
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1069 Session of
2018

INTRODUCED BY COSTA, BREWSTER, FONTANA, RESCHENTHALER,
VULAKOVICH, MENSCH, TARTAGLIONE, HUGHES AND WARD,
MARCH 15, 2018

REFERRED TO LOCAL GOVERNMENT, MARCH 15, 2018

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled
2 "An act relating to counties of the second class and second
3 class A; amending, revising, consolidating and changing the
4 laws relating thereto," providing for the voluntary
5 dissolution of the existing form of governance of a municipal
6 corporation located in a county of the second class and the
7 creation of unincorporated districts of counties of the
8 second class; authorizing the county to assume responsibility
9 for the governance of the municipal corporation and delivery
10 of public services to the citizens residing in the municipal
11 corporation through the administration of an unincorporated
12 district; and authorizing unincorporated district advisory
13 committees.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. The act of July 28, 1953 (P.L.723, No.230), known
17 as the Second Class County Code, is amended by adding an article
18 to read:

19 ARTICLE XXXI-D

20 CREATION OF UNINCORPORATED DISTRICTS FOR THE
21 GOVERNANCE OF DISSOLVED MUNICIPAL CORPORATIONS
22 WITHIN COUNTIES OF THE SECOND CLASS

23 Section 3101-D. Scope of article.

1 This article relates to unincorporated districts of counties
2 of the second class.

3 Section 3102-D. Legislative findings.

4 The General Assembly finds and declares as follows:

5 (1) While the electors of this Commonwealth have long
6 had procedures by which to create new municipalities, the
7 General Assembly may also provide a means whereby electors of
8 municipalities may unilaterally terminate their municipal
9 corporations.

10 (2) The electors residing in a municipal corporation
11 located in a county of the second class should have the right
12 to voluntarily dissolve their existing form of government and
13 transfer all powers, duties and responsibilities for the
14 governance of the municipal corporation to an unincorporated
15 district administered by a county of the second class if the
16 electors believe that the county would be able to provide for
17 more efficient and effective municipal services.

18 (3) Article IX of the Constitution of Pennsylvania
19 authorizes the governing body of a municipality to cooperate,
20 transfer or delegate any function, power or responsibility,
21 by mutual agreement, to another municipality, district or
22 newly created governmental unit.

23 (4) The dissolution of the existing form of government
24 for a municipal corporation and the substitution of an
25 unincorporated district as a new form of government
26 administered by the county is authorized by Article IX of the
27 Constitution of Pennsylvania, which provides broad authority
28 to the General Assembly to provide for local government.

29 (5) It is appropriate for an unincorporated district to
30 transfer administrative functions to the county under section

1 5 of Article IX of the Constitution of Pennsylvania, which
2 provides that a municipality may delegate or transfer any
3 function, power or responsibility to another municipality,
4 including a county.

5 (6) In recognition of the problems faced by certain
6 municipal corporations located within counties of the second
7 class and the shared benefits available to other
8 municipalities, it is appropriate for the General Assembly to
9 authorize the creation of unincorporated districts within
10 counties of the second class.

11 Section 3103-D. Definitions.

12 The following words and phrases when used in this article
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Administrative code." The ordinance of the county providing
16 for the administration and operation of the county's government
17 consistent with the county's home rule charter or a successor
18 law or ordinance.

19 "County." A county of the second class in which a municipal
20 corporation is entirely located.

21 "County council." The elected legislative body of a county
22 elected in accordance with the home rule charter or a successor
23 or successors to the legislative duties and responsibilities of
24 the elected legislative body.

25 "County executive." The county executive of a county elected
26 in accordance with the home rule charter or a successor or
27 successors to the executive duties and responsibilities of the
28 county executive.

29 "County manager." An appointed chief administrative officer
30 of a county responsible to the county executive for the

1 administration of the day-to-day operations and administration
2 of county government or a successor or successors to the
3 operational and administrative duties and responsibilities of
4 the chief administrative officer.

5 "Dissolution." Replacement of the existing form of
6 governance of a municipal corporation with an unincorporated
7 district administered by a county.

8 "Dissolved municipality." A municipal corporation whose
9 electors have voted to voluntarily dissolve the municipal
10 corporation's existing form of governance and to have the county
11 assume all powers, duties and responsibilities for governance of
12 the municipal corporation and delivery of public services
13 through the administration of an unincorporated district.

14 "District advisory committee." A body appointed to advise a
15 county manager concerning matters related to the governance of a
16 dissolved municipality that has become an unincorporated
17 district of the county.

