

COMMONWEALTH OF PENNSYLVANIA
JOINT HOUSE AND SENATE PUBLIC HEARING

LOCAL GOVERNMENT COMMITTEE HEARING

STATE CAPITOL
ROOM 140 MAIN CAPITOL BUILDING AND VIRTUAL
HARRISBURG, PENNSYLVANIA

MONDAY, SEPTEMBER 13, 2021

IN RE: POSITIVES EXPERIENCED FOR LOCAL
GOVERNMENT ENTITIES DURING COVID-19 PANDEMIC

BEFORE:

HONORABLE JERRY KNOWLES, MAJORITY CHAIRMAN
HONORABLE ROBERT FREEMAN, MINORITY CHAIRMAN
HONORABLE BOB BROOKS (V)
HONORABLE JOE HAMM (V)
HONORABLE RICH IRVIN
HONORABLE BRETT MILLER (V)
HONORABLE LORI MIZGORSKI (V)
HONORABLE JIM RIGBY
HONORABLE DAVID ROWE
HONORABLE PERRY STAMBAUGH
HONORABLE JEFF WHEELAND
HONORABLE LIZ HANBIDGE (V)
HONORABLE CAROL HILL-EVANS (V)
HONORABLE STEVEN MALAGARI
HONORABLE KYLE MULLINS (V)
HONORABLE BENJAMIN SANCHEZ (V)

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BEFORE (cont.'d):

**HONORABLE CHRISTINA SAPPEY
HONORABLE PERRY WARREN (V)
HONORABLE REGINA YOUNG**

**SENATOR CRIS DUSH, MAJORITY CHAIRMAN
SENATOR MARIA COLLETT, ACTING MINORITY CHAIRWOMAN
SENATOR DEVLIN ROBINSON
SENATOR NIKIL SAVAL
SENATOR SHARIF STREET**

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STAFF MEMBERS ALSO IN ATTENDANCE:

**ROBERT GAERTNER, EXECUTIVE DIRECTOR, REPUBLICAN CAUCUS
KYLE SCHAEFFER, RESEARCH ANALYST, REPUBLICAN CAUCUS
LAUREN MILLER, ADMINISTRATIVE ASSISTANT I,
REPUBLICAN CAUCUS
GRANT CLARKSON, LEGISLATIVE ASSISTANT,
REPUBLICAN CAUCUS**

**JON CASTELLI, SENIOR COMMITTEE EXECUTIVE DIRECTOR,
DEMOCRATIC CAUCUS
BRIANNA MEDEVICH, RESEARCH ANALYST II,
DEMOCRATIC CAUCUS**

**MARY YODER, SENATE MAJORITY CHAIR EXECUTIVE DIRECTOR
SAM ARNOLD, SENATE MINORITY CHAIR EXECUTIVE DIRECTOR**

**JEAN M. DAVIS, REPORTER
NOTARY PUBLIC**

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1 P R O C E E D I N G S

2 * * *

3 HOUSE MAJORITY CHAIRMAN KNOWLES: I said my
4 Committees are that well behaved that I don't even need a
5 gavel. It says I'm supposed to bang the gavel, but I don't
6 need to do that because I don't have one.

7 I would ask that we stand for the pledge to our
8 flag. And I ask Senator Dush, an Air Force and a National
9 Guard veteran, to lead us in the pledge.

10 (Pledge of Allegiance)

11 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
12 much, Senator.

13 Just a few housekeeping items. I would ask
14 everyone to kindly be sure that your electronic devices are
15 turned off so that we are not disturbed. I would also
16 remind the members that the hearing is being live-streamed
17 and the members and testifiers participating through Teams
18 be aware that the -- you know, you will be permitted to ask
19 questions and give your testimony, but be aware that because
20 of House rules the chat function has been disabled.

21 Before we get into remarks, let's start in the
22 room here. I will ask the members sitting at the table over
23 there to introduce themselves and identify what district
24 they represent and we'll work our way around the room.

25 REPRESENTATIVE IRVIN: Good morning. State

1 Representative Rich Irvin, representing all of Huntington
2 County, parts of Centre, and parts of Mifflin.

3 REPRESENTATIVE STAMBAUGH: Representative Perry
4 Stambaugh, representing Perry and Cumberland Counties.

5 REPRESENTATIVE RIGBY: Representative Jim Rigby,
6 71st District, Cambria and Somerset Counties.

7 REPRESENTATIVE ROWE: Representative David Rowe,
8 representing Union and Snyder Counties, the 85th Legislative
9 District.

10 HOUSE MAJORITY CHAIRMAN KNOWLES: Gentlemen, to
11 my left, do you want to continue?

12 HOUSE MINORITY CHAIRMAN FREEMAN: Representative
13 Robert Freeman, 136th District, Northampton County,
14 Democratic Minority Chair of the Committee.

15 MR. JON CASTELLI: Jon Castelli, Minority
16 Executive Director under Chairman Freeman.

17 REPRESENTATIVE MALAGARI: Good morning, everyone.
18 Representative Steve Malagari, 53rd District, Montgomery
19 County.

20 REPRESENTATIVE YOUNG: Good morning.
21 Representative Regina Young, District 185, Philadelphia and
22 Delaware Counties.

23 REPRESENTATIVE SAPPEY: Good morning.
24 Representative Christina Sappey from Chester County, the
25 158th Legislative District.

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HOUSE MAJORITY CHAIRMAN KNOWLES: Okay.

I see that we have a number of members who are participating remotely. If we could start with the Senators, please. Introduce yourself and the district you represent.

REPRESENTATIVE STREET: Hello. Senator Sharif Street, representing Philadelphia County.

SENATOR SAVAL: Good morning, everyone. Senator Nikil Saval, representing Philadelphia County.

HOUSE MAJORITY CHAIRMAN KNOWLES: Okay. Can we move on to the Representatives, please?

REPRESENTATIVE HANBIDGE: Representative Liz Hanbidge, representing Montgomery County.

REPRESENTATIVE MILLER: Brett Miller, 41st District, Lancaster County.

REPRESENTATIVE HILL-EVANS: Representative Carol Hill-Evans, representing York County.

REPRESENTATIVE BROOKS: Representative Bob Brooks, Westmoreland and Allegheny Counties.

REPRESENTATIVE MIZGORSKI: Representative Lori Mizgorski, representing the 30th District in Allegheny County.

REPRESENTATIVE HAMM: Representative Joe Hamm, representing the 84th District, Lycoming and Union Counties.

REPRESENTATIVE MULLINS: Representative Kyle

1 Mullins from the 112th District, Lackawanna County.

2 ACTING MINORITY CHAIRWOMAN COLLETT: Hi. This is
3 Senator Maria Collett. I'm sorry. I am joining by phone.
4 My Teams link is not working, so I'm joining by phone. I am
5 here representing Montgomery and Bucks County.

6 Thank you.

7 HOUSE MAJORITY CHAIRMAN KNOWLES: I believe we
8 may have everyone. And I just want to start by thanking all
9 of you from the Senate, as well as the House, for taking
10 time out of your busy schedules to participate in this
11 hearing.

12 I want to thank my good friend and my colleague
13 Representative -- Senator -- I can't get used to calling you
14 a Senator. I want to thank Senator Chris Dush for, you
15 know, agreeing to have this hearing.

16 And I also want to say that this came about by a
17 conversation that I had with Ed Troxell. Everyone knows Ed.
18 He's a bona fide lobbyist here in the Capitol. And Ed was
19 talking about the fact that although there are so many
20 negative effects that we're dealing with with this pandemic
21 that we want to find out -- we know that there is some good
22 benefit that's come out of it. And, you know, we want to
23 have this hearing to find out what the benefits and good --
24 what they are and what we can do maybe legislatively to take
25 advantage of the information that we gather here at this

1 hearing.

2 So at this point -- and by the way, my good
3 friend and Senator and the nicest guy in this building, Bob
4 Freeman, and I discussed it. And Bob thought it was a good
5 idea so that's why we are here.

6 Before I call on my good friend, Representative
7 Freeman, I'll call on Senator Chris Dush for a few remarks.

8 SENATE MAJORITY CHAIRMAN DUSH: Thanks, Chairman
9 Knowles.

10 It is good to be sitting alongside you again for
11 the first time in about what, seven, eight months. It's
12 good to be a part of this Committee. It's good to be in
13 this beautiful room. I want to thank you. Thanks for the
14 opportunity to bring our two Committees together for this
15 joint hearing.

16 It is very important issue and it's very relevant
17 to the people and the municipalities within the
18 Commonwealth. Over the past year and a half, COVID-19 has
19 presented significant challenges to the government,
20 businesses, and citizens throughout Pennsylvania. But as
21 history has shown, great challenges offer new opportunities
22 to innovate and make positive changes to emerge stronger and
23 better than before.

24 The local governments that we have had have
25 demonstrated the ability to adapt -- improvise, adapt, and

1 overcome. We're here to learn from them. I'm here to hear
2 from our municipal testifiers today regarding how their
3 members have adapted to the difficulties posed by the
4 pandemic. It's important for us here in Pennsylvania to
5 learn about ways other states also are helping their local
6 governments navigate the challenging, changing landscape.

7 I'm also grateful to Pew and the Government
8 Finance Officers Association for providing testimony from a
9 national perspective.

10 Thank you again, Mr. Chairman. I appreciate it.

11 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
12 much, Senator.

13 Chairman Freeman.

14 HOUSE MINORITY CHAIRMAN FREEMAN: Thank you, Mr.
15 Chairman. And thank you for your kind comments.

16 I am looking forward to today's hearing and the
17 testimony that will be offered by the individuals who are on
18 our agenda. Obviously, this pandemic has posed a real
19 challenge for government at all levels and how to continue
20 to function properly and deliver services.

21 We're eager to hear what the experience has been
22 at the local level and any recommendations that may be
23 forthcoming regarding what we can do here in legislation to
24 facilitate their ability to continue to function under such
25 a pandemic or other crisis.

1 I look forward to today's hearing and to the
2 testimony.

3 Thank you.

4 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you,
5 Chairman Freeman.

6 At this time I'd call on Senator Collett. I
7 believe Senator Collett had agreed to make some opening
8 remarks for the Democratic Chair, Senator Kearney.

9 Senator Collett, are you there?

10 ACTING MINORITY CHAIRWOMAN COLLETT: Yes, I'm
11 here.

12 Thank you very much.

13 And I just want to deliver these remarks on
14 behalf of Chairman Kearney, who is unable to join us today.

15 I'm glad we're holding this hearing today to
16 explore the silver lining in local government that came out
17 of the storming pandemic we've been going through.

18 It has been truly inspiring to see the resilience
19 of our local communities in the last year and a half, from
20 our counties setting up Small Business Assistance Programs,
21 to our townships and boroughs hustling to take care of
22 enormous increases in residential trash hauling. Every
23 local government has stepped up, rolled with the punches,
24 and adapted their work to swing back harder.

25 Necessity is the mother of invention. And I

1 think this hearing is a perfect opportunity to learn about
2 the innovations that have cropped up over the last year and
3 a half.

4 I thank Chairmen Dush, Knowles, and Freeman for
5 making time and space to have this discussion.

6 Thank you, Mr. Chairman.

7 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
8 much, Senator.

9 And we'll start with Panel No. 1. They can make
10 their way to the table. And that would be David Greene.
11 David is the Executive Director of the Local Government
12 Commission. And seated with him will be Kristopher Gazsi,
13 the Assistant Director/Legal Counsel of our Local Government
14 Commission.

15 Gentlemen, I would ask you, as I'm going to ask
16 all of our testifiers, to stay within the allotted period of
17 time. I would like to do our best to stay on schedule. And
18 I'm always grateful when we have a lot of time where we can
19 open it up for the questions of the members.

20 David, you may proceed.

21 MR. DAVID GREENE: Thank you, Chairman Knowles.

22 Chairman Dush, Chairman Freeman, and Chairman
23 Knowles, I'm happy to be here.

24 As you indicated, I'm Dave Greene, the Executive
25 Director of the Local Government Commission, and joined by

1 our Assistant Director and Legal Counsel, Kris Gazsi.

