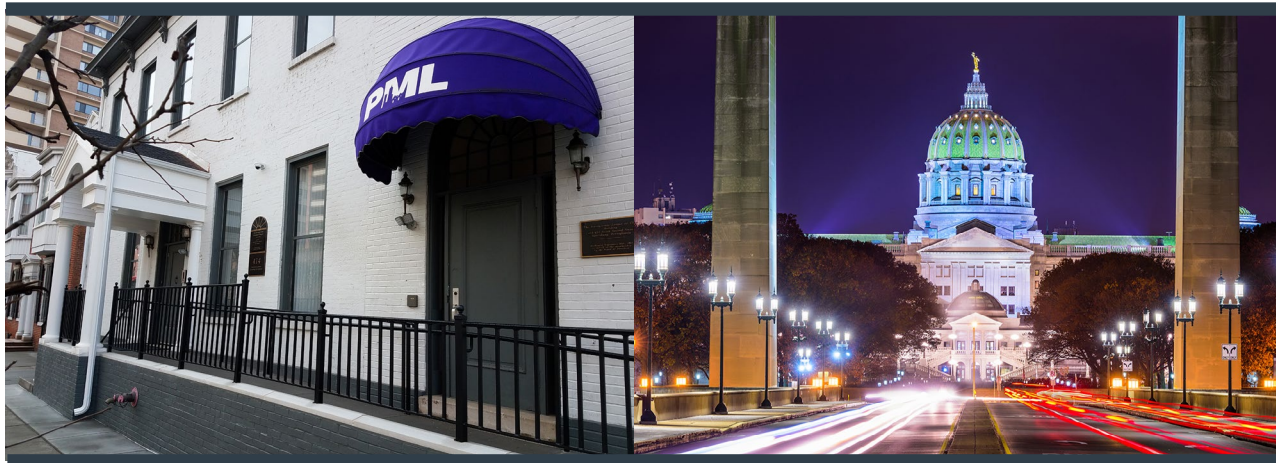




Pennsylvania Municipal
League



Policy Statement 2023

*The mission of the Pennsylvania Municipal League
is to strengthen, empower and advocate
for effective local government.*

League Core Values

Local Governance — *We believe that local authority and autonomy are central to effective municipal government and we are fully committed to their protection, preservation and advancement.*

Non-Partisan — *We welcome and respect the perspectives of all elected and appointed officials without regard to their political affiliation.*

Diversity, Equity and Inclusion — *We value the diversity of our members and the people they serve, and are dedicated to ensuring equal respect, recognition, fairness, and access to opportunity for everyone.*

Leadership — *We understand that highly-competent current and future local leaders are vital and we proactively support their ongoing development.*

Service — *We listen to our members and ensure that their priorities, needs and satisfaction drive what we do.*

Collaboration — *We work to enhance all municipalities through alliances with public entities, organizations, businesses and educational institutions.*

Innovation — *We embrace the need to find and develop new ideas and solutions to help local governments increase their adaptability, effectiveness and impact.*

Fiscal Integrity — *We believe that accountability, transparency and the responsible management of resources are essential for both our association and local government.*

2023 Legislative Priorities



Pennsylvania Municipal
League

The Pennsylvania Municipal League is a nonprofit, nonpartisan organization established in 1900. Today, The League represents participating cities, boroughs, townships, home rule communities and towns that all share The League's municipal policy interests.

The League is dedicated to advocating for and serving the interests of our membership.

With a mission to strengthen, empower and advocate for effective local government, The League supports the following 2023 legislative priorities.

Public Safety

Local Use of Radar: Achieve authorization for municipal police officers to use radar as a modern public safety tool for speed enforcement.

Post-Traumatic Stress Injury (PTSI) for First Responders: Achieve a compromise on legislation granting first responders an expanded PTSI benefit. The League supports language that will result in a benefit that is narrowly tailored, fiscally responsible and insurable.

Municipal Finance

Local Taxation Reform: Educate the General Assembly on the need to modernize the 1965 local taxing structure, commonly referred to as Act 511, so that local revenue can appropriately meet today's expenses and help prevent fiscal distress.

Recommendations include:

- Eliminate or raise tax rate caps on EIT
- Perform regular property assessments
- Allow flat taxes to grow with inflation
- Offer local/regional revenue option to all municipalities – such as a county sales tax, drink tax, payroll tax and non-resident tax

Community Development and Infrastructure

Blight Remediation: Achieve tools to help in the on-going efforts to prevent and remediate blight in our communities.

Specifically, The League supports increasing the 1994 fire escrow amount to reflect today's dollars, providing a simplified process to clear tangled titles and strengthening local code enforcement efforts and funding.

For more information, please visit pml.org.

For questions, please contact Amy Sturges, Deputy Executive Director for Advocacy, at asturges@pml.org.

414 N. Second Street
Harrisburg, PA 17101
717-236-9469 • pml.org

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A Message from the Executive Director



We are pleased to provide The League's 2023 Policy Statement. This publication incorporates policies adopted by the membership at the 2022 Municipal Leadership Summit.

The League's policy positions are member-driven and this Policy Statement is a clear example of how member input drives the organization. The policy process starts with our spring district meetings. Members are encouraged to submit policy resolutions for discussion and adoption by their districts. Resolutions adopted at the district level are put before the full membership in October. They are first considered at the Resolutions Committee meeting and then the Annual Business Meeting. This process ensures a solid vetting of policy and provides ample opportunity for member input.

The League staff will refer to this document many times throughout the year. It provides an important basis for our position on legislation, as well as state agency policy.

We encourage you to read the Policy Statement and share it with your fellow elected and appointed officials. If you feel a topical area needs to be added or further refined, The League staff will be glad to discuss.

As always, your comments and suggestions are welcome.

Sincerely,

A handwritten signature in black ink that reads "John S. Brenner". The signature is written in a cursive, flowing style.

John S. Brenner

Introduction and General Principles

Several overall principles guide The League's advocacy for local government entities:

Local Government Autonomy

Local governments must comply with an endless stream of rules and regulations in performing their prescribed duties. Each local government has its own unique needs and must adopt methods to adequately address those needs. The League supports granting local governments the autonomy, flexibility and control necessary to effectively govern.

Unfunded Mandates

The League is opposed to unfunded mandates. Federal and state mandates passed down to local governments whether through legislation, regulation or court order must come with a funding source or the authority for the local governments to fund the mandates as they deem appropriate.

The League supports a constitutional amendment limiting the Commonwealth's ability to impose new mandates without adequate funding. The League also supports full funding of current mandates. As one method of deterring unnecessary costs, independent fiscal impact statements should be required on all legislation or regulation imposing a mandate on local government.

In addition, subsidies for mandated programs should be paid annually at a specific time to permit municipalities to properly plan, budget and utilize such payments.

Municipal Fiscal Health

Pennsylvania's urban communities are confronted with many issues not facing their rural counterparts that impact municipal fiscal health. A large percentage of tax-exempt entities; a land-locked tax base; an older housing stock; older residents of lower economic means; a higher tax burden; difficulty attracting new residents and business; and service costs that exceed tax revenue to name a few. To assist urban communities struggling to remain fiscally sound or struggling to re-invent themselves to regain fiscal health, The League advocates for a direct and comprehensive fiscal urban policy. Each administration, its agencies and the General Assembly should be invested in this policy and the success of the Commonwealth's urban communities. It is imperative to the Commonwealth's own fiscal health that state policies, programs and legislative actions recognize the unique value of urban areas and support their success.



Taxation

Local Taxing Structure

The League seeks legislative reform of the archaic and rigid local taxing structure imposed on local governments. Developed in the 1960's and relying heavily on Real Property and Earned Income Taxes, the current system is difficult to administer, regressive and unresponsive to changing local needs. Local flexibility would allow for a more even distribution of the tax burden and relieve the fiscal burden brought about by declining tax bases, increased mandates, and the rising costs of public services. To that end, we continue to strive toward a legislative solution that will bring more flexibility with locally tailored tax structures to meet the individual needs of our communities.

Local Taxing Authority

Aside from local flexibility to determine the best sources of local revenue, The League offers the following positions concerning local taxing authority.

- Support for a statewide Local Drink Tax or a shift to a Sales Tax on the consumer, rather than a tax on the licensee.
- Support for a Local Option Hotel Use Tax and elimination of the tax exemption that occurs after 30 days of a continuous hotel stay.
- Support for a regional tax, such as a 1% Local Option County Sales Tax collected on a county-wide basis and redistributed to counties and their municipalities.
- Support for legislation that curbs circumvention of the Realty Transfer Tax, particularly on commercial properties.
- Support for legislation permitting municipalities to levy special purpose taxes for specific services, such as police and fire.
- Support for repeal of the prohibition to levy or increase the rate of the Business Privilege/Mercantile Tax.
- Support for a funding mechanism on a regional basis for service and infrastructure needs in urban areas.
- Support for exploration of solutions to the Philadelphia Non-resident Wage Tax disparity. Solutions must eliminate any negative fiscal impact on Philadelphia while providing tax revenue to workers' home jurisdictions. The League also supports removal of the Philadelphia Super Credit, as it will not harm Philadelphia and will benefit workers' home jurisdictions.
- Opposition to the use of referendum procedures to adjust local tax structures.
- Opposition to legislatively imposed spending limitations on municipalities as they have no relationship to the demand for or level of public services required or mandated by federal and state laws.
- Opposition to state pre-emption of current local taxing authority.
- Opposition to mandated consolidated collection of the Business Privilege Tax (BPT) under Act 32 of 2008, which requires countywide collection of the Earned Income Tax. The BPT is a locally nuanced tax that requires specific collection procedures better left to the local level.
- Opposition to any mandated elimination of current taxing authority that does not provide an alternative and equal revenue source.

Local Tax Enabling Act – Act 511 of 1965

The League supports the preservation of the current local taxing authority in the Local Tax Enabling Act. We also support the following updates.

- Authorization for municipalities to levy a full one percent Earned Income Tax (EIT) with no school district sharing requirement. The exception being Home Rule and Act 47 communities who have greater EIT taxing authority.
- Authorization for municipalities to levy a Payroll Tax.
- Authorization to increase the levy of the Local Services Tax up to \$156 annually.
- Restoration of the Mercantile/Business Privilege taxing authority that existed prior to *Wilsbach Distributors, Inc. v. City of Harrisburg (1986)*. This ruling pre-empts local taxation of industries under "pervasive state regulation." This pre-emption has only been applied to banks and beer distributors.
- Authorization for a form of tax base sharing of the Earned Income Tax paid by nonresidents in a job-hosting municipality.
- The League opposes further consolidation of the collection of the Earned Income Tax to the Department of Revenue or any other statewide collection system. Regional (countywide) collection has been in full implementation since 2012 and has been successful in terms of efficiency and revenue collection. The current system also provides local control and oversight which, among other benefits, ensures customer service.

Local Tax Collection

Today's local tax collection methods may not be the most efficient. Each governing body should have the option to choose the method of collection most efficient for its community. Potential alternatives to the local elected tax collector include the county treasurer, a private agency or an employee of the municipality. The League supports the local option to eliminate the elected tax collector and use an alternative method that will best serve the needs of a local taxing jurisdiction.

Non-Tax Revenue

Sustaining and Growing Non-Tax Revenue Sources

The costs of providing municipal services can easily outpace the amount of tax revenue collected. This is especially true in our older, core communities that carry the expense of full-time police and fire service, an abundance of tax-exempt properties, and state and federal mandates, all while trying to keep an eroded tax base from getting worse.

In response to the complex needs of full-service municipalities, The League supports the following measures providing options for non-tax revenue.

