

REPORT TO THE PENNSYLVANIA GENERAL ASSEMBLY



2019

Local Government Commission
General Assembly of the Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

Letter from the Chairman

Members of the General Assembly:

I am pleased to submit to you the following five-year report on the work of the Local Government Commission, a legislative service agency, which, in 2020, will commemorate its 85th Anniversary.

The Local Government Commission Law, among other things, required the issuance of a “first report to the Legislature” in 1937 on the progress of the Commission’s work. Although it did not mandate subsequent reports, we provide this publication, as we did in 2004, 2009 and 2014, in the spirit of the initial directive.

During the summer of 2015, Commission staff formulated a Commission strategic plan. The plan, projected over a 10-year period from 2015 to 2024, contains six goals:

- Develop and advance current and new products and services
- Improve visibility, communication and access
- Improve technological capability and efficiency
- Improve administrative functions
- Improve educational access and responsibility
- Foster personnel continuity

During this reporting period, the Commission achieved many significant objectives in pursuit of these goals, in some instances with the assistance of other agencies such as the Legislative Reference Bureau and the Legislative Data Processing Center. Some of those key achievements are highlighted throughout this report including:

- Recodifying the Third Class City Code into Title 11 of Pa.C.S. (Act 67 of 2015).
- Comprehensively updating the County Code (Act 154 of 2018).
- Conducting a Property Assessment Reform Task Force.
- Publishing a *Quarterly Legal Update* of recent municipal-related case law.
- Updating and expanding the *Pennsylvania Legislator’s Municipal Deskbook*.
- Revamping and enhancing the Commission website.
- Providing an orientation on the Commission to each new Member of the General Assembly.

It is my hope that this document illustrates the level and quality of service that the Commission and its staff have strived to achieve in providing assistance to the Members of the General Assembly on matters involving local government.

Sincerely,



Senator Scott E. Hutchinson
Chairman

Local Government Commission

The Local Government Commission is a bicameral, bipartisan legislative service agency of the Pennsylvania General Assembly. Created in 1935 by an Act of Assembly, it is one of the oldest agencies of its kind in the country. Five Senate Members and five House Members, appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, respectively, constitute the Commission. The ten Members, three from the majority party and two from the minority party in each chamber, collectively work by consensus for more effective and efficient local government.

The Commission serves as a specialized local government resource for Legislators, caucus staff, committee staff and constituents on inquiries, issues and legislation, providing objective expertise in many facets of local government. It takes on long-term complex projects, producing results that may be more difficult to achieve, or cannot be achieved, through caucus staff or advocacy groups alone. Commission Members, with the aid of staff, identify, draft and sponsor legislation to address local government issues, and review certain intergovernmental cooperation agreements as required by law.

The Commission provides a forum for statewide municipal associations, representing different types of municipalities and officials, to express their views directly before Legislators from both caucuses in the Senate and House. It works with these and other stakeholders in proposing legislation to advance more effective and efficient local government in Pennsylvania.

2019-2020 Commission

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 Dan Moul
Representative Garth D. Everett
Representative Robert L. Freeman
Representative Christina D. Sappey

2017-2018 Commission

Senator John H. Eichelberger, Jr., Chair
Senator Thomas J. McGarrigle
Senator Scott E. Hutchinson
Senator John P. Blake
Senator Judith L. Schwank

Representative Kate Harper
Representative Warren Kampf
Representative R. Lee James
Representative Robert L. Freeman
Representative Mary Jo Daley

2015-2016 Commission

Senator John H. Eichelberger, Jr., Chair
Senator Thomas J. McGarrigle
Senator Scott E. Hutchinson
Senator John N. Wozniak
Senator John P. Blake

Representative Chris Ross
Representative Mauree Gingrich
Representative Kate Harper
Representative Robert L. Freeman
Representative Mary Jo Daley

Introduction

This report will highlight the efforts of the Local Government Commission over the past five years to facilitate more efficient and effective local government in the Commonwealth.

The Commission works as a conduit between the locally elected and appointed officials of the Commonwealth's 2,560 local governments and the members of the General Assembly through its staff and under the direction of the ten Members appointed by the majority and minority caucuses of both legislative chambers each session. The Commission considers and elevates issues raised by local government leaders and organizations, responds to an ongoing stream of inquiries, and works to provide a set of high quality, always available and frequently updated resources for the benefit of the Members of the General Assembly and local leaders alike.

A summation of the staff's Strategic Plan, prepared in 2015, provides a prelude to this report, setting the stage for accomplishments over the past five years. It also highlights the long-awaited move of the Commission offices back into the Capitol Complex.

The first section of this report summarizes the **major projects efforted by the Commission** in recent years, including significant stakeholder-brokered and comprehensive revisions, reenactments and codifications of three municipal codes, a property assessment reform task force, a committee of the Commission to address the ongoing challenges posed by municipal fiscal distress, and dozens of bipartisan legislative enactments (pages 5-8).

The second section showcases the Commission as an **always-available research agency prepared to serve any member of the General Assembly** (pages 9-14). Commission staff rapidly respond to thousands of constituent inquiries each session, regularly consult to provide technical assistance on legislation sponsored by any Member, and collaborate on projects sponsored by Members, caucuses or agencies.

The third section outlines the **frequently updated and reliable research products** created and maintained by the Commission staff and available to legislative staff, local officials and members of the public (pages 15-19).

