

# Municipal Reporter



### **Congratulations!**

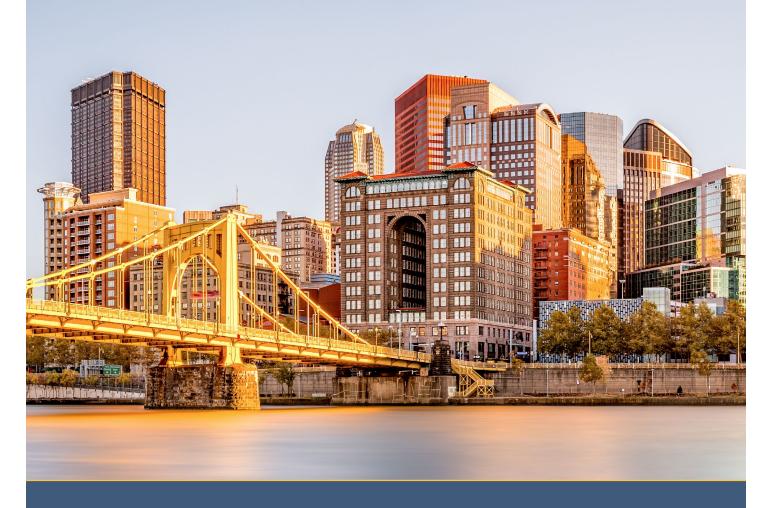


2021-22 League President Danene Sorace Mayor, City of Lancaster



2021-22
PSATC President
Sam Valenza
Commissioner, Upper
Moreland Township

# Managing Institutional Portfolios Since 1972



#### **CS McKee**

One Gateway Center Pittsburgh, PA 15222 csmckee.com · 412.566.1234







#### **OFFICERS**

**President** – Danene Sorace, Mayor, Lancaster

First Vice President – Michael Lombardo, Mayor, Pittston

**Second Vice President** – Douglas Baker, Mayor, Franklin

Secretary/Treasurer – Rick Schuettler, League Executive Director

#### **STAFF**

Executive Director — Rick Schuettler, x\*235 – Publisher

**Director of Communications** – Debbie Bitting, x\*223 – *Editor* 

Accounting Clerk – Shawn Bradford, x\*231

Executive Director Designate – John Brenner, x\*230

**Training and Development Manager** – Alexis Brower, x\*253

Marketing and Member Services Representative – Marcia Cavanagh, x\*256

Meeting Manager – Mary Costik, CMP, x\*232

Risk Management/Claims Coordinator – Steve Ecker, x\*247

Governmental Affairs Representative – Kaitlin Errickson, x\*226

Member Service Representative U•COMP – Debbie Gross, x\*254

Director of Finance and Administration – Susan Helms, CPA, x\*228

PennPRIME Member Services Coordinator - Cindy Howarth, x\*250

Communications Manager – Holli Hugendubler, x\*233

Accounting Clerk – Colleen Ingersoll, x\*234

Communications Representative – Britton Kosier, x\*224

Director of Marketing and Member Services – Harry Krot, x\*321

Executive Assistant – Amanda Lane, x\*319

Facilities and Systems Manager – Lisa Longenecker, x\*229

Director of Training and Development – Vacant

**Sustainability Coordinator** – Leslie Rhoads, x\*237

**Training and Development Representative** – Christy Saliaris, x\*322

**Director of Governmental Affairs** – Amy Sturges, x\*225

Director of Insurance Services – Angela Tennis, x\*258

Insurance Services Representative – Dona Yedlock, x\*249



**President** — Sam Valenza, Upper Moreland Township

First Vice President – Sam Juliano, North Versailles Township

**Second Vice President** – John Jablowski, Wilkes-Barre Township

**Third Vice President** – Dennis Arthur, Tinicum Township

Secretary/Treasurer - Tiffany O'Neill, Lower Merion Township



**President** – Amy Farkas, Manager, Harris Township

First Vice President— Gregory Primm, Manager, Allegheny Township

Second Vice President – Amanda Serock, Manager, Concord Township

Secretary/Treasurer/ Managing Director — Rick Schuettler, League Executive Director



### Unemployment

### **Compensation**

### Coverage

# Serving

# Municipalities

And

**Authorities** 

**Since** 

1985

For more information, please call Debbie Gross at 1-800-922-8063 or email dgross@pml.org.

The Pennsylvania Municipal League 414 North Second Street Harrisburg, PA 17101

- ✓ Your partner to lower unemployment claims.
- ✓ Open to all classes of Pennsylvania municipalities and authorities.
- Provides great opportunities for dividends.
- ✓ Offers representation at unemployment hearings.
- Competitive annual rates due to actuarial calculations.
- ✓ No separate sign-up fees to join the program.
- ✓ Prompt and professional service through experienced support staff.



PML.org

# **Our Mission**

To strengthen, empower and advocate for effective local government.

The League is a nonprofit, nonpartisan organization established in 1900 as an advocate for Pennsylvania's 3rd class cities. Today, The League represents participating Pennsylvania cities, boroughs, townships, home rule communities and towns that all share The League's municipal policy interests. Our Board of Directors oversees the administration of a wide array of municipal services including legislative advocacy (on both the state and federal levels), publications designed to educate and inform, education and training certification programs, membership research and inquiries, programs, and group insurance trusts.

We are continually monitoring the needs of our members and are committed to providing the Commonwealth's municipalities with cost-effective programs and services required to meet the distinct needs of their communities.

The *Municipal Reporter* is a publication of the Pennsylvania Municipal League, the Pennsylvania State Association of Township Commissioners and the Association for Pennsylvania Municipal Management. It is published three times a year.

Opinions expressed by authors and advertisers are not necessarily those of the officers, members and staff of The League. Original articles on subjects of interest to municipal officials are welcome, but subject to review by editorial staff. The publisher has the right to reject unsuitable advertising.

All inquiries should be addressed to Debbie Bitting, Director of Communications, at:

717-236-9469, x \*223, **dbitting@pml.org**, Fax 717-724-1663 414 North Second Street, Harrisburg, PA 17101



PML.org





**RISK MANAGEMENT EDITION CONTENTS** 

#StrengthThroughEngagement

#### COVER

# Published by the Pennsylvania Municipal League · Winter 2021 Municipal Reporter



#### Congratulations!



- 3... Association Officers and League Staff
- 7... Calendar of Events
- 8... League President's Message
- 9... League Executive Director's Message
- 10 .. Inside The League The Schuettler Center
- 11 .. In Recognition of Retiring Executive
  Director Rick Schuettler
- 12 .. League Leaders Mayor Douglas Baker
- 14 .. Risk Management Articles
- 20 .. Municipal Leadership Summit
- 22 .. Business Leaders Network
- 24 .. League News

- 25 .. PennPRIME
- 29 .. U•COMP
- 30 .. Legislative Status Report State
- 36 .. Legislative Status Report Federal
- 38 .. Public Finance
- 42 .. Legal Notes
- 44 .. Professional Directory
- 46 .. PSATC President's Message
- 47 .. PSATC News
- 49 .. APMM President's Message
- 50 .. APMM News

Annual subscription rate for The League's Municipal Reporter - \$45.

© 2021 Pennsylvania Municipal League



# Let's invest in you.

We're here – for our largest districts and smallest municipalities; for the market-savvy and the first-time investors; for the long haul and the short term.

#### We're here for you.

40 years of serving local governments and schools
Liquid and long-term options
Dedicated service team
Variety of portfolio choices
Cash management services

#### PLGIT.com | 800-572-1472

This information is for institutional investor use only, not for further distribution to retail investors, and does not represent an offer to sell or a solicitation of an offer to buy or sell any fund or other security. Investors should consider the investment objectives, risks, charges and expenses before investing in any of the Trust's portfolios. This and other information about the Trust's portfolios is available in the current Information Statement, which should be read carefully before investing. A copy of the Information Statement may be obtained by calling 1-800-572-1472 or is available on the Trust's website at www.plgit.com. While the PLGIT and PLGIT/PRIME portfolios seek to maintain a stable net asset value of \$1.00 per share and the PLGIT/TERM portfolio seeks to achieve a net asset value of \$1.00 per share at its stated maturity, it is possible to lose money investing in the Trust. An investment in the Trust is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Shares of the Trust's portfolios are distributed by PFM Fund Distributors, Inc., member Financial Industry Regulatory Authority (FINRA) (www.finra.org) and Securities Investor Protection Corporation (SIPC) (www.sipc.org). PFM Fund Distributors, Inc. is a wholly owned subsidiary of PFM Asset Management LLC. SMPLGIT, PLGIT-Class Shares, PLGIT/Reserve-Class Shares, PLGIT/PRIME, PLGIT/TERM, PLGIT-CD, and PLGIT-CAP are service marks of the Pennsylvania Local Government Investment Trust. All facts and figures are as of December 31, 2020.

# **Mark Your Calendar**

League Board of Directors Hybrid Meeting February 1

Wyndham Garden State College

Newly Elected Officials Orientation Program February 2–3

Wyndham Garden State College

APMM Executive Development Conference February 10-11

Hotel Hershey

PennPRIME Virtual Board of Trustees Subcommittee Meetings February 24

> PennPRIME Virtual Board of Trustees Meetings February 25

> > U•COMP Board of Trustees Meeting March 4 Hotel Hershey

> > NLC Congressional City Conference March 14–16 Washington D.C.

> > > PELRAS Annual Conference March 16–18

Penn Stater Conference Center Hotel, State College

League Regional Envision Forum – Northcentral March 31

Hyatt Place State College

League Regional Envision Forum - Northeast

April 1

Hilton Scranton & Conference Center

League Virtual District Meeting with Breakouts

April 14

League Regional Envision Forum – Northwest

April 20

Wanango Country Club, Reno

League Regional Envision Forum – Southwest

April 21

RLA Regional Learning & Conference Center, Cranberry Twp.

League Regional Envision Forum – Southwest

April 22

Upper St. Clair Twp. Community & Recreation Center

League Regional Envision Forum - Southcentral

May 5

Hilton Harrisburg

**League Regional Envision Forum – Southeast** 

May 6 TBD

APMM Annual Conference May 23-25 Hotel Hershev PML.org

# The League President's Message



DANENE SORACE

MAYOR

CITY OF LANCASTER



Dear League Members,

In the coming year, I'm looking forward to visiting each of the six districts as part of renewed efforts to deepen member engagement and ownership. I'll be joined by League staff with the express purpose of elevating critical issues, promising solutions, and longer-range thinking and planning as part of Envision 2032: Charting the Future for Pennsylvania's Municipalities.

This work could not be timelier as we both recover from the pandemic and continue to address other challenges that existed before COVID-19. This edition's focus on risk management is an example of one of those challenges – planning for, mitigating and responding to risk is an essential function of local government. Cyber risks have certainly been elevated over the last several years along with infrastructure, climate and public health.

Finally, I want to thank past president Councilmember Derek Green, Philadelphia, for his leadership during the past year and to the board for this opportunity. The Pennsylvania Municipal League is as strong as its leadership and its members. As incoming president, I look forward to carrying the work forward to meet the future, whatever it may bring, with strength and purpose.

Sincerely,

Danene Sorace

Canen Sorace

# The League Executive Director's Message

#### Members,

I know each and every local government official, elected and appointed, reading this issue of the Municipal Reporter, aspires to improve the quality of life for their residents. I would offer that as local government leaders, you must engage a systemic approach to identifying, assessing and managing risk in order to achieve that objective. I am confident you will gain information from this issue that will assist in the employment of best practices for the various risk management disciplines.

This will be my last Municipal Reporter message to you as Executive Director. I have been truly honored and privileged to serve you. I am completely humbled the Center for Municipal Development will now be known as the Richard J. Schuettler Center for Municipal Development or, mercifully shorter, The Schuettler Center. I thank the Board of Directors for this wonderful gesture.

With your engagement I know my successor, John Brenner, and his team will guide The League to even greater levels of success. Good luck to all.



**RICK SCHUETTLER** 



Stay safe and well,

Richard J. Schuettler

Frehil & Schretter



### League News...

# Inside The League



JOHN BRENNER
EXECUTIVE DIRECTOR DESIGNATE

#### **The Schuettler Center**

Over the past several years, I've tried to give you a behind the scenes look at The League, our organization and the incredibly talented and dedicated folks who make up the staff, officers, Board of Directors and members of this association. Since the July 2021 Board meeting, a clandestine effort has been underway here at The League to plan and properly honor our Executive Director, Rick Schuettler (cue the theme songs from Get Smart, Secret Agent Man and Mission Impossible).

