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Citizen's Guide to Pennsylvania Local Government

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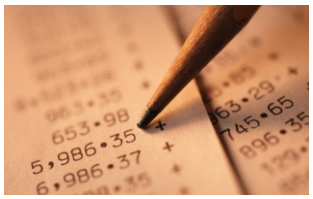

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Citizen's Guide to Pennsylvania Local Government

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I. Pennsylvania Local Government

Local government in Pennsylvania is a mosaic of 4,678 individual units. All were established by the state or provincial government and operate under the laws of the Commonwealth. Each unit is distinct and independent of other local units, although they may overlap geographically and may act together to serve the public.

In January 2010, there were 67 counties, 56 cities, 958 boroughs, one incorporated town, 1,547 townships (91 first class; 1,454 second class), 500 school districts and 1,546 active authorities. The number of local units has remained fairly stable for the past few decades with two major exceptions. After passage of school district legislation in 1963 and 1965, the number of school districts diminished radically. Authorities, born as local units during the depression years of the 1930's, have increased at a rapid pace since then.

Municipal Names

With so many local governments, it should not be surprising that many have the same or similar names. Washington is the name of both a county and a city, plus 22 townships. We also have a Washingtonville Borough. In addition to the county, there are 18 townships named Union, along with Union City Borough, Uniondale Borough, Unionville Borough, Uniontown City and Unity Township. Along with Jackson Center Borough, 18 townships are named Jackson.

Presidential names are popular. Pennsylvania boasts counties named Washington, Adams, Jefferson and Monroe, and cities, boroughs and townships named Washington, Adams, Jefferson, Madison, Monroe, Jackson and Lincoln, plus one township named President. Our founding fathers are well-represented, with Franklin the most popular. We have a county, city, borough and 15 townships named Franklin along with Franklin Park Borough and Franklintown Borough. Thirteen townships plus one borough are named Penn, as well as Penn Forest Borough, Penn Hills Borough, Penn Lake Borough and Mount Penn Borough. We have 5 townships named Hamilton and another called Hamiltonban.

Pennsylvania municipalities often have the same name as other well-known locales, such as (New) Albany, Alexandria, Baltimore, Berlin, Bethlehem, Britain, Buffalo, London, Paris and Wilmington. Pennsylvania's many rivers and streams have helped to inspire Roaring Brook and Roaring Creek Townships, along with Roaring Spring Borough. We also have nine townships named Springfield, five named Spring and two each named Spring Creek and Springhill. We have boroughs named Spring City, Spring Grove and Springboro, plus townships named Spring Brook, Spring Garden and Springville. Springdale is the name of both a borough and a township. We have boroughs named Seven Fields, Seven Springs and Seven Valleys. From Abbot Township in Potter County to Zerbe Township in Northumberland County, Pennsylvania is rich with historical and interesting names.

National Government and Local Units

Local government is one of the powers reserved to the states in Article X of the United States Constitution. Municipalities operate chiefly under the authority of state law. However, since the 1930's when the cities of the nation looked to the federal government for financial assistance to combat the problems brought on by the Great Depression, the national government has taken an active role in local government.

Through financial subsidies, grants and technical assistance, federal agencies have stimulated development of low cost housing, urban renewal, improved educational facilities, modern highways, mass transit, health and welfare services and recreation facilities. Federal community development block grants and other programs

have strengthened direct links between federal and local government. National associations of local governments lobby extensively in Congress, and congressmen are active on behalf of local governments in their constituencies. Recent years have seen a shift to block grant programs and transfer of responsibilities to the states.

State Constitutional Provisions

The Pennsylvania Constitution authorizes the state to enact laws regulating local units of government. It outlines basic requirements and rights. The Constitution requires periodic municipal redistricting, guarantees the right to select a home rule charter or an optional plan of government, and mandates uniform legislation for municipal boundary change procedure. The Constitution also prohibits special or local legislation by the General Assembly, sets up county government with elected row officers, permits classification of local governments according to population, and requires taxation to be uniform upon the same classes of subjects. The General Assembly is allowed to enact certain tax exemptions and special tax provisions because of age, disability, infirmity or poverty, and is authorized to prescribe debt limits based on municipal revenues.

State Legislation

Municipalities and school districts may be classified according to population; the General Assembly can legislate separately for each class. There are four general types of municipalities in Pennsylvania: counties, cities, boroughs and townships. At the present time, there are nine classes of counties, four classes of cities, two classes of townships and five classes of school districts. Boroughs are not classified.

Each class of municipality operates under its own code of laws. The codes set forth governmental structure and delineate general and specific powers of local government. They are the County Code, Second Class County Code, Third Class City Code, Borough Code, First Class Township Code, Second Class Township Code and Public School Code.

There is also extensive general legislation applying to local governments. Some examples of legislative provisions outside the local government codes are real property assessment, local nonproperty taxes, municipal borrowing, real estate tax collection, intergovernmental cooperation, municipal employee retirement, solid waste management, sewage facilities and planning and zoning.

Significant general laws affecting local governments both grant powers and impose restrictions. The Pennsylvania Municipalities Planning Code empowers municipalities to plan their development and adopt zoning, subdivision and land development ordinances. The Pennsylvania Sewage Facilities Act regulates community and individual sewage disposal systems. The Solid Waste Management Act provides for solid waste collection and disposal. The Municipal Waste Planning, Recycling and Waste Reduction Act mandates recycling programs in certain communities. The Worker and Community Right to Know Act requires municipal employers to identify any hazardous materials being used and to inform and properly train their employees.

The Local Government Unit Debt Act establishes debt limits for local government units based on municipal revenues. The Municipal Police Education and Training Act mandates training of all municipal police officers. The Intergovernmental Cooperation Act permits two or more municipalities to cooperate jointly in the exercise of any governmental functions and allows municipalities to delegate powers to other local units. The Sunshine Law requires public agencies to take formal action only at meetings open to the public. There are numerous other general laws affecting local government powers and procedures.

The state gives local governments authority to levy taxes on persons and property within their jurisdiction and provides for tax exemptions. Taxes are levied and collected under general laws. The two primary sources of tax revenue at the local level are the real estate tax, authorized under the municipal codes, and the earned income tax, authorized by the Local Tax Enabling Act.

Home Rule and Optional Plans

The Home Rule Charter and Optional Plans Law grants Pennsylvania local governments the power to determine for themselves what structure their government will take and what powers it will exercise. A home rule municipality no longer has its powers and organization determined by the state legislature. Voters of a home rule municipality draft and amend their own charter. The home rule municipality can exercise any power or perform any function not denied by the Constitution, the General Assembly or its own home rule charter. It is not subject to any provisions of the municipal codes. General legislation in specified areas still applies as do all laws uniform and applicable statewide. As of January 2006, 71 jurisdictions have adopted home rule charters, including six counties, 19 cities, 19 boroughs and 27 townships.

Between 1957 and 1972, third class cities could choose the mayor-council or council-manager form of government under the Optional Third Class City Charter Law. The Home Rule Charter and Optional Plans Law of 1972 extended to all municipalities the right to adopt optional plans of government. Adoption of an optional plan alters a municipality's structural form and administrative organization. The municipality continues to be subject to its particular municipal code regarding municipal powers. As of January 2003, three cities, two boroughs and six townships have adopted optional plans of government, and 13 cities continue to operate under optional charters.

County Government

There are 67 counties in Pennsylvania, including the consolidated city-county of Philadelphia. Each inhabitant of the state lives in and comes under the jurisdiction of one of them. The Constitution and state law establish a basic organization, but counties can adopt their own form of government under home rule.

County government, as provided for in the county codes, may be described as a "no-executive" type. The chief governing body is the three-member board of county commissioners, but numerous other elected officials function independently of the county commissioners, including the sheriff, district attorney, prothonotary, clerk of courts, register of wills, recorder of deeds and two jury commissioners whose duties are mostly concerned with the work of the county court. Additionally, the elected controller or three auditors and treasurer are county finance officers. The county commissioners, the elected officers and the county court individually, or jointly appoint a number of county officials and employees needed to carry out functions required by law, including the public defender.

The eleven elected county officers are enumerated in the Pennsylvania Constitution, but their powers and duties are prescribed by statutes located throughout the county codes and general state laws. Consolidation of certain offices in smaller counties involves the offices of prothonotary, clerk of courts, register of wills and recorder of deeds.

Municipal Powers

In addition to living under a county government, every Pennsylvanian also lives in a municipality. Municipal governing bodies make policy decisions, levy taxes, borrow money, authorize expenditures and direct administration of their governments by their appointees. The scope of their functions and responsibilities is broad.

Powers available to local governments are not exercised in every case. Others are shared with the state and even the national government. All of the various municipal units of Pennsylvania share the same basic responsibilities with respect to the provision of public services at the local level and have similar statutory powers for the most part. Although cities have more specifically enumerated powers than boroughs or townships, many of those powers may also be exercised by boroughs and townships under general grants of power. Home rule provides equal opportunity for all classes of municipalities to exercise new powers.

The main areas of local services include police and fire protection, maintenance of local roads and streets, water supply, sewage collection and treatment, parking and traffic control, local planning and zoning, parks and recreation, garbage collection, health services, libraries, licensing of businesses and code enforcement.

Home Rule Municipalities

The oldest and largest Pennsylvania city, Philadelphia, has operated under a strong-mayor home rule charter since 1952. There is a council of 17 members; one elected from each of the 10 council districts of the city and seven elected at-large. Each political party may nominate one candidate for each of the 10 district positions, but only five for the seven at-large places. This allows the minority party to elect at least two members. The mayor, also elected, has control over the administration of the city. He is assisted by a managing director who supervises ten major departments, a director of finance, a city representative and a city solicitor.

Pittsburgh and Scranton also have strong mayors who, like the chief executive of Philadelphia, have broad appointive and removal powers, are responsible for preparing the annual budget, recommend measures for the consideration of council, and may veto legislation which may be overridden by a two-thirds majority of the council. Home rule charters were adopted by Scranton and Pittsburgh in 1974. In all three cities, the mayor is the dominant force in city government.

Third Class Cities

The Third Class City Code establishes a commission form of government. Under this form, the mayor and four councilmen constitute the governing body of the city. The mayor is one of the members of council and acts as president. Each councilman is in charge of one of the five major departments. These officials and the controller and treasurer are elected at-large for a four-year term. Council terms overlap. Appointment of all other officers and employees is made by council.

From 1957 to 1972, cities could adopt two other forms of government by referendum under the Optional Third Class City Charter Law. The mayor-council form has a five, seven or nine-member council, elected at-large for overlapping four-year terms. A mayor, treasurer and a controller are also elected for four years. The mayor is the chief executive of the city and enforces the ordinances of council. The mayor supervises the work of all city departments and submits the annual city budget to council.

In the council-manager form, all authority is lodged with council, composed of five, seven or nine members elected at-large for four-year overlapping terms. A city treasurer and controller are also elected. A city manager is appointed by council. The manager is the chief administrative officer of the city and is responsible for executing the ordinances of council. The manager appoints and may remove department heads and subordinates.

Boroughs

The present type of borough government is the weak mayor form, typical of all municipalities in the nineteenth century. Most of the present cities were boroughs first and became cities as their populations increased. Boroughs have a strong and dominant council, a weak executive and other elected officers with powers independent of the council. The governing body of the borough is an elected council. The tax collector, assessor and auditors are also elected. Many other officials are appointed by borough council.

The mayor is elected for a four-year term; councilmen are elected for four-year overlapping terms. A borough not divided into wards has three, five or seven councilmen; in boroughs divided into wards, one, two or three are elected from each ward. The powers of council are broad and extensive, covering virtually the whole range of municipal functions.

As the chief administrative officer appointed by council, the manager is responsible for carrying out the policies and enforcing the ordinances of council, relieving councilmen from routine daily administration.

Townships

Pennsylvania has two classes of townships. All townships are second class except where first class status has been approved by the voters. To become a township of the first class, a second class township must have a population density of 300 persons per square mile, and voters must approve the change of classification in a referendum. Many townships meeting the density requirement have remained second class.

In townships operating under the First Class Township Code, the governing body is made up of elected commissioners. There are either five commissioners elected at large or up to 15 elected by wards. The commissioners have four-year overlapping terms. Bristol Township has adopted an executive-council optional plan, but remains subject to the nonstructural provisions of the First Class Township Code.

The governing body of townships operating under the Second Class Township Code is composed of three supervisors who are elected at large. Two additional supervisors may be elected if approved by the voters in referendum. All are elected at-large for six-year terms.

Other elected township officials include the tax assessor, tax collector (second class), three auditors or controller and a treasurer (first class only). Appointive officers include the secretary, township manager (if desired), chief of police, fire chief, engineer, solicitor and others.

Authorities

The authority is a special kind of local unit. They are not general government entities as are cities, boroughs and townships. They are set up to borrow money and perform a special service. An authority is a body corporate and politic authorized to acquire, construct, improve, maintain and operate projects, and to borrow money and issue bonds to finance them. Projects include public facilities such as buildings, including school buildings, transportation facilities, marketing and shopping facilities, highways, parkways, airports, parking facilities, waterworks, sewage treatment plants, playgrounds, hospitals and industrial development projects.

The original reason for establishing authorities was the restriction on incurring municipal debt imposed by the Commonwealth prior to the 1968 constitutional amendments, but they have proven useful mechanisms, particularly for joint municipal projects. As of January 2010, there were 1,539 active authorities in Pennsylvania.

