

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 323

Session of  
1987

INTRODUCED BY MURPHY, DeLUCA, SEVENTY, COWELL, LEVDANSKY,  
LANGTRY, MICHLOVIC AND CESSAR, FEBRUARY 11, 1987

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JANUARY 25, 1988

## AN ACT

1 Amending the act of May 2, 1945 (P.L.382, No.164), entitled "An  
2 act providing for the incorporation as bodies corporate and  
3 politic of 'Authorities' for municipalities, counties and  
4 townships; prescribing the rights, powers and duties of such  
5 Authorities heretofore or hereafter incorporated; authorizing  
6 such Authorities to acquire, construct, improve, maintain and  
7 operate projects, and to borrow money and issue bonds  
8 therefor; providing for the payment of such bonds, and  
9 prescribing the rights of the holders thereof; conferring the  
10 right of eminent domain on such Authorities; authorizing such  
11 Authorities to enter into contracts with and to accept grants  
12 from the Federal Government or any agency thereof; and  
13 conferring exclusive jurisdiction on certain courts over  
14 rates," providing for the membership AND BYLAWS of a joint <—  
15 sanitary authority created by cities of the second class and  
16 counties of the second class, for BILLING PROCEDURES AND <—  
17 audits of the joint sanitary authority and for service  
18 standards and, performance evaluation measures AND BILLING <—  
19 PROCEDURES of the joint sanitary authority.

20 The General Assembly of the Commonwealth of Pennsylvania  
21 hereby enacts as follows:

22 Section 1. The act of May 2, 1945 (P.L.382, No.164), known  
23 as the Municipality Authorities Act of 1945, is amended by  
24 adding sections to read:

25 Section 7.2. Joint Sanitary Authority of Cities of the

1 ~~Second Class and Counties of the Second Class.--A. There is~~  
2 ~~hereby created a joint sanitary authority of cities of the~~  
3 ~~second class and counties of the second class. It shall consist~~  
4 ~~of seven members, three to be appointed by the mayor of a second~~  
5 ~~class city, three to be appointed by the county commissioners of~~  
6 ~~a second class county and one to be appointed by agreement of~~  
7 ~~the mayor of a second class city and the county commissioners of~~  
8 ~~a second class county. One member appointed by the mayor of a~~  
9 ~~second class city and one member appointed by the county~~  
10 ~~commissioners of a second class county shall serve for two~~  
11 ~~years, one member appointed by the mayor of a second class city~~  
12 ~~and one member appointed by the county commissioners of a second~~  
13 ~~class county shall serve for three years, one member appointed~~  
14 ~~by the mayor of a second class city and one member appointed by~~  
15 ~~the county commissioners of a second class county shall serve~~  
16 ~~for four years, and the member appointed by agreement of the~~  
17 ~~mayor of a second class city and the county commissioners of a~~  
18 ~~second class county shall serve for five years. Thereafter, when~~  
19 ~~a vacancy has occurred or is about to occur by reason of the~~  
20 ~~expiration of the term of any member, the mayor of a second~~  
21 ~~class city or the county commissioners of a second class county,~~  
22 ~~whichever had the power of appointment of the member who vacated~~  
23 ~~or will vacate his seat on the board, shall appoint a member of~~  
24 ~~the board for a term of five years from the date of expiration~~  
25 ~~of the prior term. A board member may not serve more than two~~  
26 ~~consecutive terms.~~

27 ~~B. One of the four members appointed by the mayor of a~~  
28 ~~second class city shall be a resident of the city ward where the~~  
29 ~~main sanitary facility is situated.~~

30 ~~C. Of the three members appointed by the county~~

~~commissioners, none shall be a resident of a city of the second class; however, one shall be a resident of a borough served by the joint sanitary authority, and one shall be a resident of a first class township served by the joint sanitary authority. The three appointees of the county commissioners shall each be from a different geographic area of the county.~~

~~D. The term of any person serving as a member of any joint sanitary authority of a city of a second class and county of a second class on the effective date of this act shall expire on the effective date of this act.~~ ANY JOINT SANITARY AUTHORITY OF