Thanks to our great partners at the Campbell Durrant, P.C. law firm for their diligent advice and legal assistance, we were prepared to have a covert Board meeting and unveil our secret staff plan to officially rename The League's Center for Municipal Development after our retiring boss. Our 2020-21 President, Philadelphia Councilmember Derek Green, should have received an Oscar for his starring role in the drama to have Rick leave the Board call (thankfully we had that one on Zoom!) while the Board voted unanimously for us to proceed with the legal action to change the name.

Honoring Rick was a no-brainer as he wasn't interested in a fancy retirement dinner or event and he's not a golfer. Placing his name on The League's 501c3 non-profit entity in perpetuity as we have enhanced municipal training and leadership on his watch, helped shine a light on his unswerving commitment to local government over his career. Due to zero or limited travel since March 2020, offering folks the opportunity to donate in honor of this newly named Center just made perfect sense.

In only a few short weeks, the pledges started coming in. By the time we were gathering in Lancaster for the Annual Municipal Leadership Summit with the Township Commissioners, over \$53,000 had been pledged. Thank you to every staff member, Business Leader, municipality, organization and individual who stepped forward to make a contribution. Your support speaks volumes. We had a big check made up and we contacted Rick's family. You can watch the presentation and Rick's humble comments. Clearly those in the room that day were truly moved and showed their outpouring of support and appreciation.

If you were unable to join us in Lancaster but still feel moved to support this effort, please <u>make a pledge</u> and help us honor Rick by creating a lasting tribute to him and helping lay the important groundwork for the future of training and leadership opportunities for local government in our Commonwealth.

From Inside The League,

John S. Brenner

# Congratulations and Best Wishes to our Retiring Executive Director - Rick Schuettler!

CLICK ON the pictures below to enjoy videos in honor and recognition of Rick's 20 years of dedication and service to The League and for his distinguished leadership over the last 8 years as executive director!







See also the NLC Board of Directors <u>Resolution</u> of Acknowledgment for Richard J. "Rick" Schuettler's Service to the Citizens of Pennsylvania and the National League of Cities.

# Q&A with League Leader Douglas Baker Mayor City of Franklin 2nd Vice President



This Q&A feature section of the Municipal Reporter highlights an individual local leader who has been involved and engaged with their community and The League.



# Q: Mayor Baker, thank you for your service as Mayor of the City of Franklin. How did you get involved with local government?

In the late '70s, I was working in a retail store in downtown Franklin that was frequented by some of the Franklin Police Officers when they were on foot patrol. When it was announced that the store was closing, one of the officers suggested that I would make a good police officer and I enthusiastically agreed.

In preparation for bolstering my employability,
I took an Emergency Medical Technician
(EMT) class and worked part time for the local
ambulance service and a neighboring municipal
police department.

On April 1, 1981, I was sworn in as a Patrol Officer for the Franklin Police Department. While there, I worked as a Patrol Officer, Detective, Public Safety Officer and Lieutenant.

As a Public Safety Officer, I maintained my Police and EMT Certifications and was cross-trained as a Firefighter. As a Lieutenant, I was a shift supervisor and in charge of the Police Operations at our many parades and special events.

A few months after I retired from the Police
Department, I was recruited to fill a vacancy on
the City Council. I was appointed to that seat in
2004 and served in that capacity until the end
of 2009. I was elected Mayor in 2009, started my
first term in 2010 and will start my fourth term in
January 2022.

# Q: What leadership advice do you have for other local leaders?

Become a good listener.

# Q: What has been your most rewarding experience as an elected official?

In 2010, the American Planning Association designated the downtown business area of our Main Street as a Great Place in America. We have also been named a Tree City USA by the Arbor Day Foundation and a Bicycle Friendly Community by the League of American Bicyclists.

# Q: What has been the greatest challenge in your position?

There has been at least one unexpected challenge during every term I have served. However, navigating the challenges of the pandemic and erosion of trust over the past couple of years has been most difficult.

# Q: Thank you for serving on The League Board as our Second Vice President. How has your involvement with The League helped you and your community?

The League itself is a great resource for information on a variety of topics and relevant training. Networking with fellow municipal leaders is a rewarding experience and I enjoy visiting other communities to see how they are

doing things. I also appreciate the insight that is provided by the Business Leaders Network.

# Q: What advice do you have for people considering municipal government as a career or in an elected role?

Working to make your community a better place to live is a worthy cause and can be a rewarding experience. Try to maintain a positive attitude and take care of yourself, your community depends on you.

# Q: As this is our Risk Management Issue, can you please share any of Franklin's risk management practices/initiatives?

The City of Franklin has adopted an All Hazard Mitigation Plan in cooperation with the County Emergency Management Office. We also have Operational Procedures for our Water and Wastewater Treatment Facilities. Our Police Department has written Policies and Procedures and the Fire Department has significant Preplanning and Mutual Aid Agreements with neighboring communities.

# Managing a Company's Cyber Risk Is a Team Effort

# General counsel are often well positioned to play a leading role in the process

BY KURTIS SUHS, MANAGING DIRECTOR, CYBER OPS, LLC

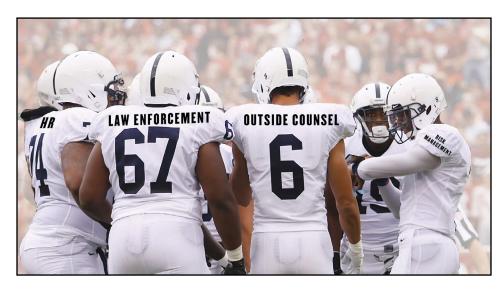
The general counsel's role in managing cyber risk should start well before a cyber-incident. From projects that may range from compliance work, third-party contract reviews and vendor due diligence to employee training and tabletop exercises, in-house counsel can be prime contributors to cyber risk readiness.

As the threats of significant financial loss and reputational damage continue to grow, lawyers can help drive the process to elevate their organization's cyber risk readiness. In the past three years, the role of in-house counsel has greatly expanded in response to increased civil litigation, regulatory scrutiny and a steady stream of new international, federal and state laws.

General counsel are often well positioned to help coordinate the efforts of their colleagues. That is because cybersecurity is not just an IT issue, but a business strategy that may create legal obligations for the organization. And no one group can build cybersecurity alone. This is definitely a team sport, and it requires a roster that is wide and deep. Let's review some of the players.

#### **Board of Directors**

Boards of directors are ultimately liable for a company's missteps and responsible for its survival, and



in today's interconnected world, cyber resilience is a big part of that responsibility. General counsel today are seen as trusted board advisers who wield influence over their companies' legal and business strategy. Instead of reactively analyzing an issue from a purely legal perspective, general counsels help remove obstacles and foster business objectives in a proactive manner. Meanwhile, they are expected to ensure that the organization maintains the highest standards of legal and ethical behavior, adroitly balancing the dual imperatives of company performance and corporate integrity.

The importance of the law department is reflected in the second of five principles listed below, which spell out what all corporate boards should consider as they seek to en-

hance their oversight of cyber risks. These appeared in the Director's Handbook on Cyber-Risk Oversight, published by the National Association of Corporate Directors (NACD).

- Directors need to understand and approach cybersecurity as an enterprisewide risk management issue, not just an IT issue.
- Directors should understand the legal and regulatory implications of cyber risks as they relate to their company's specific circumstances.
- Boards should have adequate access to cybersecurity expertise, and discussions about cyber-risk

management should be given regular and adequate time on the Board meeting agenda.

- Directors should set the expectation that management will establish an enterprisewide risk management framework with adequate staffing and budget.
- Board-management discussion of cyber risk should include identification of which risks to avoid, accept, mitigate, or transfer through insurance, as well as specific plans associated with each approach.

#### **Outside Counsel**

In-house counsel should have a relationship with a law firm that has expertise and experience with data breaches, privacy laws and regulations. One of the most difficult challenges in responding to an incident is deciding whether it triggers statutory or contractual notification obligations that involve employees, customers, vendors, insurers, regulators and law enforcement.

But just as important, outside counsel should be hired by the company that has suffered the potential attack to retain the thirdparty vendors it will need to work with. This could ensure that discussions and work product are subject to attorney-client privilege. Without this attorney-client privilege, any third-party work product may be subject to discovery by the plaintiff's bar for use against the entity or the organization's directors and officers.

#### **Information Security**

In conjunction with their information security teams and other personnel, the general counsel can help develop key aspects of a cybersecurity program. These should include data inventories.

risk assessments, compliance strategies and incident response plan testing through tabletop exercises and breach simulations. With guidance from the information security team, in-house counsel should ensure that the written information security plan is achievable and has a buy-in from all stakeholders. Furthermore, general counsel should ensure that it complies with and meets the minimum standards required by relevant states.

#### **Risk Management**

In-house counsel should work closely with their organization's risk management team to protect the company in the event of an attack. Insurance brokers and outside counsel should also be consulted to best match the types of coverage and policy terms that the organization needs. They can also help risk management evaluate cyber risk within each property and casualty insurance policy, examining for affirmative coverage, excluded coverage, sub-limited coverage or silent coverage (where cyber risk is neither affirmed nor excluded).

#### **Human Resources**

Given that a number of cyber incidents emerge due to the actions of an organization's own workforce, in-house counsel can play a crucial role in managing those risks. The lawyers can assist the human resources department to ensure that an organization's policies are not only drafted but followed, and that disciplinary measures are taken in the event of a violation. The areas covered should include cybersecurity, physical security, data security, security training and employee conduct.

#### Facilities Management

Physical security is a vital part of any written information security plan. Getting the right people involved will save valuable time

and effort as plans and strategies are developed for new and existing resources. From the initial point of physical entry to the protection of an asset, general counsel can take an active role by offering oversight, marshaling resources and serving as an advocate for key stakeholders.

#### Law Enforcement

Organizations should also develop relationships with law enforcement before a cyber-incident. General counsel can often serve as the initial point of contact and help agents access documents and witnesses. Time is of the essence, particularly with business email compromise through hacking and phishing attacks. If victims contact their local FBI field office within 48 hours of a loss, the FBI's Recovery Asset Team has a 75 percent chance of recovering those funds.

#### The Bottom Line

Just as technology, advanced persistent threats, litigation, legislation and the regulatory landscape are rapidly changing, so is counsel's role within the organization. By actively managing decision-making throughout the risk assessment and compliance process, counsel can help prepare their organizations to detect risk and effectively respond when threats arise.

Kurtis Suhs is the Managing Director of Cyber Special Ops, LLC, a Georgia-based company that he founded to advance cybersecurity by using specialized teams and risk management techniques to prepare for and respond to a cyber-event. He has over 33 years of experience in the insurance and financial services sectors, and helped launch the first cyber insurance product in 1997. Using the concierge medicine model, Cyber Special Ops provides guaranteed access to highly credentialed third-party providers for a 

# **Minding The Store**

# How multiple layers of oversight help PLGIT focus on safeguarding public assets

BY COURTNEY MULHOLLAND, SENIOR MARKETING REPRESENTATIVE PLGIT: PENNSYLVANIA LOCAL GOVERNMENT INVESTMENT TRUST

Representatives of the Pennsylvania Local Government Investment Trust (PLGIT or the Trust) regularly travel throughout the Commonwealth to serve the needs of our public entity investors. The most common concerns we hear involve the safety of investments. This stands to reason; in the wake of the financial meltdown of 2008. local governments saw the effects of imprudent investment. In the aftermath of that tumultuous time, local governments have operated in an uncertain environment: venerable investment brands have disappeared, new rules and regulations have emerged, and experts predict continued bank consolidation in Pennsylvania. It's little wonder that safety remains the single most important issue to local governments.

At PLGIT, our primary objective is to preserve the safety and liquidity of our members' funds, and one way in which we focus on safety is by using multiple layers of oversight intended to maintain the highest quality products and practices.