18 "Electors." The registered voters of a municipal corporation
19 seeking to voluntarily dissolve the existing form of governance
20 of a municipal corporation in which the electors reside and to
21 have the county assume all powers, duties and responsibilities
22 for governance of the municipal corporation and delivery of
23 public services through the administration of an unincorporated
24 district or the registered voters in an unincorporated district
25 of the county seeking to reestablish the dissolved municipality
26 as a separate municipal corporation.

27 "Governing body." Any of the following:

28 (1) The council in a city, borough or incorporated town.

29 (2) The board of commissioners in a township of the
30 first class.

1 (3) The board of supervisors in a township of the second
2 class.

3 (4) The elected legislative body in a home rule
4 municipality.

5 "Home rule charter." The home rule charter of a home rule
6 municipality, including the home rule charter of a county.

7 "Municipal corporation." A city, borough, incorporated town,
8 township or home rule municipality with a population of 10,000
9 or less and located entirely in a county.

10 "Official action." A vote taken by the governing body at a
11 public meeting.

12 "Unincorporated district." The name of the geographical
13 territory encompassing a dissolved municipality.

14 Section 3104-D. Initiation of municipal corporation
15 dissolution.

16 (a) Findings.--If the governing body of a municipal
17 corporation finds that the residents of the municipal
18 corporation would be better served by the administration of
19 municipal services by the county, the governing body may seek to
20 provide for the dissolution of the municipal corporation under
21 this article.

22 (b) Resolution of preliminary interest.--

23 (1) The governing body of a municipal corporation shall
24 indicate its interest in exploring dissolution of the
25 municipal corporation by adopting a nonbinding resolution of
26 preliminary interest. In the resolution, the governing body
27 of the municipal corporation shall expressly authorize its
28 elected and appointed officials and officers to enter into
29 formal discussions with the county concerning the preparation
30 of an essential services transition plan as part of an

1 intergovernmental cooperation agreement under the provisions
2 of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
3 cooperation) under which the existing form of governance of
4 the municipal corporation would be voluntarily dissolved
5 following an affirmative vote by the electors of the
6 municipal corporation at a referendum and all powers, duties
7 and responsibilities for the governance of the municipal
8 corporation and delivery of public services to the citizens
9 residing in the municipal corporation eventually would be
10 transferred to and exercised by the county through the
11 administration of an unincorporated district.

12 (2) The governing body of a municipal corporation shall
13 transmit a certified copy of its adopted resolution of
14 preliminary interest to the county manager.

15 (3) Within 10 business days of the receipt of the
16 certified copy of the municipal corporation's resolution of
17 preliminary interest, the county manager or the manager's
18 authorized representative or delegate shall contact the
19 authorized officer or representative of the municipal
20 corporation to begin formal discussions on the development of
21 an essential services transition plan as part of an
22 intergovernmental cooperation agreement under the provisions
23 of 53 Pa.C.S. Ch. 23 (relating to general provisions) under
24 which the existing form of governance of the municipal
25 corporation would be dissolved and all powers, duties and
26 responsibilities for the governance of the municipal
27 corporation and for delivery of public services to the
28 citizens residing in the municipal corporation would be
29 transferred to and exercised by the county through an
30 unincorporated district.

1 Section 3105-D. Development of essential services transition
2 plan and time period for development of plan.

3 (a) Proposed plan and intergovernmental agreement.--The
4 authorized representatives of the municipal corporation and the
5 county shall confer and prepare a written proposed essential
6 services transition plan as a part of an intergovernmental
7 cooperation agreement under the provisions of 53 Pa.C.S. Ch. 23
8 (relating to general provisions) under which the existing form
9 of governance of the municipal corporation would be dissolved
10 and all powers, duties and responsibilities for the governance
11 of the municipal corporation and delivery of public services to
12 the citizens residing in the municipal corporation would be
13 transferred to and exercised by the county through an
14 unincorporated district.

15 (b) Time period to complete proposed plan and
16 intergovernmental agreement.--The proposed intergovernmental
17 cooperation agreement with the proposed essential services
18 transition plan shall be completed by the authorized
19 representatives of the county and the municipal corporation
20 within 180 days of the date agreed upon as the commencement date
21 of discussions concerning the development of the essential
22 services transition plan as part of the intergovernmental
23 cooperation agreement.

