

PA Municipal League

2020 Adopted Resolutions

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Resolution #1-2020 – ADOPTED

Submitted by: The League’s Legislative Committee

NLC’s 2020 National Municipal Policy and Federal Action Agenda

Whereas, Pennsylvania’s municipalities are concerned with a wide range of issues at the federal level; and

Whereas, when appropriate, The League sets forth these issues in correspondence with the members of the Pennsylvania congressional delegation; and

Whereas, federal devolution has pushed the responsibilities for funding and administration of many programs onto states and localities; and

Whereas, federal devolution and the federal budget process continue to result in fewer dollars available for municipal programs; and

Whereas, municipalities cannot continue to meet the growing fiscal and societal demands for services and programs without their federal partner; and

Whereas, The League, as a State Municipal League member of the National League of Cities (NLC), takes its lead on federal issues from NLC; and

Whereas, NLC in its *2020 Federal Action Agenda* is asking Congress and the Administration to work in partnership with local governments to maximize support for programs vital to municipalities across America.

Therefore, be it resolved: The League reaffirms as its basic federal policy the *2020 Federal Action Agenda* of the National League of Cities.

Be it further resolved: The League reaffirms as its 2020 federal agenda, NLC’s *2020 Federal Action Agenda*:

- Infrastructure
- Housing
- Opioids
- Small Cell Deployment
- Census
- Tax Policy
- Community Resilience
- Federal Program Reauthorizations

This resolution adopts NLC’s 2020 National Municipal Policy Statement, as well as its 2020 Federal Action Agenda.

Resolution #2-2020 – ADOPTED

Submitted by: The League’s Legislative Committee

Policy Review – 2017 Resolutions

Whereas, The League adopted a policy review process in 2016; and

Whereas, that process establishes a review of adopted policy after four years, or two legislative sessions; and

Whereas, policy adopted via the 2017 resolution process is up for review in 2020; and

Whereas, a review of The League’s 2017 resolutions has resulted in the following policy recommendations to the membership:

- Support for a Growing Greener III program (page 25*) - Reaffirm
- Opposition to consolidated collection of the Business Privilege Tax (page 3) - Reaffirm
- Support for municipal electric systems (page 11) - Reaffirm
- Opposition to a mandated number of UCC third party inspectors (page 22) - Reaffirm
- Support for the use of fees to pay for municipal services (page 4) - Reaffirm
- Preservation of local zoning authority (page 21) - Reaffirm
- Nutrient reduction programs (page 24) - Reaffirm
- Preservation of assessment appeals by local taxing jurisdictions (page 4) - Reaffirm
- Commitment to Equity, Fairness, Inclusion and Justice – Update (Resolution #14-2020)
- Permanent authorization of Recycling Fund tipping fee – Remove (Act 40 of 2017)

Therefore, be it resolved: The League’s Policy Statement will be updated accordingly.

This resolution follows the policy review process adopted in 2016 to review adopted policies after four years or two legislative sessions.

*Page numbers correspond with 2020 Policy Statement.

Resolution #3-2020 – ADOPTED

Submitted by: Upper Darby Township

Other Post-Employment Benefits

Whereas, other post-employment benefits, commonly referred to as OPEB benefits, may be awarded to municipal employees through the Act 111 binding arbitration process or agreed to through collective bargaining negotiations; and

Whereas, such benefits are paid to employees in retirement, for example, healthcare and life insurance; and

Whereas, such benefits are commonly funded solely by the employer; and

Whereas, just like pension benefits, municipal employers are required to make annual payments to OPEB accounts in order for liabilities to remain funded; and

Whereas, market downturns, benefit cost increases and other factors create unfunded liability in OPEB plans that the employer cannot control but is responsible to absorb; and

Whereas, municipalities responsible for OPEB benefits face great annual expenses in addition to the expenses associated with providing pension benefits; and

Whereas, these annual expenses, paid out of the municipal general fund, drive costs and negatively impact the fiscal stability of municipalities.

Therefore, be it resolved: The League supports addressing the unfunded liability of OPEB plans by providing tools to local governments, including borrowing.

Be it further resolved: The League supports a prohibition on the future provision of OPEB benefits to municipal employees including through the Act 111 binding arbitration and collective bargaining process.

This resolution calls for a prohibition on the provision of post-retirement benefits through the Act 111 process and tools to pay down current OPEB liabilities.