# Professional advice through PFMAM

PLGIT's investment adviser and administrator is PFM Asset Management LLC (PFMAM), which specializes in investments for local governmental entities around the country and in working with local government investment pools like PLGIT. As an investment adviser, PFMAM falls under the purview of

several Securities and Exchange Commission (SEC) rules, relating to:

#### Fiduciary responsibilities.

A registered investment adviser is subject to the Investment Advisers Act of 1940 ("the Act"). Under judicial interpretation of The Act, advisers owe fiduciary duties to their clients. This means that an adviser will act with a duty of good faith and independence in putting its clients' interests above its own.

- Formal policies and pro**cedures.** Rule 206(4)-7 requires registered advisers to adopt and implement written policies and procedures designed to prevent violations of SEC rules. It also requires review, at least annually, of the adequacy of policies and procedures and the effectiveness of their implementation. Finally, it requires the designation of a Chief Compliance Officer for registered investment advisers.
- ▶ Code of Ethics. The registered investment adviser must adhere to standards of conduct that include protection of nonpublic information, guidelines on handling personal securities trading, requirements for reporting violations, recordkeeping, and more.

Standard & Poor's (S&P) provides oversight of the quality of the investments of several PLGIT programs. The shares of the PLGIT and PLGIT/Prime portfolios maintain a rating of "AAAm," the highest possible rating for principal stability from S&P, which has been providing the investment community with independent credit ratings on stocks, mutual funds, corporate bonds and municipal bonds for more than 150 years.

#### Local Oversight by Local Officials

In addition to the broad oversight of the aforementioned options by S&P and PFMAM's adherence to standards overseen by the SEC, PLGIT is overseen closer to home by government officials just like you. PLGIT has an 11-member Board of Trustees elected annually by a majority of PLGIT Investors.

In addition to representing their specific type of municipality, PLGIT Trustees' responsibilities include:

- Reviewing the investments of the Trust:
- Providing researched input regarding programs and services;
- Working directly with PLGIT's service providers; and
- Acting as advocates for the Trust.

With these local governments' guidance and experience, PLGIT invests solely in investments permitted by the codes governing local governments and schools in Pennsylvania. Those investments include:

- ▶ U.S. Treasury Bills/Notes
- Short-term debt of highly rated federal agencies such as the Federal Home Loan Bank
- Appropriately collateralized certificates of deposit and time deposits in banks
- Debt issued by the Commonwealth of Pennsylvania or a state-level agency
- Short-term repurchase agreements with highly-rated financial brokers backed by appropriate collateral held in custody in the name of the Trust

PLGIT's portfolio managers and trading staff buys and sells investments that focus exclusively on meeting Investor needs and finding opportunities to maximize returns in the market only after focusing on the safety of the principal.

#### Seeking stable net asset value

As has been noted in past PLGIT articles, net asset value and protection of a public entity's principal investment, while not specifically connected to oversight, is one of the key goals of all parties participating in PLGIT's oversight.

As a local government investment pool, PLGIT in its portfolios seeks to maintain a stable net asset value of \$1.00 per share for each dollar invested by shareholders. As shares are purchased and redeemed by Investors, dividends are reinvested, and the PLGIT trading staff monitors the market and buys and sells permitted investments

from national broker-dealers and government agencies to help keep PLGIT's assets in line with the shareholders' investments.

In short, instead of having collateralized assets, or assets represented by shares or insurance as required by Pennsylvania Act 72, PLGIT maintains the actual assets.

#### Continued growth

Even with uncertainty in the market, PLGIT programs continue to grow and maintain the trust of its Investors. Eight new governmental entities joined the Trust so far in 2021 bringing our total number of participating governmental entities to 3.095.

For more information about PLGIT oversight and focus on safety, visit our website at <a href="www.plgit.com">www.plgit.com</a> or call vour PLGIT marketing representative at 1-800-572-1472.

Courtney Mulholland is a senior marketing representative and consultant working in PFM Asset Management LLC's (PLGIT'S Investment Adviser) Philadelphia office and serving Investors primarily in the southeastern part of Pennsylvania. She can be reached at

mulhollandc@pfmam.com



This information is for institutional investor use only, not for further distribution to retail investors, and does not represent an offer to sell or a solicitation of an offer to buy or sell any fund or other security. Investors should consider the investment objectives, risks, charges and expenses before investing in any of the Trust's portfolios. This and other information about the Trust's portfolios is available in the current Information Statement, which should be read carefully before investing. A copy of the Information Statement may be obtained by calling 1-800-572-1472 or is available on the Trust's website at www. **plait.com**. While the PLGIT and PLGIT/ PRIME portfolios seek to maintain a stable net asset value of \$1.00 per share and the PLGIT/TERM portfolio seeks to achieve a net asset value of \$1.00 per share at its stated maturity, it is possible to lose money investing in the Trust. An investment in the Trust is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Shares of the Trust's portfolios are distributed by PFM Fund Distributors, Inc., member Financial Industry Regulatory Authority (FINRA) (www.finra.org) and Securities Investor Protection Corporation (SIPC) (www.sipc.org). PFM Fund Distributors, Inc. is a wholly owned subsidiary of PFM Asset Management LLC.

SMPLGIT, PLGIT-Class Shares, PLGIT/ Reserve-Class Shares, PLGIT/ PRIME, PLGIT/TERM, PLGIT-CD

and **PLGIT-CAP** are service marks of the Pennsylvania Local Government Investment Trust.

Standard & Poor's fund ratings are based on analysis of credit quality, market price exposure, and management. According to Standard & Poor's rating criteria, the AAAm rating signifies excellent safety of investment principal and a superior capacity to maintain a \$1.00 per share net asset value. However, it should be understood that the rating is not a "market" rating nor a recommendation to buy, hold or sell securities. For a full description on rating methodology, visit Standard & Poor's website (Standard & Poor's).

# Local Governments Choose Renewables for Powering Facilities, Expand to Residents



#### PROVIDED BY CONSTELLATION

The United Nations has reported that cities consume almost 80 percent of the world's energy and produce more than 60 percent of greenhouse gas emissions, directly impacting the climate and the health of citizens. Therefore, every local government has a role to play in the important initiative focused on cleaner air and mitigating the effects of climate change. Whether it's by decreasing energy consumption or switching to a cleaner form of fuel, many local governments are already leading the way in the sustainability movement.

Between 2015 and the first quarter of 2020, cities across the United States signed 335 renewable energy deals,<sup>2</sup> and more than 178 cities spanning 32 states have developed 100 percent renewable energy goals,<sup>3</sup> such as the city of Chicago. Some of the reasons that cities may opt for renewable energy include:

- Complying with statemandated orders or executive orders
- Potentially saving on energy costs
- Reducing air pollution including greenhouse gas emissions (GHGs)
- ► Influencing new and local renewables projects
- Creating jobs and economic benefits

Renewable energy procurement does not always require the installation of onsite solar panels or wind turbines on business property as some may assume. It can be as simple as purchasing renewable energy certificates (RECs) or carbon offsets, which spur the creation of new clean energy projects or support existing renewable energy resources.

## Spurring new and local renewables projects

The Commonwealth of Pennsylvania (COPA) agreed to purchase power and projectspecific renewable energy certificates (RECs) from 191-megawatts of solar currently being developed on seven sites spanning six counties. This transaction allows COPA to source approximately 50 percent of its annual energy consumption from renewable supply. The purchase of the RECs made the development of the renewable energy project possible and is an option that allows buyers to claim they have purchased renewable energy. Once complete, COPA's project will provide clean power to 16 of its agencies.

The project will help fulfill Pennsylvania Governor Tom Wolf's <u>Climate Change Executive</u> <u>Order</u>, which set a goal of lowering Pennsylvania's greenhouse gas emissions 26 percent by 2025 and 80 percent by 2050 compared with 2005 levels as well as obtaining at least 40 percent of electricity from in-state clean energy sources.

### Supporting renewable energy sources

New Castle County in Delaware has also made headway in its path to sustainability as it has also purchased RECs to match 100 percent of their electricity use at 18 locations through June 2024, including at its Public Works headquarters building, multiple pump stations and treatment plants, the Rockwood Museum, the Public Safety Building, the New Castle County Government Center and the Gilliam Building.4 The RECs are sourced from wind energy facilities located in the lower 48 states. This project is expected to save the county \$77,440 annually during the contract's term.

# Community choice aggregation to expand to businesses and citizens

Cities may also want to expand the use of clean energy to residents and small businesses who may not have access to buy or have the knowledge of how to procure energy purchases, for further carbon emissions reduction. In Geneva, New York, for example, consumers have access to renewable energy at a fixed rate for two years through community choice aggregation. This tool gives governments an opportunity to

save on energy costs by purchasing bulk amounts of electricity for eligible residential and small business constituents.

In 2019, the municipality endorsed an opt-in community solar pilot in support of renewable energy generation while delivering guaranteed savings to participants, and in 2021 took a step further by passing a resolution that would make solar available to energy consumers as the default energy option; this program will launch late 2021.

#### Other options for reducing city or countywide carbon emissions

In addition to renewable energy, city officials are thinking of other ways to reduce GHG emissions. New Castle County Executive Matt Meyer, for example, has pushed for other sustainability-related upgrades, such as installation of public access electric vehicle

charging stations, an electric vehicle pilot program, and the installation of a 350 square foot solar array on the rooftop of a library with solar-powered site lighting in the parking lot. 4

Local governments, whether state, city or county, have an opportunity to lead the way in the global sustainability movement by supporting renewable resources, driving the development of new renewable energy projects and making these energy sources available to businesses and citizens. Learn more about our renewable energy solutions by visiting www.constellation.com/ renewables.

We invite you to take our quiz to tell us where you are in building and implementing your sustainability plan so we can better help you.

#### Take our quiz

#### Sources

- 1. https://www.un.org/en/ climatechange/climatesolutions/cities-pollution
- https://www.wri.org/insights/ how-us-cities-and-countiesare-getting-renewable-energy
- 3. <a href="https://www.epa.gov/sites/">https://www.epa.gov/sites/</a> default/files/2020-07/ documents/combined\_ webinar\_slides\_renewables\_ accelerator\_and\_epa\_ green\_power\_partnership\_ july\_2020\_508draft.pdf
- 4. https:// delawarebusinesstimes. com/news-briefs/ncc-fullyrenewable/
- https://www.fltimes.com/ business/geneva-continuesclean-energy-program/ article\_5db50f98-b53d-5134-80bf-ec11e360ac21.html □



Taking steps to prevent labor and employment issues is a far better strategy than trying to mitigate them after the fact. We partner with municipalities in every corner of the Commonwealth, helping them address potential risks and create work environments where people and public service can thrive. We'd like to do the same for you.



Personnel Counseling & Training Grievance Arbitration Labor Contract Administration **Retirement Benefits** EEO, PHRC & Civil Rights Litigation Civil Service, Police Tenure Act Local Agency Law Proceedings Appellate Representation

Collective Bargaining & Interest Arbitration

#### **Pittsburgh**

535 Smithfield Street, Suite 700 Pittsburgh, PA 15222 (412) 395-1280

#### **Philadelphia**

One Belmont Avenue, Suite 300 Bala Cynwyd, PA 19004 (610) 227-2591

cdblaw.com

# **Municipal Leadership Summit 2021**

#### BY MARY COSTIK, CMP, MEETING MANAGER, THE LEAGUE

The Municipal Leadership Summit, a conference of The League, the Pennsylvania State Association of Township Commissioners (PSATC) and the Pennsylvania Career Fire Chiefs Association, was held in downtown Lancaster, October 7-9. Over 250 participants enjoyed continuous opportunities to network, collaborate and even build a playground at Milburn Park. This year marked the 12th playground project The League has organized for Pennsylvania communities since 2010. Many thanks to our partners. KaBOOM!, the City of Lancaster, The GIANT Company, PA Department of Conservation and Natural Resources. Highmark, Penn State Health, and the Lancaster County Community Foundation.

The first day of the conference started out with League President Councilmember Derek Green, Philadelphia, and PSATC President Nate Silcox, Hampden Township, welcoming the attendees. Video welcomes were provided by Governor Tom Wolf, U.S. Senator Bob Casey, Speaker of the PA House of Representatives Bryan Cutler and Lancaster Mayor Danene Sorace. Clarence Anthony, CEO and Executive Director of NLC, joined the session via a video presentation and congratulated League Executive Director Rick Schuettler on his retirement and reflected on the last year and a half and the resilience of our elected officials and their communities.