24 (c) Intergovernmental cooperation.--During the 180-day
25 period of the development of the essential services transition
26 plan as part of the intergovernmental cooperation agreement
27 between the county and the municipal corporation, the county and
28 the municipal corporation shall exchange information and provide
29 records and other necessary documents as may be reasonably
30 requested to assist in the preparation of the agreement.

1 (d) Extension.--

2 (1) If a final proposed essential services transition
3 plan as part of the intergovernmental cooperation agreement
4 is not completed by the end of the 180-day period in
5 subsection (b), the time period for the development of the
6 essential services transition plan may be extended by mutual
7 agreement of the county and the municipal corporation for an
8 additional 90 days.

9 (2) If the county and the municipal corporation cannot
10 reach an agreement on a final proposed essential services
11 transition plan by the end of the additional 90-day period,
12 then all discussions concerning possible dissolution of the
13 municipal corporation and replacement of its governance by an
14 unincorporated district administered by the county shall be
15 concluded.

16 (e) Costs and expenses.--The county and the municipal
17 corporation shall bear their own costs and expenses incurred
18 during the development of the essential services transition
19 plan.

20 Section 3106-D. Essential services transition plan.

21 (a) Content.--In addition to the requirements contained in
22 53 Pa.C.S. § 2307 (relating to content of ordinance), the
23 intergovernmental cooperation agreement created under section
24 3105-D shall include a written proposed essential services
25 transition plan. The plan shall provide for, but, not be limited
26 to, the following matters:

27 (1) Establishment of the name of the district. A
28 district established by this article shall be named "The
29 Unincorporated District of _____ of _____ County."

30 (2) Disposition and handling of debts and obligations of

1 the municipal corporation.

2 (3) Disposition and handling of suits, claims and
3 demands against the municipal corporation.

4 (4) The closing or transfer of all accounts of the
5 municipal corporation.

6 (5) The status, number and role of employees of the
7 municipal corporation and modifications to or rescission of
8 collective bargaining agreements applicable to the employees
9 in accordance with applicable laws.

10 (6) The disposition of each ongoing contract to which
11 the municipal corporation is a party. The proposed essential
12 services transition plan may provide for the disposition of
13 each contract by making the county a successor to the
14 contract with the assent of other parties to the contract or
15 the termination or modification of the contract according to
16 the contract's terms.

17 (7) Disposition of all real and personal property and
18 other assets of the municipal corporation by sale, lease or
19 conveyance. The proceeds of a disposition shall be used for
20 the exclusive benefit of the residents of the municipal
21 corporation and may be applied for the following purposes:

22 (i) Payment of outstanding debt obligations to the
23 municipal corporation.

24 (ii) Provision of municipal services to the electors
25 of the municipal corporation.

26 (8) A consolidation of ordinances of the municipal
27 corporation related to the health, safety or general welfare
28 of the residents of the district and land use that the county
29 and the municipal corporation determine will remain in effect
30 within the district following the dissolution of the

1 municipal corporation.

2 (9) (i) The rates of taxes and fees that shall apply in
3 the unincorporated district beginning on the date of the
4 dissolution of the municipal corporation.

5 (ii) This paragraph shall apply to any tax that the
6 municipal corporation may levy by its municipal code or
7 the act of December 31, 1965 (P.L.1257, No.511), known as
8 The Local Tax Enabling Act.

9 (10) Local emergency management in accordance with the
10 plan and program of the Pennsylvania Emergency Management
11 Agency. The plan shall provide for the district in a
12 substantially similar manner as plans required for a
13 political subdivision under 35 Pa.C.S. Ch. 75 Subch. A
14 (relating to general provisions). The proposed essential
15 services transition plan shall include a procedure for a
16 declaration of a disaster emergency to be made in the
17 district and the designation of a local coordinator of
18 emergency management.

19 (11) The disposition and storage of all books, records,
20 deeds, papers and other important documents.

21 (12) The status, funding, payment and future
22 administration of pensions and pension plans administered by
23 the municipal corporation or on behalf of the municipal
24 corporation by a third party.

25 (13) The level and mode of delivery of municipal
26 services.

27 (14) A proposed operating and capital budget that may
28 include a capital improvement plan and tax and fee rates.

29 (15) Outstanding delinquent taxes and debts and
30 assignment of the delinquent taxes and debts for collection.

1 (16) The formation of the district advisory committee
2 which shall be consistent with section 3112-D and the powers
3 and duties provided under this article. The plan shall
4 provide for the methods of appointment, removal and
5 designation of a chair and terms of the members of the
6 committee.