CITIES OF THE SECOND CLASS AND COUNTIES OF THE SECOND CLASS SHALL CONSIST OF NINE MEMBERS, THREE TO BE APPOINTED BY THE MAYOR OF A SECOND CLASS CITY, SIX TO BE APPOINTED BY THE COUNTY COMMISSIONERS OF A SECOND CLASS COUNTY. ONE MEMBER APPOINTED BY THE MAYOR OF A SECOND CLASS CITY AND TWO MEMBERS APPOINTED BY THE COUNTY COMMISSIONERS OF A SECOND CLASS COUNTY SHALL SERVE FOR ONE YEAR, ONE MEMBER APPOINTED BY THE MAYOR OF A SECOND CLASS CITY AND TWO MEMBERS APPOINTED BY THE COUNTY COMMISSIONERS OF A SECOND CLASS COUNTY SHALL SERVE FOR THREE YEARS, ONE MEMBER APPOINTED BY THE MAYOR OF A SECOND CLASS CITY AND TWO MEMBERS APPOINTED BY THE COUNTY COMMISSIONERS OF A SECOND CLASS COUNTY SHALL SERVE FOR FIVE YEARS. THEREAFTER, WHEN A VACANCY HAS OCCURRED OR IS ABOUT TO OCCUR BY REASON OF THE EXPIRATION OF THE TERM OF ANY MEMBER, THE MAYOR OF A SECOND CLASS CITY OR THE COUNTY COMMISSIONERS OF A SECOND CLASS COUNTY, WHICHEVER HAD THE POWER OF APPOINTMENT OF THE MEMBER WHO VACATED OR WILL VACATE HIS SEAT ON THE BOARD, SHALL APPOINT A MEMBER OF THE BOARD FOR A TERM OF FIVE YEARS FROM THE DATE OF EXPIRATION OF THE PRIOR TERM. EVERY BOARD MEMBER SHALL SERVE AT THE PLEASURE OF THE GOVERNING BODY THAT APPOINTED HIM OR HER.

1 B. ONE OF THE THREE MEMBERS APPOINTED BY THE MAYOR OF A  
2 SECOND CLASS CITY SHALL BE A RESIDENT OF THE CITY WARD WHERE THE  
3 MAIN SANITARY FACILITY IS SITUATED.

4 C. OF THE SIX MEMBERS APPOINTED BY THE COUNTY COMMISSIONERS,  
5 NONE SHALL BE A RESIDENT OF A CITY OF THE SECOND CLASS. THE SIX  
6 APPOINTEES OF THE COUNTY COMMISSIONERS SHALL EACH BE FROM A  
7 DIFFERENT GEOGRAPHIC AREA OF THE COUNTY.

8 D. THE TERM OF ANY PERSON SERVING AS A MEMBER OF ANY JOINT  
9 SANITARY AUTHORITY OF A CITY OF A SECOND CLASS AND COUNTY OF A  
10 SECOND CLASS ON THE EFFECTIVE DATE OF THIS ACT SHALL EXPIRE ON  
11 THE EFFECTIVE DATE OF THIS ACT.

12 Section 7.3. Audits of Joint Sanitary Authority of Cities of  
13 the Second Class and Counties of the Second Class.--In addition  
14 to any audits or financial statements required by the county,  
15 State or Federal Government, an authority created under section  
16 7.2 shall be subject to the following performance audit  
17 requirements:

18 (a) At least once every four (4) years, the ~~Department of~~ <—  
19 ~~the Auditor General~~ COUNTY CONTROLLER shall review the <—  
20 procedures and audit, settle and adjust the accounts of the  
21 authority. The first audit shall occur within a year of the  
22 effective date of this amendatory act.

23 (b) At least once every eight (8) years, the board shall  
24 engage an outside consultant to conduct a comprehensive  
25 management study of the entire operation of the authority,  
26 including recommendations to improve the efficiency of services  
27 being provided.

28 (c) In no instance shall the same consultant be used for  
29 consecutive audits.

30 (d) The findings of both of the audits required by clauses

1 (a) and (b) shall be made available to the public.

2 (e) This section shall not be construed to prohibit more  
3 frequent reviews of the books and accounts of the authority.