League President Derek Green moved into a special presentation to rename The League's non-profit entity the Richard J. Schuettler Center for Municipal Development. The purpose of the Center is to assist local elected and appointed officials in obtaining the knowledge and leadership skills necessary to meet the challenges of their office and provide a forum for which municipal policy issues can be debated, formulated and communicated through such means as training,

research papers and educational publications. Mr. Schuettler reflected on his 20-year tenure at The League. He stated that The League is poised for even greater things and the honor to serve the membership was all his.

Engaging and informative training sessions were scheduled throughout the day. Topics included Why Equity Matters and How It Can be Achieved, Economic Outlook – 2021 and Beyond, Lessons Learned and Recommended Strategies for Emerging Out of the Pandemic and Post George Floyd, Efficiencies in Community Park Maintenance and Open Space Management, and Vision Zero Harrisburg.

Thanks to League Business Leaders Network member Comcast for providing video opportunities through *Comcast Newsmakers* segments for officials to discuss issues important to their communities.

The Awards Breakfast brought the attendees together on Friday morning to hear from Majority Leader of the PA House of Representatives Kerry Benninghoff, DCED Deputy Secretary for Community Affairs and Development Rick Vilello, and, by video, DCNR Secretary Cindy Adams Dunn. We recognized the Easton Voting Award winner, the City of Monongahela, and the John A. Garner, Jr. Civic Engagement Essay Scholarship High School Contest Winners: First Place: Madison Passmore, Cedar Cliff High School, Second Place: Cecilia Fink, Williamsport Area High School and Third Place: Elisabeth Gural, Burrell High School. The 2021 Community Partnership Award was presented to Business Leaders Network Member AT&T.

Friday's programming began with an Overview of Deloitte's 2021 Human Capital Trends and Adaptive Workplaces, Phone a Friend: How to Maximize the Council-Manager Relationship, GIS and Story Maps: Connecting with your Community, and The Latest and Greatest on DEP's Local Climate Action Program. Several of The League's Business Leaders Network partners provided training sessions exchanging ideas between corporate leaders and municipal officials in order to strengthen local government.

The PSATC Executive Committee Meeting, Annual Business Meeting and Banquet were all held on Friday. Congratulations to elected officers: President Sam Valenza, Upper Moreland, 1st VP Sam Juliano, North Versailles, 2nd VP John Jablowski, Wilkes-Barre Twp., and 3rd VP Dennis Arthur. Tinicum.

Saturday morning Pennsylvania's Auditor General Timothy DeFoor addressed the municipal pension situation and Jim Price discussed updates to Sustainable PA. We also heard, via video, from Senators Jay Costa and Jake Corman.

The League's Annual Business Meeting was next, where policy was adopted and officers were elected for 2021-2022. Congratulations to The League's new President Mayor Danene Sorace, City of Lancaster, 1st VP Mayor Michael Lombardo, City of Pittston and 2nd VP Mayor Doug Baker, City of Franklin.

The *Legislative Update* was provided by Amy Sturges, Director of Governmental Affairs.

Don't forget to visit The League's website and support our sponsors and Business Leaders Network members who provided the financial assistance needed to make this summit a success.

Also, be sure to view the Municipal Leadership Summit video <u>here!</u>

And, save the date for next year's Municipal Leadership Summit − October 6-8, 2022 at the Omni William Penn Hotel in Pittsburgh. □







### David Kerr dkerr@att.co

dkerr@att.com 717-269-5872 AT&T 351 Stanley Drive Palmyra, PA 17078



#### Mike Palombo, Esq.

mpalombo@cdblaw.com 412-395-1280

### **Campbell Durrant, P.C.** 535 Smithfield Street

Suite 700 Pittsburgh, PA 15222



#### Jennifer Frees

jennifer\_frees@comcast.com 610-401-6482

#### **Comcast Keystone Region**

400 Riverfront Drive Reading, PA 19602



#### **Brian Weatherford**

 $brian.we ather ford@constellation.com\\410-470-1852$ 

#### Constellation

1310 Point Street 9th Floor Baltimore, MD 21231



#### **Patrick Geary**

pgeary@cornerstonewais.com 814-315-2000

# Cornerstone Wealth Advisory & Insurance Services, LLC

3910 Caughey Rd., Suite 220 Erie, PA 16506



#### **Robert Solarz**

bsolarz@dvtrusts.com 215-706-0101

#### **Delaware Valley Trusts**

719 Dresher Road Horsham, PA 19044



#### **Jessica Sprouse**

jsprouse@gdfengineers.com 814-943-5214

#### Gwin, Dobson & Foreman Engineers

3121 Fairway Drive Altoona, PA 16602



#### Kathleen McKenzie

Kathleen.McKenzie@highmark.com 717-302-7836

#### **Highmark Blue Shield**

1800 Center Street, 1B/L4 Camp Hill, PA 17011



#### Ashley Shiwarski

Ashley.Shiwarski@homeserveusa.com 724-749-1097

#### Homeserve

4000 Town Center Boulevard Suite 400 Canonsburg, PA 15317



#### Jennifer CruverKibi, CPA

jcruverkibi@md-cpas.com (717) 232-1230 x204

#### **Maher Duessel**

1800 Linglestown Road Suite 306 Harrisburg PA, 17110







# SAUL EWING **ARNSTEIN**

& LEHR LLP

PORTER & CURTIS, LLC







#### **Steve Solman**

Steve.solman@mbgbenefits.com 412-394-9332

#### Fred Bean

fbean@benecon.com 717-723-4600

#### **Angela Tennis**

atennis@pml.org 717-236-9469 \*258

#### John Molloy

molloyj@pfm.com 717-232-2723

#### **Ken Porter**

kporter@portercurtis.com 610-891-9856

#### William W. Warren, Jr., Esq.

William.warren@saul.com 717-238-7698

#### **Ashley Mahaffey**

Ashley.mahaffey@giantmartins.com 717-254-2950

#### **Deb Gross**

dgross@pml.org 717-236-9469 \*254

#### Frank Buzydlowski

f.p.buzydlowski@verizon.com 717-777-5858

#### **Municipal Benefits Services**

301 Grant Street, Suite 270 Pittsburgh, PA 15219

#### Pennsylvania Municipal Health **Insurance Cooperative**

201 E. Oregon Road Suite 100 Lititz, PA 17543

#### **PennPRIME**

414 North Second Street Harrisburg, PA 17101

#### **PFM**

213 Market Street Harrisburg, PA 17101

#### **Porter & Curtis, LLC**

225 State Road Media, PA 19063

#### Saul Ewing Arnstein & Lehr

2 North Second Street 7th Floor Harrisburg, PA 17101

#### The Giant Company

1149 Harrisburg Pike Carlisle, PA 17013

#### U•COMP

414 North Second Street Harrisburg, PA 17101

#### Verizon

210 Pine Street 7th Floor Harrisburg, PA 17101

#### League News . . .



A special initiative of The League

#### Charting the Future for Pennsylvania's Municipalities

As announced during our recent Municipal Leadership Summit, The League is engaging municipalities from throughout Pennsylvania in an exciting 10-year visioning initiative.

As part of the process, we recently requested input from all member municipalities on their current priorities as well as the most important priorities to address in the next ten years.

Thank you to all who participated! We will use this information to plan ENVISION 2032 forums in the Spring of 2022. See calendar of events on page 7 for scheduled forums and check our website for updates.

Following these forums, the initiative will culminate in the Fall of 2022 with the release of a publication that will contain valuable insights and reference points that can be applied to future planning and decision-making by municipal leaders and elected and appointed officials at all levels of Pennsylvania's government.

CLICK HERE
to Learn More About Our Envision Initiative

# Upcoming League Events



**REGISTRATION NOW OPEN!** 

www.pml.org

# Newly Elected Officials Orientation Program

# PELRAS Annual Conference

Wyndham Garden State College 310 Elks Club Rd Boalsburg, PA 16827 February 2022

2-3

March 2022

16-18

Penn Stater Hotel & Conference Center 215 Innovation Blvd State College, PA 16803





# Did You Know That There are **Cyber Hygiene Services?**

PROVIDED BY ANGELA TENNIS, DIRECTOR OF INSURANCE SERVICES, PENNPRIME FOR ADDITIONAL INFORMATION: https://www.cisa.gov/cyber-hygiene-services.

#### Reducing the Risk of a Successful Cyber Attack

Adversaries use known vulnerabilities and phishing attacks to compromise the security of organizations. The Cybersecurity and Infrastructure Security Agency (CISA) offers several scanning and testing services to help organizations reduce their exposure to threats by taking a proactive approach to mitigating attack vectors.

Evaluates external network presence by executing continuous scans of pub-

**Vulnerability Scanning:** 

- lic. static IPs for accessible services and vulnerabilities. This service provides weekly vulnerability reports and ad-hoc alerts.
- **Web Application Scanning:** Evaluates known and discovered publicly-accessible websites for potential bugs and weak configuration to provide recommendations for mitigating web application security risks.

#### Phishing Campaign **Assessment:**

Provides an opportunity for determining the potential susceptibility of personnel to phishing attacks. This is a practical exercise intended to support and measure the effectiveness of security awareness training.

#### ▶ Remote Penetration Test:

Simulates the tactics and techniques of real-world adversaries to identify and validate exploitable pathways. This service is ideal for testing perimeter defenses, the security of externally-available applications, and the potential for exploitation of open source information.

Additionally, CISA recommends you further protect your organization by identifying assets that are searchable via online tools and taking steps to reduce that exposure.

#### Frequently Asked Questions

How much does it cost? CISA cybersecurity assessment services are available at no cost.

Who can receive services? Federal, state, local, tribal and territorial governments, as well as public and private sector critical infrastructure organizations.

When will my services begin? Vulnerability Scanning and Web Application Scanning typically begin within one week of returning the appropriate forms.

Who performs the service? Cyber Hygiene services are provided by CISA's highly trained information security experts equipped with top of the line tools. Our mission is to measurably reduce cybersecurity risks to the Nation by providing services to government and critical infrastructure stakeholders.

#### **Get Started**

Email vulnerability\_info@cisa.dhs. gov to get started.  $\Box$ 

#### League News...





# **Cybersecurity:**

# **Know What You Need to Protect Within Your Municipality/Organization**

SUBMITTED BY ANGELA TENNIS, DIRECTOR OF INSURANCE SERVICES, PENNPRIME INFORMATION FROM KURTIS SUHS, FOUNDER AND MANAGING DIRECTOR, CYBER SPECIAL OPS, LLC

Many insurance professionals have compared cyber insurance to employment practices liability (EPL) insurance which took decades for organizations to adopt; however, that is where the comparison ends. Cyber insurance is more analogous to catastrophic commercial property insurance, in which state-sponsored actors and sophisticated crime syndicates target and seek to burn down your building 24/7/365 days per year.

According to FM Global, the three main reasons sprinklered buildings burn are 1) design deficiencies, 2) system impairments before a fire, and 3) system impairments during a fire. Let's evaluate how each of these causes compare with cyber loss.

#### **Design Deficiency**

Sometimes due to design deficiency or system impairment, an automated sprinkler system fails to suppress a fire sufficiently and thus a building burns despite the system.

#### **Water supply**

Is the water source

- a public water supply?
- a fire pond?

#### **Incident Response**

Is the data breach team

- an external third-party service provider?
- an internal legal and infosec team?

#### System design

Is the system design adequate?

What is the system trying to protect?

#### **Network Design**

Is the network architecture adequate?

What is the system trying to protect?

#### Changes in occupancy

#### Changes in electronic assets

The building (organization) was devastated by fire (a cyberattack). The cause of the devastation was

multifaceted. The water supply (incident response plan) was limited because a single connection from the public water main (a few data breach firms) supplied the entire sprinkler system (cyber insurance market). However, the water supply (incident response plan) was limited and the water flow (insured's cyber insurance coverage and limit) to the automatic sprinklered system (network defense) was marginally adequate for the task. The sprinkler system (network defense) was designed for a facility (organization) that processed a specific amount and type of paper (electronic assets). The plant (organization) was changed to process a new and greater amount of hazardous coated paper (sensitive information). This change was made without reevaluating the sprinkler design (network design) or water supply (incident response plan).

