

MEETING OF THE LOCAL GOVERNMENT COMMISSION

Wednesday, March 4, 2015

The reorganizational meeting of the Local Government Commission was called to order by Senator Joseph B. Scarnati, III, President Pro Tempore of the Senate, at 8:45 a.m. in Room 14 East Wing-Main Capitol Building, Harrisburg, Pennsylvania, with the following individuals present:

Senator Joseph B. Scarnati, III, Presiding Officer

MEMBERS

Senator John H. Eichelberger, Jr., Chairman
Senator Thomas J. McGarrigle
Senator Scott E. Hutchinson
Senator John N. Wozniak
Senator John P. Blake
Representative Chris Ross
Representative Kate Harper
Representative Robert Freeman
Representative Mary Jo Daley

STAFF

Michael P. Gasbarre, Executive Director
Philip H. Klotz, Assistant Director
David A. Greene, Legal Counsel
Kristopher J. Gazsi, Associate Legal Counsel
Danette H. Magee, Research Associate
Karen S. Bear, Secretary

GUESTS

Shelly Brown, Senator Scarnati's Office
Lee Derr, Senator Eichelberger's Office
Tom Golden, Senator McGarrigle's Office
Justin Leventry, Senator Hutchinson's Office
Luc Miron, Senator Blake's Office
Kyle Mullins, Senator Blake's Office
Wanda Snader, House Republican Research Office
Rob Gaertner, House Republican Research Office
John Fulton, House Local Government Committee (D)
Lisa Schaefer, County Commissioners Association of Pennsylvania
Karey Molnar, Pennsylvania Municipal League
Ed Troxell, Pennsylvania State Association of Boroughs
Ron Grutza, Pennsylvania State Association of Boroughs
Don O'Shell, Pennsylvania State Association of Elected County Officials

The President Pro Tempore of the Senate opened the floor for nominations for the position of Chairman of the Commission. Representative Ross nominated Senator Eichelberger for Chairman, and Representative Freeman seconded the nomination. Senator Scarnati moved that nominations for the position of Chairman be closed. This motion carried unanimously, and Senator Eichelberger was elected Chairman of the Commission by a unanimous vote. Senator Scarnati then opened the floor for nominations for the position of First Vice-Chairman of the Commission. Senator Eichelberger nominated Representative Ross for the position of First Vice-Chairman, and Representative Daley seconded the nomination. Senator Scarnati moved that nominations for the position of First Vice-Chairman be closed. This motion carried unanimously, and Representative Ross was elected unanimously as First Vice-Chairman of the Local Government Commission. Senator Scarnati then moved that nominations for the position of Second Vice-Chairman be opened. Senator Eichelberger nominated Senator Wozniak for the position of Second Vice-Chairman, and Senator McGarrigle seconded the nomination. Senator Scarnati moved that nominations for the position of Second Vice-Chairman be closed. This motion carried unanimously, and Senator Wozniak was elected Second Vice-Chairman by a unanimous vote.

At this point in the meeting, Senator Eichelberger assumed the chair and the business meeting of the Local Government Commission convened at 8:50 a.m.

As the first order of business, the Members discussed the minutes of the January 28, 2015, business meeting, which were unanimously approved on a motion by Representative Ross and a second by Senator Wozniak. The financial reports for the months of January 2015 and February 2015 were presented, and a detailed explanation was given by the Executive Director. The financial reports were unanimously approved on a motion by Representative Ross and a second by Senator McGarrigle.

Donald O'Shell, Clerk of Courts, York County, and Vice President of the Pennsylvania State Association of Elected County Officials (PSAECO), reported to the Members his Association's opposition to Senate Bill 180, Printer's Number 112. Also known as the "Donate Life PA Act," Senate Bill 180 would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes by providing for education about organ and tissue donation in secondary schools, as well as at medical and nursing schools; incorporating provisions of the revised Uniform Anatomical Gift Act; updating provisions relating to the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund and the Organ and Tissue Donor Awareness Program; reinforcing the priority of transplantation in the law and affirming that anatomical donations must be initially referred to a federally-designated organ procurement agency to ensure the donations are subject to regulatory oversight; and encouraging the cooperation of medical examiners and coroners with organ procurement organizations. Mr. O'Shell emphasized that the Coroner's Association is not against organ procurement, but it is opposed to having the coroners' and medical examiners' powers diminished in cases where the decedent's death is under investigation. Senate Bill 180 was referred to the Senate Appropriations Committee on February 17, 2015.

Mr. O'Shell stated that his Association supports House Bill 239, Printer's Number 239. House Bill 239 would amend the County Pension Law by clarifying the method for determining a cost of living adjustment for retired county employees. Mr. O'Shell stated that the majority of counties in Pennsylvania have stable pensions systems, thereby precluding any detriment to county pension systems if a cost-of-living increase is given to county retirees. House Bill 239 was referred to the House Local Government Committee on January 28, 2015.