Finally, the last section of this document will take a **forward look at some of the projects that the Commission expects to pursue** among its efforts in the course of coming years (pages 20-21).

Strategic Plan

As prefaced in the Chairman's letter, Commission staff held a two day, in-house retreat in summer 2015 to develop a 10-year Strategic Plan, which the Executive Director presented to the Commission on October 21, 2015.

The plan takes into account *current objectives* for developing and advancing Commission products and services, which include developing and advancing Commission legislation, responding to Member and constituent inquiries, assisting Members with legislation and legal issues, preparing and distributing Commission publications, updating and maintaining the Municipal Mandate Project database, codifying the Third Class City Code into Title 11 of the Pennsylvania Consolidated Statutes (Pa.C.S.), and revising the County Code and incorporating it into Title 16 of Pa.C.S.

In addition, the Strategic Plan delineates *new initiatives*, each with a timeline, most of which the Commission and its staff have accomplished or made significant progress in since 2015.

Goal: Develop and Advance New Products and Services

- ✓ Revise First Class Township Code & incorporate into Title 73 of Pa.C.S. (in progress)
- ✓ Publish *Quarterly Legal Update* based on recent case law. (ongoing)

Goal: Improve Visibility, Communication & Access

- ✓ Revamp and enhance website; institute Twitter and email subscription. (complete)
- ✓ Provide orientation on Commission to each new Member. (ongoing)
- ✓ Meet with legislative Leadership, annually, to provide update. (ongoing)

Goal: Improve Technological Capability and Efficiency

- ✓ Implement project management software. (complete)
- ✓ Convert the internal activity log to a database format. (complete)
- ✓ Pursue electronic circulation of Commission bills for sponsorship. (complete)

Goal: Improve Administrative Functions

- ✓ Modernize accounting and financial reporting and convert into Excel. (complete)
- ✓ Update Commission Personnel Policy. (complete)

Goal: Improve Educational Access and Responsibility

- ✓ Facilitate periodic education or training for all staff. (ongoing)
- ✓ Incorporate education/training in performance evaluations. (ongoing)

Office Relocation: An ongoing goal of the Commission for almost two decades has been to relocate offices from rental space in the Forum Place Building back into the Capitol Complex. Offices had been originally located in the Capitol, but moved out in 1999 to accommodate the Capitol restoration. In fall of 2018, both the House of Representatives and Senate offered office space to the Commission. In April 2019, staff moved into House space on the fifth floor of the Irvis Office Building. The House, as well as the Department of General Services, have been very generous in making the relocation a reality, resulting in a significant cost savings to the Commission.

Projects

After a multiyear effort with the Pennsylvania Municipal League (PML) through a working group including Commission staff, other legislative staff members, city officials, and a city solicitor, the Local Government Commission introduced a modernized Third Class City Code as [Senate Bill 497 in 2013](#). The bill was signed into law by Governor Corbett as [Act 22 of 2014](#), and was effective May 18, 2014.

Subsequent to the passage of Act 22, the Commission worked with the Legislative Reference Bureau to consolidate the Third Class City Code into [Title 11 \(Cities\)](#) of the Pennsylvania Consolidated Statutes, in a process similar to that used for the consolidation of the Borough Code into [Title 8 \(Boroughs and Incorporated Towns\)](#). The bill, [Senate Bill 775 of 2015](#), Printer's number 834, became [Act 67 of 2015](#), effective January 25, 2016. Aside from seven minor amendments, the consolidation of the Code, although stylistically modified, is a continuation of Act 22.

The Optional Third Class City Charter Law, [Act 399 of 1957](#), is no longer available for cities to use if they have not already done so since it has been supplanted by the Home Rule and Optional Plans Law in [Title 53 of Pa.C.S.](#), Part III, Subpart E (relating to home rule and optional plan of government). Act 399, however, is being used by several cities, and therefore, is not amended and remains in effect as a free standing or unconsolidated statute.

Property Assessment Reform Task Force

On November 16, 2016, Members of the Local Government Commission unanimously voted to launch a [Property Assessment Reform Task Force](#) to facilitate the development and implementation of remedies to address recommendations in recent House Resolution reports related to modernization, efficiency, transparency and fairness of the property assessment process in Pennsylvania. The Task Force consisted of four Commission Members,

Modernizing the property assessment process to be more fair, efficient and transparent.

stakeholders from the Pennsylvania Department of Community and Economic Development, the Pennsylvania Department of Revenue, the State Tax Equalization Board, the County Commissioners Association of Pennsylvania (CCAP), the Assessors' Association of Pennsylvania (AAP), the Legislative Budget and Finance Committee, and Commission staff. Commission Chair Senator John H. Eichelberger served as the Task Force Chair.

The Task Force, with assistance from nine subcommittees consisting of an additional 30 participants from across the Commonwealth, produced five pieces of legislation designed to

improve assessment practices and procedures, including [Act 155 of 2018](#) amending the Consolidated County Assessment Law to provide for assessment appeal boards' qualifications, the appeals process and certain notifications. In addition to legislative proposals, four comprehensive technical documents, "Model RFP and Contracting Guidelines for County Reassessment Services," "Pennsylvania Property Assessment: A Self-Evaluation Guide For County Officials," "Data Collector Standards" and "Assessment Office Public Relations" were prepared and subsequently adopted as "best practices" by the AAP Board of Governors and the CCAP Board of Directors in 2018. Information on the Task Force and resulting progress and accomplishments are available on the Commission's website (<http://www.lgc.state.pa.us/>).