School Districts

The Constitution of Pennsylvania directs the General Assembly to provide for the maintenance and support of a thorough and effective system of public schools. The General Assembly has consolidated school legislation in the Public School Code. It regulates the local and state administration of the public schools. The state system for primary and secondary schools comprises three levels of responsibility: school districts, intermediate units and the state Department of Education.

The state's 500 school districts are divided into five classifications according to population. School districts are administered by nine-member school boards elected by the people for four-year overlapping terms, except in Philadelphia. In Philadelphia, a nine-member board of school directors is appointed by the mayor from a list submitted to him by an education nominating panel.

Boards of school directors are the controlling and governing agencies for local school districts. They have full power to carry out the responsibilities assigned to the school district by law. They may hire all personnel, provide for school buildings, buy textbooks and other supplies, levy taxes and issue bonds for school purposes. The administrative head of the local school system is the district superintendent and the school teachers and other personnel are usually recommended by him for appointment by the board.

Twenty-nine intermediate units provide consultative, advisory and educational program services to component school districts. Responsibility for administration, supervision and program operation rests with the school districts. The intermediate unit furnishes ancillary services necessary to provide opportunity for adequate basic services to all pupils of the Commonwealth and to improve the quality of education. The administrative head of the intermediate unit is the executive director. He is elected by the intermediate unit board of directors composed of representatives of the school boards comprising the intermediate unit.

The state Department of Education certifies teachers, provides advisory assistance in developing courses of study, administers state grants to public schools, approves plans for school buildings and facilities and, in general, provides leadership in the state for public education.

There is an important interrelationship between municipal units of government and their overlapping school districts. Though school districts were organized to carry out one function rather than many, they have problems in common with the municipalities they encompass. Usually these are problems of a fiscal nature. In areas such as taxation, assessment and borrowing, the policies of the municipalities and school districts have considerable effect on each other.

II. The Voter and Elections

The Constitution of the United States and the Constitution of Pennsylvania both contain provisions concerning the voter and elections. Article XV of the United States Constitution declares: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." Article XXVI guarantees the right to vote to persons 18 years of age and over.

The Pennsylvania Constitution declares elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent free exercise of the right of suffrage. Every citizen 18 years of age is eligible to vote, if the person has been a citizen of the United States at least one month and resided in the state and in the appropriate election district 30 days preceding the election.

Other state constitutional provisions relate to election days, offices to be filled by election, rights of electors, bribery of electors, election and registration laws, voting devices, violations of election laws, election districts, elections officers, contested elections and absentee voting.

Outside of constitutional provisions, the General Assembly has the power to enact legislation on voting and elections. Most of this legislation is contained in the registration laws and Election Code. Further amplification of elections law is made by the courts when interpreting constitutional and statutory provisions in actual cases brought before them.

The Election Calendar

The Constitution of Pennsylvania sets election days for general and municipal elections in different years. General elections are held biennially on the Tuesday following the first Monday of November in even-numbered years. Municipal elections are on the same day in odd-numbered years.

The primary elections preceding each general election are held on the third Tuesday of May in even numbered years, except in presidential election years when they are held on the fourth Tuesday of April. Municipal primary elections preceding each municipal election are held on the third Tuesday of May in odd-numbered years.

Elective Offices and Electoral Decisions

Pennsylvania electors vote for comparatively few national and state officials. On the national level, they vote for president and vice-president, two senators and one representative. On the state level, they vote for governor and lieutenant governor, attorney general, auditor general, state treasurer, one state senator and one state representative. Judges of the Supreme, Superior and Commonwealth Courts are elected statewide. Also considered state officers, judges of common pleas courts and Philadelphia municipal and traffic courts are elected from judicial districts, and magisterial district judges (formerly called district justices) are elected from magisterial districts.

Counties have the largest number of elective officers, including three county commissioners, three auditors or one controller, treasurer, coroner, recorder of deeds, prothonotary, clerk of courts, register of wills, sheriff, district attorney and two jury commissioners. Home rule counties may have different elective officers.

In the cities, boroughs, and one town (Bloomsburg), electors vote for a mayor and councilmembers; townships of the first class vote for a board of commissioners, and townships of the second class for a board of

supervisors. Other local elected officers are tax collectors, tax assessors, treasurers, auditors or a controller, and constable (except Philadelphia). The exact number and combination varies between classes of local units and population of the units.

In school districts, nine directors are elected, except in Philadelphia where they are appointed by the mayor. Candidates for school director are now permitted to crossfile for nomination, or register as a candidate of more than one political party in the primary election.

In election districts, the judge of elections and the two inspectors of election are elected.

Political parties use primary elections to nominate their candidates for elective office. Political party members also vote for state and local committeemen or chairmen. In presidential years, they also vote for delegates or alternates to the national convention of their party and for presidential preference. Candidates for delegate or alternate delegate to the national convention may run pledged to a presidential candidate or uncommitted. Pledged candidates must obtain prior authorization from the presidential candidate they are supporting.

Pennsylvania electors also vote on constitutional amendments, calls for constitutional conventions and proposed new constitutions. They also vote on certain local referenda submitted to them by the local governing bodies, such as the use of voting machines, sale of beer and liquor, adoption of home rule charters, and incurring local government debt. Voters in cities of the third class may initiate proposals for ordinances to be voted on by them or by council.

Residents of home rule communities generally have much greater powers of initiative and referendum than those available to people living in other communities. Unlike many other states, Pennsylvania has no general law authorizing initiative and referendum, nor are citizens able to amend the state constitution by citizen initiative petition and referendum. All amendments must originate from the General Assembly or a constitutional convention.

Terms for the elective local officers are usually four years, but there are some exceptions: county judges are elected for 10 years; magisterial district judges, township supervisors, and borough and township auditors for six-year terms.

Limited voting, where the elector votes for fewer candidates than offices to be filled, is practiced in the case of county commissioners, election district boards, and members of the Philadelphia city council. This is to ensure minority party representation.

Political Parties and Political Bodies

The main function of political parties recognized by law is to nominate candidates for elective office. Parties also make every effort to elect their candidates in the general and municipal elections. In such activities they are largely on their own, except that they must follow legislative direction in the raising and spending of money for political purposes.

Political parties are defined by law in Pennsylvania. There are statewide and countywide parties, both recognized only on the basis of the percentage of votes cast for their candidates in the last election. A countywide party meets the legal requirement when at either the general or municipal election preceding the primary, one of its candidates polled at least five percent of the largest entire vote cast for any officer elected in the county.

There are two types of political parties: major political parties and minor political parties. A minor political party is a party whose statewide registration is less than 15 percent of the combined statewide registration for all statewide political parties as of the close of registration immediately preceding the most recent November election. Minor political parties nominate candidates in the same manner as political bodies.

The names of candidates for nomination by a major political party are placed on the primary ballot by nomination petitions signed by a certain number of qualified electors from the local district where the nomination is to be made. For local offices, this number runs from five to 100 signers. A small fee must accompany the nomination petitions filed with the county board of elections.

A political body may nominate candidates who are known as "independent" because they are not sponsored by a major or minor political party. To get on the ballot, nomination of candidates of political bodies and minor parties must be made by nomination papers instead of primary elections. In the case of political bodies, these papers specify the name of the political body which the candidate represents. The name of the body must contain no more than three words, and these must not be identical or similar to any words used by a political party or a political body which has previously filed nomination papers. The nomination papers must also contain the names and addresses of three to five persons authorized to fill vacancies if they should occur. For local and state offices, the minimum number of signers on nomination papers must equal two percent of the largest entire vote cast for any elected official, except a judge of a court of record, at the last preceding election held in the same electoral district. In no case shall the number be less than the number required for nomination petitions for party candidates for the same office. Signers must be qualified electors of the district, and the papers must be filed with the county board of elections. Unexpected vacancies on the ballot are filled by nomination certificates from political parties and nomination papers for political body candidates.

Under the Pennsylvania Loyalty Act of 1951, every candidate for state or local office must take a loyalty oath or affirmation. This must accompany the nomination petition, paper or certification. Each person nominated by write-in or sticker votes must also file in the same manner.

Financial Disclosure Statements

Candidates for public office are required to file a statement of financial interests with the State Ethics Commission prior to filing nomination petitions. Each petition must also include an affidavit that the statement was filed with the Commission before being accepted by an election official.

Candidates for countywide offices must also file a copy of the statement with their county board of elections. Candidates for local office must file a copy of the statement with the governing body of the political subdivision.

Campaign Expense Reporting

The Election Code sets stringent campaign expense reporting requirements for all candidates and political committee treasurers. The law also establishes the proper procedure for receiving contributions and making expenditures by candidates and treasurers.

Candidates must file campaign expense statements in the office where they have filed or intend to file nomination petitions, nomination papers or nomination certificates. Committee treasurers must determine where the candidates they intend to support have filed in order to determine where the committee must file.

For any primary or election there are three reporting deadlines. The first reporting deadline is the sixth Tuesday before the election and applies only to statewide candidates and committees. The next report is due the second Friday before the election and must be filed by all candidates in the election and by all committees spending money to influence the election. The final report is due 30 days after the election. Annual reports must be filed by all candidates and committee treasurers not filing termination reports by December 31 of each year.

A candidate must file a report or statement at each required reporting deadline. Candidates for local office not intending to form a personal campaign committee may file an affidavit when they file nomination petitions to cover all reporting deadlines. Certain criteria must be met prior to filing the affidavit.

The Election District Board

Elections are conducted, supervised and controlled at three levels. Locally, by the election district board; in the county, by the county board of elections and the county registration commission, both being the board of county commissioners (in Philadelphia, the city commissioners); and on the state level, by the Secretary of the Commonwealth. Each level is more or less independent of the others, carrying out the provisions of law applying to it.

The election district board is composed of a judge and two inspectors of election chosen at municipal elections by the electors of each district for four-year terms. Each elector votes for one judge and one inspector. The person receiving the highest number of votes for judge is declared the judge of election; the person receiving the highest number of votes for inspector is the majority inspector, and the person receiving the second highest number of votes is the minority inspector.

Vacancies on the board are filled by appointment by the court of common pleas of the county. If the properly elected or appointed election officers do not show up at the polling places at seven o'clock election morning, the offices of those absent are filled by the election officers present or by the qualified electors of the district who are present at the polls at that time. The later procedure is known as a "curbstone election," and its use is by no means uncommon in Pennsylvania.

The judges and inspectors of election are constitutional officers and cannot be removed either by the county board of elections or the Secretary of the Commonwealth. Only when a vacancy exists can the court of common pleas make an appointment. Members of the election district board must be electors in the election district they serve.

Assistants to the election district board are clerks and voting machine inspectors named respectively by the election district officers and by the county board of elections. Two overseers of election may be appointed by the county court of common pleas upon petition of five or more electors who fear for the fairness of the coming election. Two watchers for each candidate at any election and three for each party or independent political body at any general, municipal or special election may be certified by the county board of elections on the recommendation of the political parties, political bodies or candidates. Their job is to see the interests of their sponsors are protected. Constables or their deputies are required to be present in the polling places during elections and when votes are counted. All district election officers and their assistants are compensated by the county board of elections at a per diem rate of from $40 to $200 depending on the office and the number of votes cast in the district. Overseers serve without compensation, and watchers are paid by their sponsors. The election board and assistants are responsible for conducting elections in their district polling place. They must keep order, protect the secrecy of the ballot, enforce the laws relating to procedure in elections, record and count the votes, and make their report to the county board of elections.

The County Board of Elections

The county board of elections consists of the three county commissioners. Home rule counties provide for the composition of the election board in their charters, otherwise it is the legislative body. Election boards select and equip the polling places, purchase and store all supplies and equipment including ballots, voting devices, ballot boxes, voting booths and other necessities. They instruct the election officers, and may inspect the conduct of elections in the polling places. They are in charge of the registration of voters in the county, and compute, certify and announce the election results. They investigate election frauds and pay all the expenses of primary and general elections. They are assisted by a chief clerk, registrars and other employees.

The Secretary of the Commonwealth

The Secretary of the Commonwealth is the state's chief election official. Through the State Department's Bureau of Elections, Commissions and Legislation, the Secretary determines the forms of nomination petitions and other papers required for the election process, and approves types of voting machines and electronic voting systems for use. Names of all candidates for statewide and nonlocal offices and all statewide referenda questions are certified to the county boards. Results of elections for offices and referenda above the county level are certified to the Secretary by the county boards.

Election Districts and Polling Places

Each borough and township not divided into wards and each ward of every city, borough, or township constitutes an election district unless further divided according to law. The court of common pleas may form and create new election districts, and alter, consolidate, or divide existing ones into two or more districts of compact and contiguous territory to suit the convenience of the electors and promote the public interest. Changes may be made upon petition of 20 registered voters or by the county board of elections.

Each election district has only one polling place. The county board of elections is to select, wherever possible, schoolhouses and public rooms or buildings. Polling places may be established outside the election district where no public place is available in the district, and private homes, offices and other buildings may be used within the district. However, polling places are not allowed in buildings where beer and liquor are sold. Two or more polling places may be in the same building. The county boards of election are to furnish rooms used for polling places with heat, light and janitorial services.

Each polling place is to consist of a single room with every part of it visible from any other part. It must have a guard rail enclosing the inner part of the room, which would make it impossible for anyone outside the guard rail to be within six feet of the ballot box or voting machine. Both ballot boxes and voting booths, as well as voting machines and compartments, shall be in full view of persons outside the guard rail.

The number of voting booths shall not be fewer than one for every 200 voters or fraction thereof, and in no case fewer than three. The number of voting machines shall not be more than one for every 350 voters or fraction thereof and not fewer than one machine for each 600 voters or fraction thereof.