2 We thank you for the invitation to testify today
3 at this Joint Public Hearing. As most of you are aware, the
4 Local Government Commission is a bipartisan, bicameral
5 agency of the Pennsylvania General Assembly comprised of ten
6 legislators, three from the majority, two from the minority
7 in each chamber, collectively working for more effective and
8 efficient local government in Pennsylvania.

9 Our testimony today is intended to provide the
10 Committees with an overview of the Commission's activities
11 and observations during the pandemic and some commentary on
12 how the General Assembly may be able to leverage those
13 experiences of the last 18 months to enhance local
14 government in the Commonwealth for the benefit of both the
15 citizens and the local officials and employees.

16 Given that our emphasis today is on the positive,
17 we should first acknowledge the efforts of those local
18 government officials, employees, and experts who are
19 represented here today. They rose to the challenge of not
20 only adapting to changed logistical, administrative, and
21 fiscal realities as a result of the pandemic, but also
22 provided the Commission and the General Assembly at large
23 critical, sometimes nearly real-time feedback through their
24 associations and other outreach to guide the development of
25 essential legislative measures.

1 Although serious challenges persist -- I'm sure
2 you will hear from the others today -- a central positive to
3 the COVID-19 pandemic was that local government worked
4 during the last 18 months. Our counties, boroughs,
5 townships, towns, and cities maintained the provision of
6 essential government services and went beyond, establishing
7 portals, forums, alerts, cooperative ventures, and
8 additional services to their constituents in the interest of
9 the public health, safety, and welfare police power
10 entrusted to them.

11 Past is prologue, and another positive of our
12 experience with the pandemic thus far is that it has
13 provided current local government stakeholders hopefully
14 with a once-in-a-generation stress test on the structure and
15 assumptions of local government law and functional
16 paradigms.

17 Furthermore, the emergency demonstrated the
18 linkage between the well-being of our municipal governments
19 and the constituents that support them. These tandem
20 interests cannot be separated and are always at the heart of
21 any legislation your Committees consider on any given day.
22 But the depth of the pandemic's disruption to the lives of
23 Pennsylvanians and the consequences, both real and
24 potential, on municipal functions that the General Assembly
25 negotiated over the last year and a half brought local

1 government inefficiencies into stark relief and the
2 challenge to our assumptions about how local government
3 should look was no longer theoretical.

4 Because the relationships between the interests
5 of the constituents and the municipal governing bodies are
6 often reciprocal obligations linked to deadlines, one of the
7 earliest COVID-related municipal enactments was contained
8 within Act 10 of 2020, signed into law early in the pandemic
9 on March 27th of 2020. And it empowered the Department of
10 Community and Economic Development to extend the filing
11 deadlines for local earned income tax.

12 This deferral, consistent with Federal taxation
13 changes, was essential to taxpayers but created a cash flow
14 challenge for municipal entities. For some municipalities
15 reserves were sufficient to smooth the disruption and meet
16 payroll and other governmental service obligations, but for
17 the most cash-strapped municipalities, including those in
18 fiscal distress, the delay of tax receipts could prove
19 challenging.

20 Language patterned after the Commission-sponsored
21 legislation was placed into the Fiscal Code by Act 114 of
22 2020, authorizing municipalities to issue two-year tax
23 anticipation notes to provide a tool for short-term, secured
24 obligations during the emergency. The positive lesson
25 learned from Act 10 was not only one of a mutually

1 beneficial solution to financial traumas inflicted on our
2 constituents and by extension the municipalities, but also a
3 rekindling of our obligation to seek clarity in law and
4 provide deliberate, thoughtful remedies where ambiguity in
5 statute is found.

6 The genesis of the Act 10 provisions in part
7 stemmed from the need for a uniform, unequivocal source of
8 DCED's power to work with political subdivisions to extend
9 deadlines where Act 511, prior to the amendment, was not
10 completely clear.

11 Uncertainty was also implicated in the necessity
12 of Act 15 of 2020, the law providing temporary authority for
13 municipalities to extend property tax deadlines, conduct
14 virtual municipal meetings, and tolling deadlines for
15 municipal permits. Neither the provisions of Title 35 of
16 the consolidated statutes regarding emergency powers of
17 municipalities, the various Municipal Codes, the
18 Municipalities Planning Code, or other law expressly
19 addressed these issue.

20 Importantly, Act 15 provided clarity about how
21 existing and emerging technologies could be integrated into
22 municipal governance. Much like public access cable did in
23 the past, Act 15 has arguably laid the foundation for a new
24 paradigm in the information pipeline between municipal
25 governments and the citizens of the Commonwealth. Bringing

1 municipal and school board meetings to Zoom, Facebook, and
2 YouTube have facilitated public participation in local
3 government in ways that our communities are likely to demand
4 be continued.

5 My discussions of Act 10 and Act 15 have thus far
6 involved two features of municipal governance: finance and
7 administration. The pandemic has provided us an opportunity
8 to examine another facet of local government law:
9 procedure. As implied by Act 15, municipal law contains
10 provisions that require or imply face-to-face interaction or
11 the utilization of outdated technology for conducting
12 municipal business. Mr. Lentz will touch on this later this
13 morning in the context of municipal service payments.

14 COVID, by rendering some of these procedures
15 impractical or dangerous during the pandemic, has provided
16 us an opportunity to reexamine their utility and discuss
17 possible solutions to modernize municipal government outside
18 of any extraordinary procedures that could be implemented
19 during an emergency.

20 Statutory guidance to municipalities promotes the
21 function of local government, but procedural strictures can
22 stifle innovation. Although defects in procedures can have
23 costly consequences for municipalities, the good news is
24 that common-sense modernization or clarification of
25 municipal procedure can be relatively uncontroversial.

1 The distinction between existing telephonic quote
2 provisions in the municipal codes and the possibility of
3 reusable e-mail lists for small-dollar contracting, although
4 unrelated to the COVID emergency, is an example of a quaint
5 procedural requirement easily modernized with the change of
6 a few words in the municipal codes.

7 Other examples of this include two current Local
8 Government Commission proposals. Senate Bill 807 and its
9 companion piece House Bill 1770 would authorize the sharing
10 of notary public commission and signature information
11 between the Recorder of Deeds and the Prothonotary
12 electronically.

13 Senate Bill 755 and its companion piece House
14 Bill 1592 would amend the municipalities Planning Code to
15 authorize the electronic submission of planning documents
16 for review by government agencies. No doubt -- and you'll
17 hear about some of these additional innovations this morning
18 -- other opportunities to fine-tune the procedural or
19 transactional formalities of local government await us.

20 Finally, the structure and delegation of local
21 government emergency power is worthy of our continued
22 examination. I realize that there was an extraordinary
23 amount of debate, legislative action, and past and current
24 litigation involving this issue right now so I will be
25 brief.

1 As previously mentioned, Act 15 appears to
2 address some ambiguities existing in the Emergency
3 Management Services Code, part 5 of Title 35. The scope of
4 power delegated to state-level officials and certain county
5 and municipal health agencies under the Disease Prevention
6 and Control Law, the possibility of clarified or greater
7 intergovernmental cooperation provisions related to
8 emergency services generally or disease prevention
9 specifically, and whether these matters are consistent with
10 existing municipal code provisions or Title 53 are issues
11 that are better discussed now.

12 For example, very early in the pandemic the
13 Commission staff examined the provisions of Title 53 at
14 Chapter 11, Subchapters (b) and (c), which authorize
15 municipalities to conduct business as a body outside of the
16 municipalities' physical limits and to provide for emergency
17 succession of public officers. However, these provisions
18 appear to be restricted to situations involving emergency
19 attacks on the government.

20 The pandemic has reminded us that there are
21 potential emergencies that we find difficult to see on the
22 horizon, and current statutory restrictions with regard to
23 continuity of municipal operations could be expanded: for
24 example, permitting municipal meetings in a local high
25 school if a flood destroys a municipal building.

1 I will close with one final virtue on display
2 over the last few years and that is discretion. Many of the
3 people in this room work in the shadow of unintended
4 consequences. Even with the enactment of Act 15 -- and
5 Mr. Bomboy will touch on this later -- and excellent
6 guidance from the Office of Open Records, technological
7 challenges resulted in a trial court finding a September
8 14th, 2020, meeting of school directors void for violating
9 both Act 15 and the Sunshine Act. Even when we have
10 innovative and flexible procedural statutory provisions, we
11 have unforeseen consequences that result.

12 During the summer of 2020 and into the fall, the
13 Commission staff solicited feedback from local government
14 professionals and considered many alternative measures on
15 issues such as additional municipal lending authority,
16 alternative procedures for municipal financial recovery,
17 provisions to temporarily change assessment appeal
18 procedures, and broadening the authority of municipalities
19 to use restricted accounts for current expenses.

20 The Commission, in its tradition of always act
21 ing by consensus, deferred action on these matters in no
22 small part due to the possibility of an unforeseen downside
23 to municipalities and their constituents, the uncertainty of
24 the economic outlook, and possible federal action. True to
25 form, an incremental approach was favored by the Commission.

1 Similarly, much of the COVID-related municipal
2 legislation enacted over the last year and a half was done
3 with sunset provisions and even under the high-pressure
4 circumstances of providing relief to municipalities and
5 constituents in mid-2020, legislators, in their wisdom, were
6 constantly considering the implications of even temporary
7 changes and restricted measures deemed absolutely necessary.

8 Even now, and as a result of the dialogue here
9 today, the General Assembly must not only quantify the good
10 that resulted from the pandemic but must consider whether
11 that good should be codified only for emergency situations,
12 for permanent changes to municipal law, or abandoned in
13 favor of even better approaches.

14 Furthermore, as awful as it may be to
15 contemplate, we must recognize not only our good acts but
16 our good fortune. We cannot fail to improve the resiliency
17 of local government due to a lack of imagination about what
18 could have happened.

19 Rest assured, the Commission is engaged in
20 examining these questions and on October 21st of this year
21 in Room 515, the Commission will be hosting a symposium on
22 improving the efficiency and effectiveness of local
23 government post-COVID, featuring presentations from
24 practitioners and academics and discussions with Commission
25 members and the local government associations.

1 We hope that the papers submitted and the
2 discussions that occur can enhance the work of your
3 committees. Additionally, the staff, as always, of the
4 Commission remains at your service upon request.

5 That concludes our testimony. Kris and I will do
6 our best to answer any questions that you may have.

7 Thank you.

8 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you, Mr.
9 Greene.

10 Attorney Gazsi, do you have anything to add or
11 are you just here to make sure that David doesn't get into
12 any trouble?

13 MR. KRISTOPHER GAZSI: I have no additional
14 testimony, but I'm happy to help answer any questions that
15 you may have. And we've been very interested by the
16 experience of examining these questions in preparation of
17 today.

18 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
19 much, Counsel.

20 Chairman Freeman, my understanding is you may
21 have a question or two.

22 HOUSE MINORITY CHAIRMAN FREEMAN: Thank you, Mr.
23 Chairman.

24 David, thank you for your testimony and for the
25 outstanding work that the Commission and the staff did

1 particularly during this very trying time.

2 The legislation you cited, I think, was extremely
3 helpful in allowing local governments to continue to
4 function properly and to meet their needs and
5 responsibilities.

6 You guys always do an outstanding job. I just
7 wanted to note that for the record.

8 MR. DAVID GREENE: Thank you.

9 MR. KRISTOPHER GAZSI: Thank you.

10 HOUSE MINORITY CHAIRMAN FREEMAN: We're very
11 fortunate to have the Commission in effect here in the
12 legislative process because you really do add a level of
13 professionalism and nonpartisanship, which I think is very
14 helpful to the policy debate. So my thanks to all of you.

15 MR. DAVID GREENE: Thank you.

16 HOUSE MINORITY CHAIRMAN FREEMAN: You did
17 reference in your remarks the issue of the structure and
18 delegation of local government emergency powers. I know
19 from conversations we've had that you're aware that a number
20 of my House Democratic members had put together a package
21 last session to try and provide that since a lot of what we
22 granted local governments is only related to the pandemic,
23 current pandemic.

24 Do you have any thoughts on what elements or
25 features should go into that kind of structural granting of

1 emergency powers at the local level?