County Code & Second Class County Code Consolidation and Revision

In March 2011, with authorization by the Commission, staff began providing support to the Pennsylvania State Association of Elected County Officials (PSAECO) [County Code Revision Committee](#) with the consolidation and update of the [County Code](#) and the [Second Class County Code](#), as the latter pertains to second class A counties. PSAECO represents the statewide associations of county commissioners, auditors, controllers, coroners, district attorneys, prothonotaries and clerks of courts, recorders of deeds, registers of wills and clerks of orphans' courts, sheriffs and treasurers. The Revision Committee and staff typically met every three months. The County Code and Second Class County Code had not undergone comprehensive updates since their enactments in 1955 and 1953, respectively.

The purpose of the revision, in addition to integration of the two codes, was to amend the combined code to reflect case law and current practices, standards and requirements, as well as to update outdated or archaic language and make provisions of the codes consistent where practicable. The Revision Committee and Commission staff only included changes for which the stakeholders could reach consensus.

Revising municipal codes to reflect current needs, eliminate outdated procedural mandates, and clarify local official responsibilities.

In Fall 2017, the Local Government Commission unanimously voted to introduce the County Code revision legislation as [Senate Bill 1005 of 2017](#). Following amendment of the bill in the Senate and the House of Representatives, SB 1005 was unanimously passed by both chambers and signed into law by the Governor on October 24, 2018 as [Act 154 of 2018](#), effective on December 24, 2018. The [Commission's website](#) contains an Executive Summary, a Section-by-Section Commentary, a Derivation Table and a Disposition Table for Act 154 to facilitate an understanding of the consolidation and changes to the code.

Revision and Reenactment of the First Class Township Code

The [First Class Township Code](#), enacted in 1931, has not undergone a comprehensive update in 70 years, since 1949. The Pennsylvania State Association of Township Commissioners (PSATC) in association with the Pennsylvania Municipal League requested the ongoing participation, technical advice and expertise of the Local Government Commission staff in a comprehensive revision of the code, based on the Commission's experience with the recodification of other municipal codes.

In March 2016, Commission staff began teaming with a PSATC working group to [update the First Class Township Code](#). In addition to Commission staff, the working group consisted of township commissioners and managers from each of PSATC's three regions (central, west and east) as well as PSATC legal counsel and staff. The working group convened at least quarterly. The purpose of the revision is to amend the First Class Township Code to reflect case law and current practices, standards and requirements, as well as update archaic language or language that is in conflict with other statutes. The working group only included changes for which the stakeholders could reach consensus. The ultimate goal is to develop an up-to-date code and present it to Commission Members for their consideration in sponsoring it as a bill during the current legislative session.

Commission Committee on Act 47 of 1987 Municipalities Financial Recovery Act

In 1985, the Local Government Commission created a task force to examine municipalities experiencing economic and fiscal distress as a result of structural changes in their local economies or managerial deficiencies. Resulting from this effort was the enactment of the Municipalities Financial Recovery Act, commonly known as [Act 47 of 1987](#). After 25-years of implementation throughout the state, the Commission reinstated an [Act 47 Task Force](#) in 2013 to address questions about the act's effectiveness. These efforts resulted in the publication of the "[Act 47 of 1987 Municipalities Financial Recovery Act 2013 Task Force Report](#)", which contains background on Act 47, issues with Act 47 and affected municipalities, the rationale for addressing issues, and the suggested legislation, which was subsequently enacted, with amendment, as [Act 199 of 2014](#).

Understanding local fiscal distress and putting Legislators, local officials and fiscal managers together to work towards reform.

Act 199, among other things, requires distressed municipalities to adhere to a prescribed timeline and prepare to exit Act 47 distressed status voluntarily within five to eight years under ordinary circumstances. In 2018, the Commission formed a Committee of the Commission to study the implementation of Act 199, and explore additional legislative proposals to make the Commonwealth's efforts to support distressed municipalities more effective. The Committee's

efforts are ongoing, having been extended into the 2019-2020 legislative session. The outcomes of the Committee's efforts may include reforms to local tax options, home rule governance, and flexibility and better utilization of payments in lieu of taxes (PILOTs) from nonprofit organizations.

Commission-Sponsored Legislation

One of the primary functions of the Commission is to propose legislation that will assist local governments to be more effective and efficient in providing services. Legislation is drafted and introduced at the direction of Commission Members. [Commission sponsored legislation](#) is sometimes raised for consideration by individual Commission Members, or by the various local government associations that request the Commission to introduce initiatives on their behalf. Commission sponsored legislation may also result from task forces or studies, including those conducted by the Commission, or the development of trends, issues or case law observed by staff and brought to the Commission for consideration.

Staff prepares the proposed legislation for introduction by the Commission and secures sponsorship from its Members. Commission legislative proposals are normally restricted to those proposals unanimously agreed upon by its Members. The staff prepares and updates comprehensive summaries of the legislation for use in committee and on the General Assembly's website.

Since 2015, 25 pieces of Commission legislation have been signed into law.