Registration of Voters

Permanent and mandatory registration is established by law throughout the Commonwealth. To be eligible to vote, all electors (except members of the armed forces and bedridden or hospitalized veterans unavoidably absent from the municipality of residence) must be registered.

Qualified individuals can register to vote by going to the office of the registration commission in the county courthouse or by completing an official mail registration form which can be obtained at the following locations as stipulated under state and federal law: all driver's license bureaus; all offices that provide public assistance; each county clerk of orphan's court, including each marriage license bureau; all offices in the Commonwealth that provide state-funded programs primarily engaged in providing services to persons with disabilities; and all armed forces retirement centers. Information required includes name, address, date of birth, whether assistance will be required to vote, and party membership, if desired, and as required by federal law, driver's license or social security number if the applicant possesses one. Voters enrolled as party members are eligible to vote for candidates in that party's primary elections; independent candidates cannot participate in party primaries.

Before each primary election, the district registers (poll books) printed from State Uniform Registry of Electors (SURE) system data, are delivered to the election district boards. The voter's name, address, party, and signature appear on the poll book. When the voter signs the poll book at the polling place, the elections officials confirm the voter's signature matches that on the poll book before the voter may cast a ballot.

Electors are required to reregister if they have not voted or contacted the county voter registration commission in two federal elections. Change of residence to another election district also requires new registration.

County voter registration commissions are responsible for approving and managing the registration of voters in Pennsylvania. However, the Department of State oversees a computerized centralized voter registration and election management system so that county officials manage voter registration and election data on a single database in a uniform manner.

The Statewide Uniform Registry of Electors system, mandated by Pennsylvania's Act 3 of 2002 and the federal Help America Vote Act (HAVA) of 2002, is a centralized voter registration and election management system designed to assure the accuracy and integrity of the Commonwealth's voter registration records. The SURE system is a platform that supports the critical functions of the Commonwealth's elections—from determining voter eligibility to assigning precincts to producing poll books. A centralized, uniform registry that is accessible to all county offices greatly enhances overall accuracy and integrity of the voter registration rolls, and the resulting quality of voter services in several ways:

- Duplicate registrations across county lines are presented to election officials for resolution;
- When registered voters move across county lines, their existing records and voting history are transferred to the new county of residence;
- External agency transactions that affect voter eligibility from the Pennsylvania Department of Transportation and the Department of Health are centrally integrated with SURE and electronically forwarded to county officials;
- A single interface to PennDOT and the Social Security Administration provide access to information for verification of applicants' driver's license and Social Security numbers in compliance with the HAVA;
- HAVA voter ID requirements are implemented uniformly throughout the state; and
- Voter registry maintenance programs operate on a consistent statewide basis to keep the registry up-to-date, protecting against potential voter fraud, and promoting consistency among counties in their data management practices.

All Pennsylvania voter registration data is required to be entered and maintained on the SURE system. After each election, county officials update voter history in the SURE system.

Determination of Residence

In determining the residence of a person desiring to register, certain rules are generally followed. Residence is that place where, whenever the person is absent, he or she intends to return. Persons do not lose or gain residence by being away temporarily. The place where the family of a married man or woman resides is considered his or her place of residence, except where the spouses have separated and live apart. In this case, the place where he or she has resided for 30 days or more is construed as the place of residence. A person moving to another state loses his or her residence. Students may register in the community where they are living while attending college.

Persons moving to the District of Columbia, to any national territory, or to a foreign country in the civil or military service of the federal government do not lose their residence during the period of service. Persons employed by the Commonwealth of Pennsylvania and the United States required to be away from their residence, along with their wives or husbands, keep their prior residence for purposes of registration and voting. Certificates and verification of such employment are required and the fact of employment is noted on the registration card.

Voting Procedure

At every primary and general or municipal election, on entering the polling place, each elector first signs the district's register (poll book). The officer compares the elector's signature with the signature on the district register. If the signature appears to be genuine, the elector is permitted to vote. If, however, the signature is deemed not to be authentic by any of the election officers, the elector may not be denied the right to vote for that reason, but is considered challenged as to identity and required to make an affidavit and produce the evidence required by law. An elector who appears to vote for the first time in the election district must first present to an election officer a form of identification.

When the elector is found entitled to vote, the election officer who examined the voter's certificate signs his name or initials to the certificate and records this fact on the registration card in the district register. As each elector votes, his name in the order of voting is also recorded in two numbered lists of voters.

If an elector is unable to produce identification or the elector's identification is challenged by the judge of elections, the elector will be permitted to cast a provisional ballot. A provisional ballot enables the county board of elections to determine the elector's qualifications after the primary or election.

No elector is allowed within the enclosed space in the polling place until he has been found entitled to vote. When he is admitted, the election officer in ballot districts gives him a ballot detached from the stub and folded so that only the figures and words on the back are visible. The voter then enters the voting booth, prepares his ballot, folds it, leaves the voting booth and shows the ballot to the election officer who inspects the number on the back to see it is the same ballot the elector received when he entered the voting booth. Then the voter removes the corner of the ballot and deposits the ballot in the ballot box.

In voting machine and electronic voting device districts, an election officer instructs the voter with the aid of diagrams and the mechanically operated model in the use of the voting equipment. In election districts using full-scale models listing the actual ballot labels for the primary or election, any elector who desires a demonstration on such full-scale model has the right to select any registered elector entitled to be inside the polling place to give a demonstration.

No voter is allowed assistance in voting unless a declaration of illiteracy or physical disability has been recorded on his or her registration card. If found to be entitled to receive assistance, the elector is permitted by the judge of election to select a registered voter of the election district to enter the voting compartment or booth to assist him in the voting. A record shall be made of the assistance, which is also available for signing the voter's certificate.

Absentee Voting

Qualified absentee electors include those in military service whether or not they are in the election district at the time of voting, or whether or not they are registered and enrolled. Also included are their spouses and dependents who are absent from the state and municipality of their residence, those in the merchant marine, those in religious and welfare groups officially attached to the armed services, civilian employees of the United States outside the country, along with their spouses and dependents. Electors who expect to be absent because of duties, occupation, business, illness or disability also can apply for absentee ballots.

For voters who are confined in public institutions, such as county homes and veterans' hospitals, a special team composed of one representative of each political party is designated to visit these patients to receive and list the names of those desiring applications for absentee ballots. Each individual patient listed is then mailed an application for an absentee ballot.

Any qualified registered elector, including any bedridden or hospitalized veteran who is unable to attend his polling place or operate a voting machine because of illness or physical disability, may, after receiving certification by an attending physician that he is permanently disabled, be placed on a permanently disabled absentee ballot list file. Absentee ballot applications are mailed automatically to such persons before each primary or election, providing a certificate is filed every two years to maintain their eligibility to vote.

Applications for absentee voting go to the proper county board of elections. The application must contain certain pertinent information, and it should be entered on application blanks sent to the applicant. Applications from civilian electors may not be accepted earlier than 50 days before and not later than seven days before the primary or general election. However, voters who experience unexpected illness, accident or business trip occurring after the deadline for filing applications are allowed to file an emergency application form three days prior to the date of primary or election. The county board of elections approves the application if the elector appears to be qualified. An absentee ballot is then mailed to the applicant who marks and returns it in person or by mail to the county board of elections.

Voting in public institutions is conducted by a team of three members appointed by the county board of elections who travel to each institution on the Friday preceding the election to direct an election by absentee ballot. Absentee ballots must be received no later than 5:00 p.m. in the office of the county board of elections on the last Friday before the primary or election. Otherwise, the absentee ballot will be void.

Counting the Votes

In all election districts, when the hour for closing the polls arrives (polls are open from 7:00 a.m. to 8:00 p.m.), all qualified electors who are standing in line inside or outside of the polling place are permitted to vote. After the polls are closed and the last elector has voted, the election officers and their assistants remain within the enclosed space. They check on and compare the number of ballots, the names on the voting lists and the number of stubs. The differences are to be reconciled.

Then the ballot box is opened, and the ballots are counted one by one. A record is made of votes for the candidates and entered on tally sheets in triplicate. Straight party votes are also recorded. All ballots must be in plain sight of persons outside the enclosed space, and no person handling the ballots may have anything in his hand to mark the ballot.

When the votes have been tallied and counted, the election officers certify the count and prepare the general returns. One of the returns is posted outside the polling place; the other is entrusted to the judge of elections to be returned to the county board of elections in an envelope provided for that purpose. The minority inspector retains one set of the tally sheets for a period of one year.

In voting machine districts, when the polls are closed and the last elector has voted, the election officers must immediately lock and seal the operating mechanism of the voting machine. The count of votes must be made plainly visible on the registering counters, or not fewer than four printing paper proof sheets must be drawn from the machine. The vote is to be read, entered onto duplicate return sheets and also on a general return sheet, and signed by the election officers. The proclamation of the result of the voting must be announced distinctly and audibly by the judge of elections. One of the duplicate return sheets is to be given to the judge of elections and sealed in an envelope to be returned to the county board of elections, and one given to the minority inspector. A statement of the vote must be posted outside the polling place.

In districts using electronic voting devices, various methods are employed to count the ballots. Once ballots are properly accounted, they may be tabulated either at the polling place or at a central tabulating center, depending on the type of system used by the county board of elections. If ballots are not tabulated at the polling place, a statement of the vote must be posted outside the polling place by 5:00 p.m. of the second day following the election. Otherwise statements must be immediately posted following the count of votes.

All ballot boxes and returns are received by the county board of elections after the closing of the polls.

The unsealed general returns are to be open for public inspection as soon as they are received. The county board of elections arranges for computing the votes by a return board beginning the third day following the election. Absentee votes are counted after the regular votes. When the computation is completed, the results are read, and if there is no petition for a recount or recanvass, they are to be certified, except when the Court of Common Pleas orders a stay upon appeal. When all is settled, certificates of elections are issued to the successful candidates for county and other local offices by the county board of elections.

For more information on any of the topics discussed in the chapter, go to the web site of the Pennsylvania Department of State and the Bureau of Elections at www.dos.state.pa.us.

III. Local Officers and Employees

In Pennsylvania local government, the elective official is usually a non-professional; that is, his profession or occupation is usually not government service. He may be a merchant, farmer, doctor, steel worker, teacher or industrial supervisor. In short, most elective officials are ordinary citizens serving their community.

Citizens run for local office for a number of reasons. Primarily, they have something at stake – their life in the community, their property, their future and their children's future. Second, being mayor, councilman, commissioner or school director can be an interesting and exciting challenge. A local official is in the middle of community activity, in a position to get things done for the community. In the lives of most government amateurs, there is scarcely a dull moment as numerous duties must be performed and obligations honored. There are tough decisions to make, many thankless jobs, and even some enemies.

The non-professional status of most elective officials does not imply they know little about governmental operations. Through time and experience, some develop into experts, both in government administration and the knowledge of the needs of their communities. They bring into local government new thinking from the world of business or other areas of life. All in all, the citizen-official is the backbone of local government in Pennsylvania, and local government is the foundation of the American system of democracy.

On the other side of the local government picture are the professionals, those making local government their life work. Their name is legion: police, engineers, truck drivers, managers, accountants, clerks, typists, lawyers, doctors, recreation leaders, teachers and many other kinds of workers. They carry the load and do the hard work. Without them, government could not exist in a modern community. Professionals serving in county and municipal governments follow careers in fields such as city and regional planning, community development and housing, public health and hospital administration, parks and recreation, public welfare and community social work, library service, transportation and traffic control; as well as in those old standbys of finance, administration, engineering, law enforcement and legal services.

Both the citizen-official and the professional must have a long range view, for community life in large and small places is changing rapidly. Both must be competent in policymaking as well as in administration. Both must be dedicated to their jobs and to their community.

The Constitution and Local Public Office

The Constitution of Pennsylvania establishes certain local offices and makes them elective. This includes all judges, district justices, and all the major county offices (except in Philadelphia). All other local officers are elected or appointed under state law or under home rule charters. No person holding office under the United States can, at the same time, hold any office in the state to which remuneration is attached. The General Assembly can declare what offices are incompatible.

All civil officers, including the Governor, are liable to impeachment in the Senate of Pennsylvania, and all officers hold their offices on good behavior and may be removed upon conviction of misbehavior in office or of any infamous crime. All elective officers, except judges, may be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate. Appointed officers may be removed at the pleasure of the power that appointed them.

Municipal codes generally contain provisions for removal of elected officials for failure to perform their duties. However, on more than one occasion, the Pennsylvania Supreme Court has ruled that all legislative provisions

for removal of an elected official violate the state constitution, and clarified that the only constitutional method for removal of an elected official is contained in Article VI, Section 7 of the Pennsylvania Constitution, which provides that elected officials may only be removed from office if they are convicted of misbehavior in office or of any infamous crime or upon impeachment in the Senate.

Judges and county officers are the subject of specific constitutional provisions. In counties not adopting home rule charters, all elective county officers hold office for four-year terms. Elected county officers must be citizens and inhabitants of the county for one year. County officers in all counties are paid by salary and fees collected are paid to the county. County officers, before entering upon their duties, must take an oath or affirmation of office. Judges must reside in the districts they serve while in office and vacancies in the courts are filled by the Governor.