2 MR. DAVID GREENE: I do indeed. And I will defer
3 to Kris if he has additional comments.

4 I would start first and foremost with using the
5 Act 15 and Act 10 innovations as a springboard. Okay. And
6 we have the benefit of hindsight right now. And you'll hear
7 this from the other testifiers as to how well they have
8 worked or how well they didn't work.

9 Now, I would submit that potential additional
10 statutory guidance in the context of public participation is
11 warranted as a matter of statute. That's something worth
12 looking at. Other continuity of operations I referenced in
13 the testimony, Chapter 11, Subchapters (b) and (c) of Title
14 53, which is currently restricted to enemy attacks, that's
15 something that we could look at expanding.

16 And we want to make sure that we plan for every
17 possible contingency in terms of potential emergencies. I
18 think a lot of the rush and a lot of the consternation in
19 mid-2020 dealt with the fact that our current statutory
20 structure, as I mentioned in the testimony, was
21 insufficiently clear and insufficiently broad to address the
22 COVID emergency itself, so public participation.

23 You heard a lot about land use. And you'll hear
24 this a lot in the symposium. You know, the restaurant
25 industry was severely damaged during the COVID emergency.

1 So the relationship between commercial land use and current
2 zoning strictures, all right, is something that we should
3 really make sure doesn't occur again. Okay.

4 Autonomy with regard to tax delinquencies, tax
5 due dates, perpetual autonomy provided we address the other
6 side of that challenge, which is making sure that we have
7 uniformity where it's warranted. Okay. So if you've got a
8 patchwork of local requirements for purposes of delinquent
9 taxation or land use, it could lead to additional confusion
10 or possible opposition to any innovation.

11 Kris, do you have anything to add?

12 MR. KRISTOPHER GAZSI: No. If only to elaborate
13 a little bit on the tax side of it. When we look at Act
14 511, the Local Tax Enabling Act, it lays out procedures and
15 guideposts for that act which are very specific. And when
16 you interpret tax law under the statutory construction
17 principles in the Commonwealth, every tax statute has to be
18 narrowly construed to the favor of the taxpayer, which is a
19 very good thing. But at the same time, other levels of
20 government have flexibility in those provisions that local
21 governments do not.

22 And I'll take for example the moving of the tax
23 deadline for earned income tax. Tax preparers rely on using
24 the data put together and the 1040 Tax Form and the PA 40
25 Tax Form in order to fill out local tax, local EIT forms.

1 The Federal Government can move the IRS deadline by
2 regulation, which they have done now twice. And they often
3 do regionally during other emergencies, hurricanes,
4 earthquakes, fires, those kinds of things, when families are
5 just too out of sorts to have to adhere to an administrative
6 deadline.

7 The Tax Reform Code of 1971 here in the
8 Commonwealth allows the Department of the Treasury -- I'm
9 sorry -- the Department of Revenue to move the PA tax
10 deadline to conform with the Federal tax deadline. We have
11 no such provision in Act 511 for local governments. So last
12 year, we moved it very late by statute. And this year it
13 was moved unofficially by the tax collectors themselves.
14 But that level of flexibility can be a real challenge.

15 Also EIT from a local perspective is a vital
16 revenue source for local governments. But when we have a
17 period of very high unemployment, all of the unemployment
18 revenues that people receive are not taxed through local
19 earned income tax. So that was an immediate revenue hole
20 for local communities. It was a very difficult part of
21 managing through the pandemic.

22 I think those are two things that I would
23 highlight by local taxation.

24 HOUSE MINORITY CHAIRMAN FREEMAN: Thank you,
25 both. That was very informative.

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Thanks.

HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you,
Chairman.

Before we move on to the next question, I would ask those of you who are participating via Teams to raise your hand. I have no idea how you do that. But they told me that you should raise your hand so that we can recognize you.

And we'll move on to Chairman Dush.

SENATE MAJORITY CHAIRMAN DUSH: Thank you,
Chairman.

First, I'd like to recognize that Senator Robinson has joined us. And I believe all of the Senators or their staff have Mary's cell phone number. So if you want to text that you have a question to her, we will make sure we get you lined up if for some reason we don't get you on the Zoom hand raising.

David, you brought up a number of issues. First of all, I want to thank our municipal governments for the speed with which they contacted members over the course of this situation. It allowed us last year to pass a number of things, including Acts 10 and 15, with alacrity. I mean, we were right there and it was -- I was in the other Chamber at the time but we did manage to pull that off. And it was in large part because of the partnerships and the relationships

1 we have with our local governments. And I appreciate that.

2 When you were saying the defects in procedures
3 can have costly consequences for municipalities and that the
4 good news is that the commonsense modernization
5 clarification municipal procedures can be relatively
6 uncontroversial -- but the interesting thing about the
7 crisis situation that presented itself, it made those
8 changes obvious. And, yes, they were noncontroversial at
9 the time.

10 And the one thing I love about the Local
11 Government Committee and the Commission, both in the House
12 and the Senate, is we do have good partnerships. And I want
13 to see us continue that.

14 We do have some things to overcome in my
15 district. Although I'm one of 50 members who are equally
16 divided up by population, I have one out of every seven
17 square miles in this Commonwealth. And the disparate
18 impacts of legislation, as you had mentioned, the unintended
19 consequences, a lot of times when we do things with speed,
20 the second and third order impacts of what we do often
21 cannot -- or aren't considered.

22 We've got the time now. And I appreciate the
23 House Chairman and Chairman Kearney all being willing to get
24 ourselves together and work with these as a team along with
25 our local governments.

1 I appreciate what you have provided already. I'm
2 looking forward to -- I know your team has been working hard
3 with those organizations to help get even more of those
4 things cleared up. But I want to acknowledge the work that
5 you're doing and I appreciate the testimony and look forward
6 to working with you some more here.

7 Thank you very much, Mr. Chairman.

8 MR. DAVID GREENE: Thank you very much.

9 HOUSE MAJORITY CHAIRMAN KNOWLES: Okay.

10 Real quickly before we move on, I see no one else
11 in the room. Is there anyone else online that has a
12 question? Okay.

13 Gentlemen, I want to thank you so much. I echo
14 the sentiments of the Chairman to my right, the Chairman to
15 my left, the job that you folks do is much appreciated. And
16 I, as well as my fellow members, look forward to working
17 with you in the future.

18 Thank you, both.

19 MR. DAVID GREENE: Thank you for the invitation,
20 Mr. Chairman.

21 MR. KRISTOPHER GAZSI: Thank you for having us.

22 HOUSE MAJORITY CHAIRMAN KNOWLES: Lauren, could
23 you be kind enough to maybe squeeze in -- we have four
24 testifiers. If we can make a little bit more room there.

25 So while Lauren is doing that, I will introduce

1 our next panel. Our next panel consists of Joseph Gerdes.
2 Joe is the Director of Government Relations with the
3 Pennsylvania State Association of Township Superintendents;
4 Amy Sturges is the Director of Governmental Affairs, and
5 she's representing the Pennsylvania State Association of
6 Township Commissioners, as well as the PA Municipal League;
7 Scott Bomboy is a Perkasio Borough Councilman and he's from
8 Bucks County. He's representing the Pennsylvania State
9 Association of Boroughs. And the last member is Kevin
10 Boozel. Kevin is from Butler County. He is a Butler County
11 Commissioner representing CCAP, our County Commissioners
12 Association of Pennsylvania. And it's my understanding that
13 Kevin is joining us online.

14 Just to be sure, Kevin, are you there?

15 All right. That's not a good sign.

16 Well, hopefully we can get Kevin up and running.

17 But let's start with those of you who are here.

18 And by the way, ladies first.

19 MS. AMY STURGES: Good morning, Chairman and
20 members of the Committee. I am Amy Sturges. I'm the
21 Director of Governmental Affairs for the Pennsylvania
22 Municipal League and the State Association of Township
23 Commissioners. And together those two associations
24 represent approximately 180 urban and suburban cities,
25 boroughs, and townships across the Commonwealth.

1 As with every other entity, local government
2 operations had to turn on a dime in March of 2020 to meet
3 the pandemic head on. Keeping employees, elected officials,
4 and residents safe became a priority, but at the same time a
5 continuity of services and operations was not only necessary
6 but expected from residents and businesses.

7 Nineteen months later, local governments continue
8 to meet the challenges of the pandemic while serving their
9 constituents. Some positives that have come out of this
10 experience include, first -- and we've discussed this a
11 little bit -- the remote meetings. The No. 1 takeaway from
12 this experience, in my opinion, talking with our members, is
13 the success of remote meetings, which worked for local
14 government officials as well as their residents.

15 Our members believe that this flexibility should
16 be allowed to continue. Remote meetings allowed elected
17 officials, staff, and the public to interact and conduct
18 business outside of the traditional public meeting room.
19 Our members reported a significant increase in public
20 attendance and participation with the necessity to shift to
21 remote meetings. They also reported that participation has
22 waned since the termination of the emergency declaration and
23 the return to in-person meetings.

24 As I've said, I've had many inquiries and
25 comments from our members about the possibility of making

1 remote meetings a permanent option for local governments.
2 Therefore, we're requesting that the House and Senate Local
3 Government Committees work with us to authorize remote
4 meetings in the coming weeks. By simply amending the
5 third-class city, borough, and first-class township codes to
6 remove the physical quorum requirement, municipalities will
7 have the flexibility to utilize remote meetings as needed.
8 They can develop and adopt remote meeting policies outlining
9 how and when they plan to use this flexible tool.

10 We are asking for this quick action to eliminate
11 the physical quorum requirement because of the resurgence of
12 COVID cases in recent weeks. It's causing concern among
13 municipal officials. They are questioning the safety of
14 holding in-person meetings during this surge.

15 They are also concerned about losing volunteers
16 on their various boards and commissions who do not want to
17 risk personal health attending in-person meetings during
18 times of high transmission. So we're asking to work with
19 the Committees to try to eliminate the quorum and allow for
20 remote meetings on a permanent basis.

21 A second positive is innovations by necessity.
22 In general, the pandemic has accelerated local governments'
23 need to be innovative in problem-solving and enhancing the
24 integration of technology to the benefit of both internal
25 operations and constituent services.

1 For example, while some municipalities were
2 live-streaming meetings prepandemic and uploading recordings
3 to YouTube for future viewing, the public participation
4 aspect was not available. The popularity of remote meetings
5 has incentivized communities to make investments in
6 technology and in their meeting rooms so that the public can
7 regularly participate remotely. Recorded and remote
8 meetings expanded beyond the meetings of the governing
9 bodies to include the municipal boards and commissions as
10 well.

11 The pandemic has forced municipalities to look at
12 new ways to provide services. Some of the new realities
13 that are forcing these changes include vacancies and other
14 staffing issues, program and service cuts, the ongoing need
15 to integrate and adjust public health measures for the
16 safety of employees and residents, and operating with less
17 revenue.

18 These challenges are prompting municipalities to
19 think outside the box to discover and implement new ways to
20 provide services and engage the public. As an example,
21 access to municipal administration is no longer limited to
22 the 9 to 5 workday. Online services allow residents to
23 communicate electronically with their government through
24 apps and other platforms 24 hours a day, seven days a week.
25 Residents can pay bills, report issues, apply for permits,

1 register and pay for recreation programs when it is
2 convenient for them and without entering the municipal
3 building.

4 Community engagement is also changing. Utilizing
5 technology to engage citizens reaches more people on their
6 schedules. Public input and public discussions can take
7 place over several weeks rather than at one evening meeting.
8 This opens the door to receiving a much larger sample of
9 community input and is much more inclusive of all residents
10 in the community.

11 These are some of the advances that were taking
12 hold before COVID. Necessity has pushed all local
13 governments to be creative and innovative. These advances
14 will better serve residents well beyond the pandemic. And
15 local governments are great innovators leading by example
16 and developing best practices that can be shared. Going
17 forward, our Commonwealth's public policy should support and
18 promote the continued modernization of municipal operations.

19 And then finally a third positive is the Federal
20 investment in all communities. A Federal investment in all
21 19,000 communities across the nation prompted by the
22 negative economic impacts of the pandemic is once in a
23 lifetime. The recognition by the Federal Government that
24 the pandemic will have long-lasting economic and social
25 impacts on communities is fundamental to recovery at all

1 levels. This funding provides local governments with the
2 ability to replace revenue losses; grant money to hard-hit
3 businesses; enhance public health strategies; make
4 investments in communities that were disproportionately
5 impacted; and make important water, sewer, and stormwater
6 infrastructure investments. Our members are thankful for
7 this investment.