During the 2015-2016 and 2017-2018 Legislative Sessions, the Commission introduced 45 pieces of legislation. Forty-two percent of those bills were enacted into law during 2015-2016 session, and 67 percent were enacted during the latter session. Major initiatives enacted during the past two sessions include the County Code and Second Class County Code Consolidation and Revision ([Act 154 of 2018](#)) and consolidation of the Third Class City Code into Title 11 (Cities) of the Pennsylvania Consolidated Statutes ([Act 67 of 2015](#)).

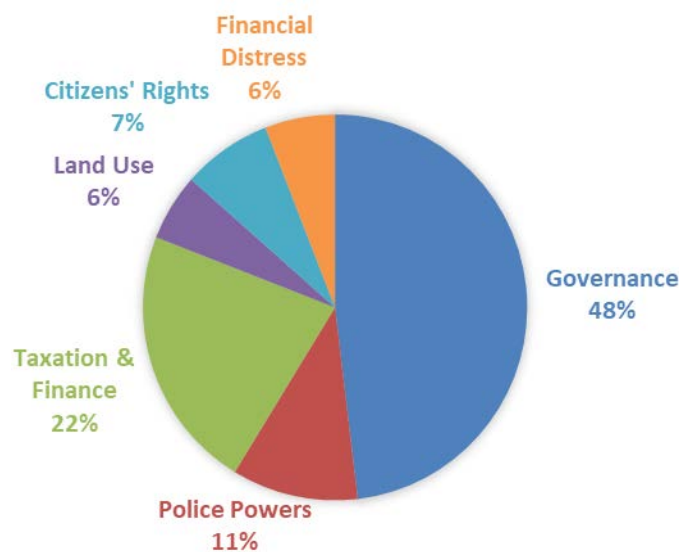
Additionally, staff compiles a distilled compendium entitled *Current Status of Legislation Sponsored by the Local Government Commission*, which is shared with the Commission Members, the Majority and Minority Chairs of the Senate Local Government Committee, the Majority and Minority Chairs of the House Local Government Committee, affiliated legislative staff, and any other party soliciting it. This listing is updated each week that the Legislature is in session to guarantee that fresh facts, reflecting a change of a bill's substance and/or status, are provided to interested parties.

Services

Responding to Member and Constituent Inquiries

Since its inception, the Local Government Commission has had a policy to serve the Members of the General Assembly and their constituents on matters pertaining to municipal government and related issues. The primary focus of the staff, and its very first priority, is to respond to Legislators, legislative staff, the public, local government groups, the media and others in a manner that is both prompt and accurate. The “bread and butter” work of the office continues to be researching and responding to a myriad of written and oral inquiries posed to the Commission staff on a daily basis. All inquiries are confidential unless the Member or constituent authorizes otherwise. Staff strive to be thorough and objective in its research and response.

Popular Subjects of Inquiries (2015-2018)



Over the past five years, staff has responded to thousands of substantive inquiries as well as processing the mailing or pick-up of Commission publications, such as the municipal codes and other reports that are requested by Members, for delivery to constituents. Because of staff’s extensive experience and various areas of expertise, written responses typically are compiled and sent within one or two days, and many electronic or verbal responses are provided on the same day. Where warranted, written responses include detailed analyses and memoranda prepared by Commission attorneys on legal issues and important

federal and state judicial decisions. The most common inquiry subjects relate to municipal governance and taxation and finance, but run the gambit of municipal issues including land use, environmental concerns, emergency services, citizens’ rights, ethics and public utility services. Inquiries primarily come from Legislators or staff, and less frequently from constituents and municipal officials’ statewide associations.

While staff has consistently maintained its policy of prompt and accurate responses, over the years the questions posed to the Commission have grown in complexity. Examples of the more intricate queries are:

“Who has the power to dismiss a special fire police officer from the officer’s position and what is the officer’s recourse?”

“What is the recourse for a property owner impacted by stormwater runoff due to the municipality’s authorization for a neighbor to fill in a drainage ditch in municipal street right-of-way?”

“Following a catastrophic loss of property destroyed by fire, does the discount period to pay property taxes restart after a change in assessment and issuance of a new tax bill?”

“What are possible remedies for preserving or maintaining older cemeteries for which a responsible private party no longer exists to care for the cemetery?”

“How may a person proceed if a code enforcement officer does not bring an action against a neighbor for alleged violation of an ordinance?”

Commission staff, in accordance with long-standing policy, is prohibited from rendering legal advice or consultation. Instead staff may provide an explanation of the relevant law, regulation and case law, and the avenue for potential remedies.

Providing Legislative Assistance

Commission staff continues to assist individual Legislators with analysis and formulation of bills relating to municipal issues. Staff assistance may include consultations on municipal law, discussions with constituencies interested in the subject matter, substantive and technical review of previously drafted legislation, or drafting legislation in final form on behalf of the legislator and, upon the Member’s request, coordination with the Legislative Reference Bureau. Although staff is pleased to provide Legislators with technical assistance at any phase of the legislative process, neither the Members nor staff of the Commission normally take a position either endorsing or disapproving such proposals. The legislation is that of the sponsoring Member and any cosponsors, if it is introduced. Some of the legislation for which the Commission staff provided consultation or drafting assistance over the past five years included:

- More clearly establishing maintenance obligations for property subject to tax sale.
- Providing for the zoning of uses related to medical marijuana.
- Providing a prospective universal definition of “blighted property” in Pennsylvania Consolidated Statutes.
- Providing for subjects and rates of taxation in cities of the second class A.
- Establishing intergovernmental cooperation authorities for the financial recovery of qualifying third class cities.