7 (17) Any other matter or item determined by the county
8 and the municipal corporation to be germane to the future
9 governance of the municipal corporation by an unincorporated
10 district administered by the county.

11 (b) Public notice.--

12 (1) Notwithstanding the provisions of 53 Pa.C.S. Ch. 23
13 (relating to general provisions), not less than 45 days
14 before executing the proposed essential services transition
15 plan as a part of an intergovernmental cooperation agreement
16 under subsection (a), the municipal corporation shall publish
17 in at least one newspaper of general circulation a
18 notification of the hearing under subsection (c) and a brief
19 summary prepared by the solicitor of the municipal
20 corporation of the proposed intergovernmental cooperation
21 agreement stating all the provisions of the proposed
22 essential services transition plan between the county and the
23 municipal corporation in reasonable detail and a reference to
24 the office or other place where copies of the proposed
25 intergovernmental cooperation agreement may be examined.

26 (2) The proposed intergovernmental cooperation agreement
27 shall also be published on the publicly accessible Internet
28 website of the county and the municipal corporation, where
29 the publicly accessible Internet website has been previously
30 established.

1 (c) Public hearing.--

2 (1) At least 15 days after the publication of the notice
3 under subsection (b), the governing body of the municipal
4 corporation shall hold a public hearing, located in the
5 municipal corporation, to present a summary of the proposed
6 agreement and accept public comment on the proposed essential
7 services transition plan.

8 (2) Two members of county council, one of whom shall be
9 the member who represents the municipal corporation on the
10 county council, the county executive of the county or the
11 county executive's designee and such other representatives of
12 the county who the county executive deems necessary, shall
13 attend the public hearing to provide information on the
14 proposed intergovernmental cooperation agreement and to
15 receive public comments.

16 (d) Revisions following public hearing.--A revision made to
17 the proposed essential services transition plan as a part of an
18 intergovernmental cooperation agreement after the public hearing
19 shall be made available for public examination and published on
20 the publicly accessible Internet website as provided under
21 subsection (b), at least 15 days prior to final approval and the
22 execution of the agreement by the governing body of the
23 municipal corporation.

24 (e) Final approval of essential services transition plan.--

25 (1) (i) The governing body of the municipal corporation
26 shall take official action on an ordinance to adopt the
27 final proposed intergovernmental cooperation agreement
28 under the provisions of 53 Pa.C.S. Ch. 23 at a regularly
29 scheduled meeting or at a special meeting called to
30 consider the final proposed agreement.

1 (ii) If the governing body of the municipal
2 corporation approves the ordinance to adopt the final
3 proposed intergovernmental cooperation agreement, the
4 ordinance of the municipal corporation shall become
5 effective only as provided in section 3107-D(b)(4). The
6 municipal corporation, through its authorized
7 representative or delegate, shall execute the final
8 proposed intergovernmental cooperation agreement and
9 transmit the signed agreement and certified copies of its
10 official action approving the final proposed agreement to
11 county council, the county executive and the county
12 manager.

13 (iii) If the governing body of the municipal
14 corporation disapproves the ordinance to adopt the final
15 proposed intergovernmental cooperation agreement, the
16 municipal corporation shall transmit official notice of
17 the disapproval of the final proposed agreement to the
18 county council, the county executive and the county
19 manager.

20 (iv) Upon receipt of notice of disapproval of the
21 final proposed agreement, the possible dissolution of the
22 municipal corporation and replacement of its governance
23 by an unincorporated district administered by the county
24 shall be deemed to be concluded.

25 (2) (i) Upon receipt of a certified copy of the
26 municipal corporation's official action approving the
27 final proposed agreement, the county council shall take
28 official action to approve the final proposed
29 intergovernmental cooperation agreement by enacting a
30 county ordinance that becomes effective as provided under

1 section 3111-D at a regularly scheduled meeting or at a
2 special meeting called to consider the final proposed
3 agreement.

4 (ii) If the county council takes official action to
5 approve the final proposed agreement, the county council
6 shall submit the proposed county ordinance approving the
7 final proposed intergovernmental cooperation agreement to
8 the county executive for approval in accordance with the
9 county's administrative code.

10 (iii) If the county executive signs the county
11 ordinance or the county council overrides a veto of the
12 ordinance, the county manager shall execute the final
13 intergovernmental cooperation agreement on behalf of the
14 county and transmit the signed intergovernmental
15 cooperation agreement and a certified copy of county
16 council's official action approving the county ordinance
17 authorizing the final proposed agreement to the municipal
18 corporation.