- Local implementation of uniform municipal fees on all properties as a way to cover the costs of specific municipal services or programs, such as police and/or fire service, road maintenance, storm water management, solid waste and recycling service and rental inspections. Fees levied and collected must reflect the actual costs of administering the particular program or service they support and should not be set to generate revenue above the actual cost of providing the stated program.
- Sustained funding levels for PennDOTs Liquid Fuels Program. Please see the Intergovernmental Affairs chapter for the detailed Liquid Fuels Program policy.

- Preservation of the Local Impact Fee for natural gas development as authorized in Act 13 of 2012.

Collecting Delinquent Municipal Claims

Municipalities rely on residents and businesses to pay for services provided in a timely manner, though not all comply, resulting in delinquencies. Municipalities may currently collect delinquent claims by obtaining a judgement or issuing a lien against property, but the actual collection of money owed through these processes is expensive and time consuming.

Pennsylvania is one of only four states that does not allow for the use of wage garnishment for the collection of non-tax debt. However, tax collectors may use wage garnishment to collect delinquent taxes through the Local Tax Enabling Act. Wage garnishment for non-tax debt would result in a more efficient and simpler collection process. The League supports legislation providing municipalities with the optional tool of wage garnishment, identical to the process used for garnishment when collecting delinquent local taxes, for the collection of delinquent municipal claims.

Real Property Tax

Property Tax Assessment

The property tax assessment function in Pennsylvania needs to be addressed. Many of the deficiencies in the system reflect most heavily on and to the detriment of urban centers through assessments that are not responsive to changing conditions and ratios set for non-urban center needs.

The League supports property tax assessment reform containing:

- modernized assessment practices, including the concept of a uniform ratio of assessment, preferably at 100 percent of actual market value;
- regular county-wide reassessments and substantial penalties for counties that do not perform regular reassessments;
- sufficient funding for counties to perform reassessment;
- a limit on the amount of tax reduction incident to an assessment appeal to 25% in the first year and a phase in at 25% increments over the following three years; and
- an update to the composition of the County Assessment Appeals Board by requiring that boards be comprised of no less than five members.

Until such time that regular countywide reassessment is commonplace, The League supports the preservation of current law authorizing assessment appeals by local taxing jurisdictions. The preservation of this tool helps counteract the impact of overdue and irregular reassessment.

Temporary Reduction in Assessed Value

Residential and commercial real estate tax assessments are subject to appeal, and in some cases, the common level ratio application to the assessed value results in the reduction of assessment even when the County Board of Appeals does not reduce the market value of a property.

As a result of the COVID-19 pandemic, real estate market values may, at least in the short term, decline. Assessment appeals during the pandemic may result in long-lasting property tax reductions for local governments and school districts, even though the reduction in value is temporary.

For this reason, The League supports an amendment to the Pennsylvania Uniform Assessment Law providing that reductions in assessed value during 2021, 2022 and 2023 are temporary, and upon application of the appropriate taxing body, will be reconsidered by the Assessment Board of Appeals.

Tax-Exempt Properties

Urban areas carry the burden of large amounts of tax-exempt property. This can be as high as 75% in some municipalities. Granted tax-exempt by federal and state law, such entities, by their nature, do not contribute directly to a municipality's tax base. Yet they require the expenditure of funds to provide vital services, such as police and fire protection.

The League seeks legislative relief from the burden of tax-exempt property. Possible solutions include:

- spreading the cost of providing services to a tax-exempt entity over the service area of the entity;
- establishing a system of payments-in-lieu-of-taxes for state and federal government facilities; including state-owned and state-related educational institutions;
- authorizing a Municipal Services Fee for services to tax-exempt property, such as fire and police protection; and
- establishing a fund at the state level to reimburse municipalities based on the amount of tax-exempt property within their borders.

Preservation of PA Supreme Court's "HUP" Case

In 1985, the PA Supreme Court decided the "HUP" case and set out a five-pronged standard for determining when an entity qualifies as a purely public charity. In 1997, the PA General Assembly developed a test for tax-exempt status in Act 55. This is a less strict standard. In 2012, the PA Supreme Court reaffirmed the HUP case as the Constitutional minimum standard for designation as a

purely public charity.

Since the 2012 decision, legislation granting the General Assembly the sole authority in establishing the standard for tax exemption has been under consideration. The League is fearful the General Assembly's Act 55 standard would allow for more entities to be designated as tax-exempt. More tax-exempt properties in our older, core communities would have an adverse fiscal effect on the taxpayers in those communities paying for municipal services.

As a result, The League opposes legislation that would override the HUP case standard set forth by the PA Supreme Court in 1985 and again in 2012.



Act 47 – Distressed Municipalities

It is in the best interest of the Commonwealth to promote municipal self-reliance and provide the tools necessary for all communities to prosper. Helping to avoid municipal distress should be a priority for the Commonwealth by updating current laws and giving municipalities the tools they need to succeed.

The Municipalities Financial Recovery Act or Act 47 was enacted in 1987 to foster the fiscal integrity of the Commonwealth's municipalities large and small. A municipality in fiscal distress cannot adequately provide for the health, safety and welfare of its citizens. The stigma of a financially unhealthy community emanates beyond its borders and has a negative impact on the region, as well as the Commonwealth.

Once a municipality enters Act 47, it is difficult to get out. Taxing authority and other avenues of fiscal relief, not available outside of Act 47, make staying in Act 47 attractive. The majority of Act 47 entrants have lingered in the Program for years because fiscal stability without the Program's tools remains out of reach.

Amendments to Act 47 in 2014 now place a time limit on the number of years a municipality may stay in the Program. A failure to regain footing and move out of Act 47 in the newly prescribed time frames could result in receivership or even disincorporation.

Only the PA Legislature can resolve the underlying causes of municipal distress.

The League, as an advocate for local government fiscal health and stability, sets forth the following in regards to municipal fiscal distress and the Commonwealth's Act 47 Program.

- The Commonwealth must establish a new local government taxing structure that provides local flexibility and is not reliant solely on the Property Tax and Earned Income Tax.
- The Commonwealth must find a solution to the burden of large numbers of tax-exempt entities impeding the ability of communities to generate enough revenue to cover the cost of services.

- The Commonwealth must promote a regional perspective to local services, especially for distressed municipalities. This perspective goes hand-in-hand with adopting a new local taxing structure that draws resources from a larger area.
- Distressed municipalities levying an Earned Income Tax on non-residents must be permitted to continue the levy after their distressed status is lifted, provided that the rate levied on residents is equal to or greater than the rate levied on non-residents.
- The Commonwealth must reform the Act 111 and pension mandates so costs are fair, affordable and predictable.
- Taxes authorized under Act 47 must be allowed to remain in place after the designation is lifted, especially if there are no new revenue tools available to municipalities outside of Act 47.
- The Commonwealth must appropriate more money to the Act 47 recovery program for services that get pushed aside when budgets are in trouble. Distressed communities need grant funding to make visual improvements to the community – remediation and demolition of blighted properties, code enforcement, clean-up of transportation gateways, clean-up of parks, etc. have an immediate and positive impact on residents and visitors.
- Funding from the Commonwealth is also needed to help Act 47 communities attract and competitively compensate qualified, professional employees, especially fiscal officers and economic development professionals.
- Grants to Act 47 communities should be available without the requirement of a local match.
- Monetizing municipal assets is a last resort for distressed communities. Moreover, only a few communities have an asset valuable enough to place them on firm financial footing. The Commonwealth should only view this avenue as an option, not a panacea.
- Financial stability is just one piece of the puzzle. Without a new economic base to generate revenue and support necessary services, fiscal stability will not last. The Act 47 Program must also concentrate on creative solutions to help municipalities re-invent themselves – moving to a new economy, making the most of all their assets and incorporating a focus on economic development initiatives.
- State appointed Act 47 coordinators must be knowledgeable of Pennsylvania local government and not influenced by state or local politics. The League supports the recent requirement for coordinators to be evaluated.
- In some cases the fees of the state appointed coordinators have been excessive. Fees must be carefully managed as efficiencies in the Program would allow more money to be available to assist participating municipalities.
- State intervention needs to be flexible and balanced, allowing local leaders input into the decisions that will impact residents.
- If an Act 47 municipality is following its recovery plan, the time limitations for staying in the Program should be re-evaluated.
- A home rule charter can be beneficial to Act 47 communities by providing greater local control and locally-based decision making. It can also be a way to address financial difficulties through the flexibility to raise taxes and diversify revenue sources. Unfortunately, the process to become Home Rule is burdensome and lengthy, this often deters municipalities from pursuing a home rule charter, especially when operating under an Act 47 plan, which has a limited timeline to achieve recovery. An alternative process to Home Rule would remove barriers for an Act 47 community seeking a Home Rule Charter and potentially provide a quicker path to recovery. The League supports an amendment to the Home Rule Charter and Optional Plans Law providing distressed municipalities with the option to directly form a government study commission, made up of its elected officials and its Act 47 coordinator, if an Act 47 plan recommends the adoption of a new, or amendments to an existing, home rule charter.

The majority of Act 47 entrants have lingered in the Program for years because fiscal stability without the Program's tools remains out of reach.

Home Rule

The League supports the maintenance and protection of the rights of Home Rule municipalities as provided under Act 62 of 1972, the Home Rule Charter and Optional Plans Law.

The League encourages municipal leaders to consider Home Rule for their municipalities.

It is an effective tool for reorganizing local governments for increased effectiveness and citizen participation. Scores of

communities in Pennsylvania have set aside their original form of government to become more autonomous Home Rule municipalities. In each case, citizens have participated in the process of studying Home Rule, developing a local charter to guide the reorganization and administration of the municipality, and adopting that charter in lieu of the statutory municipal code.

The concept of Home Rule allows municipalities to act, unless specifically limited by state law or their own charters. From an advocacy perspective, The League supports preservation of local autonomy for Home Rule communities, as well as an understanding that new authorizations given to the traditional forms of local government also apply to Home Rule.

Pension Benefits and Home Rule

Home Rule and Optional Plan municipalities often provide pension benefits that differ from those contained in current

statute. These benefits are provided under the authority granted by the Home Rule Charter and Optional Plans Law. The Auditor General's office has issued findings that penalize Home Rule municipalities for the differing pension benefits. The League supports the authority of Home Rule communities to design and administer pension plans which vary from the state mandated plans.

Local Government Sovereign Immunity

Current law grants local governments sovereign immunity except in cases where damages arise out of the negligence of a government employee or entity, such as a dangerous condition on government property that results in an injury or a car accident caused by a government employee. Such local government liability is currently limited to \$500,000 per event.

A Legislative Budget and Finance Committee report, published in June 2022, found that the current \$500,000 liability cap sufficiently provides relief for over 99 percent of claims against local government entities. The report specifically states that the cap satisfies a majority of non-catastrophic claims, where no serious bodily injury and/or major trauma has occurred.

The report also recommends increasing the liability cap for catastrophic claims; however, an increase in liability exposure for catastrophic claims would result in prohibitively expensive insurance premiums and possible difficulty obtaining insurance.

The League agrees with the recommendation to maintain the current \$500,000 liability cap for non-catastrophic claims. However, The League strongly opposes increasing the caps for catastrophic claims, as this would have a significant impact on local government finances and the ability to obtain insurance.

Citizen Involvement

Open Meetings – The Sunshine Law

The League supports the democratic principle of citizen involvement and participation in government activities through an open public meeting process.

The Sunshine Law, Act 84 of 1986, requires public agency deliberations to be open to the public. Deliberative processes leading to any formal action must be performed in a public meeting.

The public's right to open meetings must be balanced with government's ability to function effectively and cost efficiently. The League opposes any legislation that exceeds reasonable requirements for assuring open and public proceedings, including legislation that places restrictions on government managing its own meetings and agendas.

The League supports legislation requiring the General Assembly to adhere to the same provisions of the Sunshine Law required of municipalities.