These are examples of bills successfully enacted into law and do not include the many other proposals of divergent size and scope that have been drafted with the assistance of the Commission staff for introduction into the legislative process. Because of the Commission’s confidentiality policy, much of the assistance provided to individual Members is not publicized.

Assisting Standing Committees

The staff of the Commission readily assists standing committee Members and staff upon their request. Assistance includes reviewing legislation and amendments to bills, responding to forwarded letters or e-mails from Members and their constituents, meeting with committee staff and interest group representatives, and making presentations at meetings and hearings on particular issues, if requested. For example, Commission staff has provided consultation on municipal regulation of burial grounds, technical review of bills relating to delinquent property tax collection and the delegation of powers to collect municipal taxes, background information on condemnation of property for private roads, home rule statutes, municipal borrowing, and a constitutional amendment authorizing legislation for the removal of elected officials for cause. Recently, staff has presented to a joint committee hearing on the development of Act 47 of 1987, the Municipalities Financial Recovery Act.

Staff members attend various House and Senate standing committee meetings to obtain information on legislation that may be relevant to local government. The executive director reviews the schedule of weekly House and Senate meetings and, if he deems necessary, assigns various staff members to attend those meetings for informational purposes.

Commission staff frequently meets in conference to discuss legislation that may be the subject of inquiries. If necessary, assigned staff members will prepare internal summaries and memoranda on pending legislation for the benefit of remaining staff to keep them informed on issues that may be raised by Legislators and legislative staff.

Participating in Advisory Committees

Blight Task Force

In 2016, Commission staff began participating in the Pennsylvania Blight Task Force chaired by Senator David G. Argall. The task force was established by the late Senator Jim Rhoades and reconvened by Senator Argall in 2012 in an effort to continue the fight against blight. The task force plays an instrumental role in helping municipalities deal with abandoned and dilapidated properties and encourage revitalization. The task force typically meets quarterly and reviews pending legislation and establishes future priorities. Staff assists in drafting related legislation as may be requested.

Assessment Law and Legislative Task Force Committee

The Assessors' Association of Pennsylvania established the Assessment Law Committee to address and implement needed reforms relating to property assessment practices and procedures. The committee also monitors legislation and court decisions that may impact assessment and real estate tax sale law practices. In the future, the committee additionally will be focusing on developing and implementing training and education curricula related to qualifications of members of assessment appeals' boards ([Act 155 of 2018](#)) as well as "best

practices” standards recommended by the Local Government Commission’s Property Assessment Reform Task Force. Representatives of the Assessors’ Association of Pennsylvania, the County Commissioners Association of Pennsylvania and staff of the Local Government Commission make up the committee.

Providing a Forum for Statewide Municipal Associations

Each year, statewide municipal associations’ members, at their annual conferences, adopt resolutions to advocate for legislation beneficial to their municipalities, which are sent to the Local Government Commission for consideration. The Commission usually receives resolutions from the County Commissioners Association of Pennsylvania, the Pennsylvania State Association of Boroughs and the Pennsylvania State Association of Township Supervisors (PSATS), and reviews the Pennsylvania Municipal League’s Legislative Priorities. Staff screens the resolutions and priorities to identify those which are germane to the Commission’s purpose and function. Commission members then deliberate on resolutions and decide which ones staff should draft into bills for Commission sponsorship. For example, in the recent 2017-2018 legislative session, the Commission sponsored a four bill package, amending each of the municipal codes to permit municipal purchase of used personal property from volunteer emergency service organizations without competitive bidding, thus potentially saving municipalities money. The legislation, becoming Acts 140 through 143 of 2018, originated from PSATS Resolution 43 of 2016. Occasionally resolutions deemed inappropriate for Commission sponsorship are taken up by individual Commission Members.

The Commission affords representatives of the Pennsylvania State Association of Elected County Officials (PSAECO) an opportunity to provide a quarterly update on legislative priorities and concerns at the Commission’s March, June, September and December monthly business meetings. PSAECO is comprised of delegates from its member associations of county commissioners, auditors, controllers, coroners, district attorneys, prothonotaries and clerks of courts, recorders of deeds, registers of wills and clerks of orphans’ courts, sheriffs and treasurers. An example of a recent long-term legislative initiative is the comprehensive modernization and consolidation of the County Code and Second Class County Code as the latter pertains to second class A counties. PSAECO established a County Code Revision Committee to begin the process of the update. Shortly thereafter, in March 2011, the Commission committed staff support to the committee during a lengthy, multiyear revision process, which resulted in [Act 154 of 2018](#) as discussed more fully on page 6 of this report.

Reviewing Intergovernmental Cooperation Agreements

The Pennsylvania Constitution, Article IX, Section 5, provides that “[a] municipality may . . . cooperate or agree in the exercise of any function, power or responsibility with, or delegate or transfer any function, power or responsibility to, one or more other governmental units including other municipalities or districts, the Federal government, any other state or its governmental units, or any newly created governmental unit.”