19 (iv) If the county council votes to disapprove the
20 county ordinance authorizing the final proposed agreement
21 or the county council fails to override the county
22 executive's veto of the county ordinance authorizing the
23 final proposed agreement, the county council, through its
24 authorized representative or delegate, shall transmit
25 official notice of the disapproval of the final proposed
26 agreement to the municipal corporation, the county
27 executive and the county manager.

28 (v) Upon receipt of the notice of disapproval of the
29 final proposed agreement, the possible dissolution of the
30 municipal corporation and replacement of its governance

1 by an unincorporated district administered by the county
2 shall be deemed to be concluded.

3 Section 3107-D. Referendum.

4 (a) Filing.--

5 (1) Within 30 days of the receipt of the fully signed
6 intergovernmental cooperation agreement from the county
7 pursuant to section 3106-D(e)(2), the governing body of the
8 municipal corporation shall file a notice with the county
9 board of elections requesting submission of the question of
10 the dissolution of the municipal corporation to the voters of
11 the municipal corporation by referendum.

12 (2) The governing body of the municipal corporation
13 shall include a certified copy of the signed
14 intergovernmental cooperation agreement with the notice of
15 intent for holding the referendum.

16 (3) The governing body of the municipal corporation
17 shall provide copies of the notice of intent filed with the
18 county board of elections to the county council, the county
19 executive and the county manager.

20 (b) Conduct of referendum.--

21 (1) Upon receiving the notice in subsection (a), the
22 county board of elections shall schedule a referendum to be
23 held at the next available election occurring at least 13
24 weeks after the municipal corporation's receipt of the signed
25 intergovernmental cooperation agreement from the county under
26 section 3106-D(e)(2).

27 (2) The question of the referendum shall be:

28 Shall (name of municipal corporation) dissolve its
29 existing form of governance and become an
30 unincorporated district administered by the county

1 under the essential services transition plan adopted
2 (date of intergovernmental cooperation agreement)?

3 (3) Upon certification of the election results, the
4 county board of elections shall send notice of the results of
5 the referendum to the governing body of the municipal
6 corporation, the county council, the county executive, the
7 county manager and the Department of Community and Economic
8 Development.

9 (4) If a majority of the electors voting on the question
10 approve, dissolution of the municipal corporation shall occur
11 according to the provisions of section 3108-D.

12 (5) No municipal corporation that has disapproved a
13 referendum under this section shall initiate the processes
14 for municipal dissolution under this article for a period of
15 five years.

16 Section 3108-D. Effect of dissolution.

17 (a) Winding-down of affairs of the municipal corporation.--
18 Following certification by the county board of elections that
19 the referendum has been approved, the governing body of the
20 municipal corporation, with the assistance of the county, shall
21 proceed with the orderly winding-down of the municipal
22 corporation in accordance with the essential services transition
23 plan.

24 (b) Effective date of dissolution.--The effective date of
25 the dissolution of the municipal corporation shall be 180 days
26 following the certification by the county board of elections
27 that the referendum has been approved. Upon the effective date
28 of dissolution, all of the following shall occur:

29 (1) The terms of office of all elected and appointed
30 officers of the municipal corporation shall end.

1 (2) The essential services transition plan adopted by
2 the intergovernmental cooperation agreement shall take effect
3 as a county ordinance under section 3111-D.

4 (3) The area formerly contained within the municipal
5 corporation shall become an unincorporated district of the
6 county. The district shall have the name designated in the
7 intergovernmental cooperation agreement.

8 (4) The members of the district advisory committee shall
9 be appointed according to the provisions of the essential
10 services transition plan ordinance within 30 days.

11 Section 3109-D. Unincorporated district of county.

12 (a) General rule.--The area formerly contained within a
13 municipal corporation shall, after dissolution under this
14 article, become an unincorporated district of the county in
15 which it is located. The unincorporated district shall be a
16 limited purpose unit of local government established to be
17 administered by and receive services from the county.

18 (b) Authorized administrative authority.--

19 (1) All legislative, administrative and quasi-judicial
20 powers of the unincorporated district shall be vested in the
21 county.

22 (2) The county manager, through the administrative
23 structure that is deemed to be appropriate and necessary,
24 shall manage the day-to-day operations of the unincorporated
25 district.

26 (3) The county manager shall prepare an annual operating
27 and capital budget and proposed tax, fee and service charge
28 rates for the unincorporated district for the county
29 council's approval.