Legal Provisions Relating to Local Officials and Employees

The qualifications, requirements for service, and conditions of employment for local government officers and employees are more or less similar in the different classes of local units. These provisions are contained in state law gathered together under one statute, and are known as codes. Most classes of local government have their own codes, but these codes do not contain all of the laws relating to local units. A substantial body of noncode legislation applies to all classes of local government. For example, all legislation relating to local taxing power, assessment of property for purposes of taxation, municipal borrowing and tax collection is not contained in the individual municipal codes. In addition, municipalities which have adopted home rule operate under the terms of their own charters.

The governing bodies of the local units are the elected councils and boards, along with the elected chief executives, if any. Cities and boroughs have mayors, but in counties, townships and school districts there are no elected executives except where established by home rule charters. Municipal authorities have no elected officers, the board members being appointed by the governing bodies of the sponsoring local units.

Local governing bodies are given specific powers and authority by law. In general, this means they may provide certain services for their constituencies, appoint subordinate officials and employees to carry out their directives, and levy taxes, spend money and incur indebtedness. Local services commonly include police and fire protection, maintenance of streets and local roads, control of traffic, health services, sewage and refuse disposal, parks and recreation, supply of water, gas and electricity, planning and zoning, regulation of buildings and libraries. Unless they are operating under a home rule charter, local units only carry on activities specifically allowed by state law. In most cases, activities allowed by state law are optional and their actual performance is a matter for local decision. Local decisions of governing bodies are made in the form of ordinances and resolutions having the force of law within their jurisdictions.

Actions on the part of local officials prohibited or not authorized by statute or charter and causing financial loss to the local unit can be surcharged against any official responsible, and who by their vote, act, or negligence has permitted the expenditure.

For more specific information regarding the various units of local government and their elected officials, the reader is referred to other publications from the Governor’s Center for Local Government Services, including the following:

- *Borough Council Handbook*
- *Borough Mayor’s Handbook*
- *City Government in PA Handbook*
- *Manual for County Commissioners*
- *Township Commissioner's Handbook*
- *Township Supervisor's Handbook*

Conflicts of Interest

The Ethics Law prohibits a public official or public employee from using his public office or any confidential information received to obtain financial gain for himself, his immediate family or a business with which he is associated. Public officials are also prohibited from soliciting or accepting anything of value based on an understanding that a vote, official action or judgment would be influenced. Former public officials and employees may not represent a person, with or without compensation, on any matter before any governmental body he had been associated with, for a period of one year after leaving office. They must file statements of financial interest on an annual basis. This is required of both candidates for office and elected and appointed officeholders. The individual municipal codes also regulate conflicts of interest involving contracts and purchases.

Public Employee Labor Relations

Act 195 of 1970 establishes the framework for the conduct of collective bargaining for public employees in Pennsylvania. This Act grants public employees the right to organize and choose their own representatives. Public employers are required to negotiate and bargain with organizations representing public employees and to enter into written agreements evidencing the result of such bargaining. However, the Act recognizes the paramount right of the citizens of Pennsylvania to keep inviolate the guarantees for their health, safety and morals. Elected officials, gubernatorial appointees, management level employees and confidential employees are excluded from collective bargaining rights. School teachers are included as public employees. Act 111 of 1969 provides for collective bargaining with resort to compulsory arbitration in case of impasse for police and firefighters only.

Employees may bargain over wages, hours and conditions of employment. If a strike by public employees occurs after the collective bargaining process - negotiation and mediation - has been completely exhausted and no agreement has been reached, it cannot be prohibited unless the strike creates a danger or threat to the health, safety or welfare of the public. Strikes are prohibited for guards at prisons or mental hospitals, for employees necessary to the functioning of the courts, and for all employees during the pendency of mediation and fact-finding.

The County

In counties which have not reorganized under a home rule charter, the 13 elective offices mandated by the codes have certain features affecting their employees' working conditions. In the first place, each elective office appoints its own employees. There is no overall personnel agency and no civil service regulations. However, a salary board, made up of the county commissioners, the controller and the head of the particular office where salaries are being set, fixes salaries of those county officers and employees not set by law.

County officers are paid only by salary for services performed for the county or any other governmental unit. Fees received by county officers for the performance of duties are payable directly to the county or the Commonwealth.

No elected county officer or county solicitor may serve as a member of the legislative body of a local unit, or as a school director, a treasurer, tax collector or member of a board of health. No member of the Congress of the United States or a United States officer, except reserve officers, may hold an elective county office. Elective county officers, being constitutional, may be removed only by impeachment or by the Governor with a two-thirds vote of the Senate. Appointed county officers may be removed only by the official who has the appointing power of the particular office. Vacancies are filled by the Governor except where the law directs this to be done by the Court of Common Pleas. Neglect of duties by county officers is punishable as a misdemeanor. Official bonds for county officials must be taken out with surety companies; the premiums are paid by the county.

The City of Philadelphia

The City of Philadelphia employs more than 29,000 persons. All but a few come under the regulations of the city civil service or merit system. The agencies carrying out the personnel functions are the civil service commission and the personnel department, headed by a personnel director appointed by a commission. The mayor appoints the three-member civil service commission from among names submitted to him by a civil service panel which consists of representatives of city organizations interested in good government and modern personnel practices.

The appointment, promotion, transfer and separation of civil service employees are subject to the personnel regulations of the Home Rule Charter. The civil service commission is a policymaking, supervisory and quasi-judicial agency. The personnel director and his department handle the specific daily tasks, including recruitment, selection and placement of employees. The personnel department prepares and maintains the position classification and pay plans, recruits applicants, prepares and gives tests, evaluates eligibility, prepares eligible lists and refers those eligible to city government departments and agencies having vacancies.

For each vacancy, the personnel department certifies to the appointing officer the two persons standing highest on the appropriate list. He may choose either one except where one is a veteran and must be picked. Veterans also have ten points added to their examination score. After appointment, there is a six-month probationary period. Once this is completed, the appointee has tenure of employment as long as he does satisfactory work, there is money in the budget to pay his salary, and as long as his position is deemed necessary. An employee rating report is made annually by the supervisor of the employee. The city carries on training courses for its employees and encourages them to take night classes at colleges and universities within the city. Political activity is prohibited for employees within the merit system.

In general, city employees must have lived within the city for one year prior to their appointment and must continue to reside there while employed by the city. However, sometimes these residence requirements may be waived, especially when applicants are being interviewed for hard-to-fill positions.

Major exemptions from civil service coverage include the elected mayor, council and judicial officers, top management officials such as the managing director, and also heads of departments, boards and commissions and their deputies. This also includes special categories such as judicial employee of the city courts and their auxiliary offices.

Uniform working conditions and fringe benefits apply to most of the city employees: 37½ to 40 hours week, except police and firefighters, 14 paid holidays, two weeks annual vacation during the first nine years of employment, and three weeks thereafter, and 20 days sick leave and disability benefits.

There are three pension systems in the City of Philadelphia - one for the police force, one for the firefighters and one for the general employees. These are joint contributory systems. Other governmental units in Philadelphia such as the Philadelphia School District, the Delaware River Port Authority, the Philadelphia Redevelopment Authority and the Philadelphia Housing Authority also have pension plans for their employees.

Pittsburgh and Scranton

These two cities, designated in state law as cities of the second class and second class A respectively, operate under home rule charters. Their form of government, like that of Philadelphia, is labeled as “strong mayor” whose chief executive makes most of the appointments and directs the administration of the city government. Pittsburgh has a council of nine members elected by district. Scranton has five councilmembers elected at large. Both charters provide for compensation of elected officials to be set by council, but such compensation cannot be increased or changed during their elected term of office.

Personnel systems providing for the appointment, promotion and removal of all employees based on merit and fitness are mandated by both charters. In both cities, employees are members of retirement systems. Police and firefighters retirement in these cities is administered separately from the provision affecting other employees.

Third Class Cities

For cities operating under the Code or under the Third Class City Optional Charter Law, the elective officers are the mayor, councilmembers, controller and treasurer. Councilmembers, including the mayor, must be at least 21 years of age, must have resided in the city one year prior to election, and must reside in the city during the term of office. No officer of the United States or of the Commonwealth of Pennsylvania (except notaries public or officer of the militia), no officers of the school district or county, or no officer or employee of the city may serve as a councilmember. The mayor and council must take an oath of office.

Mayors and councilmembers receive annual salaries as fixed by ordinance, but it cannot be less than $250 a year for councilmembers, and not less than $500 for mayors.

Councilmembers who have a personal or private interest in any question, measure or proposal before the council, must disclose this fact and not vote or take part in the discussion.

Whenever an elected or appointed official knows that he has interest in any contract for the sale or furnishing of any personal property for the use of the city, or for any services rendered to the city of more than $300 in any year, he must notify the council. The councilmember must also refrain from voting upon the contract. However, this does not apply if the official is an employee of a firm or company and would not have a financial interest in the transaction or be benefitted by it. Violation can lead to fine, imprisonment and damages.

No person may be appointed to any position in the police, engineering or electrical department, or to the position of building inspector, or health officers without first passing the required examinations and being appointed under civil service regulations. These are administered by three separate examining boards. Once appointed, no employee can be removed for political reasons.

Most cities have a vacation and sick leave policy more or less uniform throughout the service point. Most also offer group insurance and hospitalization benefits to their employees. Fringe benefits are often negotiated with public employee unions and form part of contracts.

Boroughs

Unless altered by adoption of a home rule charter or optional plan, the elective officers of a borough government are the mayor, councilmembers and three auditors or a controller. Other borough officers and employees are appointed by the council. Other local officers elected within borough limits, but who are not integral parts of the borough government, are the tax assessor, tax collector and constables.

Only registered electors of the borough are eligible to elective borough office. School directors are not eligible and no individual may at the same time hold more than one elective borough office. Vacancies in elective borough offices are filled by the borough council.

Borough councilmembers receive compensation for their services as fixed by borough ordinance within limits set by law. The maximum rate ranges from $1,875 to $5,000 per year depending on the population of the borough. The mayor's salary is also established by ordinance and cannot exceed maximum rates of $2,500 to $7,500 per year depending on the population of the borough.

The borough council has the power to appoint a treasurer, a solicitor, an engineer, a manager, a street commissioner and other officers. By a two-thirds vote, it may appoint a professional accountant or firm to conduct the annual audit. Appointed officers and employees receive compensation as set by council. Council may also prescribe conditions of work including the restriction of outside employment. Bonds for appointed officers must be with a surety company authorized by law to act as surety, and the premium is paid by the borough. Acceptance of bribes by councilmembers and mayors and the giving or offering of bribes to them are penal offenses punishable by fine and imprisonment.

Any elective or appointive officer of a borough may serve on any board, commission, or other agency of the borough, unless there is incompatibility in fact, but no mayor or councilmember may receive any additional compensation. Nor may these officials serve as borough manager, secretary, or treasurer. Appointees may hold two or more appointive borough offices. A magisterial district judge may not be a borough treasurer. The offices of secretary and treasurer may be held by the same person. Borough officials may hold other public offices and be compensated. The manager or secretary may be appointed as tax collector. No elected borough official of a borough with a population of 3,000 or more may serve as an employee of the borough.

Borough council may, subject to the civil service provisions in force, appoint and remove, suspend, or reduce in rank, persons who are United States citizens and are serving as borough police officers. It may designate one as the chief of police. The mayor has full control of the police and directs their activities, but the council fixes the total weekly hours of employment. The mayor may suspend any police officer for cause and without pay until the next regular council meeting, when final action can be taken. Compensation for police officers is fixed by borough council; special school police may be appointed.

In boroughs having three or more members of the police force or three or more paid operators of fire apparatus, appointment of such personnel is to be under a civil service system under the direction of a civil service commission appointed by the borough council. In boroughs having fewer than three police officers, no full-time police officer may be removed or suspended except for physical or mental disability, neglect or violation of duty, violation of any state law which constitutes a misdemeanor or felony, or inefficiency, neglect, disobedience or intoxication while on duty. The officer may demand a public hearing.

Townships

Except where home rule charters or optional plans have been adopted, in townships of the first class at least five township commissioners, one township treasurer and tax collector, one township assessor and one assistant township assessor and three auditors or one controller are elected. A township may, instead of electing three auditors or a controller, provide by ordinance, for the audit of its accounts by a certified public accountant. In townships of five or more wards, one commissioner is elected from each ward. Each township commissioner receives a salary established by ordinance. The salary cannot exceed a maximum ranging from $1,875 to $5,000 per year depending on the population of the township. Other township officials and employees are appointed by the board of commissioners. Township officers must subscribe to an oath or affirmation for the conduct of their office. Where required, bonds must be with a surety company, with the township paying the premium.

Townships of the first class with three or more police, or three or more salaried fire apparatus operators are required to apply civil service regulations to such employees.

In most of the second class townships which have not adopted home rule charters or optional plans, one supervisor is elected in each municipal election and holds office for a six-year term. The same applies to auditors. Thus, there are three elective supervisors and three elective auditors. Two additional supervisors may be elected if approved by the voters in a referendum. A tax collector is elected for a four-year term. Assessors are elected in the smaller counties. Road viewers may be appointed by the court upon complaint. Vacancies in township offices are filled by the supervisors.

Supervisors receive a salary established by ordinance. The salary cannot exceed a maximum ranging from $1,875 to $5,000 per year depending on the population of the township. Also the supervisors, when acting as roadmasters, superintendents or laborers, receive a wage fixed by the township auditors at a comparable rate with other such work in the area, and recompense for the use of an automobile or any other equipment furnished. The supervisors may hire whatever additional employees or workers they need.

The board of supervisors appoints a secretary and treasurer who may or may not be a member of the board of supervisors. A bank may be chosen as treasurer. The board of township supervisors may also appoint a solicitor, an engineer, police officers, special school police, sanitation officers, park board and other employees.