8 The impacts of the pandemic, good and bad, will
9 certainly be experienced in the foreseeable future. Local
10 governments have met many challenges since March of 2020 and
11 the league and PSATC have worked from day one to be of
12 assistance in navigating this uncharted territory.

13 I will now turn it over to my colleagues.

14 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you, Amy.
15 Joe.

16 MR. JOSEPH GERDES, III: Thank you, Mr. Chairman.

17 Chairman Dush, Chairman Knowles, Chairman
18 Freeman, members of the House and Senate Local Government
19 Committees, my name is Joe Gerdes and I'm the Director of
20 Government Relations with the Pennsylvania State Association
21 of Township Superintendents.

22 Thank you for the opportunity today to provide
23 comments on behalf of the 1,454 townships of the second
24 class represented by our Association.

25 Transparency is a governmental responsibility

1 that the Association and our membership take very seriously.
2 When the pandemic first hit and the shutdown began, PSATS
3 actively worked with our members to provide guidance and
4 clarification on how to comply with Commonwealth orders
5 while continuing to provide critical government services.
6 This communication was delivered via direct daily e-mails,
7 weekly virtual town halls, continually updated websites, and
8 through hundreds of direct phone calls and e-mails.

9 Township officials wanted to know how they could
10 serve the residents safely. And this meant rethinking how
11 we govern, communicate, and deliver those services. We
12 appreciate that the General Assembly provided clarification
13 and flexibility with Act 15 of 2020, allowing our boards and
14 commissions to meet in a fully remote capacity and providing
15 a temporary pause on mandatory reviews and approvals for
16 development.

17 In addition, the Office of Open Records provided
18 guidance on both Right-To-Know Law and Sunshine Law as early
19 as March, which we promoted to our membership through the
20 various platforms I've mentioned previously. During the
21 early days of the shutdown, township officials working from
22 home may not have had access to all the documents and
23 requests could be challenging to fulfill them within the
24 required five business days.

25 The office advised local agencies that continuity

1 of operations plans should be addressing how right-to-know
2 issues and requests will be handled and clearly communicate
3 this plan to the public. In some cases this means that
4 local agencies needed to take additional time to respond to
5 requests up to 30 days provided by law.

6 Agencies were encouraged to reach out to
7 requestors to see if an extension would be agreeable and to
8 find out the timely need of the information. Local agencies
9 were appropriately reminded that transparency builds trust
10 especially in times of a crisis.

11 As the reopening began, the office advised that
12 those agencies in yellow and green counties process requests
13 as they normally would in compliance with the state law.
14 This guidance has been in place since May of 2020.

15 The biggest challenge for our members was to
16 change how they held safe and transparent township meetings
17 while providing public participation opportunities for
18 residents and taxpayers. Suspending local government
19 operations was simply not an option, as residents rely on
20 these services and functions.

21 Townships met this challenge with creativity in
22 finding solutions that worked for their community. These
23 solutions were yet the latest examples of the value of
24 flexibility and the necessity to resist one-size-fits-all
25 solutions. They ranged from fully virtual meetings, to

1 teleconferences, to live-streaming, to outdoor and drive-in
2 meetings, to finding a larger venue to allow for social
3 distancing, to recording and posting audio or videos of
4 meetings.

5 In many cases, hybrid options were embraced to
6 provide the public and board members with these options.
7 Some expanded opportunities for public participation by
8 encouraging advance written comments by e-mail or mail and
9 offering residents the option to call in during public
10 comment instead of appearing in person.

11 As we look back over the last year, we are happy
12 to note that, with few exceptions, our membership has met
13 this challenge. In some cases where a situation should be
14 handled differently, we have worked hard to educate and
15 promote best practices that are both transparent and provide
16 options for public participation.

17 There remains no doubt, however, that broadband
18 technology capacity must be addressed by the Commonwealth
19 moving forward if we are to ensure that all Pennsylvanians
20 have equal access to opportunity.

21 Many members have noted that they have learned to
22 better communicate with their residents, both proactively
23 and through more mediums than ever before. Some have noted
24 increased public engagement through virtual or hybrid
25 meeting arrangements. And many have begun offering certain

1 services digitally and accepting payments electronically.

2 Since the emergency declaration and the local
3 control and flexibility provided by Act 15 of 2020 has
4 ended, townships have ended fully virtual meetings. While
5 most have returned to in-person meetings, others have
6 embraced technology and hybrid options, exercising local
7 control to determine the best approach for their communities
8 with available resources.

9 Some townships found that they had greater
10 community participation when offering a hybrid option and
11 have continued to do so. This usually involves the board
12 meeting in person with interested residents, while other
13 residents or board members can participate virtually.

14 We note that the Second-Class Township Code and
15 Sunshine Law do provide boards of supervisors with the
16 flexibility to offer hybrid meetings where some or even all
17 of the supervisors participate remotely, along with
18 interested residents and taxpayers, while the remaining
19 supervisors and staff meet at the designated physical
20 location as required by the Sunshine Law and provide access
21 to those residents that prefer an in-person location.

22 This is possible because, unlike some of the
23 other local government codes, the Second-Class Township Code
24 does not require supervisors to meet in person. This
25 opportunity to exercise local control within the confines of

1 the law has been used in cases where local case rates are
2 high or where one or more of the supervisors or key staff
3 are unable to physically appear due to sickness, travel, or
4 possible exposure to COVID-19.

5 While we do represent townships that would prefer
6 to have the option of fully virtual meetings, the
7 Association's membership has not yet taken a position on
8 this issue. With that said, PSATS strongly supports the
9 concept of local control and providing the greatest level of
10 flexibility to our local officials within the confines of
11 the law.

12 Along those lines, we recognize that the recent
13 amendment to the Sunshine Law, Act 65 of 2021, that requires
14 the posting of meeting agendas is intended to promote
15 transparency. While PSATS strongly supports transparency
16 and has actively promoted and educated our members about
17 this new requirement, PSATS took a neutral position on this
18 legislation because, despite the significant improvement in
19 local control and flexibility over previous versions of this
20 legislation, it is a mandate that imposes an unfunded
21 administrative burden on townships.

22 We do appreciate the recognition provided by Act
23 65 of the critical importance local government websites play
24 as a means of communicating with their communities. We ask
25 that these committees take the next step and approve

1 legislation such as House Bill 955 and Senate Bill 252 that
2 would enhance local control by providing municipalities with
3 the opportunity of placing legal notices prominently on
4 their websites as an option to expensive legal
5 advertisements in paid newspapers.

6 Local officials' hands should not be tied in
7 determining the best way to communicate with their residents
8 and should instead be provided with a flexible menu of
9 choices to do what they always do, make decisions in the
10 best interest of their citizens for their own local
11 conditions.

12 Thank you all for the opportunity to speak here
13 today.

14 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
15 much, Joe.

16 We'll move on to Scott Bomboy.

17 MR. SCOTT BOMBOY: Thank you.

18 I'd like to thank the other panelists and Ed
19 Troxell for the invitation. I'll go through my very brief
20 testimony.

21 Just on a personal note, I've been running
22 websites since 1997 for a living. I ran CNSC's website for
23 a while. I'm one of the few people -- I ran FOX's and NBC's
24 websites in Philadelphia for ten years. And I have a lot of
25 experience in some of these other questions that we have

1 been discussing with the technology and some of the
2 technical problems of doing this.

3 I'm going to read my really brief testimony
4 first. I'd be happy to take any questions and join our
5 panelists in answering your questions.

6 On behalf of the Pennsylvania State Association
7 of Boroughs and Perkasio Borough in Bucks County, I want to
8 thank the Committee for the chance to appear. Ed Troxell
9 reached out to me after the Doylestown Intelligencer and USA
10 Today network published my editorial in July about citizens
11 wanting more online access to local government meetings.
12 I've included a copy of that editorial for your reference.

13 I'd like to share some positive information about
14 that experience but also ask for your help in two important
15 areas that can keep this process growing, while respecting
16 our citizens' constitutional rights.

17 In Perkasio, we saw a notable increase in video
18 views for our live and recorded Zoom and YouTube meetings
19 during COVID compared to our in-person meetings held at
20 borough hall before the pandemic. I can tell you, outside
21 of the testimony, for a year and a half before we started
22 doing the Zoom stuff, because of the cutbacks in the local
23 news world, we didn't see a reporter at any of our meetings
24 for a year and a half. During COVID we had multiple
25 reporters looking at our recorded meetings.

1 Going back to my testimony. In my editorial, I
2 wrote "neighboring towns probably saw the same increase" we
3 saw in Perkasio with viewing. I fact check my own work. I
4 was actually wrong about that. I looked at 49 other local
5 government agencies in Bucks County and actually spent a day
6 watching 50 local government meetings, which is a task in
7 itself, online. It's very painful. I'll be honest with you
8 about that.

9 I looked at Bucks County. I looked at our
10 neighbors and they had really big numbers, which you can
11 tell on YouTube, for their viewership after they went to
12 either the hybrid model or they started using recorded video
13 on their websites.

14 Of the 50 local governments and school boards in
15 our region, only 46 percent live-streamed before COVID.
16 Right now the number is currently at 68 percent and during
17 the state of emergency it was 84 percent. They had very few
18 other options. I know there were some people that didn't
19 use Zoom. I know in Hilltown they met outside under a tree
20 to hold their meetings for three or four months because they
21 didn't feel comfortable inside. But the technology is now
22 embraced by at least the boroughs and local governments in
23 our area.

24 After the temporary rules expired in June 2021,
25 now we have 68 percent of these local governments who

1 live-stream. It's important. As you all know, we have
2 controversies going on about vaccine mandates and masking
3 and schools boards. Those are important issues. Now that
4 those meetings are being live-streamed, more people can
5 participate or at least see the debate.

6 The statewide experiment had its rough spots,
7 especially when a live-stream had technical difficulties. I
8 think the best example of this is the lawsuit in Scranton.
9 Scranton School District was having a live meeting. I think
10 they were going to reopen. And the YouTube stream didn't
11 work for the first two hours. They put it on Facebook.
12 They violated the Sunshine Act. They were taken to
13 Commonwealth Court. And they had to do basically a redo of
14 the meeting.

15 That said, these local live-streaming guidelines
16 expired when the state of emergency ended. With those rules
17 gone, local governments providing live or recorded video to
18 residents that rely on these outdated laws have to make up
19 the rules on the fly, risking a lawsuit.

20 There was a situation in Pennsbury where there
21 was confusion about the video. It was recorded and it
22 contained something that someone felt was offensive and it
23 could be edited and basically put in a redacted state
24 online. That controversy has kind of died down at the
25 moment. But that's another issue to look at.

1 So on behalf of our residents, I'm asking for
2 your help in two areas. First, we need to update the
3 Sunshine Act and make permanent the COVID-19 temporary rules
4 on online video. I believe that's Act 15. And then we need
5 to amend the Right-To-Know Law to make sure that local
6 governments just can't randomly edit published videos
7 because they don't like the content in those videos.

8 With these rules in place, local governments can
9 make their own decisions about live or recorded videos of
10 public meetings even in emergency situations. Live video
11 meetings allow more citizens to participate in the
12 Democratic process. We've heard that twice already.
13 Unedited video recordings would benefit the free press.
14 Maybe they will pay more attention to local government at
15 this point and allow for broader public discussions of
16 issues.

17 And the technology to do this is affordable if
18 you have adequate broadband. You can get a camera for \$500,
19 an iPad. And you can stream your meetings. My church does
20 that. There are other people that do that in our community.

21 With your help, we can make the Sunshine Act's
22 vision in the digital age. Remember, the act ensures the
23 public's right to witness deliberation of decision-making, a
24 right that is vital to the enhancement and proper
25 functioning of our Democratic process.

1 So that's my written testimony. I'm sure we
2 would all be happy to take questions from the Committee.

3 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
4 much, Kevin.

5 Scott, fortunately we have been joined via Teams
6 by Commissioner Kevin Boozel. Kevin, I think I see you.
7 Can you hear us and are you there?