Quorum Requirements for Public Meetings

A physical quorum of the governing body for public meetings is best, but not necessary to conduct business in the 21st century. This was exemplified during the COVID-19 pandemic, which forced local governing bodies to meet virtually for public health reasons. While the General Assembly provided temporary authorization via Act 17 of 2020 for all local governments to meet virtually, all municipalities need to

know that in the future, their elected officials can still attend meetings and conduct official business when being physically present is impossible.

The League supports uniformity among the municipal codes regarding quorum requirements for public meetings.

Executive Sessions

The Sunshine Law provides several exceptions to its open meetings requirement. One of these exceptions is executive sessions. Government may hold executive sessions for consideration, consultation or negotiation of specific issues outside of public view prior to taking public action. The League supports the addition of discussions and negotiations concerning construction of facilities, housing and redevelopment projects, emergency preparedness, and the sale of municipal property to the list of issues authorized to be discussed in executive session.

The League does not support legislation taking the negotiation of collective bargaining contracts out of executive session. This would hinder the negotiation process. However, The League is supportive of opening up to the public the evidentiary hearings leading up to contract negotiations.

The League does not support legislation requiring executive sessions to be recorded. This requirement would have a chilling effect on the free exchange of ideas during important discussions/negotiations and is completely at odds with the purpose of executive sessions.

Right to Know Law

Local governments have worked to comply with the Commonwealth's 2008 Right to Know Law. Commercial requests, however, have become a costly issue that needs to be addressed. A commercial request essentially uses taxpayer resources to generate information for private business gain. Under the Right to Know Law, local governments may only charge for copying and mailing of requested records – they may not charge for the cost of compiling requests.

The League supports an amendment to the Law that further defines commercial requests; requires disclosure of whether a request is for a commercial purpose; and allows fees that

will reimburse for the actual personnel costs of fulfilling a commercial request, in addition to any copying or mailing costs.

Additionally, burdensome or vexatious requests submitted to local governments for public records that are considered voluminous or repetitive in nature have become an increasing problem. Many times these vexatious requests intend to harass or overburden local governments.

The League supports amending the Right to Know Law to create a process for local governments to petition the Office of Open Records seeking appropriate relief from an alleged vexatious requester under the Law.

Legal Advertising

Proposed Ordinances

Municipalities are required to publish notice of proposed ordinances in a newspaper of general circulation at least seven days prior to passage. They have the option of publishing the full text of the ordinance or printing the title with a brief summary of the ordinance. In the latter case, municipalities must provide the full text of the ordinance to the newspaper and county law library. The League supports authorization for the publication of the ordinance title only with a requirement that the full text of the ordinance be made available to the public at the municipal office during normal business hours.

Relief from Advertising Costs

Municipalities are required to advertise notice of public meetings, proposed ordinances, contracts, requests for proposals and other official business in a newspaper of general circulation. In most instances, there is only one newspaper of general circulation in each municipality, eliminating the ability to seek competitive pricing.

The League supports authorization for municipalities to use cost effective alternatives to traditional newspapers, such

as penny-savers, merchandisers and other low cost local newspapers, or to advertise on a municipal or statewide website.

The League also supports authorization for municipalities to advertise dates, times and the nature of business in a newspaper of general circulation, while allowing them to make copies of the full text available at the municipal office during business hours or by placing the full text on the municipal website.



Education

Schools and communities must work together through citizenship and student/community interaction. A knowledge of local government is essential to the well-being and preservation of American democracy. Schools are urged to make the study of local government a priority in preparing students to assume the vital role of citizen. The League supports the implementation of a local government curriculum in all private and public schools using our Civics and You e-book.



High-Quality Pre-K for Pennsylvania

The League supports a statewide effort to expand access to high-quality Pre-K education for all three and four-year-old children in Pennsylvania.

Full and Fair Funding for Pennsylvania Public Schools

The League supports full and fair funding for all public schools in the Commonwealth. The new state funding formula must be based on the real costs necessary to meet state academic standards and must use accurate school district and community data that reflect factors such as poverty, English language proficiency, school enrollment, and other objective measures that impact the cost of education.

School Violence

The League supports cooperative and on-going emergency planning and preparedness between school districts and the municipalities they serve.

Equity, Fairness, Inclusion and Justice

Municipal officials play a significant leadership role in their communities; and their commitment to equity, fairness, inclusion and justice fosters health, safety and prosperity for the entire community. All individuals no matter their race, ethnicity, gender or sexual orientation have the right to live with dignity and freedom from discrimination.

Municipal officials have an opportunity to lead by example by advancing policies and programs that benefit all citizens. This includes a comprehensive look at policies, practices and

procedures across all municipal departments, agencies and systems to advance policies and programs that instill equity, including the ability to make data driven decisions to prioritize and allocate resources to equity initiatives. A sustained investment and long-term commitment is necessary in the work to achieving equity. The League supports local officials in their work to advance the principles of equity, fairness, inclusion and justice in every community.

University Community Relations

High-Risk Drinking Among College Students

A majority of The League members host institutions of higher learning where the issues of underage drinking and binge drinking are prevalent. Excessive alcohol consumption affects the quality of life for residents and students and is an ever-present public safety concern for host municipalities. The League supports statewide efforts to solve the problem of high risk drinking among college students.

The League urges the General Assembly to adopt legislation that will offer new solutions to municipalities and universities to protect and preserve communities, such as:

- providing eligible municipalities with an equitable reimbursement for liquor law enforcement expenses;
- providing municipalities with more than one liquor license per 3,000 residents with the authority to enforce Pennsylvania's liquor laws;
- requiring the State System of Higher Education universities and state-related universities to provide quarterly reports to their host community detailing how they have handled students breaking laws within the community;
- subject to applicable laws, requiring all Pennsylvania institutions of higher education to inform parents of their notification policy for students violating laws related to drug and alcohol use; and
- requiring a joint state commission to be formed to study how other states handle parental notification rights under federal statutes.

Alcohol Related Fines and Prevention Funds

The League supports legislation authorizing county-wide Alcohol Offense Prevention Accounts funded by the collection of a \$100 court fee and shared with the municipalities in the county in proportion to the conviction of underage alcohol related offenses.

PA State System of Higher Education Campus Police Powers

Act 48 of 2003 recognizes that there may be times when state system campus police are needed to assist host municipality

police with quality of life issues that place extra demands on police and emergency services, such as crime, vandalism, assaults, noise and student drinking. Act 48 authorizes the state system to enter into cooperative police services agreements with municipalities overlain or abutting its campuses in accordance with 42 Pa.C.S. 8953 relating to statewide municipal police jurisdiction.

Under such agreements, campus police would have the same powers, immunities and benefits granted to municipal police officers. Even with this authorization, the state system has prohibited the negotiation of local service agreements. The League urges the General Assembly to amend Act 48 to clarify that state system universities are not only authorized, but obligated, to enter into negotiations with host municipalities and impacted municipalities to grant campus police the authority to patrol and enforce off campus, subject to a local agreement.

The League also supports cooperative police service agreements between private universities and their host municipalities.

Host Municipality Representation

The League supports providing host municipalities with representation on the Board of Governors of the State System of Higher Education and each University Council of Trustees.



Intergovernmental Relations

The relationship between federal, state and local government has a significant impact on citizens. Cooperation, sharing services and regionalizing efforts for efficiency and cost savings are all important goals to work toward whenever possible.

Cabinet Level Local Government Secretary

Every Pennsylvanian lives within more than one local government jurisdiction – county, municipal and school district. Therefore, local government plays a very important role as the government closest and most accessible to citizens. Too often, at the state level, there is a lack of consistency in seeking the input of local government on policy issues. The League supports the creation of a cabinet level Secretary of Local Government within the Department of Community and Economic Development to be an advocate for local government before the Administration and the General Assembly.

Intergovernmental Cooperation Act

The League encourages and supports the principles of the Intergovernmental Cooperation Act allowing for joint agreements between municipalities for the delivery of services and programs where not specifically limited by law. One method of promoting this cooperation is through Council of Governments (COGs) and other regional entities.

Regional Service Provision

The League urges the Commonwealth to encourage municipalities to work together and provide services on a regional basis by offering economic incentives to those municipalities willing to cooperate and share services.

State Police Services

Although public safety is a primary function of local government, about 67 percent of municipalities rely on the State Police, while 33 percent fund their own police departments. The extraordinary cost of public safety, usually amounting to half a municipal budget, discourages municipalities utilizing the State Police from establishing and funding their own local departments. This has led to a financially unsound reliance by both state and local government on the State Police. A better and more sustainable solution is needed to remedy the astronomical costs of public safety and over-reliance on the State Police.

The League supports measures that would provide local governments with the funds and tools needed to make establishing and maintaining local police departments an affordable endeavor. Furthermore, The League opposes a blanket assessment of a State Police Service Fee across all municipalities to pay for State Police services.

Finally, one-half of the fine revenue from violations issued by the State Police are distributed back to all municipalities. The League does not support municipalities relying on the State Police receiving fine revenue. This revenue should be put toward reimbursement of the State Police for services provided.

Shared Municipal Management

The League supports legislation authorizing municipalities to share or regionalize municipal management services. This can be accomplished by allowing a person, partnership, association or professional corporation to hold the office of municipal manager. The League also supports municipalities, especially those with insufficient resources to hire dedicated municipal managers, to explore regional cooperation and cost efficient delivery of services through shared municipal management services.

Commonwealth Tax Information

The collection of local taxes, such as the Business Privilege Tax and the Earned Income Tax, rely heavily on the Commonwealth's Income Tax rolls to determine the proper amount of local tax due. However, the Commonwealth does not provide tax information in a timely fashion to political subdivisions. The League supports making the tax rolls available electronically, such as through a secured website, for more efficient sharing of information.

Liquid Fuels Tax

Distribution of the Liquid Fuels Tax to local governments is based on a formula of 50 percent population and 50 percent road mileage. The League supports a revision of the liquid fuels formula to more adequately reflect the needs of populated municipalities where there is greater utilization of the street system. The League advocates for a formula based on the amount of lane miles, rather than linear miles, alleyways and traffic density.

Additionally, The League supports amending the allocation formula to provide weight to municipalities that have 50 percent or more of tax exempt and tax immune properties combined to ensure a more equitable distribution of funds based on need.

The League also supports maintenance of the current levels of liquid fuels funding; historically 20% has been passed on to local government. In 2021, municipalities received seven percent less in liquid fuels funds compared to the previous year. Pennsylvania's gas tax is one of the highest in the country, but the tax rate is stagnant, becoming an unreliable and outdated funding source as transportation costs soared and the result is a steady decrease of gas tax revenue.

A restructuring of state transportation funding mechanisms and formulas away from the gas tax cannot result in a decrease of funds to local governments. The League calls for local government transportation funding to remain whole and insists any new funding mechanisms and formulas provide additional and meaningful funding for local governments to undertake critical community transportation projects.

Further, The League opposes any gas tax holiday, as it would impact the local share of the Liquid Fuels Tax, create a larger transportation funding gap and impede necessary transportation projects.

Finally, payment of liquid fuels funds to local governments is not required in the same year as collection. The League supports a revision to this procedure requiring collection and disbursement in the same year.

Gaming Revenue

The Commonwealth is increasingly turning to gaming as a way to close budget gaps. Gaming activities create challenges for municipalities in terms of demands for services and enforcement. The League supports a consistent public policy for all forms of gaming, including providing local government with a portion of the proceeds from any statewide gaming activity.

Recreation Funding

The League supports efforts to provide grants for the maintenance and development of recreational and cultural programs despite trends at the federal and state levels to reduce funding to municipalities. The League also encourages the state to provide stable and dedicated funding for parks and recreation and other multi-purpose public facilities.

Pre-Audit Advice

It is necessary for municipalities to understand the applications and interpretations of state regulations to ensure equitability when making decisions on the utilization of state funds. Municipalities, however, have no source of pre-audit advice from the Auditor General's office. This can result in actions which are made in good faith, but are subject to severe penalties.