Resolution #4-2020 – ADOPTED

Submitted by: State College Borough

Reductions in Assessed Value Resulting from COVID-19

Whereas, there is no legal requirement in Pennsylvania for regular county-wide reassessment of property; and

Whereas, the lack of regular reassessment results in values that do not accurately reflect real estate values; and

Whereas, commercial and residential real estate tax assessments are subject to appeal; and

Whereas, in some cases, the common level ratio application to the assessed value results in a reduction of assessment even when the County Board of Appeals does not reduce the market value of the property; and

Whereas, as a result of the COVID-19 pandemic, market values have been reduced, at least in the short term; and

Whereas, assessment appeals during the COVID-19 pandemic may result in a long-lasting property tax reduction to local governments and school districts, even though the reduction in value is temporary; and

Whereas, local governments and school districts rely on tax revenues produced by real estate property and, as a result, require relief from any temporary reduction in assessment value related to the pandemic.

Therefore, be it resolved: in order to provide relief to local governments and school districts from a COVID-19-induced reduction in assessment evaluations, The League supports an amendment to the Pennsylvania Uniform Assessment Law providing that reductions in assessed value during the 2021, 2022 and 2023 assessment years are temporary and, upon application of the appropriate taxing body, will be reconsidered by the Assessment Board of Appeals.

This resolution recognizes the potential for a temporary reduction in assessment values caused by the COVID-19 pandemic and calls for an amendment to the Pennsylvania Uniform Assessment Law that will allow such reductions in 2021, 2022, 2023 to be temporary and subject to reconsideration.

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Resolution #5-2020 – ADOPTED

Submitted by: The League’s Board of Directors

Act 111 Policy Update

Whereas, recent calls for police reform have brought to light the impact Act 111 has on police discipline and grievance arbitration, as well as the ability of an employer to effectively manage a police department; and

Whereas, The League believes placing accountability on the neutral arbitrator is central to reform; and

Whereas, establishing accountability means shifting management of the police out of the hands of the Act 111 arbitrator and back to the employer; and

Whereas, accountability of the arbitrator can be fostered by lowering Act 111’s overly burdensome threshold for appeal of arbitration awards and decisions which require: an irregularity in the proceedings; a deprivation of constitutional rights; or an overreach of jurisdiction or power by the arbitrator; and

Whereas, this high threshold translates into very few challenges to arbitrators’ decisions and very little accountability.

Therefore, be it resolved: The League supports changing the current standard to appeal an Act 111 interest or grievance arbitration award to the local agency standard of a written decision accompanied by findings of fact and conclusions of law.

Be it further resolved: The League believes utilizing the less stringent local agency standard would allow an arbitrator’s decision to be more readily appealable and therefore subject to more accountability.

This resolution updates The League’s Act 111 policy by including grievance arbitration and supporting a relaxation of the current, overly narrow standard of appeal to one that will allow decisions not based on the facts and conclusions of law to be appealed thereby creating more accountability for the decisions of arbitrators.

Resolution #6-2020 – ADOPTED

Submitted by: The League’s Board of Directors

Consumer Fireworks Policy Update

Whereas, Act 43 of 2017 legalized the use of consumer fireworks as a way to generate General Fund revenue for the Commonwealth; and

Whereas, the licensing and taxes on consumer fireworks via Act 43 has raised approximately \$10 million revenue to date; and

Whereas, the relatively small amount of revenue generated from the expansion of consumer fireworks pales in comparison to the toll fireworks has taken on the health, safety and quality of life of Pennsylvania’s residents; and

Whereas, there has been an exponential increase in noise complaints and fireworks calls to both state and local police in municipalities of all sizes, for example, the city of Philadelphia received 8,500 fireworks complaints between May and June of 2020 alone; and

Whereas, consumer fireworks are not just a problem on the Fourth of July as they place an on-going burden on first responders and public safety resources to keep up with complaints and calls; damage property; and cause injuries and even death; and

Whereas, municipalities have cited concerns with Act 43 since enactment, but here has been no movement by the General Assembly to improve the Act; and

Whereas, even if local governments were given the authority to regulate consumer fireworks under Act 43, the inability to enforce those regulations remains an untenable problem.

Therefore, be it resolved: The League Board has determined the only commonsense solution is a complete repeal of Act 43.

Be it further resolved: The League believes restoring peace in our cities, townships, and boroughs far outweighs the benefit of any revenue collected for the state coffers under Act 43.

This resolution updates current League policy from fixing the Consumer Fireworks Law to repealing it.