8 MR. KEVIN BOOZEL: Yes.

9 HOUSE MAJORITY CHAIRMAN KNOWLES: I'm sorry. One
10 more time. We could not hear you, but I think we can hear
11 you now.

12 MR. KEVIN BOOZEL: Okay. I think you can hear
13 me. I hope so. I'm ready to give testimony when you're
14 ready.

15 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you,
16 Commissioner. We do hear you. Please proceed with your
17 testimony.

18 MR. KEVIN BOOZEL: Thank you, all.

19 On behalf of the County Commissioners Association
20 of Pennsylvania representing 67 counties in the
21 Commonwealth, thank you for this opportunity to participate
22 in this Joint Senate and House Local Government Committees
23 hearing on the outcomes for the local government as a result
24 of COVID-19.

25 My name is Kevin Boozel. I am a Butler County

1 Commissioner and current CCAP President. In addition, I
2 honor roles as first responder, EMT, firefighter, and a
3 former EMA Coordinator.

4 I am pleased to testify today on behalf of
5 Pennsylvania Counties and share our perspective as we both
6 look back on the COVID-19 pandemic over the last year and a
7 half and continue to wade through its impact as the Delta
8 variant surges through many communities across the
9 Commonwealth.

10 Our local county officials continue to provide
11 steadfast frontline response to the COVID-19 pandemic and
12 have been doing so since the virus hit Pennsylvania in early
13 March of 2020, while now also administering relief programs
14 and funding to aid our economic recovery efforts.

15 Throughout this ordeal, counties across the
16 Commonwealth have been unwavering leaders in public health
17 response and assuring that critical services continue to be
18 provided to their communities in a time of great uncertainty
19 and need.

20 As we reflect on our experiences, we see many
21 areas in which counties have risen to the occasion, even
22 stepping in to lead when response efforts from the State and
23 Federal Governments lacked clear communication and
24 collaboration.

25 During the uncertainty, counties capitalized on

1 their ability to act nimbly and meet unique public health
2 emergency needs on the ground, in everything from quickly
3 standing up mass testing and vaccination clinics to
4 administering aid and grant programs to those most in need.

5 Counties, required to have a specific plan in
6 place based on National Incident Management, NIMs, Model,
7 have been prepared to respond to a public health emergency
8 since the days of H1N1 outbreaks. We continue to monitor
9 and respond to changing conditions, collaborate with our
10 local government, counterparts, and seek to be sources of
11 aid to our residents in administering human services and
12 other vital services in our communities.

13 Above all, our counties remained committed to
14 developing solutions, working together with our local health
15 providers, emergency responders, business communities, and
16 residents to figure out how to move forward in the face of
17 these ever-shifting challenges.

18 Our emergency response message to the General
19 Assembly on behalf of the 67 counties has been and continues
20 to be this: A comprehensive, collaborative process must be
21 developed that brings counties and the Legislature and the
22 Administration to the table to collectively assess changing
23 conditions and determine what is best for the health,
24 safety, and economy of the residents of the Commonwealth.

25 I'd like to go off a little bit here, if I may.

1 This is where my background in first responders and
2 emergency services has really pointed out some concerns that
3 we've had locally in being able to present information in a
4 structured environment, such as the NIMS System. We have
5 established a JIC, a Joint Information Center, locally in
6 Butler.

7 We have worked diligently to establish a similar
8 Joint Information System with the State, both the Department
9 of Health, PEMA. It took several months to establish that.
10 But that was critical moving forward from the State
11 Association, from CPAP's point of view, to have a group of
12 Commissioners from across the state having access to the
13 deliberators and leaders.

14 With that being said, it's important to also note
15 that I'm a little concerned that perhaps the NIMS System is
16 not being followed in our state the way it was intended.
17 Perhaps the elected officials that are required in
18 government to have NIMS 100, 700, and 800 may not have been
19 up to that par or some of the state officials and staff. We
20 could have done a better job if we really understood the
21 structure coming from the Federal Government to the State
22 Government to our local communities and our townships and
23 boroughs.

24 Not that it was a complete loss. It's actually
25 opened up a lot of avenues of communication we did not have

1 before. But this pandemic required a whole-of government
2 response so that we are all working cooperatively from the
3 same playbook. However, too often since the pandemic
4 started, counties have been left on the sidelines and later
5 notified of new procedures or needs, then, having to pivot
6 and act quickly to execute plans they were not invited to
7 weigh in on.

8 Eventually, counties were able to have a vital
9 joint discussion with the Administration, with both, as I
10 said, Department of Health, PEMA, but even this took some
11 time of continual outreach and requests. The value of
12 counties' on-the-ground knowledge and impacts of the State
13 and Federal proposals have been no more than an
14 afterthought, leaving counties frustrated and struggling to
15 get data and answers and to figure out what roles and
16 responsibilities we have been handed and what to tell our
17 constituents.

18 In our local county, we had to start our joint
19 information system but then we realized our local
20 municipalities were not getting the same information. They
21 did not have access to this information . So we began
22 monthly -- again, thanks to technology and being able to
23 hold this information -- to have municipal outreach meetings
24 monthly. And they continued for several months now.

25 And in our current one we have COVID-19 updates

1 from a Dr. Ridinghoyse from our local hospital. We have an
2 introduction of the Chief Information Officer from CCAP who
3 is going to describe to some of the municipalities how they
4 can take advantage of technology and be able to use it.
5 Some of them do not have access to Internet still. We have
6 to be recognizing that.

7 We additionally have a fall election coming up in
8 2021. And our Elections Director will be going over
9 information for that. And then community spotlight. We
10 pick a borough that's really stood up in the pandemic and
11 highlight them. And then we go into our council government.

12 I think it's important to note that all levels of
13 communication are extremely important. And we want to
14 continue those moving forward.

15 As I mentioned, counties are required to have
16 emergency response plans, including plans to respond to
17 public health emergencies, and we have relied on those plans
18 to guide local responses to COVID-19. We pushed through
19 those initial frenzied days with steadfast emergency
20 response efforts and showed that local response works.

21 At each new turn, counties adapted and jumped
22 into action. Counties developed local solutions for testing
23 and vaccine distribution on very short notice and when other
24 options reached capacity. Counties sorted out
25 administration and distribution of new grant and relief

1 funds with changing guidance on uses, restrictions, and
2 reporting requirements while keeping in mind those uses that
3 would meet the greatest local needs. And maybe proving to
4 be a most important factor in moving forward, counties
5 figured out how to work together with others, building local
6 coalitions that could meet their residents' needs in both
7 healthcare, long-term care, schools, businesses, and more.

8 All of these new initiatives have come on top of
9 continuing to provide existing services in spite of
10 difficult conditions. Caseworkers have continued to
11 investigate child abuse. We continue to see increased need
12 for mental health and substance abuse services. Several
13 counties still own their own nursing homes and are working
14 tirelessly to protect their residents and their employees in
15 light of various shortages, including staffing, testing, and
16 personal protective equipment.

17 Jails and prisons, facing those same shortages,
18 have been dramatically impacted as congregate settings prone
19 to quick viral spread, requiring close monitoring and
20 adaptation to changing conditions.

21 The county court systems also required swift
22 reworking to keep county staff safe, yet continue to do the
23 required work, including virtual hearings, extending the
24 time until a hearing, and other solutions that made the
25 courts safer and more efficient.

1 Election directors have worked overtime to
2 process an unprecedented number of mail-in ballot
3 applications and to protect the health of the voters and
4 poll workers during the three elections that have taken
5 place since the pandemic began.

6 The list goes on and all of this occurred
7 simultaneously while we experienced shortages in PPE testing
8 and contact tracing, changing guidelines, staffing
9 shortages, and other obstacles resulting from the very
10 complex environment brought on by the pandemic.

11 But the world keeps turning and counties serve a
12 vital function in ensuring that many necessary services
13 continue for the people of Pennsylvania in the face of these
14 very challenging conditions.

15 Some of our continuation of services was made
16 possible through the ability to hold the meetings remotely,
17 as mentioned previously, using technology to live-stream
18 public meetings and allow for remote participation.

19 However, lack of broadband Internet highlighted disparities
20 in access. To address connectivity issues that many take
21 for granted, some counties sought larger meeting spaces to
22 accommodate social distancing or held meetings outdoors,
23 even though it was winter, to ensure the continuity and
24 transparency of their county governance responsibilities.

25 Additionally, the ability to administer care via

1 telehealth options, implemented with little notice, provided
2 a lifeline to many, especially those in desperate need of
3 mental health or substance abuse treatment.

4 Counties have proven to be strong partners with
5 the state in providing important services to residents and
6 communities of Pennsylvania. We have the opportunity to
7 move forward together in a collaborative and positive way,
8 ensuring better opportunities and outcomes for
9 Pennsylvanians.

10 But to do that, we need the trust of our partners
11 and we need better communication and cooperation as
12 decisions are being made, to seek solutions with counties.
13 We urge consideration of regional collaboration to make
14 important decisions carefully with intergovernmental as well
15 as interbranch input so that counties can be directly
16 involved by providing local expertise about their
17 communities as we continue the dual charge of response and
18 recovery.

19 We have seen how a disjointed approach causes
20 confusion and fractioning. And we continue to urge a
21 collaborative approach that allows local officials to weigh
22 in on these very important decisions before they are made.

23 Thank you for your consideration. I do want to
24 say I have to give a huge thank you out to our local
25 hospitals who have stood with us and our superintendents of

1 school districts, along with the Department of Health. We
2 have expressed many concerns with opening schools, masking,
3 mandated vaccines. And Secretary of Health Beam and several
4 of her staff and others have agreed to have a meeting with
5 us next week to address some local issues. That's important
6 communication that we need to continue and have those
7 conversations.

8 I appreciate your time, Mr. Chairman. I yield
9 back. Thank you.

10 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
11 much, Commissioner. I certainly appreciate you joining us.

12 I guess the question would be to any one of you
13 from local government. I will ask that question and
14 Chairman Freeman is on deck.

15 My question would be this: There are a large
16 number of people in the private sector particularly that are
17 now working from home. And based on conversations I've had
18 with my own son and other people, this could become the norm
19 that a lot of people, even when this pandemic comes to an
20 end, could be working from home full time.

21 And I guess my question -- and maybe you've
22 alluded to it somewhat. Do you believe -- based on this, do
23 you believe that the municipal codes need to be updated to
24 reflect this? Anyone? Maybe it's just not a good question.

25 MR. SCOTT BOMBOY: No. We're pondering the

1 question. I personally -- I work for the Constitution
2 Center in Philly. I've been in five times since COVID. But
3 I run all their digital, so I was working from home before.
4 I'm not quite sure it's really in the jurisdiction of the
5 code, your specific question. But it certainly is the
6 trend. And in Philadelphia, office space is expensive and
7 you can save money by reducing your rental size and your
8 utility bills by having remote work staff.

9 MS. AMY STURGES: I would agree. I don't think
10 that codes would need to be updated for working from home.
11 But municipalities certainly are struggling just as much as
12 businesses in, you know, do we allow some of our staff to
13 work from home or do they all need to be here? And, you
14 know, trying to decide if they are going to work from home,
15 how do we keep information safe?

16 Just all of the considerations that any other
17 business would have, municipalities have to go through that
18 as well in determining if any of their staff can work from
19 home. I don't think it would be a change of the code, any
20 of the codes.

21 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
22 much.

23 Commissioner, do you have anything to add?

24 MR. KEVIN BOOZEL: No.

25 HOUSE MAJORITY CHAIRMAN KNOWLES: Okay.

1 Thank you very much.

2 The next question will come from Chairman
3 Freeman. And, Senator Dush, you're on deck.

4 HOUSE MINORITY CHAIRMAN FREEMAN: Thank you, Mr.
5 Chairman.

6 First, thank you all for your testimony. It was
7 very helpful in terms of getting a perspective of what our
8 local governments have been forced to deal with during this
9 pandemic.

10 I guess in the absence of a question, I have more
11 of a concern or a comment just to register. I do think we
12 have benefited, the public, that is, by being able to access
13 municipal meetings through virtual means, through
14 live-streaming. And I would hope that would continue as a
15 way of reaching as many people in the local community as
16 possible to keep them fully aware of what's happening in
17 their own local government.