The League strongly urges the establishment of a pre-audit advisory source to assist municipalities in understanding the interpretations and applications of regulations by the Auditor General's office.

The League also encourages the Auditor General's office to perform regular and consistent audits and that the final audit

reports be returned to municipalities within six months of the completion of the field audit work.

Commonwealth's Escheat Law

The League supports an amendment to the Commonwealth's Escheat Law permitting municipalities that maintain and secure unclaimed property to dispose of such property by public auction after a specified period of time.

County Buildings

The League is concerned with county offices being relocated outside the boundaries of county seat municipalities. Such relocation has a direct and negative impact on the economics of the municipalities serving county seats.

The League encourages counties to keep their offices in county seat municipalities and opposes legislation which would permit the relocation of county courts, row offices or other county functions outside the boundaries of the county seat.

Municipal Utilities

The League supports removal of the Public Utility Commission's control over municipal utilities when rates are adjusted in equal dollar amounts both inside and outside the corporate boundaries of the municipality where the utility is located.

Preemption of Local Authority

Generally speaking, The League opposes state or federal preemption of local authority. A specific examples of preemption includes:

Borough Electric - The League supports the continued independent operation of borough electric systems. These local facilities provide reliable, responsive, and less expensive service to residents. Furthermore, a locally managed utility can reduce the burden of municipal electric facilities, as well as preemption of local regulations of borough owned electric facilities.

The relationship between federal, state and local government has a significant impact on citizens.

Boundary Changes

Article IX, Section 8, of the Pennsylvania Constitution, as amended by the 1968 Constitutional Convention and ratified by Pennsylvania voters, required the General Assembly, within two years following adoption of the Article, to enact uniform legislation establishing procedures for consolidation, merger or change of municipal boundaries.

To date, the General Assembly has not complied with this constitutional requirement. Current law is a hodgepodge

of contradictory requirements intermingled among various municipal codes. A uniform consolidation law would lessen the complexity of local government and provide the means for increasing cost efficiency of government services.

The League supports legislation authorizing boundary change through annexation, merger or consolidation provided the following provisions are included:

- uniformity of annexation implemented by action of the legislative bodies of the two municipalities involved;
- a method of annexation implemented by a majority petition of property owners in the area to be annexed and by ordinance of the annexing municipality and, if the annexation will provide a higher level of municipal services to property and citizens being annexed, then
- subject to standards determined and applied by an independent agency;
- uniformity of procedures for all classes of municipalities as provided by the Constitution; and
- study and initiation of annexation proceedings by an independent agency established by law as provided in the Constitution.

Financially distressed municipalities may have no other means of existence without merger, consolidation or annexation. The League supports additional options for independent recovery, beyond the Municipalities Financial Recovery Act, such as facilitating additional options for merger, consolidation or annexation, as well as promoting and incentivizing merger, consolidation and/or annexation with urban communities. The League also supports incentives for existing delivery systems to service broader areas through regional cooperation, boundary changes and/or merger of municipalities.

Municipal Authorities

The Municipality Authorities Act of 1945 has led to much confusion and litigation at the local level concerning appointment and removal powers of authority board members. Authorities are created by municipalities and are municipal corporations accountable to the public. However, the standard for removal of authority board members which is for cause by the Court of Common Pleas is too restrictive. The League supports a less restrictive standard to ensure a level of accountability to the municipality and residents that created the authority.

Another point of confusion is the lack of clarity in the Third Class City Optional Charter Law and the Home Rule and Optional Plans Law concerning the separation of powers between the chief executive and council when it comes to appointing authority board members. The League seeks clarification that appointments be vested in the chief executive with the advice and consent of council. Additionally,



language should be included to allow board seats to be declared vacant sixty days after a term expires and that council must reject appointment nominations by official action.

Finally, The League does not support rate regulation by the Public Utility Commission of water and sewer authorities when they are providing service to neighboring municipalities who are not represented on the authority board.

Specific to housing authorities, county appointments have become embroiled in political stalemates that impact the ineffectiveness of the authority. Housing authorities and their executive directors need to be responsive to the local decision making process. The League supports legislation

reforming the state's Housing Authority Law to provide more protection of urban interests. To assist in establishing responsive authorities, state civil service procedures for housing authority executive directors should be removed.

Infrastructure Improvement Financing

Local governments have massive needs to rebuild and expand their existing infrastructure. Water and sewer improvements, storm water management, and road projects are needed to continue basic services, as well as to attract new commercial and industrial development. Infrastructure improvements by their very nature are costly and these costs are increased exponentially by mandates to comply with federal and state regulations. Municipalities need flexibility and local discretion to decide the most appropriate way to pay for infrastructure costs.

As one avenue, The League supports an infrastructure development program for municipalities which combines

the fiscal resources of existing state and federal programs, general fund appropriations and state bond authority. Such a program should feature low or no interest loans, as well as grants. The League also supports funding on a statewide basis that encourages partnerships among various stakeholders including regional municipal partnerships to more effectively upgrade systems and make the best use of available funds.

Finally, The League urges the Commonwealth to review its local project permitting process and streamline the process among its various agencies in order to allow for a more efficient and timely review and permitting process of local infrastructure projects.

Public-Private Partnerships

Public-Private Partnerships (P3s) are arrangements between government units or authorities and private entities to collaborate on projects designed to meet the needs of the public while not relying entirely on tax revenue or municipal bonds.

P3s allow the government unit or authority to maintain a high-level of involvement with the project while sharing the financial, technological or operational responsibility with

private sector experts. Act 88 of 2012 authorized Public-Private Transportation Partnerships in Pennsylvania.

The League supports legislation that authorizes P3 arrangements at the sole option of local governing bodies.

The League supports the continued adherence to existing local procurement laws in respect to P3 agreements.



Unfunded Mandates

The League is in strong opposition to any legislation or policy that places an unfunded mandate on local governments. Prevailing wage and the Separations Act are just two examples of many found throughout the Policy Statement that The League opposes.

Prevailing Wage Act

The Pennsylvania Prevailing Wage Act was enacted in 1961 exempting projects under \$25,000 from prevailing wage requirements. The \$25,000 cap does not reflect inflation over the past six decades. The League supports legislation to increase the prevailing wage exemption for local governments to at least \$185,000 with an annual inflationary adjustment to keep the rate on par with future costs.

Additionally, The League takes the following positions on prevailing wage.

- Support for a municipal option to decide if prevailing wage will be paid.
- Support for an exemption for projects in Enterprise, LERTA, KOZ and TIF Zones.
- Support for calculation of the prevailing wage on a county,

rather than regional basis, to better reflect the local market.

- Support for a reversal of the current definition of “maintenance work.” This would remove projects, such as road surfacing and repair; bridge cleaning, resurfacing and painting; replacement of guide rails and curbs; and line painting from the current wage requirement and restore the meaning of the definition prior to the 2008 PA Supreme Court case *Borough of Youngwood v. Prevailing Wage Appeals Board*.
- Opposition to any regulatory changes to prevailing wage that would significantly alter the scope or intent of the law.

Separations Act

Pennsylvania's 1913 Separations Act requires public entities to bid and award separate contracts for general construction, plumbing, heating and ventilating, and electrical work when a public construction project is over \$4,000. Pennsylvania is one of the only states still requiring this outdated practice which often results in delays and a lack of centralized management. The League supports repeal of the Separations Act thereby allowing all aspects of the project to be bid under one prime contractor.

While we work to repeal the Separations Act, The League supports project delivery options for bidding construction projects as an alternative to the Separations Act. For example, methods used in private construction include: construction management at risk; design-bid-build with multiple prime

contractors; design-bid-build with a single prime contractor; and design-build. The option to choose one of these methods of project delivery would create a flexible and easier procurement process, as well as saving taxpayer dollars.

Public Health

Local officials must be aware of the many and varying public health issues impacting their communities. From chronic diseases, to outbreaks of disease, drug abuse, violence, environmental health and generational health – the list is long and ever changing. Public officials must educate themselves, their emergency services personnel and their constituents to ensure adequate preparedness and response measures are in place to appropriately address issues in a timely manner.

In addition to education and preparedness, it is important to have collaboration among all levels of government to effectively respond and recover from public health emergencies, much like the COVID-19 pandemic. The League urges the federal and state government to recognize the role of local government in a public health crisis and to work in collaboration with local government to share both information and resources.

Drug Abuse

Drug abuse has become the nation's top social problem and has placed staggering demands on public and private resources. The League supports a concerted and coordinated national, state and local approach to combating drug abuse.

Drug Forfeiture Laws

Significant assets are seized during drug raids. These assets, however, are controlled solely by district attorneys with no requirement to use such assets to help offset the cost to municipalities of staffing drug task forces. The League supports legislation to require a portion of all seized assets be dedicated to municipalities participating in the task forces. Furthermore, such assets should also be subject to certified audit.

Civil Liability for Drug Dealers

Drug users are not the only people harmed by drug abuse. Families, employers, insurers and society-at-large suffer financial and emotional losses from the actions of drug users and drug dealers. In light of this, The League supports legislation that imposes civil liability on drug dealers for the economic and emotional damages ultimately caused by their illegal actions.

Decriminalization of Marijuana

Under state law, possession of a small amount of marijuana (30 grams) for personal use is a misdemeanor drug offense. If convicted, a person not only faces fines and/or imprisonment, but has a criminal record for life. Many view a lifelong criminal record for the possession of a small amount of marijuana to outweigh the crime, as it hinders many aspects of life

including the ability for an otherwise productive citizen to get a job, go to college, rent an apartment or take out a loan. The League supports the decriminalization of the possession of small amounts of marijuana for personal use by making it a summary offense, rather than a misdemeanor.

Bottle Clubs

Bottle clubs are not subject to Liquor Control Board regulations. These clubs encourage customers to bring their own alcoholic beverages and often contribute to underage drinking. Generally, these clubs operate between 2:00 a.m. and 8:00 a.m., disrupting communities and posing a public safety threat. Court decisions have restricted the ability of municipalities to enforce local regulation of such clubs. The League supports local authorization to curtail the operation of bottle clubs and the consumption of alcohol in non-licensed facilities.

Licensing of Tattoo Artists

The sanitary conditions of tattoo parlors are not regulated by the Pennsylvania Department of Health, risking the health of those obtaining tattoos. Many professionals are required to pass an examination and obtain a license prior to being permitted to practice their chosen profession. The League supports legislation requiring every tattoo artist to pass a written examination and obtain a license from the Pennsylvania Department of Health prior to being able to practice this profession.

Lead Poisoning

Lead poisoning in children is one of the most common, preventable pediatric health issues. The persistence of lead poisoning is a constant challenge to public health authorities, clinicians, regulatory agencies and families. The League supports a comprehensive lead reduction law designed to establish a cost effective prevention program at the state and local levels in an effort to reduce this preventable and dangerous disease.

Accessibility

The League supports legislation providing grants and financial incentives for property owners to meet handicapped accessibility standards for structures built prior to establishment of such standards.

Pennsylvania Health Care Plan

The League supports the enactment of a Pennsylvania Health Care Plan which will provide greater access to care at a reduced cost to citizens, businesses, municipalities and school districts.

Employee Relations and Benefits

Act 111 Collective Bargaining Reform

Act 111, the Police and Fireman Collective Bargaining Act of 1968, is outdated, vague and has been broadly construed by the Courts in favor of the public safety unions it protects. Under the law, police and fire unions are entitled to binding arbitration to settle contract negotiation impasses in lieu of striking.

Act 111 needs to be updated to put employers on a level playing field with public safety employees because contract awards have far-reaching impacts on the future costs of pensions and other employee benefits. A minor change of a pension benefit today, often results in significant future expense.