4 Section 7.4. Service Standards and Performance Evaluation  
5 Measures of Joint Sanitary Authority of Cities of the Second  
6 Class and Counties of the Second Class.--A. Within one (1) year  
7 after the effective date of this amendatory act and annually  
8 thereafter, the board shall adopt a series of service standards  
9 and performance evaluation measures. These service standards and  
10 performance evaluation measures shall consist of objectives and  
11 specific numeric performance levels to be achieved in meeting  
12 these objectives. The areas to be addressed are:

13 (a) An automatic mechanism to review the rating process from  
14 a short term and long term perspective.

15 (b) Staffing ratios ~~(ratio of employees to people and~~ <—  
16 ~~communities served).~~

17 (c) Productivity measures.

18 (d) Fiscal indicators.

19 (e) The attendance of board members at regularly scheduled  
20 meetings of the board.

21 (f) Any other matter as desired by the board.

22 B. The service standards and performance evaluation measures  
23 shall be established by an action of the board following an  
24 opportunity for comment from the public.

25 C. In the discretion of the board, the service standards and  
26 performance evaluation measures may be systemwide or based on a  
27 sampling.

28 SECTION 7.5. BILLING BY JOINT SANITARY AUTHORITY OF CITIES <—  
29 OF THE SECOND CLASS AND COUNTIES OF THE SECOND CLASS.--A. A  
30 JOINT SANITARY AUTHORITY OF A CITY OF THE SECOND CLASS AND A

1 COUNTY OF THE SECOND CLASS SHALL BILL THE INDIVIDUAL CONSUMER OR  
2 USER OF THE SERVICES AND NOT THE MUNICIPALITY IN WHICH THE  
3 CONSUMER OR USER IS LOCATED FOR SUCH SERVICES AS AUTHORIZED BY  
4 LAW. NO MUNICIPALITY SHALL BE RESPONSIBLE FOR ANY UNCOLLECTED  
5 BILLS FOR SERVICES RENDERED TO CONSUMERS OTHER THAN THOSE  
6 RENDERED TO THE MUNICIPALITY.

7 B. A JOINT SANITARY AUTHORITY OF A CITY OF THE SECOND CLASS  
8 AND OF A COUNTY OF THE SECOND CLASS SHALL PROVIDE A COMPLETE  
9 STATEMENT OF ACCOUNT, INDICATING ALL PAST DUE AMOUNTS, WITH EACH  
10 BILLING.

11 SECTION 7.6. CHARGES BY MUNICIPALITY.--ANY CHARGE, FEE OR  
12 COMMISSION IMPOSED, LEVIED OR ADDED TO THE BILLING OF A JOINT  
13 SANITARY AUTHORITY OF A CITY OF THE SECOND CLASS AND COUNTY OF  
14 THE SECOND CLASS BY OR ON BEHALF OF A MUNICIPALITY SHALL APPEAR  
15 ON THE BILLING OR STATEMENT OR ACCOUNT OF SUCH AUTHORITY.

16 SECTION 7.7. ADOPTION OF BY-LAW CHANGES BY A JOINT SANITARY  
17 AUTHORITY OF A CITY OF THE SECOND CLASS AND A COUNTY OF THE  
18 SECOND CLASS.-- WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS  
19 SECTION, A JOINT SANITARY AUTHORITY OF A CITY OF THE SECOND  
20 CLASS AND A COUNTY OF THE SECOND CLASS SHALL AMEND ITS ARTICLES  
21 OF INCORPORATION OR ITS BY-LAWS TO INCORPORATE THE REQUIREMENTS  
22 OF THIS SECTION AND SECTIONS 7.2, 7.3 AND 7.4 OF THIS ACT.

23 SECTION 2. NOTHING IN THIS AMENDATORY ACT SHALL AFFECT ANY  
24 BONDS, DEBTS, CONTRACTS, LABOR AGREEMENTS OR ANY OTHER  
25 OBLIGATION OF A JOINT SANITARY AUTHORITY OF A CITY OF THE SECOND  
26 CLASS AND A COUNTY OF THE SECOND CLASS IN EXISTENCE ON THE  
27 EFFECTIVE DATE OF THIS AMENDATORY ACT.

28 Section 2 3. This act shall take effect in 30 days.

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