In 1972, the General Assembly adopted enabling legislation pursuant to this constitutional authorization. Now set forth in Title 53 of Pa.C.S., [Sections 2301-2315](#), the law relating to intergovernmental cooperation was originally adopted as Act 180 of 1972. It authorizes two or more “local governments” to “jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities.” 53 Pa.C.S. § 2303(a). A provision of Act 180, now found at Title 53 of Pa.C.S., Section 2314, required that certain intergovernmental cooperation agreements be submitted to the Commission for review and recommendation. Review is not necessary for agreements between local governments within Pennsylvania. However, review is required for agreements between a Pennsylvania local government and “the Commonwealth, any other state, government of another state or the Federal Government”

In 2012, the Commission facilitated Act 92, an amendment to Section 2314 to extend the review period and further clarify and narrow the types of intergovernmental cooperation agreements subject to Commission review. Based on significant past experience, the Commission determined that some agreements subject to Commission review did not implicate questions of the scope of municipal power, and were either expressly authorized in law or routine contractual functions. Consequently, the law currently reflects an enumeration of exceptions to agreements that would otherwise be subject to Commission review at subsection 2314(c).

The law specifies that the Commission’s role in reviewing agreements is advisory, and the Commission has always interpreted review as not involving any power to modify, veto or prohibit. Furthermore, the Commission is not charged with making judgments or commenting on the fiscal impact, societal or economic ramifications, or other policy implications of an agreement. In accordance with the requirements of the law, it is only charged with preparing a “response” to the agreement “with regard to form and compatibility with the laws of this Commonwealth.” The Commission also has the authority to recommend changes to the agreement.

After receipt of an agreement and authorization from the Commission, the Commission legal staff conducts a review and prepares a summary and recommendation for deliberation by the Commission Members. After review by Members of the Commission, the executive director transmits notice of the completion of the review, along with any recommendations, to the official or entity requesting the review.

Since the passage of Act 92, which exempted certain frequent types of agreements from review, the Commission has seen a significant reduction in agreement reviews during this reporting period and anticipates that such reductions will continue. Nevertheless, since 2014, the following intergovernmental cooperation agreements have been reviewed by the Commission:

- July 12, 2016 – An Agreement between the City of Pittsburgh and the City of Cleveland, Ohio, permitting Pittsburgh to provide the service of police officers to Cleveland for operational assistance during the Republican National Convention.
- December 7, 2016 – An Agreement between the City of Pittsburgh, the Metropolitan Police Department of Washington, D.C., and the United States Attorney’s Office for the District of Columbia setting forth the terms and conditions under which City personnel would participate as deputies in the Presidential Inauguration Task Force.

Providing Staff Outreach

Commission staff is available, as time permits, to participate in nonpartisan educational outreach to elected officials, municipal associations, state agencies and constituents. These efforts include accompanying Members to meetings of local officials to provide expertise on municipal issues being discussed in the Member’s district, and presenting and moderating seminars on local government issues. Commission staff has routinely participated on legislative and legal update panels at the municipal association conferences. Upon the request of a Member or with the authorization of the Commission, the executive director assigns staff or appears personally to interact with municipal officials or constituents as an additional service to the Members of the General Assembly or as a courtesy to the local government associations.

Resources

New Commission Website

LOCAL GOVERNMENT COMMISSION of the PENNSYLVANIA GENERAL ASSEMBLY

In 2015, as an outcome of the 2015 Commission Strategic Plan, staff worked with the Legislative Data Processing Center (LDPC) to redevelop and subsequently maintain the Commission's website (<http://www.lgc.state.pa.us>). The change over from a private webmaster to LDPC saved the Commission thousands of dollars. Moreover, staff worked with LDPC to modernize the website, enhance its appearance, organization and ease of use, and added new features, including:



- Laws governing the Local Government Commission.
- [Commission legislation and bill summaries](#).
- An up-to-date [report on status of Commission legislation](#).
- Quarterly legal updates on recent municipal-related case law.
- An [email subscription](#) function for upcoming events, projects and publications.
- A [webpage](#) for requesting copies of the County, Borough, Third Class City, First Class Township and Second Class Township Codes.

The website functions as a conduit through which Members and their staff, government agencies and associations, and constituents can access information pertaining to:

- Local governments in Pennsylvania.
- Commission legislation, reports, publications and projects.
- The Commission's *Pennsylvania Legislator's Municipal Deskbook*, *Quarterly Legal Updates* and *Summaries of Acts Signed into Law*.
- Pennsylvania municipal codes.
- Frequently cited municipal laws of Pennsylvania.
- Municipal bidding limits.
- [Monthly financial reports and Commission meeting minutes](#).
- [General information about the Commission](#), its membership and its staff.

Of note, the most utilized sections of the Commission's site are the *Municipal Deskbook* and frequently cited municipal laws. These sections provide a high-level of user function because the 50 issue-specific *Deskbook* articles and almost 100 linked municipal laws serve as concise and quick references for Legislators and their constituents.

The most accessed Commission publications—the *Deskbook*, *Legal Update* and *Acts Signed into Law*—are now primarily produced and accessed electronically, and can be updated immediately.

Pennsylvania Legislator’s Municipal Deskbook

The Commission staff created the *Pennsylvania Legislator’s Municipal Deskbook* as an online publication to provide a collection of useful and concise articles on fundamental concepts regarding municipal government, common local government-related concerns that may arise from constituent inquiries, and various resources pertaining to municipal issues, including laws affecting municipalities, pertinent publications, contacts for government agencies and municipal associations, and relevant websites. In essence, the *Deskbook* offers suggestions on the approach to constituent inquiries, information for understanding the organization and operation of local government, and articles relating to citizens’ rights, municipal governance, public health, safety and welfare, land use, and taxation and finance.