Mr. O'Shell also reported that PSAECO is opposed to House Bill 231, Printer's Number 225. House Bill 231 would transfer the issuance of antlerless deer licenses from the county treasurers to a Commonwealth agency. PSAECO opposes the bill because they believe it will ultimately result in increased expense and added inconvenience for Pennsylvania hunters. House Bill 231 was referred to the House Game and Fisheries Committee on January 27, 2015.

Representative Ross recommended PSAECO contact the prime sponsors of the aforementioned bills as well as the committees in which the bills reside to seek resolution to PSAECO's concerns. Mr. O'Shell agreed that the issues raised by PSAECO most likely could be resolved by having discussions with the prime sponsors of the bills.

Resolution No. 3 adopted at the 2014 annual convention of the County Commissioners' Association of Pennsylvania (CCAP) was discussed by the Commission Members. Although no action was necessary, the Executive Director discussed legislation from last session sponsored by Representative Ross that would have implemented one law as it relates to tax sale law foreclosures. Representative Ross indicated that he may reintroduce the bill during this legislative session.

Resolutions adopted at the 2014 annual convention of the Pennsylvania State Association of Boroughs were discussed by the Commission Members. The dispositions are as follows:

- Resolution No. 4 - Staff was instructed to contact the subject borough solicitor and draft legislation for the Members' review at the next business meeting.
- Resolution No. 5 - Tabled.
- Resolution No. 6 - Tabled.
- Resolution No. 15 - Tabled.

Resolutions adopted at the 2014 annual convention of the Pennsylvania State Association of Township Supervisors were discussed by the Commission Members. The dispositions are as follows:

Resolution No. 5 - Tabled.

Resolution No. 12 - Tabled.

Resolution No. 26 - Staff was instructed to draft legislation for the Members' review at the next business meeting.

Resolution No. 30 - Staff will contact the Local Government Records Committee for further clarification.

A draft amendment to Act 78 of 1979 was submitted to the Members for their review. At the January 28, 2015, business meeting, Doug Hill, Executive Director of CCAP, had submitted to the Commission a memorandum requesting that an amendment to Act 78 of 1979 be considered. Act 78 is entitled: "An Act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received." After discussions with Commission staff and a county solicitor, CCAP agreed that Act 78 only applies to the purchase of goods and the sale of real and personal property, and does not apply to services such as construction projects (in essence, purchase of labor). A county recently undertook a bridge repair project as a result of the most recent Pennsylvania Department of Transportation inspection. The county received quotes for the project that exceeded the bidding threshold, so it put the project out for bid. The county did not receive any bids and so put it out for bid a second time, again receiving no response. The omission of the purchase of labor provision means that the county has no recourse to get the project completed, absent someone finally responding to additional bid requests or someone agreeing to do the project at a cost below the bidding threshold. The Members reviewed the draft amendment submitted to them at today's meeting and unanimously approved its introduction into the Senate of Pennsylvania and House of Representatives.

The Commission's proposed 2015-2016 legislative package was presented to the Members. Seven Commission-sponsored bills were signed into law by the Governor in the 2013-2014 legislative session. The remaining bills were again presented to the Members for possible reintroduction. A short discussion among the Members occurred after each bill was briefly explained by the Executive Director. It was decided that 16 bills would be reintroduced into both the Senate and House chambers. Senator Hutchinson requested that he be prime sponsor of the Senate bill that would provide for property maintenance codes in second class townships. The 2015-2016 legislative package will be circulated among the Members for sponsorship.

On a motion by Representative Ross and a second by Senator McGarrigle the Members unanimously agreed to transfer the remaining copies of the Title 8 (Borough Code) of the Pennsylvania Consolidated Statutes to the Legislative Reference Bureau (LRB). The Commission sent four copies of Title 8 to each borough for its use. The remaining copies will be sold through the LRB and the monies will be placed in the Commonwealth's general fund.

The Director informed the Members that the Commission's April 15, 2015, business meeting will be held at 8:45 a.m. in Room 39 East Wing-Main Capitol Building. The Members' Capitol and district offices will be notified.

As the last order of business, a copy of Senate Resolution (SR) 15, Printer's Number 271, was given to the Members for their perusal. SR 15 would direct the Majority Leaders of the Senate and House to appoint a commission to study the Commonwealth's system of local governance and identify methods to promote more regional collaboration in the delivery of municipal services and the execution of local government. The legislation outlines the membership of the proposed commission, which includes the Executive Director of the Local Government Commission, and it also directs the proposed commission to be staffed by the Local Government Commission. SR 15 was referred to the Senate Intergovernmental Operations Committee on January 30, 2015.

The meeting adjourned at 9:45 a.m.

ATTESTED: _____
March 6, 2015