Resolution #7-2020 – ADOPTED

Submitted by: The League’s Legislative Committee

Wage Garnishment Tool for Delinquent Municipal Claims

Whereas, municipalities rely on residents and businesses to pay for services provided, such as utilities, in a timely manner; and

Whereas, not all property owners pay these bills, resulting in delinquency; and

Whereas, municipalities may currently collect delinquent claims by obtaining a judgement or issuing a municipal lien against property; and

Whereas, these avenues of collection are expensive and take a long time to result in the actual collection of money owed; and

Whereas, Pennsylvania’s tax collectors already use wage garnishment for debt collection of delinquent taxes through the Local Tax Enabling Act; and

Whereas, only four states, including Pennsylvania, do not allow for the use of wage garnishment for collection of non-tax debt owed to municipalities; and

Whereas, this debt collection tool would result in a more efficient and simpler collection process, as well as one that is less harsh to the debtor as only 10% of the debt may be garnished per pay.

Therefore, be it resolved: 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.

This resolution supports legislation allowing the optional use of wage garnishment to collect delinquent municipal claims.

Resolution #8-2020 – ADOPTED

Submitted by: The League’s Legislative Committee

Public Construction Project Delivery Options

Whereas, compliance with the outdated Separations Act is a roadblock to efficient and cost-effective public construction projects; and

Whereas, Pennsylvania is the only state restricting public construction projects over \$4,000 to the single delivery method for each aspect of a project; and

Whereas, calls for Pennsylvania’s Separations Act to be repealed have not resulted in legislative action; and

Whereas, legislation offering an array of project delivery options as alternatives to the Separations Act has been introduced; and

Whereas, the alternative methods, used widely 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; and

Whereas, the option to choose one of these methods of project delivery provides local governments with flexibility, a cleaner, easier procurement process, as well as saving time and taxpayer dollars.

Therefore, be it resolved: The League supports project delivery options for bidding construction projects as an alternative to the Separations Act.

This resolution supports options to the current single delivery method of public construction projects mandated by the Separations Act.

Resolution #9-2020 – ADOPTED

Submitted by: The League’s Legislative Committee

State Police Service Fee Policy Update

Whereas, in his 2020-21 budget address, the Governor proposed a new model to generate revenue for the State Police by assessing a fee on every municipality in the Commonwealth; and

Whereas, this proposal is a solution to close the funding gap caused by a decreasing reliance on the Motor License Fund to support the State Police; and

Whereas, this fee would be determined by a formula predicated on state police coverage costs, municipal population and median income; and

Whereas, 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; and

Whereas, the extraordinary expense of providing public safety is the largest portion of a municipal budget and often amounts to half of the budget; and

Whereas, the extraordinary cost of public safety discourages the funding and maintenance of local police departments, leading to the financially unsound reliance by both the state and local governments on the State Police; and

Whereas, since public safety is an essential government service, a better and more sustainable solution to the extraordinarily high costs of public safety and policing is warranted; and

Whereas, this issue must focus on providing local governments with financial and legislative tools to make establishing a local police department affordable.

Therefore, be it resolved: The League opposes the blanket assessment of a State Police service fee on all municipalities.

Be it further resolved: The League supports measures that will provide local governments with the funds and tools needed to make establishing and maintaining local police departments an affordable endeavor.

This resolution opposes a blanket State Police service fee assessment on all municipalities and encourages the state’s executive and legislative leaders to make funding a local police department affordable.

Resolution #10-2020 – ADOPTED

Submitted by: The League’s Legislative Committee

Removal of Physical Quorum Requirement for Boroughs and Cities

Whereas, it is vital for local governing bodies to meet quorum requirements in order to conduct business and make important decisions to serve their communities; and

Whereas, the current First Class Township Code and the Second Class Township Code do not require a quorum of the governing body to be physically present at a meeting location to establish a quorum; and

Whereas, the current Borough Code and Third Class City Code do require a physical presence to establish a quorum; and

Whereas, a physical quorum is recommended, but not necessary to conduct business in the 21st Century; and

Whereas, the physical quorum requirement caused issues at the outset of the COVID-19 pandemic, when for public health reasons local governing bodies needed to meet virtually; and

Whereas, the General Assembly provided a temporary legislative fix via Act 17 of 2020 authorizing all local governments to use telecommunication devices to establish quorums in order to conduct business until the expiration of the disaster emergency; and

Whereas, all municipalities need to know for planning purposes that in the future their elected officials can still attend meetings and conduct official business when being physically present is impossible; and

Whereas, The League supports consistent language among the municipal codes where possible.

Therefore, be it resolved: The League supports amending the Borough Code and Third Class City Code to remove the physical quorum requirement and create consistent language regarding quorums throughout all municipal codes.