The League supports the following commonsense amendments to Act 111:

- require evidentiary hearings to be open to the public;
- require a thorough, reasoned justification for a binding arbitration award based on the evidence presented and specific findings of fact;
- prohibit post-retirement healthcare and pension benefits, not required by law, from being the subject of collective bargaining;
- start the collective bargaining process earlier in the year and require arbitration to be requested earlier in the process;
- expand the list from which the third, neutral arbitrator is selected and provide an equal chance at being the first side to start the selection process;
- require the cost of the neutral arbitrator to be shared equally by both sides; and
- create arbitrator accountability with a codified and less stringent appeal standard of a written decision supported by findings of fact and conclusions of law.

Other Post-Employment Benefits

Other post-employment benefits (OPEB) may be awarded to municipal employees through Act 111 and are typically funded by the employer. Municipal employers are required to make annual payments to OPEB accounts in order for liabilities to remain funded. Market downturns, benefits cost increases and other factors create unfunded liability in OPEB plans that the municipality must absorb, negatively impacting the municipality's fiscal stability. The League supports addressing the unfunded liability of OPEB benefits by providing tools,

including borrowing, to local governments. Further, The League supports a prohibition on the future provision of OPEB benefits to municipal employees, including through the Act 111 process.

Municipal Pension Reform for Public Safety Employees

The League supports reform of the future pension benefits provided to police officers and firefighters. The current mandated defined benefit plans are not sustainable for a number of reasons including an early retirement age, the impact of Act 111 agreements and awards, and the placement of investment risk solely on the employer. The League supports a defined contribution or cash balance plan for new hires that removes Act 111 from pensions, requires an employee contribution and reduces benefits resulting in future plans that are affordable and sustainable.

Municipal Pension Funding

Most municipal pension benefits are mandated by state law, including those for uniformed employees. In addition, Act 111 collective bargaining agreements and awards strongly influence future pension benefits.

Today, many pension plans, large and small, are underfunded. The Auditor General has estimated the amount of municipal unfunded pension liability to be \$8 billion. Local pension plans and the taxpayers that pay for them, cannot sustain changes that result in more expenses. As such, The League opposes any new pension benefit from the state that is not fully funded.

Act 205 Funding Formula

The Municipal Pension Plan Funding Standard and Recovery Act of 1984, commonly known as Act 205, provides a distribution formula for municipal pension state aid. The revenue is derived from a 2% tax on foreign casualty insurance premiums. After more than 30 years, there is a wide disparity among municipalities in the amount of state aid received.

Efforts to adjust the formula, however, would meet strong opposition and not solve the underlying structural inequities caused by outdated municipal pension laws.

The League has adopted the following principles regarding any change in the Act 205 funding formula:

- municipalities currently receiving a state aid distribution must remain whole;

- additional revenue is necessary and should be generated by an increase in the 2% levy on the Foreign Fire and Casualty Tax; and
- the new revenue should be distributed to municipalities with distressed pension plans under the current formula while the benefit levels of distressed pension plans remain insulated from enhancements under Act 111 or local action.

Actuarial Assumptions of Municipal Pension Plans

One factor affecting the unfunded liability of many municipal pension plans is an unrealistically high assumption of the expected rate of return on investment. A high actuarial assumption not matched by actual growth results in an increase in a plan's unfunded liability and a subsequent increase in the required annual minimum municipal obligation (MMO) paid by the municipality.

The League supports incentives in Act 205 to encourage municipalities to lower their actuarial assumptions without being penalized by increased MMOs. This can be achieved by amortizing the increased costs over ten years or more.

State Consolidated Municipal Healthcare and Pension Plans

The League believes local government can benefit financially and administratively from consolidated healthcare and pension plans. Savings will not be immediate, however, long term benefits could be significant for municipalities and employees. The League supports the Commonwealth in offering statewide, consolidated healthcare and pension plans for municipalities to join at their option. Furthermore, The League also supports the Commonwealth in offering incentives to municipalities to make joining consolidated healthcare and pension programs attractive financially.

Statewide Municipal Pension System

The League supports, in concept, a statewide municipal pension system. The premise of our support rests on a statewide system eventually offering savings to municipalities from the consolidation of administrative services, as well as increased investment earnings from pooled resources. The League does not support a statewide pension system that increases the benefit levels above the current law for new employees entering a statewide plan. Additionally, The League does not support mandated entry into a statewide pension system, but rather incentives that make entry attractive to municipal employers and worth pursuing at the local level.

Fiduciary Standards

Fiduciary responsibility and liability for local government employee retirement systems is not clearly addressed in statute. Proper standards will protect the assets of retirement plans, as well as protect the taxpayer. The League

supports clear and concise legislation establishing fiduciary responsibility and liability criteria.

Pension Benefits for Non-Uniformed Employees

Pension benefits for non-uniform employees differ across forms of local government. Third class cities are required by statute to provide specific benefits, while boroughs and townships are authorized to decide locally what benefits they will provide to their non-uniformed employees. The League supports local control and flexibility in determining the pension benefits municipalities offer their non-uniformed employees. The League supports only prospective changes to non-uniformed pension benefits thereby keeping current employees whole.

New Pension Benefits for Municipal Employees

The League is opposed to legislation that provides new pension benefits without providing the resources to pay for the corresponding and true costs of the benefits to the municipal employer/taxpayers. For example, The League is opposed to legislation mandating that full-time police officers be offered the ability to purchase up to five years of prior service in the form of a pension service credit for previous full or part-time employment in another department.

Heart and Lung Benefit

Pennsylvania's Heart and Lung Act was intended to provide a temporary monetary payment to public safety employees to close the gap between 100% of their salary and the 66% of salary payable under workers' compensation. Today, because of tax law changes, recipients are receiving 125% of salary - tax free for indefinite periods of time. The Heart and Lung Act now conflicts with the Workers' Compensation Act adding expensive delays and acting as a disincentive for employees to return to work.

The League supports a standard procedure for processing Heart and Lung claims utilizing the current, well established workers' compensation system as a model, including its administrative practices, procedures and judges. The League also supports defining "temporary disability" in order to limit the length of time an employee can receive the Heart and Lung benefit. Finally, a reduction in the Heart and Lung benefit that will bring the combined benefit received back down to 100% of salary is warranted.

Workers' Compensation

It is The League's position that work programs and any community service work programs created at the county or state level must provide workers' compensation benefits for the program participants when the work is performed for a municipality.

Firefighter Cancer Presumption

Act 46 of 2011 granted firefighters the presumption that cancer is an occupational disease caused by fire fighting. The potential for catastrophic claims caused the workers' compensation insurance market to fold and municipalities to transfer their volunteer firefighters to the PA State Workers' Insurance Fund (SWIF) for coverage. In addition to the transfer to SWIF, municipalities have experienced drastic increases in workers' compensation premiums for firefighter coverage. These increases in premiums are borne by the taxpayers.

The League supports legislative action that would mitigate the costs that Act 46 has imposed upon local governments and their respective taxpayers.

Post-traumatic Stress Injury in First Responders

The League supports efforts to address post-traumatic stress injury in first responders including legislation and funding to proactively manage stress from a coordinated and preventative care model. The League opposes legislation that adds post-traumatic stress injury to the Workers' Compensation Act as an occupational disease, as the resulting costs to employers will be more harmful than helpful to the first responder community. The League is seeking a commonsense solution that balances compensation for post-traumatic stress injury with the cost of providing the benefit.

Police Officers' Bill of Rights

The League opposes any new limitations placed on the local administration of police disciplinary proceedings via a Police



Officers' Bill of Rights that would preempt the traditional powers of local government as the employer.

Occupational Safety and Health Standards

Worker safety is important and many laws and regulations are in place in Pennsylvania to protect workers and promote safe working conditions. Therefore, a mandate for local governments to adopt and enforce federal Occupational Safety and Health Standards (OSHA) is unnecessary, expensive and onerous. The League opposes legislation that would mandate local government entities to comply with federal OSHA standards as implementation costs must be weighed against benefits when tax dollars are the funding source.

Public Safety Services

Public safety is the most vital service provided to constituents. As the first on the scene, local government must be prepared to respond and deliver service in the face of both natural and man-made crises. To support local needs, there must be a partnership with federal and state government to ensure resources are available, that they are used wisely, and that efforts are coordinated.

Delivery of Emergency Services

Senate Resolution 6, adopted in 2017, is an updated, comprehensive look at the delivery of emergency services in the Commonwealth, the basis of which was the 2003 Senate Resolution 60 Report. From funding, to recruitment and retention of volunteers to how services are delivered, this report makes numerous recommendations on how to address the crisis of dwindling volunteers and growing costs that threaten public safety. The League supports the final SR 6 Report and will evaluate the resulting legislation on a case by

case basis with a goal of supporting passage of the legislation whenever possible.

Fire and Emergency Medical Services

Many communities are facing threats to the vital services provided by fire and emergency services units. The League supports efforts to properly reimburse life support services for their costs; to incentivize regional delivery of services; to eliminate duplication of services; to encourage cooperative purchasing of equipment; and to encourage health prevention measures, such as community paramedicine programs.

The League supports permanent authorization of the Fire Company and Volunteer Ambulance Service Grant Program which provides paid and volunteer departments with grants for the purchase or repair of equipment, the construction or renovation of facilities and firefighter training.

Public Safety Authorities

As volunteer fire and EMS companies continue to experience staffing shortages and a lack of funding, the Commonwealth must act. One potential solution found in the SR 6 Commission Report of 2018 recommends that the legislature simplify the process to regionalize EMS and fire services to allow for regional or county-wide service. A public safety authority for EMS and fire services would be an optional tool that municipalities and counties may utilize, and if implemented, the public safety authority would be created locally and support and/or provide services as determined at the local level. The League supports amending the Municipality Authorities Act to provide counties with the option to create public safety authorities for EMS and fire services.

Police

Police officers play a vital role in the safety of our communities. To support that role, The League is an advocate for the following.

- Continuation of the Municipal Police Officers' Education and Training Program.
- Authorization to use radar as a public safety tool to control speeding.
- Establishment of intergovernmental reciprocal agreements among police and fire departments for regional safety and efficient, comprehensive emergency preparedness.
- Reimbursement to the PA State Police for services provided to municipalities.
- Adoption of police pursuit policies by all police departments.
- Imposition of parental liability for personal injury, theft, willful destruction or loss of property caused by the acts of minor children.

Police Recruitment and Retention

Over the last several years, the number of applications for open police officer positions have fallen, recruitment class sizes have decreased and vacancies have increased. As a result, municipal police departments in the Commonwealth are struggling to maintain service levels due to difficulties with recruitment and retention of officers.

Any new legislative or administrative policy regarding municipal police retention and recruitment must not place additional costs on local governments in the form of unfunded mandates.

The League supports measures that will provide local governments with the tools and funding necessary to make maintaining and improving local police departments and personnel an affordable, sustainable and practicable endeavor. The League opposes any solutions that impose new unfunded mandates increasing the cost of public safety.

Career Firefighters

Education and training of paid firefighters enhances public safety and protects the firefighter. Uniform course criteria

consistent with established standards promotes consistent operations and practices among departments. Municipalities, however, require financial assistance to provide this training to their firefighters. The League supports a mandatory education and training program for full-time municipal firefighters, if the program includes a state appropriation to carry out the requirements of the mandate.

The League also supports a low interest loan program for the purchase of equipment and facilities for paid fire departments as is now provided for volunteer fire companies.

Volunteer Firefighters

The volunteer fire departments and ambulance services in the Commonwealth are providing invaluable service to their communities. Volunteers are called upon to fight fires, provide emergency medical assistance, clean and maintain equipment, as well as raise funds to remain solvent. They are in need of additional funding to provide apparatus and equipment that they use to protect and secure our communities.

Sheriffs' Powers

The League does not support legislation expanding the powers of sheriffs or deputy sheriffs beyond their current statutory role.