The system (network) simply couldn't generate enough water (cyber insurance) to mitigate this type of fire (cyberattack) and suppress it because it wasn't designed for this use and didn't have

enough water (cyber insurance coverage and limit) for this type of fire (cyberattack). Furthermore, the local fire department (cyber insurer) wasn't aware of the change in the amount and type of paper (the exposure basis) and thus didn't know they were responding to a hazardous chemical fire (statesponsored actor), which requires a very different firefighting response (incident response) as compared to a traditional uncoated paper fire (simple malware).

#### **System Impairments** Before a Fire

A fire that would normally be adequately controlled or suppressed completely can instead rage out of control and destroy the building.

The three types of impairments that can occur before a fire (cyberattack) are as follows:

- renovation of building (network)
- inadequate maintenance of property (network)
- arson (state-sponsored actors and sophisticated crime syndicates)

Deliberate action by an arsonist (state-sponsored actor or sophisticated crime syndicate) can impair or disable an automatic sprinkler system (computer network) so the arsonist's (threat actor) fire setting (cyberattack) actions will cause damage.

Arsonists (cyber attackers) learn how sprinkler systems (computer networks) work and find ways to defeat or overtax them. Limited only by their imagination, for example, they may close valves (software applications) or attempt to overtax the system (all computer servers) by setting multiple fires (cyberattacks) designed to circumvent, damage or destroy the building (organization).

#### System Impairments **During a Fire**

System impairments that can occur during a fire are often the result of human action that cause a protection breakdown.

The most common system impairment that can occur during a fire (cyberattack) is premature closure of a sprinkler system's control valve (network defenses). Another common system impairment is the inadequate monitoring of the sprinkler control valve (network defenses).

#### Call to Action:

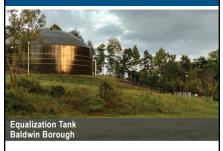
For most businesses, the five most important categories of risk are tied to 1) theft of intellectual property, 2) business interruption, 3) theft or corruption of personally identifiable information, protected healthcare information, 4) credit and debit card data and 5) diminished cash flow. But which of these is a priority, to what degree, and for which organization assets?

If we really want to make cybersecurity better, we first need to ask what do we need to protect within the organization? All of this is highly dependent on the business, the internal network structure, and the other security controls that are in place premised upon the zero-trust information security model.

Organizations will never outpace the sophisticated cyber threat actor. Remember, the cyber adversary only has to be right once while your organization has to be right 100 percent of the time.  $\Box$ 

Kurtis Suhs serves as the Founder and Managing Director for Cyber Special Ops, LLC, a cyber-risk company that provides its clients with Concierge Cyber," a revolutionary new delivery solution for cyber risk services modeled on concierge medicine.





#### **Professional Services**

- Municipal
  - □ GIS / Mapping / Asset Management
  - □ Grants Procurement and Administration
  - □ Green Infrastructure
  - □ Landscape Architecture
  - □ Parks and Recreation
  - □ Planning
- □ Roadway and Pavement
- □ Site Design
- □ Stormwater / MS4
- Surveying
- □ Water
- □ Wastewater
- Utilities





846 Fourth Avenue Coraopolis, PA (Headquarters) Greensburg, PA (Branch Office) Albion, PA (Branch Office) Dublin, OH (Branch Office)
Beaver County, PA (Branch Office)
412-264-4400 | www.lsse.com Managing Principals: Kevin A. Brett, P.E.; Ned Mitrovich, P.E.; Jason E. Stanton, P.E.

# Thank you to the Gold Sponsors of our Municipal Leadership Summit



#### Fredric Schultz

Chairman of the Board & Treasurer rschultz@consultibc.com

#### Insurance Buyers' Council, Inc.

9720 Greenside Drive Suite 1E Cockeysville, MD 21030 (410) 666-0500 Fax: (410) 666-6177

www.consultibc.com



#### Jennifer Miller

Regional Administrator jdmiller@tremcoinc.com

#### Tremco Roofing & Building Maintenance

1549 Bobali Drive Harrisburg, PA 17104 (412) 225-6007

www.tremcoroofing.com

#### UPMC HEALTH PLAN

#### Lee Ann Caliendo

Account Executive caliendolw@upmc.edu

#### **UPMC Health Plan**

600 Grant Street Floor 4 Pittsburgh, PA 15219 (412) 848-7784

www.upmchealthplan.com



#### League News . . .





# **Managing Unemployment Risk**

#### BY DEBBIE GROSS, U-COMP MEMBER SERVICE REPRESENTATIVE

Managing unemployment risk is not easy in the current times. There are a number of factors to consider as we slowly move away from a pandemic period.

- 1. Fraudulent Claims: As a municipal employer, this can take a great deal of your time, particularly with time spent tracking down employees to determine if they actually did file a claim. If the claim is, in fact, fraudulent, the PA Department of Labor and Industry (L&I) must be notified. The victim must contact the credit reporting agencies, law enforcement and any other agencies that could protect them.
- 2. Base Period Claims: Please check these claims on the notification forms that are now coming into your office. You will not receive much information about these claims. These are claims where your office is not the last employer, the employee leaves your employ and works for another employer, separates from them and files for benefits. The employee's time working for your office is part of their work history and because of that, your office may owe for part of the claim. Please check the Financial Deter-

- minations that arrive from L&I carefully. If you are a reimbursable employer (where you pay dollar for dollar for every claim as opposed to paying a rate), you will have no recourse on base period claims unless you have paid the Solvency Fee.
- 3. Consider Paying the Solvency Fee: If your office is of reimbursable status, you will receive a *voluntary* bill each fall for the next calendar vear. Paving the Solvency Fee should be considered very carefully as the charge is usually a percentage of the employer's gross wages for the most recent year. Once this fee is paid, it entitles the employer to protest certain base period claims. It does not guarantee outcomes.
- 4. Claims for Non-employees: Sometimes claims will arrive to your office for claimants you are not familiar with and, after some research you will find they never worked for your office. It is a good idea to contact the Employer Call Center at L&I at 1-866-403-6163 to let them know that you have a claim for a nonemployee.

- 5. Protest all Claims that You *Can:* As an employer, you will want to protest all claims that you can within reason. Please check the PA L&I website at: https://www.uc.pa.gov/employers-uc-services-uc-tax/ Pages/default.aspx
  - There you can find a number of forms, including the UC-1921W, the Employer Ouestionnaire Refusal Suitable Work. This form may be completed when an employee or a perspective employee refuses suitable work.
- 6. Joining an Unemployment **Program:** Joining an unemployment program such as U•COMP can assist you in avoiding risk and saving money because the program monitors your claims for you, thereby taking a lot of the responsibility and time spent on unemployment away from you as an employer.

The U•COMP program will also provide you with the latest legislative information on relevant topics. A free, non-binding proposal may be obtained by contacting: **Debbie Gross** by email - dgross@pml.org or – 1-800-922-8063, ext. \*254 □



PREPARED BY AMY STURGES, LEAGUE DIRECTOR OF GOVERNMENTAL AFFAIRS - <u>asturges@pml.org</u>

KAITLIN ERRICKSON, GOVERNMENTAL AFFAIRS REPRESENTATIVE - <u>kerrickson@pml.org</u>

All legislation can be found on the General Assembly's website:

legis.state.pa.us

# **Recently Enacted Legislation**

Act 75 of 2021 House Bill 523

Signed: October 7, 2021 Effective: December 6, 2021

Act 75 amends the General Road Law clarifying a property owner's maintenance responsibilities for private roads and right to bring civil action. Each property owner that shares a common benefit from a private road must contribute in proportion towards the costs of maintaining the road.

This Act does not apply to private roads where there is a written agreement; private roads established by the Commonwealth or by a municipality under Section 204 of the Eminent Domain Law; or private roads within a common owned interest ownership community.

# **Legislation of Interest**

#### **Local Preemption Regarding Utility Services**

Senate Bill 275 (PN 1163), introduced by Senator Gene Yaw, would amend Title 53 (Municipalities Generally) preempting municipalities regarding utilities and sources of energy.

A municipality would be prohibited from adopting a policy that restricts, or has the effects of restricting or prohibiting: the connection or reconnection of a utility service based on the type or source of energy; the ability of an individual or entity within the municipality to use an authorized utility services provider; and municipal policy may not discriminate against a utility service provider based on the nature or source of the utility service provided to consumers.

This bill was amended in the Senate Local Government Committee adding language that would preserve municipal authority to manage or operate a publicly owned utility; reduce greenhouse gas emissions from municipal facilities and operations; and exercise land use authority in accordance with the Municipalities Planning Code.

Representative Tim O'Neal introduced House Bill 1947 as companion legislation in the House, which was voted out of the Local Government Committee on October 26.

Location: Senate Bill 275: House Local Government Committee, October 28, 2021

House Bill 1947: First Consideration in the House, October 26, 2021

#### Clarification to the Local Tax Credit Program for Volunteer Fire and EMS

House Bill 397 (PN 371), introduced by Representative Clint Owlett, would amend Title 35 (Health and Safety). Currently, a local governing body may only provide by ordinance for a process to reject a volunteer firefighter or EMS local tax credit. This bill would also allow for the use of a resolution to proscribe a process to reject claims that do not satisfy program criteria.

Location: Senate Veterans Affairs and Emergency Preparedness Committee, October 28, 2021

#### Safe Exchange Zone Program Senate Bill 881 (PN 1184),

introduced by Senator Wayne Langerholc, would amend Title 53 (Municipalities Generally) creating the Safe Exchange Zone Program.

This bill would establish the program within the Department of Community and Economic Development (DCED) to establish safe public locations for participants to exchange goods purchased online and for child custody exchanges through the distribution of grant money to municipalities. Municipalities may apply for a one-time safe exchange zone grant from DCED, which would approve or deny a municipality's application within 30 days of receipt. The participating entity, defined as the local police department, county

sheriff or State Police, would be responsible for monitoring the safety of the exchange zone based on its location.

Each safe exchange zone would be required:

- to have an appropriate video surveillance system;
- to clearly indicate the participating entity's phone number and emergency phone numbers;
- to be placed within 100 feet of a local police department, county sheriff or state trooper barracks or other municipal property with active public presence; and
- to be on public land under the jurisdiction or ownership of the applicant municipality unless otherwise approved by the governing body of ownership of the public

The participating entity that has agreed to assist with the safe exchange zone would be responsible for monitoring the video surveillance. The department would establish video surveillance guidelines that do not infringe on Fourth Amendment Rights, and the bill would only allow for the participating entity to interfere upon a participant's request or if an exchange presents a clear and present danger to a participant.

The grants would be awarded to ensure geographic disbursement and first priority would be given to municipalities seeking to establish safe exchange zones 100 feet from a local police department, county sheriff or state trooper barracks, and second priority would be given to municipalities seeking to establish zones in a public area under the jurisdiction or ownership of the applicant municipality unless otherwise approved by the governing body of ownership of the public land.

Location: First Consideration in the Senate, October 27, 2021

#### Waiver of the Real Estate Tax Penalty for Non-receipt of Tax Notice

House Bill 430 (PN 2274),

introduced by Representative Joe Emrick, would amend the Local Tax Collection Law regarding the waiver of penalties.

A taxing district, by ordinance or resolution, shall require its tax collector to waive a penalty charged for real estate taxes if the taxpayer provides a waiver request of additional charges to the tax collector in possession of the claim within one year, and the taxpayer attests that the tax notice was never received.

The taxpayer seeking a waiver request would need to provide the taxing collector with a copy of one of the following: the deed showing the date of realty property transfer; or the title following the acquisition of a mobile home or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of the mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated. The taxpayer

would also need to pay the remaining real estate tax due when submitting the waiver request.

The Department of Community and Economic Development would develop and make available a form for a taxpayer to request a waiver of additional charges which shall include a space for attestation by the taxpayer. A tax collector that accepts a waiver and payment in good faith shall not be personally liable for any amount due or arising from the real estate tax that is the subject of the waiver.

Location: Second Consideration in the Senate, October 25, 2021

## **Electric Low-Speed Scooters Pilot Program**

Senate Bill 892 (PN 1133), introduced by Senator Daniel Laughlin, would create an electric low-speed scooter pilot program while preserving local authority and ability to regulate.