18 I am reluctant, however, to embrace full virtual
19 meetings for local officials. I think that's obviously
20 something that should be permitted in the face of an
21 emergency or crisis. You should have the flexibility at the
22 local level to be able to declare that emergency or crisis.

23 However, during normal times -- and I realize
24 that's been a long time since that's occurred for us. But
25 in normal times I think there's something to be said about

1 the importance of a citizen to actually go to that public
2 place that is the town hall and to be able to have
3 face-to-face dialogue with their elected officials within
4 the setting of a governing body. I think that's a critical
5 ingredient in our Democracy and one that I would hate to see
6 disappear because it's become more convenient to do things
7 remotely.

8 There are positive aspects to the virtual
9 meetings. But I would really hate to see them become the
10 norm as opposed to something perhaps like a hybrid process
11 where we make consideration for a virtual aspect, but that
12 the meeting still goes on, that the elected officials,
13 unless there's some reason they can't attend, do attend and
14 that that ensures that those, particularly of the public who
15 don't have access to those virtual options. They might not
16 own a computer. I realize that's rare anymore but it does
17 exist. And I think to be all-inclusive in our Democracy, we
18 really should not make it a criteria that you have to own a
19 computer in order to participate in your local government.

20 So again, I think there are some benefits from
21 the virtual process. Live-streaming has brought those
22 meetings to more and more of the public. But I think we
23 have to tread very carefully when it comes to how we conduct
24 meetings in the future through a virtual process and still
25 hold out that opportunity to have public meetings in a

1 public forum.

2 So thank you.

3 HOUSE MAJORITY CHAIRMAN KNOWLES: I just could
4 not agree with the gentleman more. I've talked to my staff
5 as well as my colleagues. And I do recognize the need for
6 remote during this terrible time. I do recognize it. But I
7 will tell you that not being here takes something away from
8 the institution. I've done remote stuff myself. And I
9 recognize the need for it up to this point.

10 But I can tell you that it is a different
11 feeling. There's nothing I enjoy more than sitting in that
12 beautiful Chamber listening to debate, asking questions, as
13 well as in caucus. It's just something that I think -- I'm
14 just talking about me personally.

15 And again, I've operated remotely a number of
16 times because I felt that was the safe way and the need to
17 do it. But I miss being in that Chamber when we weren't.
18 And I just think that when we face each other, when we ask
19 each other questions, and when we are there, even in caucus,
20 I would agree with what the gentleman said. You know,
21 that's just kind of like a little editorial on my part.

22 So, Senator Dush, followed by Representative
23 Young.

24 SENATE MAJORITY CHAIRMAN DUSH: Thank you,
25 Chairman.

1 And actually Chairman Freeman kind of stole most
2 of my thunder as well. In my House District, I had 50
3 municipal governments. And I typically would get around to
4 one of their meetings in the course of two years, 47 to 48
5 of them. Obviously, in the Senate District it's completely
6 different. I try to get around. But that intimate
7 relationship that comes about by having that direct contact
8 between the constituents and their elected leaders I think
9 is very significant and altering that should be the rarest,
10 the absolute rarest, of occasions.

11 One of the reasons we passed the Sunshine portion
12 of the allowance of those virtual meetings is for that
13 reason. Most of us have benefited from being participants
14 in some of those meetings along the way. And even though we
15 are in some significant times, but if you recall back --
16 well, none of us can. But during the Spanish Flu we had
17 people sitting around meeting places where it was just a
18 potbelly stove warming the place up but they still held
19 their meetings. The government moved on.

20 We now have high-efficiency heating ventilation
21 and air-conditioning systems and other things which can help
22 us to maintain a good environment in which to hold those
23 meetings. So again, I have a serious concern, unless we
24 have got a situation that has elevated to the point where it
25 is absolutely critical that we hold such virtual meetings, I

1 think we should limit that to the extent possible.

2 I agree with both of the House Chairmen on this.

3 And I want to thank you guys for your testimony.

4 HOUSE MAJORITY CHAIRMAN KNOWLES: Yes.

5 MS. AMY STURGES: May I comment?

6 HOUSE MAJORITY CHAIRMAN KNOWLES: Absolutely.

7 MS. AMY STURGES: Thank you.

8 I'd just like to say that I think we need to make
9 all of the codes similar. We have second-class townships
10 without a quorum requirement. They still meet. It's not
11 that they have gone virtual and will never be in their
12 commission's chambers again -- or excuse me -- supervisor's
13 chambers again. So I think we just need to make sure that
14 we are not -- we don't have barriers in the other codes to
15 the quorum requirement, not to say that we are never going
16 to have governing bodies that meet in person again. But the
17 flexibility is there. So that if there's a regional issue,
18 a local issue, there's something to fall back on.

19 We were left with cities, boroughs, and
20 first-class townships not really having -- actually, cities
21 and boroughs at the time of 2020, not knowing exactly what
22 they should be doing in terms of having a public meeting.
23 So until we move that requirement, it only helps them to
24 have a way forward the next time. We can't wait. We don't
25 want to wait. We shouldn't wait until there's another issue

1 that requires us to not be, you know, in one room before we
2 make that decision.

3 So we need to look at the codes and give some
4 flexibility there. And that was really my point, not that
5 we were all going to never meet again in person. And I
6 apologize if it was stated that way.

7 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you for
8 clarifying that, Amy. We appreciate it.

9 MR. SCOTT BOMBOY: I have one comment also. In
10 Perkasio borough, we support having public meetings. We are
11 not in favor of actually live-streaming. We want recorded
12 video of our meetings.

13 We just had a disaster last week. We had our
14 meeting and we have to talk to people about important
15 issues. We have an apartment complex in a flood plain. We
16 have homeless people now. They were at the meeting. We
17 talked to them inside and outside. You can't replace that.
18 I agree with everybody in the room about that.

19 But other towns are going to go and they are
20 going to do live-stream meetings. And there's going to be
21 these weird legal things that happen eventually. There's a
22 situation down in Plum Township School Board where they are
23 in the Western District Federal Court that haven't handled
24 their meeting. And eventually the Federal Judges will
25 decide that dispute. And then, you know, you have judges

1 making the law. So you need to think about something in the
2 current code to cover the emergency circumstances. And
3 these other municipalities have live-streaming so they have
4 some kind of protection.

5 Our position is we are not really into the
6 live-streaming thing. We did it in the emergency. We like
7 seeing people in the room. And we want to have a video
8 record of that meeting in case there's any kind of
9 controversy.

10 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
11 much.

12 Okay. Representative Young followed by
13 Representative Rigby.

14 REPRESENTATIVE YOUNG: Thank you, all, for your
15 testimony.

16 I want to make a suggestion followed by a comment
17 and then a question.

18 So my suggestion is, as I'm reading through these
19 testimonies and I'm listening to the dialogue right now, I
20 have referred myself back to what I'm suggesting that we
21 also look back at David Greene's comment on page 5 where
22 there's a statement in here that I think is so profound,
23 which is, we cannot fail to improve the resiliency of local
24 government due to lack of imagination about what could
25 happen.

1 We have a lot of interruption that we didn't
2 expect in 2020. And I think I am remiss if I do not
3 acknowledge the fact that one of the things that I think
4 this last year has taught us is that we are all human
5 beings. And so my comment would be that we be mindful of
6 the options and opportunities that are afforded to us if we
7 -- I don't agree with 100 percent virtual meetings.

8 However, if that's the only option to lead in
9 public spaces, well, then I'm agreeable to that. I believe
10 in this time that people are looking for leaders to execute.
11 And so however that happens, I am a proponent and a fan of
12 it.

13 My question is for Mr. Gerdes. On your
14 statement, I just wanted to get clarity on one of the things
15 you were talking about in terms of transparency, which I
16 think is extremely important. You mentioned the posting of
17 agendas and meetings. And I think that is important
18 especially in municipalities where they are clamoring for
19 answers and meeting spaces.

20 Did you -- was it omitted -- was meeting minutes
21 omitted in the transparency process or that just wasn't
22 stated on your document?

23 MR. JOSEPH GERDES, III: I'm sorry. It was just
24 omitted from my comments.

25 REPRESENTATIVE YOUNG: Okay. Thank you.

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MR. JOSEPH GERDES, III: Yes.

REPRESENTATIVE YOUNG: That's it. Thank you.

HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very much, Representative.

Representative Rigby, followed by Senator Collett.

REPRESENTATIVE RIGBY: Thank you, Mr. Chairman.

And thank you, testifiers. I want to echo Chairman Freeman's remarks. My concerns in being a former local elected official is with the virtuals. Say you have a personnel issue and you need to go to an executive session. How are you going to handle that? Because virtually we don't know who's on the other side of that screen or how many other people may be sitting in that room. So I see that as a problem down the road as we continue, which would be one of the reasons I would very much caution against, you know, so much virtual. If we can get in person, I think it needs to be there. That's just what I wanted to add. That was a concern I had.

Amy, when I listened to your testimony, I was under the impression you were pushing more for the virtual and the Teams type of council meetings. I would caution that only because of concerns of privacy, especially when it comes to executive sessions.

Thank you.

1 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you,
2 Representative.

3 Senator Collett, followed by Representative
4 Sappey.

5 ACTING MINORITY CHAIRWOMAN COLLETT: Thank you,
6 Chairman.

7 My first question is for Commissioner Boozel.
8 While COVID restricted access to local government buildings
9 and physical meetings, it underscored the need, in my
10 opinion, to make as many of our local government resources
11 as possible accessible in online and digital formats.

12 This became frustrating for residents who wanted
13 to apply or renew their dog licenses, hunting licenses,
14 games of chance, voting permits, all of the above,
15 especially when the Commonwealth requires original
16 signatures to be maintained by the county or local
17 government.

18 Would you agree that allowing counties to capture
19 and store signatures electronically would allow for reduced
20 costs and more efficient government?

21 And, Mr. Chairman, I have one other question
22 after Commissioner Boozel.

23 Thank you.

24 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
25 much, Senator.

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MR. KEVIN BOOZEL: Thank you for that question.

HOUSE MAJORITY CHAIRMAN KNOWLES: Go ahead,
Commissioner.

MR. KEVIN BOOZEL: Okay.

Thank you very much, Chairman.

I absolutely agree with you that it would save.
It would be more efficient. We actually found some ways to
work around even marriage licenses. That was very
difficult. We had to get special permissions. But also
something else that we need to think about is for a
Protection From Abuse Order.

Something we ran into in our courthouse. We had
to set up a special isolated location because there was no
possible way we could virtually do that. They had to be in
person. And so somebody had to lay eyes on the complainant.
So we took that into consideration, set up a special
isolation area and made it very secure and also very
anonymous so no one knew why you were there obviously.

Those were all concerns that we had to undertake.
But I would 100 percent agree with you. I'd also
respectfully request on top of that that we are able to keep
our documents electronic. We were running into the storage
issue where we're keeping them electronic and off paper and
that is becoming a huge burden on counties.

Thank you very much for the question.

1 ACTING MINORITY CHAIRWOMAN COLLETT: Thank you,
2 Commissioner.

3 And then I just have one other question for any
4 of the panelists who wants to chime in. Can any of you tell
5 us, besides remote meetings, about some of the other
6 municipal services that had to change because of the
7 pandemic? And I know we heard some of that in the
8 testimony. But is there anything that particularly stands
9 out to you that really had to change, it just wasn't
10 feasible unless you changed a policy or procedure?

11 Thank you.

12 That's all, Mr. Chairman. Thank you.

13 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
14 much, Senator. We certainly appreciate that.

15 Representative Sappey, followed by Malagari.

16 Everybody kind of sat there.

17 MR. SCOTT BOMBOY: Well, I think we had a lot of
18 stuff in place before that, so we were pretty savvy
19 digitally so it did not affect us.

20 MR. JOSEPH GERDES, III: I think a lot of our
21 townships understanding about having a continuity of
22 operations plan and the safety of everybody from the road
23 crew all the way up to the citizens that would visit the
24 township office.

25 And a lot of our folks really spent a lot of time

1 updating and working on those continuity of operations
2 plans, which may have been on the back burner previously.
3 This was a good opportunity to pull them off the shelf and
4 to work on being able to do that remotely.