Firearm Regulations

The League supports the following concepts as common sense approaches to effectively address gun violence and the proliferation of illegal handguns throughout Pennsylvania's communities:

- Allow the purchase of no more than one handgun in any 30-day period.
- Mandatory sentencing for violent crime repeat offenders.
- Create a definition of gang offense.
- Require the reporting of a lost or stolen handgun within 24 hours.
- Crack down on illegal "straw" purchases.
- Enact a state or federal extreme risk protection order law which allows for a temporary court ordered removal of firearms in the possession of a person exhibiting threatening behavior to himself or others.
- Enact a state or federal universal background check law that closes the loophole of purchases from unlicensed sellers.

In the absence of statewide legislation concerning the above, The League supports the local option to enact and enforce gun ordinances and opposes legislation punishing municipalities for enacting local firearm regulations.

Firearms in Municipal Buildings and Parks

Pennsylvania's Uniform Firearms Act (18 Pa.C.S. Chapter 61, Subchapter A) prohibits county and municipal regulation of the lawful ownership, possession, and transfer of firearms or ammunition. The League believes there is an important safety

consideration in protecting families and citizens utilizing municipal parks and buildings.

The League supports an amendment to the Uniform Firearms Act that prohibits the possession of firearms and ammunition in municipal parks and buildings.

Constables

Constables are servers of process for the Commonwealth's minor judiciary. They are elected to six-year terms in a municipality, but can serve throughout the Commonwealth. Certified constables have the status of independent contractor and are not employees of the Commonwealth, the judiciary, the municipality or the county in which they work. The League supports the Legislature's review and implementation of the 2014 Joint State Government Commission report outlining recommended reforms of the Constable Law. These reforms include new training requirements, uniform application of the Constable Law among forms of local government, clarification of conflicts between the office of constable and other professions, arrest authority, the wearing of identifiable uniforms and accountability.

Local Use of Radar

Speed timing devices were introduced into the marketplace in the 1950s. Radar is the most cost-effective, reliable speed-timing device in use today. Pennsylvania's municipal police are the only law enforcement officials in the country who are not permitted to protect public safety by enforcing local speed limits with radar.

The League supports legislation that will allow municipal police to use radar to enforce local speed limits.

Consumer Fireworks Data

Act 74 of 2022, which updates the Fireworks Law, does not include provisions to capture statewide data regarding fireworks-related incidents. It is important that this information be recorded to understand the full impact consumer fireworks has in the Commonwealth ultimately helping state and local governments to make informed policy decisions and to respond to any troubling trends in an effort to increase fireworks safety.

The League supports a legislative or administrative initiative to collect fireworks data by requiring the recording of fireworks-related accidents, injuries or deaths on first responder incident forms or other reporting mechanisms.

Local Share of Recreational Marijuana Revenue

If Pennsylvania legalizes and taxes recreational marijuana, the Commonwealth is positioned to raise a substantial amount of revenue. The Commonwealth's municipalities would be directly impacted by the legalization of recreational marijuana from the standpoint of public safety, at a minimum, and should share in any new revenue as a way to defray the costs to local government.

The League supports local governments with police departments receiving a share of any new tax revenue from the legalization of recreational marijuana to cover the additional responsibilities and public safety costs that would be incurred.



Community and Economic Development

Community and economic development of the Commonwealth's urban, core communities is second only to public safety in terms of fostering attractive, thriving places to live, work and play. Federal, state and local governments must be partners in this on-going endeavor.

Community Development

Municipalities of every size throughout the Commonwealth struggle with the challenges of affordable housing needs, an aging housing stock, blight remediation and prevention, aging infrastructure, crime prevention, job creation, community support services and re-building of the tax base.

The League supports state policies that permit municipalities to directly undertake community and economic development programs, as well as policies that allow the maximum level of local flexibility to achieve local goals.

The League supports Act 179 of 1984, the small communities program that provides federal Community Development Block Grant funds to counties for disbursement to communities meeting federal criteria. The League believes the communities slated to receive funds should have input into their disbursement.

Downtown Revitalization

The League supports policies that encourage the economic development of downtown areas including funds from the Commonwealth for marketing and promotion. More than one downtown in a county should be eligible to receive funds and the funds should be distributed directly to municipalities.

The League encourages the Commonwealth to locate leased and state-owned facilities in downtown areas in accordance with the Downtown Location Law of 2000.

Economic Development

Business location and job creation benefit the entire Commonwealth, not just the municipality or region hosting the new enterprise. Economic development initiatives that bring investment into our core communities, replenish the tax base and find new uses for old industrial sites and vacant retail sites are paramount to revitalization.

The League looks to the federal and state government to be partners in attracting business to Pennsylvania. The League supports financing tools that incentivize investment including but not limited to loans, grants, tax credits, tax abatements, tax increment financing, special financing, business incubators, public/private partnerships and subsidies. The key to all financing is local input and flexibility that supports local economic goals and initiatives.

The League supports a state plan to reduce the PA Corporate Net Income Tax – one of the highest in the country – to make the Commonwealth more business friendly.

Affordable Housing

All residents of Pennsylvania have the right to stable, safe and affordable housing. Although housing is a basic human right,

affordable housing has become more scarce and difficult to obtain as the cost of housing has increased faster than incomes in Pennsylvania and across the nation. Policymakers must prioritize the development of new low cost housing for both renters and homeowners to increase the affordable housing stock. The League recognizes there is an affordable housing crisis in Pennsylvania and calls upon the legislative and executive leaders to work in partnership with local governments, to address the crisis and develop solutions to increase affordable housing in the Commonwealth.

Local Tax Revenue for Economic Development

The current local government tax structure does not encourage municipalities to work toward revitalization, nor does it provide compensation for increased service demands from revitalization. Under the current tax structure, local government gains little to no increase in revenue from economic revitalization for several reasons – real estate reassessment occurs so infrequently; the Earned Income Tax is based on residence, rather than place of employment; and municipalities do not share in the sales, alcohol or business taxes imposed by the state.

The League urges the adoption of legislation that will make local government a vested partner in local economic development by providing a benefit in the form of local tax revenue from a statewide alcohol tax levied on a per drink basis and collected at the local level or provide a local portion of the state sales tax.

Other Economic Development Tools

Site Reuse

Reuse of vacant commercial and industrial facilities is an important aspect of economic development. Cleaning-up and re-purposing abandoned sites gives new life not only to the facility, but to the surrounding properties and the tax base of the region. Some old industrial sites and vacant retail sites threaten the health and safety of nearby residents, further eroding the local tax base. Reuse of these facilities often requires environmental clean-up which can be costly and create liability exposure. The League is an advocate for programs that assist the host municipality with preparing sites for reuse, including making old sites a viable option for new and expanding businesses and making environmental clean-up economically feasible.

Liquor Licenses and the Liquor Code

Downtown revitalization relies on a mix of new uses that attract a variety of people and economic opportunities. The popularity of breweries, distilleries, wineries and eclectic restaurants presents an opportunity for communities to find a niche market that brings people downtown. The League supports the expansion of restaurant liquor license availability to downtown districts and any other special districts within urban municipalities.

Furthermore, existing law authorizes the transfer of liquor licenses to establishments operating within deteriorated

urban areas only when a new facility of one hundred thousand square feet is being constructed. The League does not support the square footage requirement for new construction since many urban areas have existing facilities in LERTA Zones that could be redeveloped and utilized for entertainment purposes. The League supports an amendment to permit the transfer of liquor licenses to renovated facilities within deteriorated areas.

The League supports local enforcement of the Liquor Control Board's laws governing licensed alcohol establishments. And, in the event of liquor privatization, a local share of any new revenue generated to pay for enforcement measures.

Finally, the PA Liquor Law requires that state taxes be paid prior to approval, renewal, transfer or renewal of liquor licenses. The League supports an amendment to the Liquor Code to impose the same conditions with regard to the payment of local taxes.

Industrial Heritage Parks

Industrial heritage parks promote our historical, recreational and natural resources as tourist and educational attractions. The League supports the Commonwealth's heritage parks program and encourages the continuation of funding.

The Commonwealth's Role in Economic Revitalization

Pennsylvania provides support for economic initiatives through various funds that offer grants, loans, loan guarantees, matching funds, technical and business assistance, workforce education, marketing and promotion. This support is essential to a comprehensive statewide revitalization effort. The League supports the continuation of such programs and finds them especially important as the Commonwealth moves from a state built on smokestack industries to one fostering industries built on science, technology, engineering, art and mathematics or STEAM.

The League supports state policies that permit municipalities to directly undertake community and economic development programs.



Aged and Blighted Housing

Urban areas have an especially high proportion of blighted, deteriorated, vacant and abandoned housing. Our housing stock is old, much built before 1950. Adding to the problem, urban populations have decreased leaving many homes unneeded. Remediating the housing stock is expensive and takes a concerted, organized and on-going effort to make headway.

Legislation enacted in the last decade has made great strides in providing municipalities with tools to address these issues and begin to get properties into the hands of new owners contributing to the tax base. Examples of such tools include those provided in the Neighborhood Blight Reclamation and Revitalization Act, land banks, and conservatorship. Statewide efforts are also underway. The State Housing Trust Fund creates an avenue for the rehab and support of affordable housing.

In addition to the above, The League supports continued and expanded funding of the housing and redevelopment

programs offered by the Commonwealth, including the preservation of historic housing districts, the creation of low-income and market-rate housing to meet a variety of needs, and the development of a funding source for the demolition of blighted and abandoned properties.

Delinquent Tax Sales

The Real Estate Tax Sale Law provides for the disposal and resale of properties with delinquent real estate taxes. The current process is lengthy and cumbersome. The League supports an update to the law that recognizes the property owner's rights, as well as the need to move forward and get the properties back onto the tax rolls. The League supports streamlining the process, shortening both the notice process and the time frame to sale. Free and clear tax sales should also be eliminated and purchasers of tax delinquent properties must not be tax delinquent on other properties they own.

Maintenance of Property

Many municipalities are faced with property holders who refuse to adequately maintain their properties. In some instances, these properties are held by a bank or mortgage company. The League supports legislation that would require financial institutions to be held legally responsible for property maintenance or code compliance, if the owner of record fails in such obligation. Furthermore, The League supports legislation requiring mortgage companies selling delinquent mortgages to notify the municipality of the sale and the new mortgage holder.

Maintenance Responsibility of Tax Delinquent Properties

When a tax delinquent property is not purchased at tax sale there remains a responsibility for up-keep until its disposition is determined. The League supports an amendment to the Real Estate Tax Sale Law to require all of the taxing jurisdictions levying real estate taxes upon the property to share on a pro rata basis in the cost of remediation, including demolition. Sharing such costs promotes an equitable distribution of responsibility for the property, as well as promoting public health, safety and welfare.

Fines for Non-Compliance with Local Ordinances

Magisterial District Justices may assess fines on individuals violating municipal ordinances. It is left to their discretion to determine the amount of the fine and the manner in which payment is made. The League supports legislation to require



strict enforcement of municipal ordinances and the setting of payment schedules as a way for the court system to support local laws.

Whole Homes Repairs Program

The Whole Home Repairs Program prioritizes deferred home maintenance, habitability repairs, weatherization and energy efficiency updates to reduce blight and maintain the existing affordable housing stock. The Program received a one-time allocation of \$125 million in the 2022/2023 budget, however, a continuous funding source is needed to meet the current and future needs of our communities. The League supports the Whole Home Repairs Program as a tool to proactively combat blight as a holistic approach to maintaining safe and habitable homes. The League also supports a dedicated funding source for the Program.

Land Use, Zoning and Planning

Municipal zoning authority is granted by the PA Municipalities Planning Code or MPC. Zoning is a means by which a municipality protects the health, safety and welfare of its residents and their property. Zoning can also guide growth by regulating the extent and character of development. Zoning is also a tool to help preserve natural and historic features and create livable communities. The key to successful zoning is the ability for each municipality to determine its own land use regulations within the law. The League opposes legislation seeking to pre-empt local zoning authority or apply uniform regulations across municipalities.