This bill would grant users of electric low-speed scooters all of the rights of a pedalcycle user, and law enforcement officers would be able to regulate the use of electric low-speed scooters consistent with the regulation of pedalcycles under the current law.

Local governments, including a second or third class city, borough or township, may authorize an electric low-speed scooter program and may adopt ordinances, regulations or policies for the safety, operation and management of these scooters. Each local government with a pilot program would be required to report the number of rides, accidents, frequency of use and any ordinances adopted 60 days prior to the expiration of the pilot program to the chairs of the Senate and House Transportation Committees.

Commercial electric scooter companies would be required to obtain commercial general liability insurance coverage with a limit of at least \$2,000,000 each occurrence and \$2,000,000 aggregate, as well as automobile insurance coverage with a limit of at least \$1,000,000 each occurrence and \$1,000,000 aggregate. The scooter company would be required to provide proof of this insurance to the local government, or a local government may impose a fine of no more than \$1,000 a day until proof of insurance is provided.

The bill would further outline speed limits and safety features of the electric low-speed scooters and would provide for its definition.

Senator Wayne Langerholc introduced a similar bill, Senate Bill 783, limiting the pilot program to only second class cities. Senate Bill 783 underwent first consideration in the Senate in June.

Location: House Transportation Committee, October 7, 2021

# Limitation on Home Rule Law Ballot Questions

Senate Bill 524 (PN 599), introduced by Senator Gene Yaw, would amend Title 53 (Municipalities Generally) regarding Home Rule ballot questions. Currently, the law permits three differently worded ballot questions regarding the formation of a government study commission to appear on a ballot and be defeated in three consecutive elections before prohibiting further proceedings. This bill would limit the three ballot questions to one in a fouryear period. Additionally, the ballot questions would no longer be able to appear on primary election ballots.

Location: First Consideration in the House, September 29, 2021

#### **Municipal and Community Association Agreements**

House Bill 1839 (PN 2085). introduced by Representative Brian Smith, would amend Title 53 (Municipalities Generally) allowing municipalities to enter into agreements with community associations, or common interest owned communities.

A municipality would be able to enter into a joint agreement with a community association, by ordinance or resolution, to purchase materials, supplies, equipment and for other purposes. The municipal ordinance or resolution shall require the community association be bound by the terms and conditions the municipality prescribes, and the community association shall make direct payments to vendors under each purchase contract.

For agreements authorizing joint purchases or contracts for the construction, repair or maintenance of public and private streets, real property, stormwater facilities or utilities, all of the following shall apply:

- purchases under the agreement shall be exempt from any existing competitive bidding requirements;
- costs shall be reasonably shared between the municipality and community association based on the benefit provided; and
- if the agreement places a majority of the cost of construction, repair or maintenance on the community association,

the entire project shall not constitute a public work for the purposes of the PA Prevailing Wage Act.

Location: First Consideration in the House, September 28, 2021

#### **National Pollutant Discharge Elimination System Permit Waiver** House Bill 591 (PN 560),

introduced by Representative David Zimmerman, would amend the Clean Streams Law allowing construction sites that result in a land disturbance of more than one. but less than five acres, to apply for a waiver of the otherwise required National Pollutant Discharge Elimination System Permit relating to stormwater discharges.

Location: Senate Environmental Resources and Energy Committee, September 28, 2021

#### Post-traumatic Stress Injury Benefits for First Responders

Senate Bill 775 (PN 913) and House Bill 1732 (PN 1962), introduced by Senator Camera Bartolotta and Representative Frank Ryan respectively, would provide post-traumatic stress injury (PTSI) benefits under Workers' Compensation for first responders.

While The League supports increasing the awareness of PTSI in first responders and providing the necessary treatment, the current language of the bills would place an unsustainable mandate on local governments, estimated to cost approximately \$220,000 to \$240,000 per claim. The League, in partnership with other local government organizations, has called for the bills to be amended in a manner that would ensure the PTSI benefit be sustainable and insurable at a reasonable cost to local governments and taxpayers.

In September, the Senate Labor and Industry Committee voted SB 775 out of Committee with a promise to work with stakeholders and address concerns held by several Republican members. The bill went on to receive Second Consideration the same week. The House bill has not moved.

Location: Senate Bill 775: Second Consideration in the Senate, September 29, 2021

House Bill 1732: House Labor and Industry Committee, July 21, 2021

#### **Fire and Emergency Services Loan Program**

Senate Bill 739 (PN 1089), introduced by Senator Patrick Stefano, would amend Title 35 (Health and Safety) regarding the Fire and Emergency Services Loan Program.

On May 18, Pennsylvanian voters approved a ballot question permitting career fire and EMS companies to participate in the loan program, which has historically been limited to volunteer companies only.

This bill would implement the ballot question by redefining "fire company" as a volunteer nonprofit charters fire company or municipal-owned fire company or department. Lastly, the bill would name representatives of the Pennsylvania Professional Fire Fighters Association and Career Fire Chiefs Association, as well as the Secretaries of the Department of Community and Economic **Development and Department** of Conservation and Natural Resources to the loan program's application review committee.

Location: House Veterans Affairs and Emergency Preparedness Committee, September 23, 2021

#### Deterring Ransomware Attacks Senate Bill 726 (PN 829),

introduced by Senator Kristin Phillips-Hill, would amend Title 18 (Crimes and Offenses) regarding ransomware attacks.

This bill would make it illegal for a person to knowingly possess, sell, threaten or use ransomware with the intention to extort a government agency, including a municipality, for money. It would also set notification standards in case of a ransomware attack. A municipality or other Commonwealth agency, within two hours of discovering a ransomware attack or extortion attempt, would be required to notify the Office of Administration and other appropriate entities of the attack. If the municipality uses a third party for informational services, the third party service provider would be required to notify the Office of Administration and other appropriate entities within one hour of discovering the ransomware attack or extortion attempt. The state officials would be required to notify the FBI of the attack within two hours of the original notification. All Commonwealth agencies, including municipalities, would be prohibited from using taxpayer money to pay ransom unless authorized by the Governor during a declaration of a disaster emergency.

Municipalities and other agencies would be allowed to bring an action against a person for a ransomware attack to recover actual damages, punitive damages and reasonable attorney fees and litigation costs.

The Office of Administration would conduct a study of all Commonwealth agencies on their susceptibility, preparedness and ability to respond to ransomware attacks. While performing the

study, the Office of Administration would develop: best practices to prevent ransomware attacks; data encryption and back up strategies; availability of tools to track unusual network activity; guidelines for responding to an attack; coordinated law enforcement strategies; and recommendations on legislative or regulatory action.

Lastly, the bill would set penalties for those who attempt a ransomware attack, as well as reporting requirements for the Office of Administration.

Location: Second Consideration in the Senate, September 21, 2021

#### **Vacant Property Registry**

House Bill 1791 (PN 2033), introduced by Representative Timothy Twardzik, would amend Title 53 (Municipalities Generally) establishing a vacant property registration program for municipalities.

A municipality would be able to impose and charge, by ordinance, a vacant property registration fee and a vacant property annual assessment on properties deemed vacant or vacant blighted properties. Within 30 days a property is determined to be vacant, the property owner would be required to register the property with the municipality and pay an annual registration fee of \$25. A property deemed vacant would be subject to an annual assessment at a rate of \$5 per every \$100 of assessed value, and a property deemed vacant blighted would be subject to an annual assessment rate of \$10 per every \$100 of assessed value.

If a municipality elects to impose these fees, the municipality would be required to maintain a vacant property registry listing the address of each vacant property. The vacant property registry list must be submitted to the county assessment office within six months of a municipality adopting a vacant property registry ordinance, and the registry would be required to be updated and resubmitted on an annual basis.

Municipalities would be required to use collected registry fees to fund blight remediation and eradication to: acquire tax delinquent and foreclosed properties; donate to a land bank; apply to conservatorship projects; remediate municipal blight conditions; and educate residents of the dangers of blight.

A property owner that fails to comply with the registration requirements would be penalized \$25 a day for residential properties and \$50 a day for commercial properties each day the property owner fails to register the property. The amount of any unpaid fee or annual assessment shall constitute a lien against the property. Lastly, municipalities with an existing vacant property registration ordinance may continue to operate without any limitations

Location: House Urban Affairs, August 16, 2021 □



"Knowing Tremco and the KPN cooperative purchasing process was recommended to us by a school district who loved it gave us peace of mind. From the pre-construction meeting through to the warranty, Tremco took care of everything. It was fantastic."

JERRY GAUL, FLEET & **FACILITIES DIRECTOR,** 

> Township of Upper Dublin

More than 300 school districts in Pennsylvania have chosen to complete their roofing and building envelope projects with Tremco Roofing and our affiliated construction services company WTI. And they're telling

Benefits to procuring roofing and building envelope solutions through Pennsylvania's Keystone Purchasing Network (KPN) contract include:

- Contracts are pre-competed, publicly awarded and fully compliant with Pennsylvania procurement law
- Upfront pricing eliminates budget surprises

their counterparts in local government why.

- Procurement is streamlined for fast project completion
- Installation is completed by qualified **local** contractors
- Turnkey solutions for comprehensive oversight and quality assurance
- Solutions for improving indoor air quality

Find out why so many Pennsylvania school districts and public entities have turned to Tremco.

Contact Jennifer Miller at jdmiller@tremcoinc.com or 412.225.6007 or visit YourRoofExperts.com.







Tremco Roofing and WTI are part of Tremco Construction Products Group



# Legislative Status Report FEDERAL



# Municipalities Join President Biden for Historic Infrastructure Bill Signing

BY CLARENCE E. ANTHONY, CEO AND EXECUTIVE DIRECTOR, NATIONAL LEAGUE OF CITIES

After years of advocacy, we were proud to stand with President Biden as he signed the Infrastructure Investment and Jobs Act (IIJA) into law. This bipartisan bill means transformative investments in transportation, broadband and water are heading to municipalities across the country. As municipalities rebuild and recover, these funds will be used to increase equality, create safer transportation, build resilient structures and strengthen our economy.

NLC leadership including myself, NLC President Councilmember Kathy Manness of Lexington, SC, First Vice President Mayor Vince Williams of Union City, GA and Second Vice President Mayor Victoria Woodards of Tacoma, WA attended the White House signing ceremony for this historic bill. It took years of advocacy from local leaders to make this legislation a reality.

Former New Orleans Mayor Mitch Landrieu was in attendance, after recently being named White House Senior Advisor and Infrastructure Coordinator. We look forward to working with former Mayor Landrieu, who understands the local perspective, to help communities make the most of the opportunities in this legislation. As we celebrate this huge infrastructure win, we also want to make sure you are already beginning to plan and prepare to make the most of these new opportunities coming from the Infrastructure Investment and Jobs Act.

#### What Local Leaders Should Know About the IIJA

Make new infrastructure program friends but keep the old –

The IIJA includes many new programs that municipalities can specifically take advantage of, but it also renews many existing programs that will be just as valuable to municipalities. In the discussion of what's new, don't miss those existing programs which will be just as helpful to your community.

# 2. Most infrastructure programs will require a local ask –

The number of program funds that municipalities can access are substantial, but they will not come to your community without taking the effort to ask for them through applications, programs and processes. Get ready to compete and shape your community's story for all the funds that will be available.

## 3. Prepare to make your match -

The majority of federal grants come with some expectations that a local match will be provided which is often around 20% for transportation but some programs were negotiated down especially for smaller and disadvantaged communities. Take care to understand what your contribution may be and how to organize the funding.

4. It was made possible by NLC members and advocates for state and local governments – NLC has been fighting for infrastructure for over a decade. Sustaining this

fight was made possible by our member communities. If you are not a member, consider joining today to get the most up-to-date information about this bill and continue the fight to ensure municipalities priorities are heard in Washington, D.C.

#### Begin Your Infrastructure Journey

1. Identify your local priorities and how they match up to federal grants using NLC's new Infrastructure Bill Insights Tool. Please note this is exclusive to members, and you will need to log into MyNLC to access it. We look forward to continuing to refine this resource with information as it becomes available.

## 2. Plan to attend NLC and federal training sessions on

various grants in the IIJA. If a program existed before, review previous information on the federal websites along with application criteria that can begin to show your community what will likely be needed. Programs will begin being released in a few weeks.