The Commission staff published the first edition of the *Deskbook* in 2002, and has updated and expanded it periodically through the most recent fifth edition published in 2017. The publication has substantively grown by 40 percent since its first printing. All professional staff has contributed articles to the publication. The current edition is available on the [Commission’s website](#) and may be downloaded as a single document or by article.

Quarterly Legal Update

As noted under “Member and Constituent Inquiries,” Commission attorneys have historically provided written memoranda on cases of special significance to municipal law, both for internal use and for Members or legislative staff. In 2016, Commission staff initiated a new periodical intended to provide a selection of summarized federal and state appellate court decisions from the previous quarter that impacted municipal law. The *Quarterly Legal Update* also contains a selection of local government-related bills moving through the General Assembly. Not only does the *Update* provide Commission “customers” a steady stream of recent developments in local government appellate adjudications, but the summaries have prompted discussion by policymakers and stakeholders on potential legislative responses to decisions.

The *Update* is distributed to the same subscribers that receive the Commission’s *Acts Signed into Law* publication, and is similarly published on the Commission’s website and distributed through Twitter.

Summaries of Acts Signed Into Law by the Governor

Since the late 1970s, the Commission has published a listing entitled *Acts Signed into Law by the Governor*. Initially, the list was meant to enumerate the subject matter of each bill when it was enacted. Its purpose was to enable Legislators, as swiftly and accurately as possible, to determine which legislative proposals successfully became law. The *Acts Signed into Law* has evolved since its inception. Partly as a result of two polls taken of its main users—Legislators and their staffs—the listing has become more exacting and specific in its descriptions. Although respondents were mostly satisfied with the accuracy and timeliness of the list, many

wished to be able to pinpoint specific items included in the new laws. In response, the Commission staff has expanded its efforts and strives to provide a brief and objective summary containing a comprehensive enumeration of the major concepts contained in the acts.

The entire staff is responsible for compiling the *Acts Signed into Law*. Individual staff members initially compose specific act summaries. The entire staff then reviews each summary and the compiled listing for content and accuracy, resulting in a unique resource.

Although the publication is compiled as a service to the General Assembly, its use is not limited to Members and their staffs. The *Acts Signed into Law* is also sent electronically to various individuals and groups, including former Legislators, court officials, local officials, media representatives, law enforcement agencies, executive agencies, libraries, law firms, local government associations and local government-related groups. The publication, from 1993 to present, is available on the [Commission's website](#) and is searchable by key word(s).

Updating, Publishing and Distributing Municipal Codes

Each class of municipality operates under its own code of law. The codes establish governmental structure and delineate general and specific powers of local governments. Codes published by the Commission included The County Code, The Third Class City Code (including Optional Third Class City Charter Law), Borough Code, The First Class Township Code, and The Second Class Township Code.

The [Local Government Commission Law](#) defines the Commission's statutory responsibility of updating, publishing and distributing these municipal codes, although recent changes in law are affecting the Commission's duties in this regard.

- Act 110 of 2013 amended [Title 45 \(Legal Notices\)](#) of Pa.C.S. to permit the Commission to electronically publish the five municipal codes in lieu of or in addition to printed copies. Should the Commission publish the codes electronically, it must maintain them on the Commission's website and update them within 60 days of enactment of any amendments.
- The Borough Code has been placed in Title 8 (Boroughs and Incorporated Towns) and the Third Class City Code has been placed in Title 11 (Cities) of Pa.C.S. by Act 37 of 2014 and Act 67 of 2015, respectively, and therefore, have not been published and distributed by the Commission recently. However, both codes are available by subscription from the Legislative Reference Bureau (LRB), by purchase online from [shopPAheritage.com](#), or at no cost through the Pennsylvania General Assembly's or Local Government Commission's websites.
- Similarly, The County Code, as comprehensively amended by Act 154 of 2018, has not been published and distributed by the Commission lately given that the Commission is working with the LRB to have the code placed in Title 16 (Counties) of Pa.C.S. during

the 2019-2020 Legislative Session. The Commission plans to make the Title 16 publication available in a manner similar to the Title 8 and Title 11 publications.

When the General Assembly ended the 2017-2018 Legislative Session, Commission staff turned out new cumulative supplements for The First Class Township Code and The Second Class Township Code. Staff completed the update and publication of the two supplements, and their distribution to over 1,500 respective municipalities and about 9,900 designated elected and appointed officials in the Commonwealth within three months of the end of the legislative session.

The codes, along with cumulative supplements, have been supplied principally to all Members of the General Assembly, as well as to elected and appointed municipal officials throughout the Commonwealth. Upon request by a Member, the Commission has made available, at no cost, copies of the various codes for distribution, either through the Member's office or through the Commission's office as directed by the Member, to specified parties such as constituents with an interest in the operation, evaluation or study of Pennsylvania's local governments. To illustrate, Legislators requested approximately 700 codes on behalf of constituents during the 2017-2018 Legislative Session. ShopPAheritage.com also has The First Class Township Code and The Second Class Township Code available for purchase at a reasonable price.

