were either to compensate the individuals prior to December 31, 2014, for any unused annual leave exceeding 30 days, or to have the four employees utilize the excess accumulated annual leave in the next calendar year. The Director explained that with the current small staff complement it is already difficult to accommodate everyone's leave schedules while maintaining necessary staffing levels.

Also, the Members discussed the lack of a "sick leave bank" in the LSA Policy as is contained in the LGC Personnel Policy. The Commission's sick bank was established to aid Commission employees who experience a catastrophic illness and who have depleted their annual and sick leave. In order for an employee to utilize days from the sick leave bank, prior approval has to be obtained from the Chairman and the Executive Director. At the end of a lengthy discussion, the Members unanimously approved on a motion by Representative Ross and a second by Representative Gingrich to adopt the LSA Policy, effective January 1, and to compensate four employees prior to December 31, 2014, for the fifteen annual leave days which they had accrued under the LGC Personnel Policy. The Members also requested the Director write a letter for the Chairman's signature addressed to the President Pro Tempore Joseph Scarnati and the House Speaker-elect Representative Mike Turzai recommending that a sick leave bank be established in the LSA Policy. Copies of the letter are to be sent to Donetta D'Innocenzo, Chief Clerk of the Senate of Pennsylvania, and to Legislative Service Agency Directors and Chairmen. Chief Clerk D'Innocenzo will also receive a letter under the Chairman's signature notifying her of the Commission's adoption of the LSA Model Leave Policy.

Philip Klotz, Assistant Director, was recognized by the Chairman to discuss a future staffing need within the Commission. Mr. Klotz requested permission from the Members to start the process of hiring another staff attorney in April. The anticipated May 31, 2015, retirement of Executive Director Mike Gasbarre will leave the Commission shorthanded. Mr. Klotz stated that it is the consensus of Commission staff that another attorney on staff would prove beneficial. The Members unanimously approved the attorney search to commence in April.

As the last order of business, the Director reminded the Members of the Thursday, December 11, 2014, quarterly meeting with PSAECo at 11:00 a.m. in the Senate Majority Caucus Room. All Members were urged to attend.

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The meeting adjourned at 4:40 p.m.

ATTESTED: _____
January 2, 2015