30 (4) The county council may enact such ordinances to

1 provide for the exercise of the powers assigned to the county
2 in this article and the delivery of public services to the
3 citizens residing in the unincorporated district as the
4 county council deems necessary.

5 (c) Corporate powers.--The county may exercise the following
6 powers in the governance and administration of the
7 unincorporated district:

8 (1) Any power which would have been conferred upon the
9 municipal corporation prior to its dissolution by the laws of
10 this Commonwealth relating to the municipal corporation,
11 including, but not limited to, the municipal code applicable
12 to the dissolved municipality or the home rule charter of the
13 municipal corporation.

14 (2) Any power conferred by statute upon all
15 municipalities in this Commonwealth or all municipalities of
16 the class that the municipal corporation had been prior to
17 dissolution.

18 (3) Any power of the county not denied by this article,
19 the county's home rule charter, as the case may be, or the
20 Constitution of Pennsylvania.

21 (d) District real and personal property.--

22 (1) All assets not sold by the municipal corporation
23 during the course of the winding-down of its affairs and the
24 date of dissolution as provided for in section 3108-D shall
25 become the property of the unincorporated district. Proceeds
26 resulting from the disposition of any such property shall be
27 applied for the exclusive benefit of the residents of the
28 district.

29 (2) The county shall provide as it deems necessary and
30 prudent for the repair and maintenance of all real property

1 and roadways for the benefit of the residents and property
2 owners of the unincorporated district.

3 (3) Nothing in this subsection shall be construed to
4 require the express approval of the General Assembly to
5 dispose of or use any lands acquired with funds under the act
6 of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the
7 Project 70 Land Acquisition and Borrowing Act, for purposes
8 other than those provided by that act, except that the
9 Commonwealth may succeed in title of the property for the
10 limited purposes established by this subsection.

11 (e) Former municipal debt.--

12 (1) All debt incurred by the municipal corporation
13 before the establishment of the unincorporated district shall
14 be the debt of the district. The county shall provide for the
15 service of the debt from revenues collected within the
16 district.

17 (2) Nothing in this subsection shall be construed to
18 require the county to guarantee debt incurred by a dissolved
19 municipality or unincorporated district with revenues from
20 the county's general fund or other source of revenue not
21 derived from taxes collected or fees assessed for the
22 administration of this article or gains from the sale of
23 assets of the dissolved municipality.

24 (f) District debt.--

25 (1) The county may incur debt designating the
26 unincorporated district as the promisor provided that the
27 debt is limited to the exclusive benefit of the residents of
28 the district. For the purposes of 53 Pa.C.S. Part VII Subpart
29 B (relating to indebtedness and borrowing), the district
30 shall constitute a local government unit.

1 (2) Taxes levied by the county in the district may be a
2 form of guaranteed revenue to support the debt.

3 (3) Debt incurred under this subsection shall be
4 evaluated against the borrowing base of the district but not
5 the county.

6 (g) Eligibility for State grants and programs.--The county
7 may apply for and be eligible to receive any financial grant,
8 loan or payment on behalf of the district, and the district may
9 participate in any program for which it was eligible when it was
10 a municipal corporation, including, but not limited to,
11 emergency grants and loans from the Commonwealth, payments
12 distributed under the act of June 1, 1956 (1955 P.L.1944,
13 No.655), referred to as the Liquid Fuels Tax Municipal
14 Allocation Law, all programs administered by the Pennsylvania
15 Infrastructure Investment Authority and all economic and
16 community development programs funded by the Commonwealth.

17 (h) Relationship with existing municipal and other
18 authorities preserved.--

19 (1) Authorities established to provide services to the
20 residents and property owners of a municipal corporation
21 prior to dissolution shall continue to serve the residents
22 and property owners of a district, and members of the
23 authority appointed by the governing body of the municipal
24 corporation prior to dissolution shall continue to serve out
25 the remainder of the members' respective terms.

26 (2) Notwithstanding the provisions of 53 Pa.C.S. § 5607
27 (relating to purposes and powers) or any other provision of
28 law, subsequent appointments to the authority board which
29 would otherwise be made by the governing body of the
30 municipal corporation shall be made by the county executive

1 in consultation with the district advisory committee subject
2 to approval by the county council.

3 (i) Pennsylvania Construction Code.--The act of November 10,
4 1999 (P.L.491, No.45), known as the Pennsylvania Construction
5 Code Act, shall apply to construction, alteration, repair and
6 occupancy of buildings within the district as though the
7 district were a municipality.