5 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you.

6 And, Senator, I apologize for moving on too
7 quickly.

8 So now we'll move to Representative Sappey
9 followed by Representative Malagari.

10 REPRESENTATIVE SAPPEY: Thank you, Mr. Chairman.

11 First of all, I'd like to thank all our panelists
12 thus far so much for your service and your accessibility
13 during the pandemic. I know I was on the phone with many of
14 you. I'm stuck here with my mask. Sorry.

15 You provided so much information and guidance to,
16 you know, myself as a legislator but also the municipalities
17 that I represent and our citizens. So I'm truly so grateful
18 to all of you for everything you've done.

19 The question I have -- one comment I have and
20 then a question -- is that we did have catastrophic flooding
21 in Chester County with this last storm to the likes of which
22 we've never seen ever in our history . And our county
23 commissioners were unable to meet due to the Sunshine Law.
24 And this was brought to our attention and so, you know, I am
25 mindful of that need. So thank you for raising that. I

1 appreciate that.

2 I agree that obviously it's great when we can all
3 be together and that there's a lot of value in
4 person-to-person contact. But my question is, do we feel at
5 this time, it's 2021, we would be opening up the possibility
6 for more people to join our boards and commissions at the
7 local level when we offered more remote access?

8 I'm thinking about historic commissions, planning
9 commissions, you know, parks and rec. We're having a hard
10 time sometimes getting folks to, you know, sign up to work
11 in these positions. They provide a tremendous amount of
12 service to our citizens. And I'm thinking about women. I'm
13 thinking about people with disabilities, people with
14 transportation issues that may not, you know, raise their
15 hand to serve without the possibility of participating
16 remotely. So that's something you think would change? And
17 that's for anybody.

18 MS. AMY STURGES: Thank you.

19 I do think that it would be beneficial to have
20 that option at the local level. I think there would need to
21 be a policy in place so that, you know, if the board was
22 going to allow the members of a board or a commission to
23 attend virtually, perhaps it was not every single meeting
24 but maybe half of them or, you know, whatever, at the local
25 level made the most sense.

1 But I do think there would be more opportunities
2 for people to volunteer. It's difficult if you're working
3 until 5 o'clock to get to a 6 o'clock meeting. And so
4 someone that does have an interest in something may say,
5 well, it's just not an option for me. But if they were home
6 and could dial in, maybe it would be an option.

7 So I think it's something to explore. We should
8 use this as an opportunity to make sensible changes or allow
9 flexibility.

10 REPRESENTATIVE SAPPEY: Thank you.

11 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
12 much, Representative. I appreciate that. Do we have
13 anybody online?

14 I'm sorry. Go ahead, Representative.

15 REPRESENTATIVE MALAGARI: Thank you, Mr.
16 Chairman.

17 And I appreciate everyone's testimony this
18 morning. Thank you for your involvement in the county and
19 local governments as well.

20 I have a couple comments and maybe a question in
21 there. To Representative Sappey's point, it's important
22 that you actually have that face-to-face conversation while
23 in a public meeting, having that space available for the
24 public to go to for many of the reasons that were already
25 stated previously with accessibility to Internet and also

1 accessibility of getting to a meeting.

2 However, we also have to remember that there are
3 other individuals that need access as well to our public
4 meetings and sometimes in that digital format is one of the
5 better ways to do it for them in their particular situation.
6 One of the things that I think we would be very strong in
7 doing is making sure that that digital connectivity is
8 always there while also having that physical public meeting
9 space available for that meeting to occur.

10 You would then allow the opportunity for the
11 individual who is that parent working really late until
12 maybe 5, 6 o'clock and you have a 6:30 committee meeting.
13 You would then allow them to be a participant within their
14 local government.

15 You would also allow for that parent of a couple
16 kids who might be an at-home worker, working remotely for
17 their business, but then may not have child care at that
18 time to be a participant within their local government.

19 This is one of the areas that I think we should
20 be working toward to make it more accessible for people to
21 participate. Participation only makes for a better product
22 in the end. And I think that if we can all come to that
23 agreement with each other that, yes, that in-person meeting
24 is essential for those to be able to have the accessibility
25 of participating within their government, but also you can

1 make the argument that you need that digital accessibility
2 as well for those who may not physically be able to
3 participate or have that capability of getting there at that
4 moment.

5 There have been multiple times in my own
6 municipal career where we've had to utilize electronic
7 means. At that time, we were only allowed to do phone in,
8 like a phone call. I remember specifically a meeting in
9 which somebody was in a foreign country on business and
10 participating within the local meeting as well.

11 So I think we're doing really good by talking
12 about technology and making sure that it's within these
13 meetings. But I think we do have to make sure that
14 everybody has that opportunity to participate.

15 And I don't know if there's a question in that,
16 but it was more of all commentary and agreement that we are
17 on the right track but let's make sure that we don't keep it
18 one way or the other. Let's try and get that hybrid aspect
19 and make that for the future, too.

20 Thank you.

21 MR. SCOTT BOMBOY: I would like to respond to
22 that quickly.

23 HOUSE MAJORITY CHAIRMAN KNOWLES: Sure.

24 MR. SCOTT BOMBOY: I think it's a great idea.
25 One of the problems is, when do people comment virtually? I

1 know in some situations people were only allowed to comment
2 on the agenda before the meeting. But my experience is a
3 lot of business is transacted during the meeting and also
4 with the new Sunshine Act, you can change through a majority
5 vote, I believe, of our council. We can put something on
6 the agenda that's not advertised.

7 So if you only have comment on items on the
8 agenda and the comment comes in before the meeting, you
9 can't comment on that business. So we have to look at the
10 commenting provisions. That would be the key bottleneck in
11 that process. So they have a fair chance to comment as well
12 as participate.

13 The other problem is -- I know in Perkasio
14 Borough you have to be a resident to actually speak. How do
15 you guarantee that online? There are trolls. There are
16 people out there. I mean, you can do a Zoom thing where you
17 can have people in advance sign up for the virtual meeting.
18 You can do a Zoom forum. There's issues with it. I agree
19 with it. I think it would be nice to have a hybrid
20 situation. But it can never replicate the process or the
21 act of being in the room.

22 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
23 much.

24 And thank you very much, Representative.

25 We are having some technical difficulty with our

1 Teams members.

2 I'm sorry. So we can move on. There does not
3 appear to be any more questions from other people
4 participating remotely or members here in the room.

5 So I just want to thank the three of you so much
6 for participating today and for the information you provided
7 with this Committee.

8 MR. SCOTT BOMBOY: Thank you.

9 MR. JOSEPH GERDES, III: Thank you.

10 MS. AMY STURGES: Thank you.

11 HOUSE MAJORITY CHAIRMAN KNOWLES: Okay. We are
12 on schedule. In fact, we're ahead -- well, we're three
13 minutes ahead of schedule, which is always also a good
14 thing.

15 We will call up our third and last panel. That
16 would be Matt Lentz. Matt is the Chief Financial Officer
17 and the Board Secretary for the Upper Moreland School
18 District and also he is the Executive Board Member of the
19 Government Finance Officers Association.

20 And then we'll have joining us remotely Logan
21 Timmerhoff. Logan is a Senior Associate with the Pew
22 Charitable Trust. And we thank you for joining us remotely,
23 Logan.

24 So, Matt, do you want to give your testimony?
25 And then we'll move on to Logan.

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MR. MATTHEW LENTZ: Thank you.

Good morning. My name is Matt Lentz. I am the Chief Financial Officer/Board Secretary for the Upper Moreland School District in Montgomery County, Pennsylvania. I also am in my third year as an Executive Board Member for the Government Finance Officers Association. Prior to serving on the Executive Board, I was a member of GFOA's standing Committee on Retirement and Benefits Administration for two years.

To just give you a brief background about GFOA, GFOA, the Government Finance Officers Association, was founded in 1906. It represents public finance officials throughout the U.S. and Canada. The Association has more than 21,000 members that are at the Federal, state, and local levels and they are involved in financial planning and implementing thousands of governmental operations in each of their jurisdictions.

GFOA's mission is to advance excellence in public finance. GFOA is a resource, an educator, a facilitator, and an advocate for our 21,000 finance officers. We work to provide members with best practices and information on accounting, auditing, budgeting, capital planning, debt management, financial reporting, pension and benefit administration, and Treasury and investment management.

That isn't the reason you asked me to speak to

1 you this morning. You asked me to speak about the impacts
2 of COVID on local governments. And I can summarize that
3 best in four categories: greater access, efficiencies,
4 modernization of administrative process, and overall
5 sustainability and improved overall work.

6 I'll start with the first. Greater access. As
7 was spoken by presenters earlier this morning, the essential
8 function of continuing the work of local government in the
9 pandemic required the implementation of virtual
10 communication for common functions. Local governments
11 transitioned to legislative meetings, committee meetings,
12 and even bid openings as a virtual experience to allow
13 greater participation both in realtime and in viewing public
14 meetings.

15 At Upper Moreland School District, we continued
16 our bidding cycle through COVID and the ability to now
17 conduct virtual bid openings has increased not only our
18 transparency in the process, but visibility of the process
19 to vendors.

20 Additionally, in the case of a bid opening where
21 there were previously no minutes taken, the video of the bid
22 opening is a record of that opening which is available
23 instantaneously. Requests that we receive for bid results,
24 we provide the brief video of it opening in response. In
25 addition to virtual bidding, we also migrated and continue

1 virtual streaming of our board meetings which provides
2 greater access for citizens to understand the work of our
3 school board and our Administration.

4 Finally, while already in place for many
5 entities, the need to update online information and send
6 more information virtually to the community has expanded
7 access for various stakeholders. For example, my entity, we
8 publish updates, as do many other entities, with regards to
9 our financial status, bond ratings, other financial metrics
10 online, not only in newsletters, but also in surveys to our
11 community.

12 For example, we're going through engagement on
13 spending our ESSER funds as a school district and we have a
14 prioritization tool that can be accessed online to receive
15 input from our residents. This not only enables the greater
16 public to understand budgets, benchmarking, and other
17 financial metrics, also it provides in kind of short
18 glimpses, where previously we would share static reports
19 such as the Comprehensive Annual Financial Report.

20 Speak to the second area, efficiencies. COVID,
21 as we know, required an immediate pivot from the way
22 business was conducted only in person and following
23 traditional modes for local governments. Since the duration
24 of the pandemic has been over a year and a half, local
25 governments have adapted and improved initial rollouts of

1 technology to improve our internal efficiency.

2 For an example, first and even second round
3 screenings and interviews for hiring employees are now
4 conducted virtually. This not only allows a greater
5 diversification of candidates but also reduces our
6 administrative time associated with these screenings. Also,
7 it reduces visitor traffic to our administration buildings
8 and campuses and also allows candidates to have better
9 availability virtually to complete initial frontline
10 interview screenings.

11 A second example is the ongoing work of
12 governments to upgrade their Enterprise Resource Planning
13 System, or ERP. Governments are working to better integrate
14 these systems as well as to improve more functionality.
15 GFOA's research indicates that prepandemic most governments
16 undertook a new ERP System on a 10- to 15-year time span.

17 As a practitioner in the field during this COVID
18 pandemic, it definitely has expedited the need to improve
19 ERP functionality and also to integrate to websites and
20 other online tools to improve services to citizens such as
21 virtual payments, collections, and other access for payments
22 and signatures.

23 At Upper Moreland our software vendor has
24 improved online accounts payable processing that we can
25 begin to implement online virtual bill payment while

1 ensuring public funds are secure and that the risk of
2 cybersecurity, while still present, is considered and
3 accounted for in that process.

4 Third, the pandemic has improved how we've
5 modernized our administrative processes. Prior to the
6 pandemic many local governments relied heavily on the
7 receipt of payments, sewer, fees, taxes, etc., by mail and
8 in person. Lockboxes were a prior means of efficiency for
9 receipt of payments in mass quantities and relied on the
10 mail.

11 Options for online payments were not often robust
12 and came with fees which potentially could deter citizen
13 payments electronically if the local government determined
14 to attach the fees to the payment.