This resolution supports the removal of the physical quorum requirement in the Borough Code and Third Class City Code.

Resolution #11-2020 – ADOPTED

Submitted by: The League’s Legislative Committee

Local Elected Officials – Fulfilling the Duties of Office

Whereas, individuals elected to local office have a duty to fulfill their role in fostering effective municipal governance, which includes carrying out the duties of office; and

Whereas, voters and taxpayers have an expectation that local elected officials will carry out their responsibilities, move government forward and participate in decisions related to essential operations; and

Whereas, if a local elected official is unable or uninterested in carrying out the responsibilities of the office, he or she should not hinder local governance by not attending meetings and voting, but should resign and allow another to fill the role; and

Whereas, the Pennsylvania Constitution controls the circumstances under which an elected official may be removed from office including conviction of an infamous crime, misbehavior in office and impeachment.

Therefore, be it resolved: The League does not condone local elected officials who hinder their community’s governance by not attending meetings or carrying out the responsibilities of the office.

Be it further resolved: The League supports legislation 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.

This resolution supports a legislative measure for remove that will address the circumstance of a local elected official that fail to fulfill the duties of office, yet refuses to step down.

Resolution #12-2020 – ADOPTED

Submitted by: The League's Legislative Committee

Local Government's Role in Public Health

Whereas, the COVID-19 pandemic has challenged all levels of government, including the local level; and

Whereas, such challenges have demonstrated the importance of government collaboration in order to effectively respond and recover from public health emergencies; and

Whereas, collaboration among all levels of government insures the most comprehensive and appropriate response.

Therefore, be it resolved: The League urges federal and state government to recognize the role of local government in a public health crises and to work in collaboration with local governments, sharing not only information, but resources.

This resolution calls on the federal and state government to partner with local government when responding to public health crises.

Resolution #13-2020 – ADOPTED

Submitted by: The League's Legislative Committee

Alternative Home Rule Charter Process for Act 47 Municipalities

Whereas, all of Pennsylvania's municipalities have the right to create and adopt a home rule charter according to the Home Rule and Optional Plans Law; and

Whereas, a home rule charter can be beneficial to Act 47 communities by providing greater local control and locally-based decision making, and can also be a way to address financial difficulties through the ability to raise taxes and diversify revenue sources; and

Whereas, the process to become a home rule charter is lengthy, requiring two separate referendums – one to imitate a study commission and the other to bring the proposed charter to the voters; and

Whereas, this process deters municipalities from pursuing a home rule charter, especially when operating under an Act 47 plan, which has a limited timeline to achieve recovery; and

Whereas, an alternative process for Act 47 communities to form a government study commission and consider home rule is necessary in order to make the process quicker and less burdensome; and

Whereas, such legislation would remove the barriers to an Act 47 community seeking a home rule charter and potentially provide a quicker path to recovery.

Therefore, be it resolved: 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 adopted Act 47 plan recommends the adoption of a new, or amendments to an existing, home rule charter.

This resolution supports an alternative home rule charter process to allow distressed municipalities to directly form a government study commission if the adopted Act 47 plan recommends consideration of a home rule charter.

Resolution #14-2020 – ADOPTED

Submitted by: The League’s Legislative Committee

Equity, Fairness, Inclusion and Justice Policy Update

Whereas, municipal officials play a significant leadership role in their communities; and

Whereas, municipal officials’ commitment to equity, fairness, inclusion and justice fosters health, safety and prosperity for the entire community; and

Whereas, all individuals no matter their race, ethnicity, gender or sexual orientation have a right to live in their communities with dignity and freedom from discrimination; and

Whereas, The League supports municipal officials seeking to continue to educate themselves and increase their awareness to be able to fully serve and represent every constituent in their community; and

Whereas, municipal officials have an opportunity to lead by example by advancing policies and programs that benefit all citizens; and

Whereas, a solution includes a comprehensive look at policies, practices and procedures across all municipal departments, agencies and systems to advance policies and programs that instill equity, fairness, inclusion and justice; and

Whereas, this allows municipal officials to make data driven decisions about municipal wide equity initiatives to prioritize and allocate resources; and

Whereas, a sustained investment is necessary in the work to achieving equity and requires a long term commitment.

Therefore, be it resolved: The League supports local officials in their work to advance the principles of equity, fairness, inclusion and justice in every community.

This resolution supports local officials’ leadership roles in the community to advance the principles of equity, fairness, inclusion and justice in every community in the Commonwealth.