8 (j) Continuation of local ordinances, rules and
9 regulations.--

10 (1) Subject to the provisions of the home rule charter
11 and the administrative code, the county council shall be
12 vested with the power to amend, repeal or enact ordinances,
13 rules and regulations governing an unincorporated district.

14 (2) Unless amended or repealed by county council, all
15 ordinances, rules and regulations of the municipal
16 corporation in effect as of the date of dissolution shall
17 remain in effect as if duly adopted under the county home
18 rule charter and the administrative code and shall be
19 enforced by the county within an unincorporated district.

20 Section 3110-D. Revenue, taxation, fees and assessments.

21 (a) General rule.--The county council may, acting as the
22 governing body of the unincorporated district, enact through
23 ordinance and resolution and the county executive, through the
24 county manager, may enforce local tax, fee and service charges
25 for the unincorporated district at any rate or amount as granted
26 by statute to the class of municipal corporation that the
27 unincorporated district was prior to its dissolution under this
28 article or under other applicable State laws, including, but not
29 limited to, the act of December 31, 1965 (P.L.1257, No.511),
30 known as The Local Tax Enabling Act.

1 (b) Levy.--

2 (1) The county council shall levy and the county shall
3 collect taxes, fees and service charges authorized by
4 subsection (a) on the subjects of taxation and fees or
5 service charges on behalf of the unincorporated district for
6 the operating and capital expenses of the unincorporated
7 district.

8 (2) If the county levies a tax on the district that
9 would have been a taxation power of the municipal corporation
10 prior to dissolution, revenue derived from the levy shall be
11 restricted to the exclusive benefit of the district.

12 (3) In lieu of the power specified in paragraph (1), the
13 county may levy, on subjects fixed by law for each municipal
14 corporation prior to dissolution, uniform taxes on all
15 unincorporated districts within the county, provided that the
16 revenue derived from the levy is restricted to the exclusive
17 benefit of all districts within the county.

18 (c) Other revenues.--If the dissolved municipality collected
19 or received revenue other than through taxes, fees or service
20 charges, the same shall continue to be paid to the county after
21 dissolution, and the county shall apply the revenue to the
22 exclusive benefit of the district.

23 (d) Uncollected taxes, fees and service charges.--If, after
24 the effective date of dissolution, there are uncollected taxes,
25 fees and service charges, revenues or unsatisfied tax claims or
26 municipal claims, debts or obligations owed to the dissolved
27 municipality, the county may take action authorized by the laws
28 of this Commonwealth to ensure that the uncollected taxes, fees
29 and service charges, revenues or unsatisfied tax claims or
30 municipal claims, debts or obligations of the dissolved

1 municipality are paid to the county for the benefit of the
2 district.

3 Section 3111-D. Essential services transition plan ordinance.

4 (a) Effective date of essential services transition plan
5 ordinance.--Upon the dissolution of the municipal corporation
6 and expiration of the intergovernmental cooperation agreement,
7 the essential services transition plan adopted by the agreement
8 shall take effect as an ordinance of the county that applies to
9 the unincorporated district.

10 (b) Revision of essential services transition plan
11 ordinance.--The county, through the county council, may
12 periodically adopt, amend or repeal any provision of the
13 essential services plan ordinance for a specific unincorporated
14 district, provided that the residents of the district are given
15 an opportunity to make local comment on any proposed revision to
16 the ordinance under subsection (c) prior to the governing body's
17 vote revising the ordinance.

18 (c) Local comment meeting.--

19 (1) If the county proposes a revision to the essential
20 services transition plan ordinance of a specific
21 unincorporated district, a special joint meeting of a quorum
22 of the district advisory committee and two members of the
23 county council shall be convened. The chair of the district
24 advisory committee shall preside over the meeting.

25 (2) If the county governing body is elected by electoral
26 district, at least one of the members of the county governing
27 body participating in the special joint meeting shall be a
28 member that represents at least a portion of the
29 unincorporated district.

30 (3) The members of the district advisory committee and

1 the county council shall permit public comment on the county
2 proposal at the special joint meeting.

3 (4) The members of the special joint meeting shall vote
4 on a resolution regarding the proposal to:

5 (i) recommend the adoption of the proposal;

6 (ii) recommend the adoption of the proposal with
7 amendment;

8 (iii) recommend against the adoption of the
9 proposal; or

10 (iv) abstain from making a recommendation on the
11 proposal.

12 (5) The members participating in the joint special
13 meeting shall provide notice of any resolution adopted at the
14 joint special meeting to each member of the county council.