3. Save the date for the 2022 Congressional City Conference, March 14-16, in Washington, D.C., where we'll hear from key Department stakeholders and bring conversations together on how to advance your municipal priorities with Congress and the Administration.

#### What's Next?

Municipalities are ready to rebuild, and we are excited to work with you to make the most of this historic opportunity.

And our advocacy doesn't stop here – we know that the Build Back Better Act paves the way to sustained local recovery including investments in workforce development, housing and technical assistance. We also will push for H.R.5735 to bring more flexibility for your ARPA recovery dollars, leveraging the impact of the IIJA.



The terms "cybersecurity" and "data breach" have become as common in our personal and professional language as the words "download" and "email." Even so, our daily awareness of online security problems hasn't made them any easier to combat:

- ▶ In June of 2020, Amtrak announced to its customers that an unknown third party had accessed an undisclosed number of Amtrak Guest Rewards accounts, exposing usernames, passwords and other personal information. IdentityForce.com
- Business Administration (SBA) reported that an unknown third party had accessed a government portal, affecting the applications of 8,000 businesses applying for the COVID-19 Economic Injury Disaster loans. The breached portal exposed names, Social Security

- numbers, physical and email addresses, insurance information, and more. *IdentityForce.com*
- ▶ In April of 2019, a cyberattack targeted a third-party vendor that hosted the city of Tallahassee's payroll services and redirected nearly \$500,000 in direct deposit paychecks from the city's employee payroll system. Tallahassee Democrat, April 15, 2019

On some levels, we are well prepared to catch malicious individuals and their digital efforts to steal or disrupt information. But for each conspicuous attempt, like mysterious emails embedded with harmless-looking links, there are scores of other efforts underway to illegally access your data. This is especially true for organizations or entities — like municipalities — with lots of valuable information, web-connected employees and ways to be severely compromised by a data breach.

#### **Examples of common attacks**

Some of the most frequently used cyberattacks are also the most difficult to discern, even after they've happened. Here is a brief description of four of them:

Ransomware is a type of malicious software designed to make files and systems inaccessible to the rightful owner in order to demand a price, or "ransom," for restoring access. Network hackers use a variety of ways to gain illicit access to computing devices in order to plant system-hijacking software. Once planted, ransomware notifies users on the network that their data has been taken hostage, and often provides information on how to pay to have the system restored.

Business Email Compromise is an example of a cyberattack in which an attacker gains access to a corporate email account and pretends to be an owner or senior executive to defraud the organization, employees, customers or partners. These attacks most often target the payroll department and focus on the theft of payroll files.

**Vendor Impersonation Fraud is** when an attacker will impersonate a legitimate vendor or contractor and contact a local government by telephone, email, regular mail or fax, requesting that account information for payment be changed to an account controlled by the attacker. When an invoice is received, the municipality then processes payment to the attacker.

#### Hacking of backup systems

instead of primary systems. As we've illustrated in the examples at the beginning of this article, the risk of data loss from a municipality's backup system is significant. Backup system security often receives much less attention than primary IT systems, and is often monitored less diligently than primary IT system security, making it more vulnerable to infiltration.

In addition, backup systems are often purchased from and managed by third-party vendors, giving a local government less control over who has access to the data.

#### Prevention and Protection

At PFM, we understand that cybercriminals are sophisticated and persistent, and their methods are constantly evolving. It's why we dedicate a significant portion of our resources toward strengthening our security posture and striving to keep our environment safe. Here are just a few ways in which we're doing that - and ways in which your municipality can strengthen its own security posture, too.

**Employee awareness - As** we've noted above, the element of *vigilance* is perhaps the first and best line of defense in cybersecurity for any organization. As such, one of our leading information security objectives at PFM is to heighten employee sensitivity to potential cyber threats and educate them on best practices in this area. Some ways in which we seek to strengthen awareness include:

Training: Every PFM employee and managing director are required to complete a minimum of online security courses required each year.

Phishing tests: Using a leading thirdparty application, PFM conducts random phishing tests multiple times throughout the year for all employees and managing directors.

Internal messaging: PFM publishes articles like this one in our company newsletter. We have also placed cybersecurity best practices throughout all PFM offices with clear messaging to reinforce our security policies.

#### Governance and oversight -

Regardless of the size or complexity of your municipality, it is always a good idea to review your policies on who makes the decisions regarding information security, and to identify who has oversight of those policies.

PFM maintains an IT Security Governance Committee (ISGC). which crafts and oversees all information security policies and practices. Several of PFM's key stakeholders participate in the ISGC, including our Chief Executive Officer, Chief Investment Officer and Chief Compliance Officer.

Our information security program, policies and procedures are established in concert with members of the ISGC. All policies and procedures leverage industry best-practices and standard

security frameworks, and focus on inventorying, managing, and protecting sensitive information and critical system assets.

In addition, our technical controls, policies and procedures are tested and evaluated by independent third parties for effectiveness.

Vendor management - As we've also noted, it is just as important to confirm the integrity of your vendor partners' information security systems as it is to establish the "electronic vigilance" of your own staff. If you use thirdparty agencies to support your information systems – for example, an external vendor to manage your network backup systems — it is worth asking about their protocols for securing their own systems.

At PFM, we make an effort to understand our vendor partners' security controls and procedures, especially those we exchange or Store sensitive information with.\*

When working with external vendors with whom we either share information with or use to store information, we make sure that we clearly understand what security controls and policies they have in place.

- We request documentation to verify certification claims, such as SSAE-18 audit standards.
- We seek to understand their data redundancy and recovery practices.
- We review contract terms carefully and assess our vendor's liability for data loss vs. ours.
- We used Security Assertion Markup Language (SAML)

and other protocols and tools to help facilitate safe and effective authentication and data authorization.

\*Note: Client-sensitive data is only stored on PFM's in-house systems.

#### Easy Online Network

For years, local governments have benefitted from the convenience and efficiency of using PFM's Easy Online Network (EON). Now, those same local governments are benefitting from EON's enhanced communication and security to help intercept attempted cyberattacks.

EON's Notification Center provides broad account oversight by notifying investors in near-real time about key account activities, including changes to banking instructions, changes to access levels for authorized persons, notice of upcoming maturities, and more. These notifications can be configured to go to multiple authorized persons at your entity, thus ensuring that only authorized activities – performed by authorized individuals – are occurring on your accounts.

Besides this notification feature, there are also several EON Notification Center tools that support a local government's efforts to follow industry best practices:

- Customized account permissions - Allows for the separation of duties and proper oversight.
- EON Communications Center
   Allows investors to upload and download documents and forms within a password-protected portal.

► Multi-factor login authentication - An additional measure that helps to confirm that only authorized individuals are accessing confidential account information.

#### Additional oversight protocols

At PFM, we supplement our online cybersecurity measures with additional steps that either run parallel to our digital security protocols, or add reporting and analysis of them. A few examples include:

- Call-back verification We will confirm banking instructions prior to initiating a requested change.
- ► Mandatory internal dualreview control - Dual review ensures that two individuals have reviewed all requests related to opening and closing accounts and applicable maintenance items. (e.g., changes to permissions and/or banking instructions)
- ► Information sharing restrictions - We follow strict protocols for receiving and sending sensitive information. For example: specific forms are required for specific account changes and updates. We do not accept or send sensitive information via phone, email, or other unsecured means.
- Audit log We maintain an audit log to provide an audit trail to determine details or answer questions on specific user actions.

PFM works to combine the best elements of employee training, digital security and oversight to ensure the integrity of its information systems, and to protect the data of its employees and investors of the pooled investment programs we manage. For more information on these processes please contact us.

Brian Sanker is a Director with PFM working with clients in the central part of the Commonwealth. He can be reached at <a href="mailto:sankerb@pfm.com">sankerb@pfm.com</a>.



40

#### **Data breaches:**

#### By the numbers

Computer network breaches and other types of cyberattacks are a big problem. Here are a few statistics to illustrate just how big:

- ▶ \$148: The average cost, in dollars, of each lost or stolen record in a data breach
- ▶ **70:** The average number of days it takes to resolve and contain a data breach
- ▶ 35 to 108: The increase in financial/banking breaches from 2013 to 2019
- ▶ \$740,000: The average cost of notification after a data breach
- ▶ \$3.86 million: The average cost of a data breach
- **\$4.2 million:** The average amount of lost business *after* a data breach
- **\$2.1 trillion:** The estimated cost of global data breaches in 2019

\*Sources: Statistica, 2018/2020 Data Breach Investigations Reports, IBM 🚨



# We help clients connect the dots.



INTERIM EXECUTIVE LEADERSHIP



STRATEGIC AND COMPREHENSIVE PLANNING



COMMUNITY AND ECONOMIC DEVELOPMENT



ZONING AND LAND USE



GRANT FUNDING AND PROJECT MANAGEMENT



CODE ENFORCEMENT

# We immerse ourselves in your project... and it works!

We are local government experts.

We are an experienced team that meets your needs.

We bring people together through shared goals.



strategic-solutionsllc.com

John Trant, Jr.: john@strategic-solutionsllc.com

Municipal Reporter ◆ 41

Office: 412.857.2151

# LEGAL NOTES

Supreme Court
Grants Police Officers
Qualified Immunity
in Two Cases

BY LISA SORONEN, EXECUTIVE DIRECTOR STATE AND LOCAL LEGAL CENTER

The U.S. Supreme Court has held that the use of force by police officers violates the Fourth Amendment when it is "excessive." Police officers receive qualified immunity if it isn't clearly established that their use of force was excessive. In two unauthored opinions, decided without oral argument the Supreme Court granted police officers qualified immunity where the lower courts refused to.

In *Rivas-Villegas v. Cortesluna*, the Court reversed the Ninth Circuit's denial of qualified immunity to Officer Rivas-Villegas. While Officer Rivas-Villegas was in the process of removing a knife from Ramon

Cortesluna's pocket, he placed his knee on Cortesluna's back, which Cortesluna claimed was excessive force.

A girl told 911 she, her sister and her mother had shut themselves into a room because their mother's boyfriend, Cortesluna, was trying to hurt them and had a chainsaw. Officers ordered Cortesluna to leave the house. They noticed he had a knife sticking out from the front left pocket of his pants. Officers told Cortesluna to put his hands up. When he put his hands down, they shot him twice with a beanbag shotgun. Cortesluna then raised his hands and got down as instructed.

Officer Rivas-Villegas placed his left knee on the left side of Cortesluna's back, near where Cortesluna had the knife in his pocket, and raised both of Cortesluna's arms up behind his back. Another officer removed the knife and handcuffed Cortesluna. Rivas-Villegas had his knee on Cortesluna's back for no more than eight seconds.

The Ninth Circuit concluded that circuit precedent, *LaLonde v. County of Riverside*, indicated that leaning with a knee on a suspect who is lying face-down on the ground and isn't resisting is excessive force. The Supreme Court disagreed that *LaLonde* clearly established that Officer Rivas-Villegas couldn't

briefly place his knee on the left side of Cortesluna's back.

The Supreme Court reasoned LaLonde is "materially distinguishable and thus does not govern the facts of this case." "In LaLonde, officers were responding to a mere noise complaint, whereas here they were responding to a serious alleged incident of domestic violence possibly involving a chainsaw. In addition, LaLonde was unarmed. Cortesluna, in contrast, had a knife protruding from his left pocket for which he had just previously appeared to reach. Further, in this case, video evidence shows, and Cortesluna does not dispute, that Rivas-Villegas placed his knee on Cortesluna for no more than eight seconds and only on the side of his back near the knife that officers were in the process of retrieving. LaLonde, in contrast, testified that the officer deliberately dug his knee into his back when he had no

weapon and had made no threat when approached by police."

In City of Tahleguah v. Bond, the Supreme Court held that two officers who shot Dominic Rollice after he raised a hammer "higher back behind his head and took a stance as if he was about to throw the hammer or charge at the officers" were entitled to qualified immunity.

Dominic Rollice's ex-wife told 911 that Rollice was in her garage. intoxicated, and would not leave. While the officers were talking to Rollice, he grabbed a hammer and faced them. He grasped the handle of the hammer with both hands, as if preparing to swing a baseball bat, and pulled it up to shoulder level. The officers yelled to him to drop it. Instead, he came out from behind a piece of furniture so that he had an unobstructed path to one of the officers. He then raised the hammer higher back behind

his head and took a stance as if he was about to throw it or charge at the officers. Two officers fired their weapons and killed him.