The League supports zoning and land use policies that encourage the economic revitalization of urban municipalities. The League advocates for flexibility at the local level to make planning decisions best suited to an individual municipality. In this regard, The League supports the following:

- the uniform process for local planning and zoning as provided by the Municipalities Planning Code;
- legislation authorizing local governments to establish impact fees to assist with the additional service costs associated with new development; and

- an amendment to the Municipalities Planning Code establishing the clear right of local communities to regulate the placement of billboards in order to preserve the historic and aesthetic character of a community, as well as limit public safety hazards where necessary.

Growth Management

Uncontrolled and unplanned growth, combined with increases in population, have serious implications for many communities. Open space should be preserved to encourage recreational opportunities, farmland preservation, adaptive reuse of existing facilities and mitigate negative environmental impacts.

The League encourages the continuation of regional growth management plans which provide for local zoning and planning, create incentives for redevelopment, encourage mass transit, focus growth in areas already served by infrastructure and retain environmentally sensitive areas.

In addition, The League supports the creation of a state public land trust to provide the necessary funding for acquiring property for recreational, scenic or historic purposes.

Uniform Codes and Licensing

The enactment of the Uniform Construction Code (UCC) has provided a level of standardization and statewide application to building and safety standards. The League is an advocate for local enforcement of the adopted UCC standards. The League is also an advocate for statewide minimum licensing of contractors, as long as each municipality can conduct its own, more stringent testing/licensing. Municipalities must have the option to require contractors to register and provide proof of insurance when doing business within a municipality.

Uniform Construction Code Inspections

The UCC provides the option for municipalities to administer and enforce the Code, or to hire one or more third-party agencies to perform the function. This local decision is ultimately a public safety decision for the local elected officials who must decide which enforcement option best suits the needs of their community. The League opposes legislation mandating the number of third-party inspectors a municipality must have available for applicants requesting inspection services. Requiring more inspectors than a municipality wishes to have increases municipal oversight and the likelihood of inconsistent application of the UCC.

Green Building Construction

Although the Commonwealth's Uniform Construction Code includes the ICC Energy Code, The League does not believe

this Code goes far enough in requiring or promoting green building standards. The League supports repeal of the ICC Energy Code and adoption of the ICC 700 as a green building standard for residential construction, plus a similar standard for commercial construction.

Historic Properties and Fire and Panic Laws

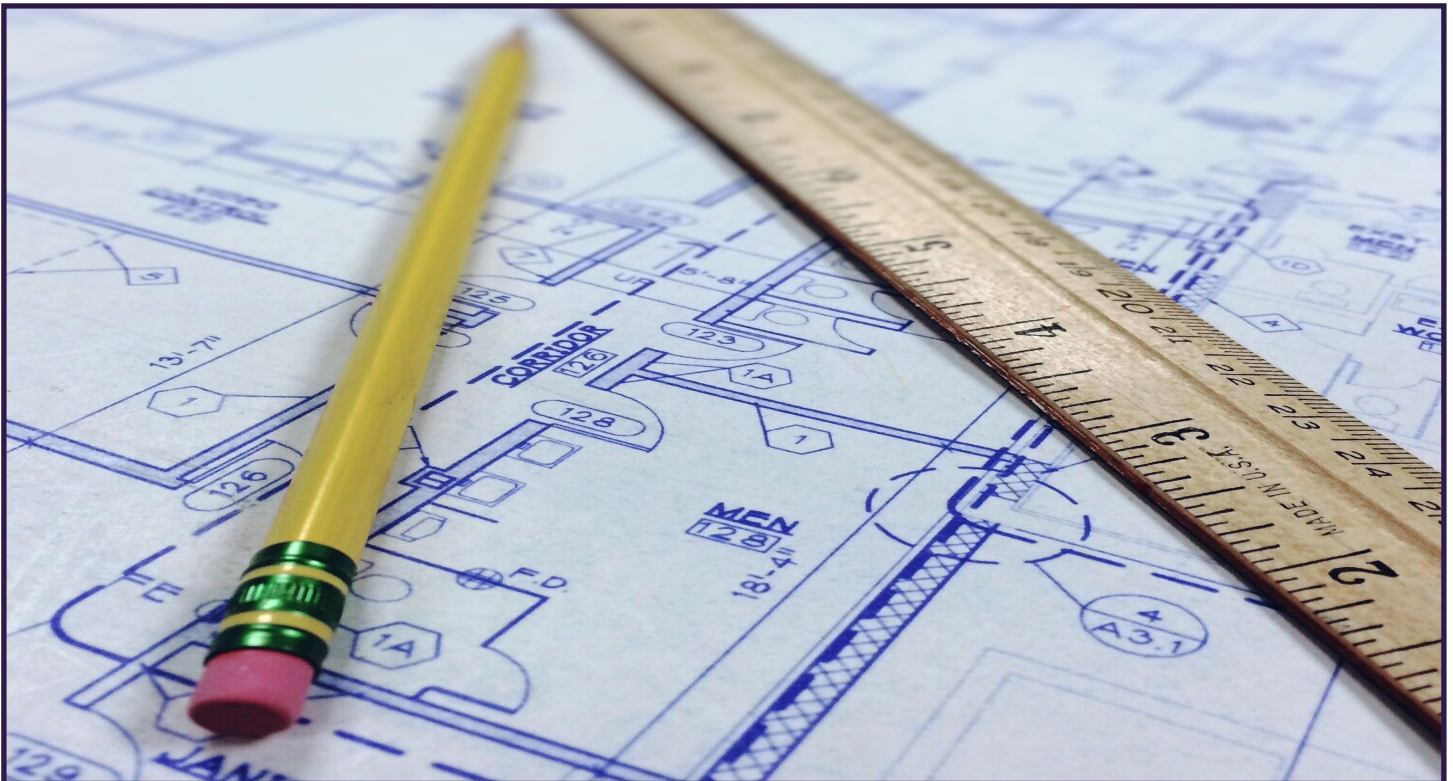
The League supports legislation permitting municipalities to grant exceptions to Fire and Panic Laws for historic properties. The League also supports requirements that inspectors for Fire and Panic Law compliance be certified and meet defined standards.

Regulatory Takings

Legal challenges to municipal actions may force municipalities to compensate property owners for actions which reduce the value of their property. For example, municipalities may be required to compensate for zoning changes, variances and other land use regulations. This will result in increased litigation and erode the ability of all levels of government to meet the most basic of governmental responsibilities. The League opposes legislation requiring compensation to property owners for governmental regulatory actions.

Utility Lines

The League supports local control in the coordination and placement of utility lines.



Environment and Natural Resources

Local government plays an important role in the energy conservation movement, not just from a budgetary standpoint, but also as an example to its residents. The League supports the development and use of alternative clean energy sources.

Streetlights

The League also supports the development of municipal street light rate schedules that encourage conversion to LED lighting.

Solid Waste Management

The Commonwealth manages over 20 million tons of solid waste a year from both inside and outside Pennsylvania. The amount of waste processed creates state and local revenue. With the revenue however, comes concern over the location of solid waste disposal facilities, environmental impacts, road maintenance and safety. The League supports local coordination to determine a solid waste plan that best suits the needs of a county and its municipalities.

The League also supports resource recovery as a method of trash disposal, including preferential financing of facilities, because it is a cost efficient, environmentally safe alternative to landfills.

Recycling

The League urges the Commonwealth to fully support the recycling mandate under Act 101 and to allow funds to be used for local operational costs. The League also urges the Commonwealth to support local and or county efforts to expand recycling to electronics, organic materials and hazardous materials.

The demand for recycling grants out paces available revenue. The League urges adequate funding to meet the demand for the Section 904 performance grant program and the Section 902 development and implementation grant program.

The League supports continuation of waste tire management and disposal programs, as well as funding for the abatement, education and enforcement costs of municipalities.

Recycling Market

The recycling mandate on local government must match the recycling market. A 2018 drop in the recyclables market has resulted in a glut of materials with no value, but municipalities must continue to comply with the collection mandate. The League urges the Commonwealth to play a significant role in the creation of a recyclables market in PA, including supporting the recycling industry and serving as a market of last resort. The League also urges the Commonwealth to amend its recycling mandate until the recyclables market returns.

Electronics Recycling

The Commonwealth's current Covered Device Recycling Act, Act 108 of 2010, has not resulted in the efficient and cost effective disposal of covered devices – computers and televisions. The mandate on manufacturers to recycle a particular quota based on product weight, along with insufficient recycling infrastructure, has resulted in stored or illegally dumped electronics. The League supports a revamped recycling program for covered devices, such as laid out in Senate Bill 800 of 2017. This legislation provides a new funding formula for the program, convenience for consumers and a default program operated by the state.

Beverage Container Deposit Recycling Program

These recycling programs charge a deposit fee on containers at the point of sale. Consumers then return the clean, empty containers and their deposit is returned. The purpose of this type of program is to incentivize the return of specific, high-quality, clean, recyclable material and to reduce litter. The League supports the implementation of a beverage container deposit recycling program in Pennsylvania as a way to supplement our current curbside and volunteer recycling programs and to reduce litter.

Environmental Hearings

Municipalities allegedly violating provisions of federal and/or state laws are required to present arguments to district offices of the Department of Environmental Protection (DEP) or the Environmental Protection Agency (EPA). Costs to municipalities to transport witnesses and staff to these meetings place additional burdens on already tight budgets.



Additionally, municipalities can better present their position through hearings conducted at the site of the alleged violations.

The League supports legislation to require that environmental hearings be held in the municipality where the alleged violation occurred, rather than in a regional office of DEP or EPA.

Sinkholes and Mine Subsidence

Sinkholes and mine subsidence serve as potential avenues of pollution and other environmental hazards. They also cause considerable and costly property damage. The League supports legislation to provide assistance to homeowners and businesses for losses suffered as a result of mine subsidence and sinkholes.

Clean Air and Water

Access to clean, safe air and water is a right of every citizen in our nation. Today's local governments face new challenges in ensuring this right. Local government must be a partner with federal and state authorities in determining and implementing laws and regulations to achieve clean and safe natural resources. Local governments need monetary and technical support from the federal and state governments if there are new requirements to test, treat or monitor the quality of our air and water.

Mandates from the federal and state government must come with a funding source and flexibility for local compliance. Finally, there must be a cost benefit analysis of mandates to ensure the cost of compliance will result in an equal benefit.

Storm Water Management

Act 167 of 1978 requires the Commonwealth's counties to adopt storm water management plans. Municipalities are required by the Act to implement ordinances to regulate development in a manner consistent with their county's plan. The costs associated with implementing and carrying out a storm water management plan need a dedicated funding source whether at the local or state level. In the absence of adequate federal or state funding, The League advocates for local flexibility to decide the best avenue to fund storm water management.

Implementation and enforcement of county and municipal plans is not consistent across the Commonwealth, thereby putting counties and municipalities that do comply at an economic disadvantage. In addition to adequate funding, The League supports a compliance system that is enforced, a study

of the financial costs to local government and taxpayers, an assessment of the impact of storm water management policies, and approval by the General Assembly of the storm water guidelines and a model storm water management ordinance pursuant to Section 14(b) of the Act.

Storm water management is an important responsibility of government that impacts water quality, floodplain management, infrastructure, public health and safety. However, compliance measures are expensive, confusing, and oftentimes changing. The League urges the General Assembly to elevate the issue of storm water management to a priority; and to work with local government to develop reasonable, achievable goals; regional approaches to avoid duplication of resources; and economically viable solutions.

Chesapeake Bay Program

With the Susquehanna River as a major tributary to the Chesapeake Bay, Pennsylvania has joined with Maryland, Virginia and the District of Columbia as regional partners in the Chesapeake Bay Program's efforts to clean up the Bay's eco-system.