Municipal Authorities

The board of a municipal authority is appointed by the sponsoring local governing body or bodies. The board has power to appoint officers and employees and to fix their compensation. Neither members of the board nor employees may have interest in any contract or agreement made with the authority.

The authority has the power to enter into contracts of group insurance for the benefit of its employees and to set up a retirement or pension fund.

School Directors

Except in Philadelphia, where they are appointed by the mayor, school directors are elected by the voters of the district in which they serve, and vacancies in the board are filled by the board itself. School directors serve without pay and must take an oath of office and the loyalty oath prescribed by state law.

A school director must be 18 years of age and a resident of the district one year prior to election. All other elected local government officials and school district officers or employees are ineligible for the post of school director. With only rare exceptions, no school director may be employed by the school district during his term of office. School directors may not receive bribes, nor may any be offered to them, under pain of prosecution. School directors are prohibited from asking either teachers or employees of the district for any gift or donation.

The board of school directors appoints the superintendent and other professional staff, including teachers and the nonprofessional staff. Every teacher and professional employee must be at least eighteen years of age, a citizen of the United States, and properly certified by the Department of Education. No relative of a school director may be employed except upon vote of the majority of the entire board, excluding the related member. Professional employees, including teachers, are protected from termination of contract except for immorality, incompetence, negligence and similar reasons. All employees may bargain collectively under the terms of Act 195. Employees of a school district must sign loyalty oaths. The state sets minimum salary and increment schedules for teachers, principals and other professional employees. Sabbatical leaves with half salary are available after ten years of service. Membership in the Public School Employees' Retirement System is mandatory.

Independent Local Officials

A number of more or less independent elective local officials have been established by the Constitution and the laws of the Commonwealth. While they work with the units of local government, they are to a great extent independent of any direction from them and carry on their duties under the dictates of separate laws.

Locally elected assessors and tax collectors carry on the functions their titles indicate. Elected assessors generally work with per capita and occupation taxes. They remain only in fourth through eighth class counties. Tax collectors collect real estate and other taxes for all local units, usually on a commission basis. Local earned

income taxes are collected by appointed officers in most local units, including school districts. Many home rule municipalities have eliminated the tax collector as an elective office.

Magisterial district judges are elected one in each magisterial district of the county (except Philadelphia). They form part of the unified judicial system of the state judiciary and are paid by the state. They have jurisdiction in the fields of criminal and civil justice in minor and local cases. Constables are elected in every township, borough and city ward (except Philadelphia) as servers of process for the minor judiciary. Judges of the Courts of Common Pleas in the county have some duties in relation to local government, but they are considered as strictly state officials.

Veterans and Local Government

Employees of Pennsylvania local governments are granted a number of benefits, such as in time of war when they voluntarily enter the armed services. Whenever an employee enters active military service, he does not have to resign his job. He is automatically granted a military leave of absence and may return to his former job if he wishes. This does not, however, apply to employees of school districts.

If a serviceman elects to pay regularly into the retirement fund of his local government during his service, his local government will also pay contributions during that period. On the other hand, the employee may choose to discontinue making payments, and in that case payments are also stopped by the local unit.

Veterans seeking employment or striving for promotions in local government receive extra credit for their military experience. This preference takes the form of priority in appointments and promotions where civil service examinations may or may not be required, additional credit in scoring civil service examinations, credit for military service in computing seniority in reduction of personnel, and like preferential ratings to widows, widowers and spouses of disabled soldiers. Whenever any member of the armed forces possesses the requisite qualifications for appointment or promotion where no civil service examination is required, the appointing power gives preference to the armed forces member over nonveterans. Ten additional points are given to a veteran who passes a civil service examination. If the veteran's name appears on any eligible or promotion list or has passed the examination and possesses the qualifications, the appointing power gives preference to the veteran even if the veteran is not the highest on the list. The lack of academic training or physical incapacity does not disqualify a veteran seeking public employment otherwise possessing the qualifications necessary to carry on the work.

Counties appoint a director of veteran affairs whose duties include assisting in the provision and compilation of burial places of deceased veterans, as well as assisting disabled veterans and their families in securing their rights as veterans. County officers are required to furnish to the veterans without charge a certified copy of their birth certificate, marriage license and other such documents upon application. Local governments also may furnish meeting rooms for veterans organizations; real estate they use and occupy is exempt from local property taxes.

Training

Training in the field of local government is relatively new. Since the 1930's, training has expanded to the extent so that today there is hardly an area neglected. The Governor's Center for Local Government Services has partnered with the major statewide local government associations to form the Pennsylvania Local Government Training Partnership to provide training to local officials and employees at the state level. Other state agencies also provide training for local officials, frequently in cooperation with the Governor's Center and through the Pennsylvania Local Government Training Partnership.

Other facilities for training are available. For police, the Pennsylvania State Police and the Federal Bureau of Investigation have offered courses of instruction. Legislation requires training of all new municipal police officers. Several universities and colleges have made their academic extensions and special facilities available to local government officials. There has been a steady increase of educational material developed by the institutions mentioned above and by the various statewide organizations of local government officers that also hold instructional meetings and conferences throughout the year.

Pensions and Retirement

Retirement systems for employees of local governments in Pennsylvania are authorized for all classes of local units, either in the municipal codes or special laws. The General Assembly has mandated establishing pension systems for most police and paid firefighters. Retirement systems for other classes of public employees are optional and the establishment of such systems is left to the discretion of the local governing bodies.

Social Security coverage is available for local government employees on the basis of an agreement between the Commonwealth and the U.S. Secretary of Health and Human Resources. Most local employees are covered by Social Security.

Once a municipal pension system is established, eligible members are required to join and remain members as long as they are employees. Certain classes of employees, such as elected officials and per diem workers, may be members if authorized by the governing body.

Municipalities adopting home rule charters are free to design their own pension or retirement systems, provided they do not diminish the rights or privileges of any former municipal employee entitled to benefits or any present municipal employee in his pension or retirement system.

Any municipality or authority is eligible to join the Pennsylvania Municipal Retirement System. This is a state-sponsored retirement system. Membership is optional with the local governing body. County retirement systems operate under the County Pension Law. All school district employees are required to become members of the Public School Employees' Retirement System.

Municipalities are required to fund their pension plans in accordance with the standard specified in the Municipal Pension Plan Funding Standard and Recovery Act. Actuarial reports on the approximately 2,500 local plans are filed every two years with the Public Employee Retirement Commission which is responsible for monitoring compliance with the funding standard.

IV. Local Government Services and Expenditures

Local governments provide services and public facilities to the people living within their jurisdictions. The functions they must perform or are permitted to perform are spelled out in the codes and laws enacted by the General Assembly. It has been a principle of American government that local governments have delegated powers. This means they can only do things specifically declared by law to be within their authority, or things the courts interpret as necessary to carry out such powers. Those municipalities adopting a home rule charter determine for themselves the structure of government and services to be performed.

Like all other states in the nation, the Commonwealth is a government of reserved or residuary powers. The states may do anything not specifically delegated to the national government nor prohibited by the United States Constitution. One of the residuary powers states do exercise is legislation for local government.

The General Assembly may provide for the organization, powers, procedures and revenues of local government. It also directs state agencies to control, assist and supervise local governments. State departments have been given added powers over the activities and certain functions of local government. The following agencies have a large concern in local government: Department of Community and Economic Development (budgets, annual reports, bond issues, planning and zoning, training, municipal authority reports, housing, community and economic development); Department of Education (teachers' certification, special education, vocational education, community colleges, buildings, finances, courses of study); Department of Health (local health activities, drug and alcohol abuse, emergency health services); Department of Transportation (local roads and streets, mass transit, financial assistance); Department of Conservation and Natural Resources (recreation, parks, playgrounds); and Department of Environmental Protection (solid waste, water supplies, sewage treatment, hazardous materials).

Under the United States Constitution, the national government has no role concerning local government and is given no direct power over it. However, its interest in local problems and interaction with local governments has increased gradually since the Thirties. This interest peaked in the 1960's with enactment of numerous grant programs aimed at eliminating poverty and improving the lives of the poor. In the 1970's, federal legislation and regulation in environmental fields added to control over local activities. Either direct federal regulation or requirements for grant programs forced local officials to follow federal policies. The 1980's saw a reversal of this trend with a reduction in the number and impact of federal controls and a loosening of federal regulations.

It is difficult to designate many services as being strictly local because of their scope and complexity. Many may be described as federal-state-local services, functions or programs. For example, local police are assisted by the Pennsylvania State Police and by the Federal Bureau of Investigation. The national government makes huge grants to local governments for housing and community development; in Pennsylvania, state assistance is available as well. Local governments construct, maintain and operate sewers and sewage treatment plants with financial and technical assistance from both state and federal governments. Education is considered a local function, yet state allocations cover a significant share of the cost of local public schools within the Commonwealth. The federal government also provides financial support for education.

Local Government Functions

Local government powers to deliver services and make facilities available to the people are approximately the same for all communities - large and small, urban and rural, industrial and agricultural. Very little difference exists in what local governments may do if their governing bodies so desire. There is a wide range in actual services made available, however. For example, police and fire protection in Philadelphia and Pittsburgh are much more extensive and complete than in smaller municipalities. However, there are broad ranges even

between municipalities of approximately the same size in both total expenditures and expenditures per capita. Cities, boroughs and townships are general purpose local units and provide conventional local government services. Counties, school districts and municipal authorities undertake special functions.

County administration supports the county court and records and administers activities relating to civil and criminal justice, including prisons, probation and parole. The county assesses property for local taxation, registers voters, conducts elections and has important human service responsibilities, including county homes, child welfare services, services for the aging and mental health and mental retardation programs. County planning commissions perform vital services for the counties and their municipalities in community development and planning.

The school district is concerned with education, and has expanded its activities to include preschool and adult education, community colleges, vocational education, retraining and special education.

Municipal authorities are established for particular and special purposes. They include almost any public service or facility that will yield enough revenues to pay for construction, maintenance and operation, such as water and sewage systems, parking, airports and many others.

Every inhabitant of Pennsylvania lives in either a city, borough, or a township which provides most of the local government services to its inhabitants. Except for the smaller and more rural areas, municipal units offer protective services such as police, fire and emergency services. Police protection includes patrol services, crime investigation, traffic control, crime protection and efforts to combat juvenile delinquency. Paid and volunteer fire departments provide fire protection. This service requires expensive fire fighting, automotive and other equipment, a fire alarm system, adequate water supply, fire prevention inspections and educating the public about fire hazards. Emergency services include protection from possible enemy attack and assistance in case of emergencies and natural disasters. Specialized defense and disaster functions include education, training, security, communication, health, utilities, attack warning, rescue and others concerned with handling masses of population under emergency conditions.

Local health administration includes making and enforcing the health regulations and rules; establishment of public nursing centers, clinics, and hospitals; gathering health statistics, issuing certified records relating to births, deaths, and marriages; and control of communicable diseases, food purity, air pollution and industrial hazards. In many of the smaller municipalities, the state Department of Health acts as the health agency.

Through the Department of Public Welfare, the state administers welfare functions such as public assistance, aid to dependent children and food stamps. However, local units have many welfare responsibilities especially in urban areas. County agencies are concerned with foster children, delinquent and neglected children, aged and destitute persons, the mentally ill and mentally retarded and other groups needing care. City and county jails imprison those convicted for minor crimes.

Community development has become a central concern for municipal governments. National, state and local governments are coordinating their activities to promote economic development. Rehabilitation of housing and preserving neighborhoods has occupied the attention of many municipalities stimulated by state and federal financial and technical assistance. Local private welfare associations and groups cooperate with local governments in many of their welfare fields.

Construction, maintenance, and operation of public works, facilities and utilities is a principal activity in almost all communities. Water supply and sewage systems, electric and gas utilities, municipal and school buildings, county homes, recreation areas, streets and bridges, solid waste disposal installations, parking facilities and airports are some of the more expensive ones. Municipal authorities have been used to finance many of these facilities because they produce enough revenue to operate and pay off the debt incurred in their construction. Both state and federal assistance have been made available for certain kinds of public works.

Recreation activities on a local scale are carried on in both large and small municipalities. Playgrounds, swimming pools, camps, stadiums, parks, senior citizen centers and other facilities are provided according to need.

Land use planning and regulation are becoming a higher priority for many municipalities. Municipalities with rapid growth have historically regulated land use with zoning and development with subdivision and land development regulations. Smaller and more rural municipalities are also finding it important to develop comprehensive plans and land use ordinances to preserve and protect significant agricultural, natural and historic resources or to promote beneficial economic development. Comprehensive plans establish a community's goals and objectives for future growth over the next ten years or more. Zoning divides the community into residential, commercial, industrial or other uses. Subdivision and land development ordinances promote standards for public and private improvements, such as roads, water and sewer facilities, and storm water management. Increasingly, municipalities are finding it advantageous to cooperate with neighboring municipalities to write multimunicipal comprehensive plans and accompanying land use regulations. Many municipalities have also become interested in attracting new industries and economic activity. With state assistance, they may provide financial and other inducements to businesses interested in locating locally.