The Tenth Circuit concluded that a few circuit court cases - *Allen* v. Muskogee in particular — clearly established that the officers' use of force was excessive.

The Supreme Court disagreed. "[T]he facts of Allen are dramatically different from the facts here. The officers in Allen responded to a potential suicide call by sprinting toward a parked car, screaming at the suspect and attempting to physically wrestel a gun from his hands. Officers Girdner and Vick, by contrast, engaged in a conversation with Rollice, followed him into a garage at a distance of 6 to 10 feet, and did not yell until after he picked up a hammer."



# **Professional DIRECTORY**



AT&T Inc. 351 Stanley Drive Palmyra, PA 17078

**David Kerr** Vice President External Affairs-Pennsylvania T: 717.269.5872 dkerr@att.com



## Proactive *beats* reactive.

Taking steps to prevent labor and employment issues is a far better strategy than trying to mitigate them after the fact. We partner with municipalities in every corner of the Commonwealth, helping them address potential risks and create work environments where people and public service can thrive. We'd like to do the same for you.



Pittsburgh (412) 395-1280 | Philadelphia (610) 227-2591 | cdblaw.com

#### Jennifer Frees

Senior Manager Government & External Affairs

#### Comcast Cable

1306 Goshen Parkway West Chester, PA 19380 jennifer\_frees@comcast.com 610-401-6482





#### Brian S. Weatherford

Vice President

100 Constellation Way Suite 1200C Baltimore, MD 21202-6302 410 470 1852 Office 443 213 3563 Fax 443 695 4302 Mobile www.constellation.com

brian.s.weatherford@constellation.com



Patrick Geary pgeary@cornerstonewais.com

3910 Caughey Rd. Suite 220 Erie, PA 16506

Phone: 814-315-2000



Carol Bigham cbigham@dvtrusts.com

719 Dresher Road Horsham, PA 19044

Phone: 215-706-0101

GIANT

#### **Ashley Mahaffey**

External Communications and Community Relations Coordinator

#### The Giant Company

1149 Harrisburg Pike Carlisle, PA 17013

ashley.mahaffey@giantmartins.com

717-254-2950



GWIN

DOBSON & FOREMAN

Phone **814.943.5214** Fax **814.943.8494** 

#### ENGINEERS

3121 Fairway Drive, Altoona, PA 16602 www.gdfengineers.com

Proudly supporting the Pennsylvania Municipal League



HIGHMARKBLUESHIELD.COM

NLC Service Line Warranty Program

HomeServe

#### **Ashley Shiwarski**

Director, Regional Water

- 0 724.749.1097
- 412.874.9454
- ashley.shiwarski@homeserveusa.com

#### www.NLC.org/serviceline

4000 Town Center Blvd, Ste 400, Canonsburg, PA 15317

# **Professional DIRECTORY**

#### Jennifer CruverKibi, CPA

Partner

#### **Maher Duessel**

Harrisburg, PA 17110 jcruverkibi@md-cpas.com 717-232-1230 x204





Steve Solman steve.solman@mbgbenefits.com One Gateway Center Suite 1475 Pittsburgh, PA 15222 Phone: 412-394-9332



#### Angela Tennis, MBA, CIC, CRM, CIIP, AAI Director of Insurance Services

800-848-2040 (within PA) 717-236-9469 \*258 OFFICE 717-579-0076 CELL 717-236-9493 FAX atennis@pml.org

414 North Second St. Harrisburg, PA 17101

www.pennprime.com



One Keystone Plaza, Suite 300 North Front & Market Street Harrisburg, PA 17101

717.232.2723 OFFICE 717.233.6073 FAX

pfm.com



#### **Fred Bean**

VP, Program Management 888-400-4647 fbean@benecon.com 201 E. Oregon Road Suite 100 | Lititz, PA 17543

#### PORTER & CURTIS www.portercurtis.com

Kenneth F. Porter, ARM

#### SAUL EWING ARNSTEIN & LEHR "

William W. Warren, Jr. Partner

2 North Second Street, 7th Floor Harrisburg, PA 17101-1619

717-238-7698 • fax 717-257-7584 wwarrem@saul.com



#### Debra S. Gross Member Service Representative – U•COMP

dgross@pml.org o 717-236-9469, ext. \*254 toll-free 800-922-8063 f 717-236-9493

414 North Second Street Harrisburg, PA 17101

PML.org

#### Frank P. Buzydlowski, Esq.

Director State Government Affairs

Verizon 210 Pine Street 7th Floor Harrisburg, PA 17101 f.p.buzydlowski@verizon.com O 717.777.5858



# PSATC President's Message



SAM VALENZA
COMMISSIONER
UPPER MORELAND TOWNSHIP



To all First Class Township Commissioners & Officials,

I want to thank the membership of PSATC for electing me as president for 2021-2022. I want to also thank my predecessor, Nathan Silcox, for his leadership during 2020-2021 transition year. Hopefully in 2021-2022 our organization will be able to get back to in-person meetings and activities like we experienced pre-COVID.

PSATC is a dynamic organization whose primary focus is local government through the eyes of the first class townships and their elected officials across Pennsylvania. Every year, PSATC identifies unfunded mandates that cripple townships and force additional financial burden on first class townships and their taxpayers. The preservation of our townships is dependent on the control of these unfunded mandates. Our goals for 2022 will be to try to get back to normal and work together (PSATC, The League and local government as a whole) to make some headway in an effort to roll back these mandates, including municipal pension reform and binding arbitration laws, the consumer fireworks law, and local government public notice requirements.

In order to accomplish these goals, we need to continue to build relationships with our members of the State House of Representatives and State Senate. These relationships will give us the opportunity to present, share and promote these legislative priorities which will ensure effective local government.

As friends, neighbors, residents and constituents, we all serve local government. The thousands of dedicated citizens work hard to make our communities better places to live, work and raise a family. You should all be commended for your commitment of time and energy that is put forth for the benefit of your constituents.

Dates and locations have been identified for our 2022 executive committee meetings. It is important that all our PSATC past presidents and delegates attend these meetings. Member townships should feel free to pass along information, concerns and ideas through their regional delegates. Please mark your calendars for the following dates:

- Lancaster Marriott, January 14 16, 2022
- Harrisburg Hilton (Lobby Day), April 24 26, 2022
- Graduate Hotel in State College, June 24 26, 2022

Sincerely,

Sam Valenza







#### Dependable - Full Service - Secure

Offering flexibility of plan design and direct access to the administrator, PMRS provides professional yet personal assistance to help Pennsylvania municipalities create a stable pension plan.

We place great emphasis on quality of investments, consistency of return, and adding value to the municipal plan assets while placing them at minimum risk.

Visit us on the web at: www.pmrs.state.pa.us
Toll Free: 1-800-622-7968 or 717-787-2065

Our Vision: To be Pennsylvania Local Governments' Pension Administrator of Choice





**AMY FARKAS MANAGER** HARRIS TOWNSHIP



**APMM.net** 

Dear Members.

APMM had a busy fall season. We recently presented a session on elected official-manager relationships at The League's Municipal Leadership Summit in Lancaster. It was an interactive session that featured lots of great questions from the audience members. Many thanks to Sandra Zadell, Carolyn McCreary and their board chairwomen for participating in the session. We hope to do more sessions like this in the future, as we felt it was a great way to educate elected officials on the value of professional municipal management.

APMM has been asked to participate in a group of state associations that are looking at diversity, equity and inclusion issues. The grassroots Local Government Big Thinkers Group was created to discuss how the local government profession could respond to the National Academy of Public Administration's Grand Challenges initiative. This network would share best practices from cities, counties and association sponsored initiatives as well as work together in supporting state specific strategies for advocacy and change. Centrice Martin, the assistant manager in Ferguson Township, will be serving as APMM's liaison to this group.

As we finalize our budgets, I wanted to make a plug to include funding to attend our upcoming, in-person training sessions. The Executive Development Conference will be held February 10-11 and will move to the Hotel Hershey. This event is always a great educational and networking opportunity. It will also be our first in-person event since February 2020. We look forward to being together again.

In addition, we are about to begin planning our annual conference. The conference will be held May 23-25 at the Hotel Hershey. I am pleased to have Ferguson Township Manager Dave Pribulka serving as my conference chair. If you are interested in serving on the conference planning committee, please send an email to Dave at dpribulka@twp.ferguson.pa.us.

Lastly, just a reminder that we are always looking for volunteers to serve on our membership, professional development and promotion committees. Our association is strong because of our members and their commitment to our profession. We hope you will consider joining a committee and helping us to continue to reimagine how APMM delivers trainings, interacts with its members and promotes the value of professional municipal management in Pennsylvania.

I wish all of you a successful budget season and look forward to seeing you in person in 2022!

Sincerely,

Amy Farkas

### **APMM News...**

# **APMM Membership Update**

## **New/Reinstated Members**

Mr. Joseph Fleming
Manager
City of St. Marys
Elk County
11 Lafayette Street
Saint Marys, PA 15857

814-781-1718 ext. 222 ifleming@stmaryspa.gov

Full Member - Manager

*Ms. Carolyn Hildebrand*Manager

West Cocalico Township Lancaster County P.O. Box 244

Reinholds, PA 17569 717-336-8720

wcocalico@gmail.com

Full Member - Manager

Ms. Kelly Palmer

Assistant Manager

Upper Allen Township

**Cumberland County** 

100 Gettysburg Pike

Mechanicsburg, PA 17055

717-591-3769

kpalmer@uatwp.org

Full Member - Assistant Manager

Mr. John Trant, Jr.

President

Strategic Solutions, LLC

524 Sandrae Drive

Pittsburgh, PA 15243

john@strategic-solutionsllc.com

https://www.strategic-solutionsllc.

com/

Sponsoring Member

*Mr. Matthew Watkins* 3245 Hemlock Farms Hawley, PA 18428

973-259-6177

matthew.u.watkins@gmail.com

**Associate - Retired** 

# **Upcoming APMM Events**

SAVE THE DATE!



www.apmm.net

# **Executive Development**Conference

The Hotel Hershey 100 Hotel Rd Hershey, PA 17033 February 2022

10-11

## Annual Conference

May 2022

23-25

**The Hotel Hershey** 100 Hotel Rd Hershey, PA 17033



### THE PENNSYLVANIA **MUNICIPAL LEAGUE PROVIDES** SUPPORT THROUGH ITS MANY PROGRAMS AND SERVICES.

# **TRAINING & DEVELOPMENT**

- PA Construction Codes Academy (PCCA)
- PA Training Hub (PATH)
- · Floodplain Management
- Energy Code Compliance
- Municipal Planning
- Land Use Law in PA Resource Website
- Sustainable Pennsylvania Community Certification
- Online Training

# **INSURANCE TRUSTS**

- PennPRIME Liability Trust/PennPRIME Workers' **Compensation Trust**
- Unemployment Compensation Trust (U-COMP)

# PROGRAMS & **SERVICES**

- Civics and You: Your Key to Pennsylvania Local Government E-Book
- EfficientGov GrantFinder Program
- Local Public Procurement Program (L3P)
- Municipal Job Junction+ (MJJ+)
- Municipal Utility Alliance (MUA) Electricity
- Pennsylvania Local Government Investment Trust (PLGIT)
- Public Employer Labor Relations Advisory Service (PELRAS)\*

## **NETWORKS**

- Home Rule Network (HRN)
- University-Community Network (UCN)

Members of these programs and services also receive newsletters and/or special publications designed to keep them up to date on the latest developments pertaining to these topics. For information on any of the above services, please contact us at 800-922-8063 or 717-236-9469 or visit www.pml.org.

<sup>\*</sup>Members of League enjoy reduced membership fees when joining these programs.

# We HELP YOU MANAGE RISK 24/7.

# So you can FOCUS on the 9-5.

With all the tasks that challenge you on a daily basis, we understand that risk management is only one of the many responsibilities on your "to do" list.

That's why **PennPRIME** is here to help you manage the risk, even when you can't.

Armed with our Trusts' municipal entityspecific coverage, educational support, and other specialized services, we're ready to be an extension of your team, whenever and however you need us.



800.848.2040 www.pennprime.com