



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

**TESTIMONY BY  
THE PENNSYLVANIA STATE ASSOCIATION OF  
TOWNSHIP SUPERVISORS**

**BEFORE THE  
HOUSE LOCAL GOVERNMENT COMMITTEE**

**CONCERNING**

**HB 633 (PN 634)**

**PRESENTED BY**

**ELAM M. HERR  
ASSISTANT EXECUTIVE DIRECTOR**

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**HARRISBURG, PA**

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Chairman Creighton and members of the House Local Government Committee:

Good morning. My name is Elam Herr, and I am the assistant executive director for the Pennsylvania State Association of Township Supervisors. Thank you for the opportunity to appear before you today on behalf of the 1,455 townships in Pennsylvania represented by the Association.

Townships comprise 95 percent of the Commonwealth's land area and are home to more than 5.5 million Pennsylvanians — or 44 percent of the state's population. These townships are very diverse, ranging from rural communities with fewer than 200 residents to more populated communities with populations of more than 60,000 residents.

HB 633 (*PN 634*) would give local governments the option to publish legal notices electronically in place of newspaper advertisements. The Office of Information Technology of the Office of Administration would maintain a list of the names of all websites used by local governments for this purpose. We believe that the Internet provides a reasonable alternative to the current legal advertising requirements and those townships that would like to do so should have this option to reach out to more residents than currently subscribe to newspapers and save money at the same time.

Today, Pennsylvania's local governments are required to publish a large number of legal advertisements including public meeting notices, ordinances, the budget, annual financial reports, requests for bids for the purchase of supplies, services, or construction; the sale of real or personal property; and any proceeding requiring public notification in accordance with the Pennsylvania Municipalities Planning Code. The required advertisements inform the public of the actions of the municipality and promote open government.

Many townships across the state currently have websites. These sites are very easy to find using Internet search engines such as Google and Bing, even for an electronic novice. Township websites contain a wealth of useful information for their residents and businesses or anyone interested in learning more about a particular community. One is hard pressed to find a township website that doesn't prominently display meeting dates, times, and locations for the entire year, not just for the board of supervisors, but for all committees and commissions in a particular township. Every one of these postings, continually available, simple to find, and free of charge (*unlike a newspaper of general subscription*), is a far greater resource for any interested individual than the required annual legal notice in the local newspaper of general circulation. Townships are making this information readily available because they are open and accessible to their residents. State law does not require this to be done, nor does state law even envision that townships would promote their meetings in this manner.

Meeting information is just the tip of the iceberg. When browsing township websites, one can easily find contact information, even direct e-mails and home phone numbers for township supervisors, copies of ordinances, minutes, budgets, audits, forms and application processes, and policies and procedures. All of these items are commonly

posted on township websites, open to the public, available at any time of the night or day, free of charge to any interested individual to view or print. And not one of these documents or pieces of information is required to be made available electronically by state law.

What else will you find? Townships with electronic newsletters, RSS feeds available so that residents are instantly informed when the website is updated, emergency notification systems available by text or e-mail, electronic payment options, and townships that participate in social media such as Facebook and Twitter.

But our friends at the Pennsylvania Newspapers Association would have you believe that townships just want to hide critical information. Instead, they will tell you, only daily or weekly newspapers of general circulation can be trusted to provide this critical service, printing legal notices near the back of the paper at exorbitant rates that only someone willing to drive to the store and pay for the entire paper can read. And they won't tell you how few people receive delivery of the paper every day of the week. Instead, if the newspapers were truly interested in performing a valuable community service, they would make legal ads available at reasonable prices, even free-of-charge, and display the notices prominently on their websites.

Legal notices are currently anything but free. Instead, townships shell out at least \$80 to \$300 for a 4-inch advertisement, even more for bid and ordinance advertisements. And the cost of this valuable service adds up...a lot. According to a recent report by Penn State University-Harrisburg, *Cost Savings on Mandatory Legal Advertising by Local Government Entities*, local governments spend more than \$26 million annually on required legal advertising. In fact, the City of Philadelphia paid close to \$4 million in newspaper legal ads in just one year alone. The average annual expenditures for each local government vary by the paper, the region, and the number of advertisements that must be placed each year and can range from a few hundred dollars for a very small municipality to tens of thousands of dollars. And these days, every dollar counts.

In some areas of this state, only weekly papers are available. This makes routine business take even longer. A township needs to hold a special meeting with 24 hours legal notice? Make that 10 days since you just missed the filing deadline for next week's issue.

In supporting this option for electronic notices, we are not asking for changes to these public processes. Other than increasing bid limits to recover some ground that has been lost to inflation, we are not asking for changes to our bid processes. It will continue to take time to properly advertise for bids, evaluate, and award to the lowest responsible bidder. The sealed bid process is unbiased and fair and, despite the time it takes to complete, we are not asking to restructure the required procurement process.

Our members have asked for this option because it expands access and is a cost issue, nothing more, nothing less. Clearly, making critical information available – that which requires legal notice – is important to townships, particularly the vast number that

take the time to develop websites and keep them up-to-date. Townships realize that to properly take care of their communities and provide those essential services that so many take for granted, they must keep up with their residents and provide those services that are expected of organizations today.

And keep in mind that we are only asking for an option. Each community needs to have the flexibility to determine what is best for them. What legal advertising option will reach the most residents? Which will reach the most potential bidders? Which is the most cost effective? Each township should be given the flexibility to decide what is most effective, which may be different for the various types of legal notices.

We recommend that the definitions section of SB 804 be examined and that this language be used to enhance HB 633 as written. For example, SB 804 includes a definition of legal notice, making it clear what types of legal notices would be eligible for electronic advertisements. In addition, SB 804 contains details regarding the procedures that must be followed when posting legal notices, including e-mail notice functionality, which may help to clarify the language in HB 633.

In dealing with an area of rapidly evolving technology, one thought is to direct the state Office of Administration to develop additional guidance, and perhaps regulations, for those local governments that choose to electronically advertise legal notices. This would provide oversight and flexibility in this regard.

In closing, we support any proposal for legal advertising that would improve access to legal notices at a reduced cost to local governments, including advertising on local government websites and in community papers of mass dissemination.

Thank you for the opportunity to comment today. I will now attempt to answer any questions that you may have.