The foregoing are some of the general areas of local government activities. It may be interesting to list those functions allowed by the Borough Code, as an example. Not all of the 958 boroughs engage in these activities. The fact that they are specifically mentioned in the law indicates their general utility in community management. Boroughs have the power to regulate streets, sewers, public squares, sidewalks, curbs, common grounds, gutters, culverts and drains. They may also provide water, establish a police force, provide street lighting, build comfort stations, prohibit nuisances, remove dangerous structures, regulate cesspools and drains, regulate and remove garbage and rubbish; prohibit noxious business, make health regulations, fight and prevent fires, build firehouses and buy fire apparatus, make building regulations, conduct building inspections, prohibit manufacture of inflammable or dangerous articles, establish uniform building lines, license amusements, regulate marketing and peddling, build market houses, regulate the running at large of dogs and other animals, provide for a lockup, acquire parking lots, erect and care for memorials, plant trees, make zoning and subdivision regulations, control disorderly conduct, erect community buildings, acquire inclined planes, adopt building and plumbing codes, assist community ambulance services, appropriate monies for storing and distribution of surplus foods, for observing holidays, for municipal music, for mass transit services, to industrial development agencies, to tourist promotion agencies; acquire and maintain historical property, regulate junkyards and install parking meters.

Cities and townships also have comparable powers given to them by law.

Local Government Expenditures and Debt

Editor's Note: The statistics related to local governments cited below are available at the Department of Community and Economic Development web site at www.newPA.com under Municipal Statistics. School district statistics are available at the Department of Education web site at www.pde.state.pa.us.

The debt limits of municipalities, counties and school districts are based on their annual revenues. The borrowing base of a municipality is computed by arithmetic average of the total revenues for the preceding three full fiscal years. By the nonelectoral process, a county may borrow 300 percent of its borrowing base; and 250 percent of its borrowing base for any other local government unit. There is no limit on electoral debt, where the debt is approved by the electors of a municipality, nor self-liquidating debt, where debt is repaid solely from rents or user charges. Lease rental debt is that debt incurred by an authority which is repaid through lease rental payments by the municipality. The limit for lease rental debt and other nonelectoral debt combined is 400 percent for counties and 350 percent for municipalities and 225 percent for school districts. The combination of nonelectoral debt and lease rental debt cannot exceed the lease rental limitations.

Local Spending Procedures

Local government financial procedures are outlined in detail by law. Violation of the law may render the actions null and void and result in surcharges against the offending officials. In such cases, they must pay the amount of money lost by their local unit by their illegal action out of their own pockets.

All local units must prepare an annual budget. This is a detailed financial plan for the coming fiscal year reflecting proposed expenditures balanced against anticipated revenues. Proposed expenditures must also be allocated among the specific functions and services of the government. The budget must be kept on file, made available for public inspection, and then adopted by the governing body of the local unit, together with a tax-levying ordinance designed to raise the amount of money necessary to balance the budget. The governing body often holds public hearings before final adoption of the budget to which the taxpaying public is invited. Copies of the tax ordinance must be filed with the Department of Community and Economic Development.

The budget may be modified by action of the governing body during the fiscal year, but expenditures must continue to be kept in line with estimated revenues. No expenditure is legal except upon appropriations by the governing body. No payment can be made, expense incurred or contract awarded if it exceeds an appropriation. Budget control is exercised by submission of monthly reports to the governing body by the finance officers involved; by encumbering appropriations as soon as commitments are made; by a preaudit of expenditure vouchers by the chief financial officer where one exists; and by his or her countersignature on expense vouchers before money will be paid from the treasury. The chief financial officer is typically an elected controller, the manager or the finance director. In some smaller municipalities there are three auditors who make a post audit of finances at the end of the year and prepare an annual financial report. In these municipalities, the secretary and treasurer act as finance officers. Where there is an elected controller, he makes the annual audit and financial report of the local unit. Otherwise the annual financial report is completed by the elected auditors or independent auditors engaged by the governing body. Copies of annual audit reports must be filed with the Department of Community and Economic Development.

V. Taxes and Revenues

Editor's Note: The statistics related to local governments cited below are available at the Department of Community and Economic Development web site at www.newPA.com under Municipal Statistics. School district statistics are available at the Department of Education web site at www.pde.state.pa.us.

Counties, cities, boroughs, townships and school districts of Pennsylvania levy taxes on people and property within their jurisdictions. Municipal authorities cannot levy taxes and are required to finance their operations, services and facilities through the revenues they produce from service charges or lease rentals.

The tax on real estate is the most productive of all local taxes followed by the earned income tax. In 1947, the General Assembly passed Act 481, enabling all local units except counties to raise additional revenues from such taxes as those on earned income, mercantile transactions, real estate transfers, amusement, mechanical devices and persons. This law was superseded by Act 511 of 1965, the Local Tax Enabling Act. A similar broad grant of local taxing authority was first made to Philadelphia in the Sterling Act of 1932. In recent years, with the widespread use of the earned income tax, taxes levied under Act 511 have become increasingly important in the local government revenue structure; but real estate remains, as it always has been, the chief local tax source. It is the only tax all types and classes of local government in Pennsylvania are authorized to levy.

Real Estate Assessment

In each county, a board is established to supervise, equalize and revise assessments, and to hear appeals. The board appoints assessors and other personnel to make assessments and value property for taxation purposes.

In Philadelphia, the Board of Revision of Taxes, a seven–member board appointed by the Court of Common Pleas, administers the assessment function. Allegheny County, a home rule county, created a board to oversee property assessments, another board to hear assessment appeals and an office to make assessments and valuations of property. A three-member board of assessment appeals is appointed by the county commissioners in counties of the second A and third classes to oversee assessment operations. In fourth through eighth class counties, the commissioners have the option to serve as the board of assessment appeals or appoint three members to carry out that role.

Third class cities have the option of accepting county assessments or establishing their own assessments using their own assessment organizations. In the few cities that have their own assessment organization, city council acts as the assessment board and appoints the city assessor. Third class cities located in counties of the fourth through eighth class also have the option of using county assessments but applying their own ratio to the assessment, which may be different than the county's predetermined ratio, but no greater than 100 percent.

Assessors must consider three assessment methods to arrive at the value of a property: cost (reproduction or replacement, less depreciation), comparable sales and income. Land and improvements must be valued separately which is necessary for those cities and boroughs that tax land at a different rate than improvements. Once a property is valued, the county applies its predetermined ratio to the property value to calculate the assessment. The predetermined ratio, which may be set up to 100 percent, is the ratio of assessed to actual market value set by the board of county commissioners.

The State Tax Equalization Board annually calculates a common level ratio for each county. The common level ratio is the ratio of assessed value to market value of most property sold in a county.

When the county assessment board or county assessment office receives the assessment roll, revisions may be made for the purpose of equalizing valuations from property to property. The county then prepares a master duplicate of all real estate assessments in the county by district, showing the name of property owner, address, property location and assessed valuation. The assessment rolls are open to public inspection.

Occupations are also assessed by the local assessors in fourth through eighth class counties and put on the assessment rolls subject to the same millage as pertains to real property, unless the occupation tax is authorized under Act 511, which prescribes no rate limit. The occupation assessments are arbitrarily fixed by assessors on the basis of the type of profession or occupation of each adult resident. As a rule, the assessments are very low, but some taxing jurisdictions apply a very high millage, resulting in considerable tax bills for individuals.

Counties are required by the assessment laws to furnish assessment rolls to local taxing districts for purposes of taxing real estate and occupations. Each local taxing authority is responsible for preparing its own duplicate, including a calculation of the amount of tax due on each property and person, based on the tax rate adopted by the taxing authority and assessed valuations of real estate and occupations.

All properties within the taxing district must be uniformly assessed at a similar ratio. This is necessary to satisfy the requirements of Article VIII, Section I of the Pennsylvania Constitution that provides that all taxes must be uniform on the same class of subjects within the territorial limits of the authority levying the tax. The controlling principle in matters of valuation is that no one taxpayer should pay any more or less than their proportionate share of the cost of government. Equalization may require periodic reassessments of all parcels within the county, initiated at the discretion of the county commissioners. Since the 1990's, the courts have accepted challenges to county assessments based on equity, poor assessment quality and the lapse of time since properties were assessed. As a result, the courts have ordered a number of counties to undertake countywide reassessments.

The assessment laws provide procedures whereby any property owner may appeal the assessment of their property to the assessment board. In hearing an appeal, the board must determine the current market value of the property. After determining current market value, the board is to apply the established predetermined ratio. If there is a variance of more than 15 percent between the predetermined ratio and the common level ratio, the common level ratio must be used to determine the assessed value of the property. The decision of the board may be appealed to the Court of Common Pleas of the county where the property is located.

Political subdivisions are limited in the amount of additional revenues that can be raised from the real property tax for the first year after a countywide reassessment or a change in the predetermined ratio. In counties of the second A and third classes, each political subdivision is required to reduce its tax rate in order that the total amount of taxes does not exceed 110 percent of the total amount levied the preceding year. Similar restrictions apply to political subdivisions within counties of the fourth to eighth class. However, the percentage is not to exceed 110 percent in the case of a school district or 105 percent for any other taxing district. Political subdivisions in Allegheny County are limited to 105 percent of the total amount of real property taxes levied in the year prior to the reassessment or a change in the predetermined ratio.

The Pennsylvania Constitution exempts residential real estate owned by paraplegic, amputee, blind or totally disabled veterans or their surviving unmarried spouses. The Constitution also authorizes additional real estate exemptions that are provided for by the General Assembly such as churches, nonprofit cemeteries, schools, public property used for public purposes, property owned and occupied by veteran's organizations, libraries and art museums. In addition, the Institutions of Purely Public Charity Act, Act 55 of 1997, uses a five-part test to determine whether an entity qualifies for tax-exempt status as a charity. The five criteria are:
(1) advancing a charitable purpose, (2) operating entirely free from a private profit motive, (3) donating gratuitously a substantial portion of its services, (4) benefitting a substantial and indefinite class of persons who are legitimate subjects of charity, and (5) relieving government of some of its burden.

A 1968 amendment to the State Constitution authorized the General Assembly to provide tax exemptions for older, disabled or poor persons as long as the Commonwealth reimbursed local taxing authorities for revenue losses caused by the exemption. The Senior Citizen Rebate and Assistance Act provides rebates on local property taxes and that portion of rent representing the tenant's share of property taxes. Rebates are granted to senior citizens, widowers, and permanently disabled persons with incomes of less than $15,000 per year. Act 1 of 2006 increased the income limit to $35,000.

A 1997 amendment to the Constitution authorized local taxing jurisdictions to exclude from taxation a portion of the assessed value of homestead property. The exclusion cannot exceed one-half the median assessed value of homestead property within the taxing jurisdiction. In addition, taxing jurisdictions are prohibited from increasing real estate millage rates to offset the revenue lost by the reduction in the tax base from a homestead exclusion. The Homestead Property Exclusion Act and the Homeowner Tax Relief Act permit counties, municipalities and school districts to exclude from taxation a portion of the assessed value of owner-occupied residences as well as owner occupied farm property.

Tax Levies

The levy of local taxes is the function of the governing bodies of local units; the boards of county commissioners, the city and borough councils, the township boards of commissioners and supervisors, and the boards of school directors. This is done within the limits set by state law. Local action is in the form of ordinances or resolutions. The rates of real estate taxation are on the basis of the number of mills for each taxable dollar. Counties, municipalities and school districts are also permitted to levy other taxes under their respective codes, but the rates of these taxes are limited.

County real estate taxes are limited to 25 or 30 mills, depending on the class of the county. Additional levies are permitted for debt service, parks and playgrounds, libraries, road and bridges and payments to municipal authorities. There are no limits on real estate taxes in the cities of Philadelphia, Pittsburgh and Scranton. Pittsburgh, Scranton, third class cities and boroughs may impose separate and different rates on land and buildings.

The rate of real estate taxes for general purposes is limited in third class cities, boroughs and townships. Third class cities are limited to 25 mills, boroughs to 30 mills, first class townships to 30 mills and second class townships to 14 mills. Each of these classes of municipalities is also permitted to levy an additional five mills with court approval. Most of these classes of municipalities are also permitted to exceed their real estate millage limits for fire houses and equipment, municipal buildings, community colleges, ambulance and rescue squads, roads, street lighting, gas, water and electric services, permanent improvements, pensions and shade trees. There are different limits on these special taxes. However, all of these classes of municipalities are provided unlimited real estate taxing authority for debt payment or debt service, libraries, recreation, distressed pension systems, open space with voter approval and financial recovery if distressed with court approval.

Home rule municipalities may set rates higher than the limits in state law for property taxes and personal taxes levied on residents. Home rule municipalities may not create new subjects of taxation. Real estate taxes for school districts are limited to 25 mills, except the Pittsburgh School District, which is limited to 32.25 mills. Nevertheless, the statutory limits on school districts are misleading because there are no limits on additional millage to pay salaries or debt service.

Act 511 Taxes

The Local Tax Enabling Act of 1965 allows all local units except counties, the City of Philadelphia and the Pittsburgh School District to levy taxes as follows:

(1) The per capita tax rate is $10 maximum and must be shared on a 50/50 basis between municipalities and school districts unless agreed to otherwise.

(2) The real estate transfer tax is one percent maximum of the amount of the transaction. This tax must be shared if both the municipality and school district levy it.

(3) The maximum rate of the earned income and net profits tax is one percent and is subject to a 50/50 sharing by the municipality and the school district unless otherwise agreed to by them.

(4) The rate of the mercantile tax is limited to one mill on wholesale transactions and one and a half mills on retail transactions. This tax was eliminated for the City of Pittsburgh by Act 222 of 2004.

(5) As to occupation taxes, there is no limit on the rate when the tax is based on assessments and there is no requirement for sharing. Occupation taxes levied at a flat rate are limited to $10 and are subject to sharing.

