

TO: All House Members

FROM: Representative Phyllis Mundy

DATE: March 14, 2011

RE: Co-Sponsorship of Legislation
Requiring appointing authorities to select alternates in cases of conflicts of interest

There is a situation affecting my district that needs attention through legislation. A nearby township zoning hearing board member has a conflict of interest in a matter before the board. Under current law, he cannot vote on the matter unless there is a tie between the other two zoning board members. At that time, he can then vote to break the tie. I find it unacceptable that a member of a board who recuses himself for a conflict of interest on a matter before the board can still vote on the matter in this circumstance.

Simply put, if you have a conflict of interest, you should not be allowed to vote on that pending matter. I plan to introduce two pieces of legislation to address this oversight in the law.

One bill will amend the Municipalities Planning Code of 1968 to require the appointing authority to select a temporary replacement for a zoning hearing board member if he or she has a voting conflict in a particular proceeding. The alternate would be appointed for that particular matter before the board only.

I also intend to introduce a separate bill to address this issue on a larger scale, and provide for alternate voting members for governing bodies/boards across the Commonwealth.

I believe these bills are good government bills that encourage transparency and fairness from the bottom up.

If you would like to join as a co-sponsor to these bills, please contact Kris Bernard in my Harrisburg office at 783-1614 or kbernard@pahouse.net.