15 Section 3112-D. District advisory committee.

16 (a) Composition.--

17 (1) Each unincorporated district shall establish a
18 district advisory committee. The district advisory committee
19 shall consist of three members, who must be electors residing
20 within the district.

21 (2) The members of the district advisory committee shall
22 be appointed by the county executive subject to approval by a
23 majority of the seated members of the county council.

24 (3) The members of the district advisory committee shall
25 serve at the pleasure of the county executive.

26 (4) At the first meeting of each calendar year, the
27 district advisory committee shall elect a chair who shall
28 preside over each meeting.

29 (b) Meetings.--

30 (1) The district advisory committee shall hold at least

1 four regularly scheduled public meetings in the
2 unincorporated district each year. The meetings shall be open
3 meetings under 65 Pa.C.S. Ch. 7 (relating to open meetings).

4 (2) At each meeting, the district advisory committee
5 shall permit public comment and may provide recommendations
6 by resolution to the county as to the governance and
7 administration of the district.

8 (3) A majority of the members of the district advisory
9 committee shall constitute a quorum.

10 Section 3113-D. Financial assistance.

11 The Department of Community and Economic Development shall
12 establish and administer, provided funds are appropriated or
13 available for the purpose, a grant program to assist municipal
14 corporations that are considering dissolution and formation of
15 an unincorporated district administered by the county. Grants
16 may be used by municipal corporations and the county to offset
17 the cost and expenses in the development of essential services
18 transition plans.

19 Section 3114-D. Merger and consolidation and reestablishment of
20 or incorporation as a municipal corporation.

21 (a) Procedure.--

22 (1) For the limited purpose of merging or consolidating
23 with one or more surrounding municipalities under 53 Pa.C.S.
24 Ch. 7 Subch. C (relating to consolidation and merger), the
25 residents of an unincorporated district may file a petition
26 with the county board of elections as provided in 53 Pa.C.S.
27 §§ 735 (relating to initiative of electors seeking
28 consolidation or merger without new home rule charter) and
29 735.1 (relating to initiative of electors seeking
30 consolidation or merger with new home rule charter).

1 (2) Residents of the district may be nominated to and
2 serve on a commission formed to study merger or consolidation
3 of the district with one or more municipalities.

4 (3) Upon favorable action by the electorate on
5 consolidation or merger, the district advisory committee
6 shall enter into a merger or consolidation agreement with the
7 governing bodies of other municipalities in accordance with
8 53 Pa.C.S. § 737 (relating to consolidation or merger
9 agreement) and the committee shall provide for the transition
10 of the district into a consolidated or merged municipality
11 with the same powers and duties as provided by law to
12 governing bodies of municipalities.

13 (4) The district advisory committee and the county shall
14 cooperate to expend funds for the purpose of merger,
15 consolidation or reestablishment of the municipal corporation
16 as provided in subsection (b).

17 (b) Reestablishment of or incorporation as a municipal
18 corporation.--The electors of an unincorporated district may
19 reestablish the territory of the district as a municipal
20 corporation or incorporate the territory of the unincorporated
21 district in accordance with the laws of this Commonwealth
22 governing the establishment of the intended municipal
23 corporation.

24 (c) Grants permitted.--The Department of Community and
25 Economic Development or the county may issue a loan or grant
26 authorized under applicable laws to a merged, consolidated or
27 subsequently incorporated municipality, including the territory
28 of the district, to provide transitional assistance.

29 (d) Assets.--All assets of the district shall be conveyed to
30 a merged, consolidated or subsequently reestablished or

1 incorporated municipality, including the territory of the
2 district.

3 (e) Assumption of debt.--All debt obligations for which the
4 district is the promisor shall be assumed by a merged,
5 consolidated or subsequently reestablished or incorporated
6 municipality, including the territory of the district.

7 Section 3115-D. Severability.

8 The provisions of this article are severable. If any
9 provision of this article or its application to any person or
10 circumstances is held to be invalid, the invalidity shall not
11 affect other provisions or applications of this article that can
12 be given effect without the invalid provision or application.

13 Section 3116-D. Effect of dissolution.

14 The dissolution of a municipal corporation and the creation
15 of an unincorporated district shall not affect the municipal
16 corporation's classification as a municipality for purposes of
17 other laws.

18 Section 2. The provisions of 53 Pa.C.S. Ch. 29 are repealed
19 to the extent that they are inconsistent with the provisions of
20 this act.

21 Section 3. This act shall take effect immediately.