(6) The Local Services Tax replaced the Emergency and Municipal Services Tax in 2007. The taxpayer must be gainfully employed and may only be taxed to the maximum rate by this levy, even though he/she may work in more than one political subdivision or on more than one job.

(7) On admissions to places of amusement, the rate is 5 percent for school districts and municipalities who first levied the tax prior to June 30, 1997. School districts are prohibited from enacting any new amusement tax after June 30 1997. Municipalities enacting a new tax after that date are restricted to 5 percent. A further limit of 40 percent of the original 5 or 10 percent amusement tax was enacted in 2002. The tax is also prohibited on admissions to motion picture theaters (except in Pittsburgh), ski facilities and automobile racing facilities above a specific size.

Other taxes levied under the authority of Act 511 include the business privilege tax, mechanical devices tax and a parking lot tax.

Municipalities levying the Per Capita, Occupation, Local Services or Earned Income tax may exempt any person whose total income from all sources is less than $12,000. Except in Philadelphia, where earned income taxes are paid by persons who work in the city but live outside, such taxes, if levied by the municipality in which a person lives, serves as a credit against liability for the tax of the municipality where the person works if it has passed such an ordinance. Other important crediting provisions are included in Act 511 for earned income taxes paid to another state or a political subdivision of another state.

The one percent limit on the earned income tax rate in Act 511 does not apply to all taxing jurisdictions. Laws other than Act 511 provide additional earned income taxing authority. There is no statutory limit on the Philadelphia wage and net profits tax; however, the rate on nonresidents is restricted to a portion of the rate on residents. The earned income tax rate is limited to 2 percent for the Pittsburgh School District and one percent for the Scranton School District, without the sharing requirement. There are also exceptions to the one percent limit for home rule municipalities, financially distressed municipalities, municipalities with financially distressed pension systems, municipalities that purchase open space and school districts or municipalities that adopt Act 50 of 1998 or Act 24 of 2001. Act 50 and Act 24 permit taxing jurisdictions with voter approval to shift from the occupation tax to earned income taxes.

For more specific information regarding Act 511 and other local taxes, the reader is referred to *The Taxation Manual*, another publication from the Governor's Center for Local Government Services.

Tax Collection

The responsibility for collecting borough, school, county and township taxes on real estate and occupations rests upon the tax collector, who is elected for a term of four years. Some counties collect their own taxes under charter or special law. For the collection of Act 511 taxes, the governing bodies may make the elected tax collector responsible, but the law allows them to designate another municipal officer to collect such taxes, or to appoint a special tax collector. In the case of taxes on earned income, local units within a county or area may jointly contract with an agency to collect such taxes. In cities and townships of the first class, the city or township treasurer collects taxes. In Philadelphia, all taxes - city and school - are collected by the City Department of Collections.

In cities, treasurers are paid on a salary basis, but in boroughs and townships compensation can be set on salary, wage or commission basis depending upon action of the governing body. The compensation of the treasurer of a first class township may not exceed $10,000, plus compensation for collecting school and county taxes. The school directors can fix the compensation of the collectors of school taxes at a commission rate or they may pay tax collectors on a salary or wage basis. Governing bodies may not raise or lower the compensation of tax collectors during their term of office.

Delinquent real property taxes may be collected by the ultimate sale of the property or the confiscation of rents on the real property. In the case of other taxes, attachment of wages may be made.

Federal Financial Assistance

Since World War II, federal financial assistance to state and local governments has increased at a tremendous rate of speed and volume. Hundreds of federal aid programs are in operation and a large number of them directly or indirectly affect local units. Many subsidies first come to the state departments and from there filter down to local units in accordance with provisions of national and state laws and of state plans for such federal-state-local relationships. Thus, federal financial assistance is given in such fields as highways, welfare, health, education, housing and community development.

Federal grants are available to local units for community development, sewage treatment plants, airport construction, urban mass transportation, improved elementary and secondary education, low rent public housing, rural development and job training. Billions of federal dollars flow down to local units and their citizens because of such programs. In many cases, state and local units must match or in some other manner contribute a share of financial and administrative support to the programs and projects, but often the local share is small in comparison to what the national government makes available.

VI. The Property Owner

Anglo-American law distinguishes between proprietary and personal rights. The aggregate of a person's proprietary rights constitute his estate, assets or property. Personal rights include status as a citizen, or personal condition such as being head of the family. Personal rights are recognized by law like those of property. Proprietary rights are valuable in terms of money; personal rights are not, although they may be of great intrinsic worth to the individual.

There are two kinds of property: tangible and intangible. Tangible property consists of material things - land, buildings, automobiles and chattels of various kinds. Intangible property includes stocks, bonds, patents, copyrights, trademarks, leases, pensions and annuities.

A further distinction may be made between immovable and movable property. The former includes land, buildings, and heavy machinery built into the property; the latter includes any property which can be moved with comparative ease, such as automobiles, cattle, clothing, jewelry, stocks and bonds. In Pennsylvania, these two divisions of property are also called real and personal.

Eminent Domain

Real property owned by an individual or person is subject to the exercise of eminent domain by state and local government. This is the right to appropriate private property for public use. The General Assembly grants specific powers of eminent domain to local units, as well as to certain public utility corporations.

Private property may be taken away for public use only upon the payment of just compensation. The United States Constitution declares in the Fourteenth Amendment, "nor shall any State deprive any persons of life, liberty, or property, without due process of law..." The amount of compensation must be negotiated between the property owner and the local government or corporation which desires the property for public use. If no agreement can be reached, the question is ultimately decided by the courts with the aid of viewers. Of course, the courts may also judge whether the reason for appropriating the property is genuinely a public use.

Laws governing the exercise of eminent domain by local units list the purposes for which property can be taken. They include waterworks, wharves, public buildings, public works, sewerage systems, garbage disposal plants, electric light plants, libraries, parks and playgrounds and other uses set forth in the law. Benefits accruing to property may also be assessed against the property owner if it can be shown the property increased in value because of the public works erected.

The procedure by which the power of eminent domain is exercised and damages are recovered is governed by the "Eminent Domain Code,"[1] which was consolidated in 2006 into eleven chapters within Title 26 of the Pennsylvania Consolidated Statutes, thus replacing, with changes, the prior "Eminent Domain Code."[2] The 2006 changes were passed in large part due to the United States Supreme Court decision in *Kelo v. City of New London,*[3] in which the Court held that an "economic development" taking that resulted in property being conveyed to a private party was valid under the United States Constitution, subject to any limitations that may be imposed by individual states. While the Eminent Domain Code in its current form still represents primarily a procedural statute and does not contain any substantive delegations of power to exercise the power of eminent domain,[4] the 2006 changes added a chapter entitled "Limitations on Use of Eminent Domain."[5] This chapter specifically restricts, subject to exceptions, the use of eminent domain for private purposes and imposes other substantive restrictions on the use of eminent domain by entities granted such power through other statutes.

Deeds and Mortgages

Ownership of real property is certified by records at the county courthouse. The county recorder of deeds preserves records relating to real property within the county. He must record all deeds when they are duly executed and acknowledged, certify his seal on the back and denote the place where the instrument is recorded. Before recording a transfer of realty, the recorder forwards ownership information to the county assessment office.

He also records mortgages and enters on the margin all satisfactions, assignments, releases and postponements of the lien of mortgages. He keeps photostatic copies and indexes of all recorded deeds and mortgages, a daily record of mortgages and a daily record of mortgage and land conveyance transactions. His records are open to the public.

Some municipalities have a real estate registry. The books, maps and plans show the location and dimensions of each property and the names of the property owners.

Streets, Roads and Sidewalks

Local governments have the right to take over, lay out, open, construct, change and improve streets and roads within their boundaries. This must be done by ordinance within the outlines of a street plan. Street improvements may be made with or without petition of the abutting property owners. The local government may assess and collect the whole cost or part of the cost from the owners of the real estate abutting the improvement. These assessments are payable in installments. Damages incurred by taking over the property of abutting owners may also be assessed. Property can be acquired for unobstructed view at the corners of streets.

Local units also have the power to lay out sidewalks and to compel their construction. All or part of the cost of such improvements may be paid by the local unit. Local governments have the power to establish the grade, line and width of the sidewalk and also compel the construction of curbs and gutters fronting the property. All of these improvements must be kept in repair and in safe condition by the property owners. If the sidewalk becomes a nuisance and jeopardizes the safety of pedestrians, the municipality may make repairs and charge the property owner. This must be done by guidelines established within the local ordinance.

Water Supply and Waterworks

Water can be supplied by the municipality, a private corporation or a municipal authority established for this purpose. When waterworks are acquired by the municipality, bonds may be issued for the purchase and paid off from the water revenues. The cost of constructing water mains may be assessed against the abutting property owners. Property owners can be required to connect to any water main adjoining their property and a tap-in fee may be charged. Water rates are charged and collected by the utility furnishing the water. About a third of the water systems are owned by municipalities, another third by private water companies and the final third by municipal authorities.

Sanitary Sewer Systems

Local units, with the consent of the Department of Environmental Protection, can construct sanitary sewers in streets and on public or private property and may construct sewage treatment works. They may pay the costs out of local government funds, or may assess the costs of sanitary sewers on the properties using the facility. Extensions may be made beyond the limits of the municipality for sewage treatment. Municipalities may furnish sewerage service to municipalities, individuals and corporations outside the municipal limits and contract for such service at rates not less than those paid within the municipality itself. Ordinances may be enacted to require

property owners along sewer lines to make connections with the sanitary sewer and a tap-in fee may be charged against each owner connecting with the sewer. Storm sewers may also be constructed and maintained.

Municipalities with a public sewage treatment system may collect an annual rental or charge for the use of a system. The rental charge is fixed on the basis of maintenance costs, interest on the investment, acquisition of property and all other costs.

Solid Waste

Garbage is a problem most householders would like to leave at the curb. Solid waste management has become an important public policy issue in recent years. The days of the town dump are long in the past. Damage to the environment from hazardous wastes has threatened entire communities. Stiffer regulation has led to the closure of many landfills. Community opposition to the siting of new landfills can be intense.

In large communities, solid waste collection is often done by municipal employees. In smaller communities, this function may be performed by private contractors, or individual householders may be responsible for making their own arrangements. Fees that are charged to the property owner have shown steep rises in the recent past. Facilities for transportation and disposal of solid waste must conform to regulations of the Department of Environmental Protection.

Mounting solid waste volume and rapidly contracting landfill capacity has led to increased emphasis on resource recovery. Incinerators are being used to generate electricity and steam heat and landfills being tapped for methane gas. Legislation requires recycling of items such as office paper, newsprint, aluminum and glass in the state's larger communities. Treatment of hazardous waste is subject to special regulations. Many larger municipalities have instituted curbside or community recycling programs.

Special Assessments

A special assessment is a charge made against a property to pay all or part of the cost of improvements made by the municipality. If the improvement benefits the property, the cost can be borne by the property owner or owners rather than by the general public in the form of taxes.

There are three kinds of special assessments. The first assesses the cost of an improvement on the basis of the front footage of the property benefitted. This is used, for example, for improving, curbing, paving and grading of streets; for constructing sewers and water mains; and for installing street lights.

The second method is through the appointment of viewers by the court who view the property affected by the action or the project and determine whether and how much the property is damaged or benefitted. This is also used in cases of eminent domain where the municipality or local unit condemns land for streets or other public uses.

The third method is to require a property owner to pay the actual cost of the work done by the local unit on his property, such as sidewalk construction and repair or planting shade trees. It can be paid in installments with interest charges added.

After a certain date, often 30 days following the billing of the property owner for the cost of the improvement, the municipality may collect the amount due either by action or assumpsit or by filing a municipal claim in the office of the county prothonotary. Interest is charged from the completion date of the project. A municipal lien remains in force for five years, and it may be revived. Ultimately, it must be satisfied or else the property may be put up at a sheriff's sale.

Municipal Authorities

A popular device for establishing, constructing and operating local utilities and other public works and services is the municipal authority. It is a body politic and corporate established under the law for acquiring, holding, constructing, operating, owning, leasing or financing projects of various kinds such as public buildings, including school buildings, transportation facilities, sewers and sewage treatment works, waterworks, recreation projects, hospitals and industrial development projects.

The projects must be wholly or partly for public use. The costs incurred in construction, maintenance and operation are generally paid from revenue earned by the project itself such as water rates or sewer rentals. In the case of leaseback authorities, projects are built by the authority and leased back to the sponsoring local unit. Authority bonds are paid from lease rentals paid by the local unit. Most school building authorities operate in this manner.

Under the Local Government Unit Debt Act, local governments can finance large projects with self-liquidating debt without the establishment of a municipal authority. Lease rental debt is now considered in calculating the municipality's overall debt limit.

Planning

Physical planning by municipalities for the future development and redevelopment of their communities has long been accepted as an important function of local government. Planning is a legal means of deciding how best to provide a proper arrangement of land uses, efficient circulation, desirable environmental features and general amenities of community life. Development of a comprehensive plan for the community should consider all elements influencing its growth: population changes, land use, transportation, recreation, education, utilities and economic structure. A comprehensive plan should contain a statement of strategy or a statement of community development and timing of future development. This statement may also serve as the community development objectives required to enact a zoning ordinance. Comprehensive planning attempts to assure orderly development of community facilities, eliminate uneconomic land use, reduce traffic hazards, preserve natural and historical resources and regulate building locations and land uses.