Pennsylvania Municipalities Planning Code Recodification & Amendments: 1988-2005 & Cumulative Supplement

Over the course of 12 years, since the reenactment and amendment of the Pennsylvania Municipalities Planning Code (MPC) by Act 170 of 1988, the Commission has published and distributed summaries and analyses of amendments to the MPC in 1989, 1993, and 2000, with each of the latter two editions being updated to reflect any new amendments. These publications, the likes of which have only been published by the Commission, have been popular and valuable references for Legislators, governmental officials, attorneys and others.

In 2006, the Commission consolidated the three publications into a new one entitled *Pennsylvania Municipalities Planning Code Recodification and Amendments: 1988-2005*. In the process, staff prepared summaries and analyses of amendments to the MPC since the 2000 edition, and updated all the case law and reference citations. Since then, staff also produced in-house an up-to-date [cumulative supplement](#) every two years, at the end of each legislative session, to address any subsequent revisions to the MPC. The 2006 publication and current cumulative supplement are available on the Commission's website "Full Listing of Publications" webpage.

State Mandate Project

In 1981, the Commission initiated a long range project to study mandates imposed by the Commonwealth upon political subdivisions. The project resulted, in part, with development

of a database that dealt with broadly defined mandates, consisting of duties imposed or authorized by the State Constitution and statutes.

Staff identified nearly 8,000 discrete mandates. Each located mandate was described by an array of operational and functional characteristics that was intended to create a comprehensive and reviewable inventory of mandates for use by the General Assembly, political subdivisions and academicians.

Commission staff continues to maintain the mandate database by updating it whenever it is affected by statute or change to the Pennsylvania Constitution. This is done to maintain the ongoing integrity of the vast database.

Currently, the database is available for periodic use upon request, which typically has been for research purposes. For example, analysis of “auditor,” “State Planning Board” or “second class township” can be retrieved from the database, individually or collectively, and could exhibit all constitutional or statutory mandates relating to the subject or subjects.

Legislative Update

The *Legislative Update* is a document generated each legislative session by Commission staff. It is comprised of summaries of selected bills pertaining to local government in Pennsylvania and is organized into several parts—First Class Townships, Second Class Townships, Boroughs, Taxation and Finance, Environment and Land Use, Community Revitalization, Emergency Services, and Municipal Governance. Staff prepares summaries of pertinent bills from the current legislative session, including the bills’ present status, and places them into the appropriate categories. The *Update*, on average, contains over 120 bill summaries, which staff modifies on a weekly basis to reflect substantive amendments and new printer’s numbers.

Members who wish to address local government issues in speaking engagements primarily use the *Update*. If requested, staff will glean from the *Update* the bills that are progressing through the legislative process and highlight those of importance to a given constituent group.

Prospective Commission Projects

Enhancements to the Municipalities Financial Recovery Act (Act 47 of 1987)

To support the ongoing work of the Commission formed committee considering the current state of the Act 47 program, Commission staff are seeking input from communities throughout the Commonwealth on the relationship between tax exempt entities and local taxing districts. By better understanding existing agreements and contracts to provide payments in lieu of taxes (PILOTs) or in-kind services, staff will seek to establish best PILOT practices which may be implemented in distressed and fiscally healthy communities alike. Staff will also continue to work towards more efficient home rule utilization, fair and reliable long-term revenue options, and better tools to support the sale and lease of municipal assets in distressed municipalities.

Examination of the Home Rule and Optional Plans Law

Commission staff has started initial planning and information gathering for the first comprehensive review of the Home Rule and Optional Plans law since its incorporation into the Pennsylvania Consolidated Statutes in 1996. Historical and current inefficiencies, resolution of issues related to court decisions, and modernization where appropriate will be considered through both a section-by-section legal review and surveys or interviews with government study commission members, consultants and municipal officials from a variety of home rule and optional plan municipalities. Where warranted, omnibus legislation will be drafted for consideration by the Commission and reports or presentations will be made available to the General Assembly and other stakeholders.

Incorporation of the County Code into Title 16 of the Pennsylvania Consolidated Statutes

The comprehensive [County Code and Second Class County Code Consolidation and Revision](#), as the latter code pertains to second class A counties, became law as Act 154 of 2018 on October 24th and went into effect 60 days thereafter on December 24th. The Second Class County Code remains in effect for second class counties.

As the next step, Commission staff will work with the Legislative Reference Bureau to place the [County Code into Title 16 \(Counties\)](#) of the Pennsylvania Consolidated Statutes as has similarly occurred with the Borough Code ([Title 8](#)) and the Third Class City Code ([Title 11](#)). Upon completing the draft legislation, staff plans to propose its introduction by the Commission in 2019. The Title 16 bill will largely be substantively the same as the County Code as amended by Act 154 of 2018, but will be restructured to conform to consolidated statute format. The goal is to have the Title 16 legislation enacted before the end of the 2019-2020 Legislative Session.

The purpose of an initial omnibus amendment to the County Code with Act 154 of 2018 was to make all the changes transparent to the Members of the General Assembly. Those changes would not have been transparent had the omnibus amendment been part of a recodification of the County Code into Title 16.

*Incorporation of the First Class Township Code into Title 73
of the Pennsylvania Consolidated Statutes*

Upon the First Class Township Code recodification bill going through the legislative process and being enacted into law, the Commission staff envisions working with the Legislative Reference Bureau to place the Code into Title 73 (Townships) of the Pennsylvania Consolidated Statutes, which has occurred with the Borough Code (Title 8) in 2014 and the Third Class City Code (Title 11) in 2015.

Staff Information

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