The League supports local, regional, and state efforts to reduce the level of pollutants entering the Bay from Pennsylvania. Local governments and municipal authorities have worked to meet pollutant reduction measures and have spent billions to comply. The League believes future reductions must be made by non-point sources, particularly, although not limited to agriculture. Overall, there must be a consideration of the costs that will be incurred and the benefits achieved.

The League does not support nutrient reduction programs that require additional investment; proclaim to transfer and alleviate municipal responsibility for nutrient reduction mandates; or that underwrite private investment.

Reclaimed Water

Reclaimed water is produced from the treatment of waste waters from various sources and can be a valuable resource. The Department of Environmental Protection regulates reclaimed water and restricts its use. The League supports expanding the use of high-quality reclaimed water. This expansion can create economic development opportunities, reduce the use of potable water for non-drinking applications and promote energy savings. Uses for high-quality reclaimed water include landscaping, industrial processes, athletic field irrigation, heating and cooling and vehicle washing.

Local government plays an important role in the energy conservation movement, not just from a budgetary standpoint, but also as an example to its residents.

Growing Greener III

The Growing Greener I and II programs have invested close to \$2 billion in environmental projects since 2002. Funds are at an all-time low and need to be replenished in order to build upon the conservation and preservation efforts undertaken through Growing Greener I and II. Many programs and funding

opportunities are contemplated by the Growing Greener III initiative that will benefit The League members directly. The League supports implementation and funding for a Growing Greener III initiative.

Transportation

Public Transportation

Public transportation, including light and high speed rail, is important to many citizens of the Commonwealth. The expense of operating transit systems necessitates a partnership between local and state government, as well as regions in order to implement and sustain reliable, cost effective operations. Multi-modal transportation is an important aspect of connecting the mass transit user to local transportation options. The League supports dedicated funding sources for public transportation and multi-modal planning and implementation.

The League also supports the Commonwealth's recognition of the value of rail service between Philadelphia and Pittsburgh and urges the Commonwealth to be an advocate for its continued and upgraded service.

State Highway Turn Back Program

Act 32 of 1983 implemented a program to return Class 6 roads to municipalities for local maintenance. The League supports this conveyance as long as the turn back is voluntary, the details of the turn back are mutually agreed to by PennDOT and the accepting municipality, and the state payment for the turn back is separate from liquid fuels payments. The League also supports the transfer of local roads to the state by mutual agreement.

State Reimbursement for Services

The League supports full reimbursement by PennDOT to municipalities for mandated services provided on state roads, for example road and storm drain maintenance, traffic signalization, line painting, snow removal and winter material removal.

Storm Drain Maintenance on State Roads

PennDOT's highway maintenance policies regarding storm drainage facilities on state roads is not consistent. There is substantial cost, liability and burden on those municipalities mandated to maintain the state's storm drains. The League urges the General Assembly to require PennDOT to assume responsibility for maintenance of all storm drainage facilities on state highways or provide municipalities with the funding necessary to carry out such maintenance procedures.

Traffic Signalization on State Roads

PennDOT policy requires municipalities to take over operation and maintenance of traffic signals on state roads after 30 days. The signaling equipment is under warranty for 180 days and then it becomes the responsibility of the municipality. Municipalities, however, have no control over the choice of system and may not have the expertise or funds to maintain more sophisticated systems. The League supports an extension of PennDOT's warranty to one year following the initial 30-day field test of the equipment.

Maintenance of State Roads

PennDOT is responsible for maintaining the cartway of certain roads, including those sections within municipal boundaries. Currently, there are no criteria for repair or curb reveal for PennDOT to follow. This may lead to situations where no curb or other control channel for water exists. The League urges PennDOT to revise its regulations relating to maintenance, construction and reconstruction standards to include curb reveal criteria sufficient to require that where a curb exists, PennDOT must maintain the cartway in such a manner that there is a control channel for water.



PennDOT currently maintains its rights-of-way only in certain municipalities. The League believes PennDOT should be responsible for correcting, repairing and maintaining rights-of-way in all localities and requests a change in current practices to provide for consistency. Also, municipalities should be contacted at the time of scheduling so that municipalities and PennDOT can mutually agree on the maintenance needed.

Local Traffic Control Devices

Local governments are responsible for enforcing traffic laws which affect the safety of citizens. However, local officials are unable to place traffic control devices on residential streets without PennDOT approval. PennDOT restrictions limit local ability to design and plan for transportation related problems and traffic congestion on local roads. The League supports local control and flexibility for traffic control and urges relief from PennDOT approvals. The League requests that PennDOT partner with local governments in order to ensure that local needs are taken into consideration when requiring certain transportation and traffic related controls.

The League seeks authority for municipalities to choose aesthetically appealing traffic lights as long as they meet specified safety qualifications issued by the Department.

On state highways and at the intersection of state highways and local roads, The League believes that the state should bear all the costs for the erection of traffic control signals.

Snow Removal

Municipalities are given the option of entering into contractual agreements with PennDOT for snow removal on secondary

roads. A lump sum amount of money is forwarded to the municipality before the winter season. Often times, the lump sum amount is insufficient based upon higher urban union labor costs as compared to rural, nonunionized municipalities. The League urges PennDOT to take into consideration labor costs in a given area when determining reimbursement to municipalities for snow removal.

E-Scooters and Other Micro-Mobility Devices

E-scooters and other micro-mobility devices offer transportation flexibility, increase access to other modes of transportation, foster innovation and provide economically-friendly use on demand. Municipalities, however, need time to understand the applicability of micro-mobility devices to their current transportation systems. Local regulation is absolutely necessary to meet the needs of individual communities. The League opposes any legislation that preempts local regulation and decision-making concerning micro-mobility devices.

Autonomous Vehicles

Autonomous vehicles have the potential to provide many benefits to Pennsylvanian's including enhanced mobility, safer roadways, and economic opportunities. All levels of government must partner in preparing for the age of autonomous vehicles. Such a partnership must include preservation of local authority, including planning authority and local rights-of-way management. The League opposes legislation or regulation preempting local authority and urges the Commonwealth to partner with local government in the planning and regulation of autonomous vehicles.

Communications

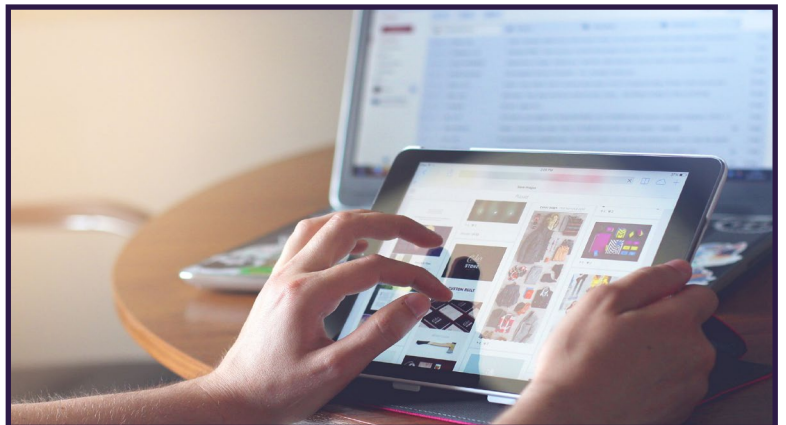
Distributed Antenna Systems

Distributed Antenna Systems or DAS play an important role in bringing reliable wireless access to the Commonwealth's residents. However, the antenna systems are just one piece of infrastructure in a larger wireless network. As such, the contractors that install antenna systems should be treated as the installers of other network components are treated and should not be given public utility status. Public utility status would allow the contractors to place antennas on public or private property without permission. The League believes DAS, as a component of a wireless network, is subject to local zoning regulation and urges the PUC to discontinue the issuance of certificates of convenience and other public utility status to DAS installers.

Local Cable Franchising Authority

The League opposes legislation that would allow new entrants into the cable market to by-pass the current

local franchising process and apply for a standard, blanket agreement to provide cable services. This would result in a decrease in municipal autonomy, municipal revenue and the negotiation for public access channels.



The League supports the following concepts:

- local governments believe cable competition is good for consumers;
- local governments are in favor of prompt, reliable customer service;
- local governments believe all areas within a municipality should be serviced with the best product available at the best price;
- local governments must retain control of local rights-of-way;
- local governments must not lose current franchise fee revenues; and
- local governments favor streamlining the franchise agreement process to provide new and incumbent cable providers with a process that is timely and offers an alternative procedure for local governments that want to

forgo individual negotiations or are unable to complete a local agreement.

Cellular Tower Site Planning

The League encourages the establishment of cellular tower corridors that would provide a regional strategic development plan as to where cellular towers should be sited. Such a plan would provide consistency of service benefiting the cellular industry, as well as the communication needs of the communities and the region.

Broadband Implementation

Access to the latest communication technologies is the foundation for economic growth and competitiveness throughout the Commonwealth. While all areas of the Commonwealth should at least have reliable access to Broadband, The League supports deployment of and access to the latest technologies as an economic development tool.

Local Elected Officials

Fulfilling the Duties of Office

Elected officials have a duty to fulfill their role in fostering effective governance by carrying out the duties of their office. The League does not condone local elected officials who hinder their community's governance by not attending meetings or carrying out other responsibilities. If a local official is unable or uninterested in fulfilling the duties of office, she or he should not hinder local governance, but should instead resign and allow another to fill the role. While the Pennsylvania Constitution controls removal from office, The League supports legislation also establishing a path to removal for cause when a local elected official is negligent in carrying out the duties of office, including chronic absenteeism and dereliction of duty.

Personal Liability of Elected Officials

Municipal officials have had their livelihood and personal security threatened by legal action. Municipal officials are performing a public service and should not be put in financial jeopardy while carrying out the duties of their office. The League supports legislation protecting public officials from possible law suits arising from their role as elected officials.

Workers' Compensation for Elected Officials

Elected municipal officials are continuously engaging in activities on behalf of the municipality. These activities may subject officials to injury and accident. Elected officials injured while engaging in municipal affairs are not afforded Workers' Compensation insurance protection under current law. The League supports adding elected municipal officials to the definition of "employee" under the Law.

Cross-Filing by Local Candidates

Cross-filing by candidates does not eliminate partisanship in elections, as intended. It only serves to create confusion for the voter. The League supports the elimination of cross-filing.

Compensation of Local Elected Officials

The commitment to serve in the capacity of a local elected official has increased substantially over the years and is no longer accurately reflected in the compensation schedules set forth in the various municipal codes. The League supports an increase in compensation levels across all municipal codes, as well as an inflationary index that adjusts compensation periodically in the future.

Local Elected Official Training

In their capacity as local leaders, local elected officials must make decisions on multifaceted issues that have financial and other long-term implications for their municipalities, residents and businesses. Currently, local officials must seek out education on their own to stay informed of new issues and developments impacting local government operations. Pennsylvania's local officials, and constituents, would benefit from a more robust training program at the state level. The League supports the establishment of an official training curriculum for newly elected officials to be offered and funded by the Department of Community and Economic Development.

Nomination Signatures and Filing Fees for Elected Officials

Each candidate seeking local office is required to collect signatures for their nomination petition to successfully appear on the primary ballot. While the Third Class Code requires potential candidates to obtain 100 signatures on their nomination petition and pay a \$25 filing fee, the Borough, First Class Township and Second Class Township Codes only require potential candidates to obtain 10 signatures on their nomination petition and there is no filing fee. The League supports consistent language among municipal codes where possible, and therefore, supports amending the Third Class City Code to decrease the number of signatures for a nomination petition from 100 to 10 and to remove the filing fee.



Pennsylvania Municipal
League

**414 NORTH SECOND STREET
HARRISBURG, PA 17101**

**717-236-9469
WWW.PML.ORG**