15 The impact to shipping speeds and lack of an
16 in-person interaction as a result of the pandemic was an
17 impetus for local governments to reconsider enhancements and
18 the institution of online payments as a part of the normal
19 business cycle. For example, my organization has since
20 eliminated the fees associated with online payments, which,
21 by increasing online payment volume, has reduced staff time
22 preparing deposits as well as processing refunds.

23 Finally, payments we receive online are more
24 quickly deposited to our financial institution, increasing
25 our daily cash balance and interest-earning potential based

1 on our negotiated banking agreement.

2 Finally, I'll speak to the overall sustainability
3 and overall work improvements. At the onset of the pandemic
4 work from home was essential to keep employees safe and
5 continue the work of local government. While this
6 functionality is still in place at various levels, it's
7 proven a benefit of local governments to attract candidates
8 outside of an immediate vicinity to fill positions.
9 Additionally, the ability to attract and to pivot more
10 easier to remote operations provides greater flexibility in
11 future emergency situations.

12 Considering now that systems are in place to
13 support local government authorities in sharing information
14 virtually and communicating, my organization is moving
15 forward with a secure online safety platform which will
16 allow our local authorities to access information as needed
17 and for training and also have this information updated and
18 available in a secure electronic format accessible from any
19 location securely.

20 Not only does this initiative support the other
21 three goals of efficiency, access, and improved
22 administration, but it is sustainable and improves the
23 overall work not only for my entity but for the local
24 governments at the county and state level with whom we
25 collaborate and rely on for various safety functions.

1 Thank you for your time and attention this
2 morning and the opportunity to share practical local
3 government insight as part of the panel.

4 Thank you.

5 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
6 much, Matt.

7 Logan, you're up.

8 MR. LOGAN TIMMERHOFF: Yes, hello. I wonder, can
9 everyone hear me okay?

10 HOUSE MAJORITY CHAIRMAN KNOWLES: Yes, we can
11 hear you and we can see you.

12 MR. LOGAN TIMMERHOFF: All right. Thank you very
13 much.

14 Chairmen Knowles, Dush, Freeman, Kearney, and
15 members of the Committee, thank you for inviting the Pew
16 Charitable Trusts to provide testimony on ways that state
17 and local governments have made positive adaptations in
18 response to the COVID-19 pandemic.

19 My name is Logan Timmerhoff. I am a researcher
20 working on state and local fiscal policy issues at the Pew
21 Charitable Trusts, a non-profit, non-partisan organization
22 dedicated to serving the public interest.

23 Although many of the worst fiscal expectations
24 formed early in the pandemic did not ultimately come to pass
25 for most states and local governments, the urgency brought

1 to the task of dealing with the pandemic spurred many
2 actions by both states and localities that may yield lasting
3 benefits.

4 Today, I will tell you about several new ways we
5 have identified that states have found to help their local
6 governments over the course of the pandemic, drawing from
7 our work helping states support the fiscal health of their
8 local governments. Additionally, we would like to highlight
9 some business-related local regulatory changes that may be
10 of interest to members.

11 I'll start by talking about the three new ways
12 we've observed that states have helped local governments.
13 The first way is an evolution in local fiscal risk
14 assessments by state. Having a better understanding of
15 local fiscal risks may help states anticipate and plan for
16 local fiscal needs.

17 In anticipation of significant revenue losses
18 among local governments due to the pandemic, some states,
19 including Pennsylvania, changed the way they track and
20 assess local government finances. Virginia's Commission on
21 Local Government, for instance, modified its standard tool
22 for identifying local fiscal distress to include measures of
23 local reliance on tax revenue sources likely to be affected
24 by COVID-19, as well as measures of local dependence on
25 industries likely to be most affected by the pandemic.

1 Some states also helped assess fiscal outlooks
2 for their local governments, many of which do not have the
3 resources to conduct such assessments themselves.

4 Louisiana's Legislative Auditor, for example, provided
5 forecasts of COVID-19's effects on key revenue sources for
6 each of its parishes.

7 The second new way we have identified that states
8 have helped their locals is their embrace of remote
9 communication with local governments. Many states have
10 changed the ways they communicate with local governments.
11 As in-person meetings became untenable during the pandemic
12 lockdowns, the Local Government Commission of North Carolina
13 began holding its regular meetings with local governments
14 virtually. As the ability to hold in-person meetings became
15 available again, the Commission retained its virtual option.

16 This new hybrid approach has significantly
17 increased community attendance and increased the
18 Commission's reach, as municipalities that previously found
19 travel costs prohibitive were able to join. The state of
20 Rhode Island helped its local governments modernize their
21 technological practices, better enabling them to conduct
22 regular municipal business during the pandemic. To do this,
23 the Rhode Island Department of Business Regulations offered
24 subsidized video conferencing access and training for its
25 municipalities, all of which ultimately participated.

1 The third new way that states have helped locals
2 is there insistence around understanding and deploying
3 Federal stimulus funds. The uncharacteristically large
4 amounts of American Rescue Plan Act stimulus funds made
5 available in the wake of the pandemic, combined with the
6 complex rules around the eligible uses and proper accounting
7 for these funds, prompted many states to provide early and
8 substantial education to their local governments.

9 The Tennessee Comptroller's Office did a roadshow
10 around the state to help local governments understand U.S.
11 Treasury guidance on the use and reporting requirements of
12 stimulus funds. Michigan hosted separate webinars assisting
13 local governments based on how their funds would be
14 distributed. And Massachusetts has been providing technical
15 assistance to local governments to help them understand the
16 rules around the revenue loss recovery.

17 The unprecedented Federal funding has also
18 presented a unique opportunity for state and local
19 governments to collaborate in order to maximize the impact
20 of the stimulus. North Carolina officials are identifying
21 ways to best leverage state and local money to ensure that
22 it gets spent on things that they consider to be
23 transformational projects.

24 In New Mexico several local governments are
25 either partnering with other local governments or with state

1 agencies to pool funding to tackle large-scale
2 infrastructure projects.

3 Talking now about local governments and their
4 business-related regulatory changes. Some cities are
5 looking to make permanent some of the temporary changes they
6 made to regulations governing outdoor dining and retail or
7 services on city sidewalks, parking lots, and streets. San
8 Francisco has already made some of its changes along these
9 lines permanent. Policymakers in Washington, D.C., and New
10 York are currently working to do the same.

11 Beyond outdoor dining, Nashville removed
12 restrictions on a number of home-based businesses, including
13 audio-recording, artisanal manufacturing, and other
14 services. San Francisco's Proposition H permanently
15 streamlined a host of regulations in the city, including the
16 implementation of a 30-day shot-clock for some business
17 permits and expanding permitted uses of space in commercial
18 districts.

19 As we've shown, over the course of the pandemic,
20 many states have helped their local governments in new ways
21 that may improve how their local governments function or
22 improve how states interact with local governments. And
23 some local governments have used the opportunity to make
24 regulatory changes with potentially lasting benefits.

25 Thank you for inviting the Pew Charitable Trusts

1 to testify on this topic. We welcome questions from members
2 of the Committee.

3 Thank you.

4 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
5 much.

6 Is there anyone with any questions? Okay.

7 I just had one question that was given to me.
8 This would be directed at our last testifier. What would it
9 take to bring a risk assessment program to PA and what would
10 it look at? That's the question. He didn't go to parochial
11 school. I can tell by your handwriting.

12 Do you understand the question?

13 MR. LOGAN TIMMERHOFF: Sure. So the question
14 was, what would it take to bring a risk -- a local risk
15 assessment program to Pennsylvania? Is that the question?

16 HOUSE MAJORITY CHAIRMAN KNOWLES: That's correct.

17 MR. LOGAN TIMMERHOFF: So we've seen from the
18 DCED they've kind of been a leader in this area. Actually,
19 we heard from them early on in the pandemic. They were
20 trying to get an early sense of the states of their local
21 governments finances even going as far as -- so in a lot of
22 these -- a lot of data that state agencies are concerned
23 with local finances, they rely on annual reports, which have
24 a significant (inaudible) and can be kind of hard.

25 Pennsylvania actually was looking to contract

1 with a non-profit to get monthly business and sales data at
2 the local level, use that to kind of work with the
3 identifying need and help where possible. I'm unsure
4 exactly the state of that program. But Pennsylvania tends
5 to be a leader in this area.

6 We're happy to do what we can to help further if
7 we can.

8 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
9 much.

10 Is there anyone else that has any questions?

11 HOUSE MAJORITY CHAIRMAN KNOWLES: Okay. I see
12 none.

13 I want to thank both of you for your testimony
14 today. And we'll close it out with remarks from the four
15 Chairs.

16 I'll take the liberty of going first.

17 I can't tell you how much I appreciate all of you
18 coming here today to share your ideas with us. Most
19 recently, this kind of related, but not related, but I guess
20 it falls back on some of the comments that were made here
21 today.

22 Recently I did a letter to the editor or an
23 article and it was done in concern and in frustration. It's
24 not directed at any members of our body because I think
25 today is a perfect example of doing exactly what I asked

1 for. And usually you've got to be careful what you say, but
2 having recently celebrated the 34th anniversary of my 39th
3 birthday, you can pretty much say what you want. And I do.
4 Believe me.

5 But the article deals with the idea -- and I've
6 been around long enough as a staffer in the many positions
7 that I've held. But we need to be certain that we bring
8 back logic, civility, commonsense, and compromise. I
9 believe that this hearing today is a perfect example of
10 exactly what I'm asking for.

11 I can't thank the Chairmen enough. This was a
12 good hearing. Everybody treated everybody the way they
13 would want their mother to be treated. And I thank you all
14 for that. I truly do. I think it's important. And I look
15 forward to working with the members of the Committee, as
16 well as the Chair, to move forward on your ideas.

17 Chairman Freeman.

18 HOUSE MINORITY CHAIRMAN FREEMAN: Thank you, Mr.
19 Chairman.

20 And thank you for convening this hearing. I
21 think it was very productive. My thanks to all those who
22 testified and to all the members who had questions or
23 comments as well. That will all help us as we move forward
24 in seeking to address this issue and find ways to facilitate
25 the ability of local governments to continue to operate,

1 function, and deliver services and be accessible to the
2 public.

3 And I want to just state that I fully agree with
4 Chairman Knowles' comments about the four points he would
5 like to see reestablished in our public arena. I think it's
6 critical that all those four points be observed, that we get
7 back to doing what we're supposed to do, which is solving
8 problems. And we do so through civility and all the other
9 points that he's mentioned. So I highly endorse that and
10 hope that we can always follow that path as well.

11 So again, my thanks to all those who testified
12 and to the members for their questions and comments.

13 HOUSE MAJORITY CHAIRMAN KNOWLES: Thank you very
14 much.

15 I understand that the other Senator has no
16 closing remarks. But Senator Chairman Dush.

17 SENATE MAJORITY CHAIRMAN DUSH: Thank you,
18 Chairman.

19 And before I start with the closing remarks, I
20 didn't get a chance to have any questions for Matt or Logan.
21 I want to just express that I do appreciate what you guys
22 brought to the table today and will be reaching out to you
23 in the future to follow up on some of your testimony today.

24 I, too, appreciate all three of the Chairmen that
25 we have on both sides of the aisle in both Chambers, who we

1 do, I think, have one commonality. And that's all four of
2 those characteristics that Chairman Knowles had brought up.
3 We do like to keep our dialogue civil and to have the
4 pursuit of truth and commonsense in all of this.

5 I think our Local Government Commission also is
6 reflective of that. I'm very much looking forward to the
7 three parts of this project, all working together to try and
8 come up with some good solutions for our municipal
9 governments here in the Commonwealth of Pennsylvania.

10 I truly appreciate the opportunity to have this
11 hearing and look forward to future endeavors.

12 Thank you.

13 HOUSE MAJORITY CHAIRMAN KNOWLES: Again, thank
14 you all for coming out. I want to make note that we are ten
15 minutes ahead of schedule. And that's always a good thing.

16 If there's no other business to come before the
17 Committee, the hearing will stand adjourned.

18 (Whereupon, the hearing adjourned.)
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I hereby certify that the proceedings and
evidence are contained fully and accurately in the notes
taken by me on the within proceedings and that this is a
correct transcript of the same.

Jean M. Davis
Notary Public