The creation of a planning commission by ordinance is the best first step for a planning program. Members are appointed by the governing body of the local unit. The commission is authorized to employ planners, engineers and other personnel within budget limits. Maps showing the physical features of the community including streets, property ownership, public buildings, open spaces, transportation facilities, land use and proposed changes are basic tools for planning. Surveys and studies of various problems may be made and recommendations for action may be submitted to the governing body. The planning commission may also be asked to make recommendations regarding the location of public buildings, changing the street system, parking facilities and otherwise altering the physical structure of the community. Municipal planning commissions should review land use ordinances and regulations governing development of land no less frequently than it reviews the comprehensive plan.

Recent changes in state law and policies have encouraged many local governments to plan cooperatively on a multimunicipal or regional basis. Multimunicipal plans can take a broader view of a region and its needs, such as the protection of historical and natural resources, economic and community development, and enhanced delivery of services for all.

Zoning

Zoning is the power of a local unit to establish reasonable requirements to guide and coordinate the present and future land use of the community. Zoning regulations must accommodate reasonable overall community growth, including employment growth, and the opportunities for development of a variety of residential dwelling types and nonresidential uses. Some other purposes of zoning are to lessen street congestion, secure safety from fire hazards, prevent overcrowding on land, facilitate adequate provision for community services and promote the health, safety and general welfare of the community.

With the zoning powers given to them by law, municipalities may regulate and restrict the height and size of buildings and other structures, their construction, the percentage of lot they may occupy, the size of yards, courts and open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence and other purposes.

To do this, the community may be divided into usage districts, and in each district the municipality may by ordinance regulate and restrict the erection, construction, alteration, repair or use of buildings, structures and land. All such regulations must be uniform within each district, but may vary from district to district; thus there may be residential, commercial and industrial districts each allowed a different pattern of land use. A zoning hearing board is appointed to hear and determine appeals from the zoning regulations, to decide on special exceptions and to authorize variances from the terms of the ordinance not contrary to the public interest.

Subdivision and Land Development Control

Municipalities may adopt, by ordinance, subdivision and land development regulations to assure suitable sites for building purposes and human habitation, coordination of the existing street system with proposed new streets and the provision of parks and open spaces for traffic, recreation, light and air and for the proper distribution of population.

Such ordinances may include design standards, construction requirements and provision for utilities. Where subdivision regulations have been adopted, no subdivision may take place and no facilities may be constructed except those following the regulations. A municipality may withhold permits or approvals necessary to develop land when a violation of the subdivision and land development ordinance has occurred. Where such regulations have not been adopted by a local municipality, but have been adopted by the county, the county regulations apply.

Building Regulations

In November of 1999, Act 45 was signed into law creating the first comprehensive statewide building code for the Commonwealth of Pennsylvania. This legislation is referred to as the Pennsylvania Uniform Construction Code (UCC) and establishes minimum construction standards for virtually all residential and commercial construction activity within Pennsylvania.

The purpose of this law is to provide standards for the protection of life, health, property and environment, as well as the safety and welfare of the consumer, general public and the owners and occupants of buildings and structures. Since nationally recognized codes and inspector certification standards will be applied statewide, conflicting and obsolete codes will be eliminated and enforcement of the codes should become more consistent.

Every municipality has the option to enforce the Uniform Construction Code or “opt-out” of administering the regulations. The building code will apply in every municipality, including those that opt-out, but enforcement will conducted by licensed third-party agencies for residential projects and the Pennsylvania Department of Labor & Industry for non-residential construction activity.

Property maintenance codes, nuisance ordinances and historic review requirements are not mandated as part of Act 45, but may be adopted and enforced by the municipalities

Flood Management and Insurance

A series of disastrous floods during the 1970's led to the passage of floodplain and stormwater management legislation by the General Assembly. Municipalities are required to participate in the National Flood Insurance Program. They must enact the minimum floodplain management regulations required by the federal government to regulate building construction and other activity in designated floodplains. They must also adopt ordinances controlling stormwater runoff under watershed stormwater plans developed by the county.

The National Flood Insurance Program provides federally-subsidized insurance against losses to private property from floods. No other affordable insurance against flooding is available. Eligibility for participation in the program depends upon local regulation of development in floodplains and control of obstructions. All of the approximately 2,380 flood prone communities in Pennsylvania are now required to participate in the program, making this vital protection available to their citizens and property owners.

For more specific information regarding land use planning and regulation, the reader is referred to other publications from the Governor's Center for Local Government Services, including the following, all found at www.newPA.com.

- *Pennsylvania Municipalities Planning Code*
- *Local Land Use Controls in Pennsylvania*
- *The Planning Commission*
- *The Comprehensive Plan*
- *Zoning*
- *Technical Information on Floodplain Management*
- *The Zoning Hearing Board*
- *Special Exceptions, Conditional Uses and Variances*
- *Subdivision and Land Development in Pennsylvania*
- *The Zoning Officer*
- *Reducing Land Use Barriers to Affordable Housing*

References

1. 26 P.S. § 101 et seq.
2. Act of June 22, 1964, Special Session 1 (P.L. 84, No. 6).
3. 125 S. Ct. 2655 (2005).
4. The substantive power to exercise eminent domain by political subdivisions, local authorities, and other governmental entities is usually delegated within the specific municipal codes or other statutes delineating the purposes, duties, and powers of those entities.
5. 26 Pa.C.S. § 201 et seq.

VII. Public Safety

Through the years, the basic function of local government has been public safety. Maintenance of law and order, protection from fire, preservation of public health and disaster response have been responsibilities of local officials and citizens. Even now, when higher levels of government are making policy, enacting legislation, issuing regulations and providing financial support in these fields, the basic responsibility for assuring the public safety still lies largely at the local level.

A variety of specialties are involved. Law, medicine, police science, transportation, traffic control, firefighting and prevention, psychology, social services, public health and public administration are only a few of the more readily recognized. As life becomes more complex, the number of special services and techniques increases and becomes more refined, sophisticated and interrelated; for example, police radio, special weapons, communications, interior fire attack, public health, nursing, air pollution monitoring, psychiatry and many more. These activities continually expand in scope and in depth so not only local government personnel, but, more than ever before, the ordinary citizen is involved and must learn many new techniques and consciously take part in the modern process of social survival.

Criminal Justice

The state regards crime as unsocial and punishes many actions on the part of individuals. These actions are listed in the Crimes Code and relate mostly to the protection of life and property. The two main classes of crimes are felonies and misdemeanors; the former is usually more serious.

Once a crime is committed and the police are informed, the government stays in the picture until the case is closed. The first step is to arrest the person alleged to have committed the crime. First, a complaint is made by a police officer or a private individual to a magisterial district judge who issues a warrant or order of arrest against the accused. If the crime is committed by a person or persons unknown, this action must wait until evidence reasonably indicating the party that may be guilty is available. In many cases, probably in most involving misdemeanors, arrests may be made without warrant, especially when the crime is committed in view of an officer of the peace or when he is reasonably certain the one whom he is arresting is guilty. If the guilty party is unknown, the police, both uniformed and detectives, attempt to collect evidence leading to the identification and capture of the alleged criminal. This often involves the use of highly specialized methods of crime detection - investigation, fingerprinting, blood tests and moulage.

Once a person alleged to be guilty of a criminal act is apprehended and arrested by police officers, he is brought before a magisterial district judge for a preliminary hearing. These minor courts are given the power to dispose of any summary offense and misdemeanors. Appeals to a higher court are possible, however. In all other cases, the power of the minor judiciary is limited to hearing evidence against the accused, and, if the evidence is determined to justify a trial, the accused is bound over to await action by the district attorney and trial in a higher court. The accused may be discharged if adequate evidence of guilt is not available. If bound over for trial, he may be allowed freedom until the time of trial either without bail or by giving bail to guarantee his appearance in court at the proper time. Initiation of criminal proceedings is by information filed by the district attorney.

The accused is brought to trial before the Court of Common Pleas. The accused is first arraigned, that is, given a formal reading of the charge in open court. Through his counsel, the accused may challenge the indictment, or he may plead guilty or not guilty. If pleading guilty, the judge hands down the sentence. If pleading not guilty, the case continues.

A trial jury is impaneled. This is a body of twelve persons chosen from a panel of citizens of the county. The case is prosecuted for the state by the district attorney, elected by the voters of the county, or by an assistant. Both sides, the state and the accused through his counsel, may challenge a certain number of jurors as not being suitable for this particular trial. Once the jury is chosen, the trial begins and both sides marshal their evidence, witnesses and arguments. The procedure for doing this is governed by rules and principles, both statutory and judicial. When both sides have completed their presentation, the judge then instructs the jury as to crucial points in the case and in the law involved. The jury then retires and after deliberation under the leadership of its foreman, returns its verdict. If it is "guilty," the judge then sentences; if it is "not guilty," the accused is acquitted and can never be tried again for the same offense.

An offense, as defined in the Crimes Code of Pennsylvania for which a sentence of death or imprisonment is authorized, constitutes a crime. The classes of crime are: murder of the first or second degree; felonies of the first, second and third degrees; and misdemeanors of the first, second and third degrees. A person convicted of murder of the first degree shall be sentenced to death or a term of life imprisonment. A person convicted of murder of the second degree shall be sentenced to a term of life imprisonment. Prison sentences, as fixed by the courts, carry a maximum penalty ranging from twenty years for a felony of the first degree, to ten years for second degree and seven years for third degree. The maximum penalty for misdemeanors ranges from five years for the first degree, to two years for second degree and one year for third degree. Persons convicted of summary offenses may be sentenced to imprisonment for a term not to exceed ninety days.

The sentence may be suspended with or without probation, and then the person convicted may take a normal place in society. If on probation, he is supervised for a period of time by a probation officer under the supervision of the court. If the convicted person is imprisoned for a long term, he is usually sent to a state penitentiary; if for a term of up to two years, he may be incarcerated in the county jail. A prisoner might be paroled after serving part of his time, and if so, he reports to the state parole officer. He may be pardoned or his sentence may be commuted by the governor upon the recommendation of the Pardon Board of the Commonwealth. A commuted sentence is one which has been shortened because of good conduct or certain extenuating circumstances. A pardon is an unconditional release. When the prisoner's sentence is served, he is released from custody.

Police Protection

Peace officers charged with the apprehension of criminals include city, borough and township police, the county sheriff and detectives, and the county coroner. The Pennsylvania State Police, while not superseding these local officers, supplement their activities, especially in the rural areas and along state highways and serve to link the law enforcement machinery throughout the entire state. Furthermore, the Federal Bureau of Investigation and other federal agencies are all involved in certain cases and often a three-way manhunt for "most-wanted" criminals is carried on. The higher level agencies of law enforcement also assist local police departments in police training, identification, communication and research.

1,177 municipalities operate their own police departments. Many of these do not provide 24-hour police protection, but have only part time forces. Others contract with neighboring municipalities to provide local police services (124). Areas without local police protection rely on whatever services are available from the State Police (1,314 municipalities). There is a growing interest in consolidation of police forces at the local level to provide an adequate degree of coverage, yet still retain local control of the police. As of January 2010, 32 regional police departments had been formed.

Fire Protection

Fire protection is one of the few local public services where citizen volunteers play a leading role. In 2009, 25 Pennsylvania municipalities had fully-paid fire departments. In smaller communities, fire protection is entirely in the hands of volunteers, with 2,475 volunteer fire companies active across the state. In 108 of the larger municipalities, the volunteer system is augmented by paid fire drivers and other specialized personnel. Only in the largest cities are the fire departments entirely paid. The main financial support for volunteer fire companies comes from municipal contributions, donations and profits from community activities and entertainments. Paid fire departments are supported almost entirely from local taxes, sometimes in the form of a special fire tax on property.

The quality of fire protection and prevention activities, along with other community factors, determines the fire insurance rates paid by property owners. A system of municipal rating has been developed by the National Board of Fire Underwriters and on these ratings the fire insurance rates of community are based. The standing of a municipality is fixed by charging it with a certain number of deficiency points for failure to meet standards for safety established by the underwriters. The municipality falls into one of ten classes represented by the total number of deficiency points charged. Therefore, those in class I, with the fewest deficiency points, have the lowest fire insurance rates. Seven different items are rated: water supply, fire department, fire alarm system, police department, building laws, fire hazards and structural conditions. The most important are water supply and the fire department.

Emergency Management

The Pennsylvania Emergency Management Services Code (Title 35) requires local governments to establish their own emergency management plan for disaster emergencies and to cooperate with county, state and federal agencies after disasters occur. Upon the declaration of an emergency, local governing bodies are given powers to provide disaster relief with the temporary suspension of requirements regarding purchasing, employment and expenditure of public funds. Local governments also must: make a recommendation to the Governor for appointment of a local emergency management coordinator; prepare and maintain an all-hazard disaster emergency management plan; and establish, equip and staff – when necessary – an emergency operations center.

Local Health Activities

Local health activities in Pennsylvania are closely related to those of the state departments of Health, Environmental Protection and Agriculture. Modern public health work seeks to prevent serious epidemics and to reduce the incidence of infectious and contagious diseases. Through health laws and regulations, water supplies are safeguarded, milk and food is guarded from pollution, health nuisances are abated and communicable diseases controlled.

Most of the large cities and municipalities have local health boards or local health officers whose duty is to enforce the health laws and regulations of the state and the local governing body. Since 1906, when the Department of Health was established, the state has taken the leadership in health activities in the Commonwealth. In 1951, state legislation provided the legal basis for the establishment of county and multi-county departments of health. These have been created in the counties of Allegheny, Bucks, Chester, Erie, Montgomery and Philadelphia and the cities of Allentown, Bethlehem, Wilkes-Barre and York. More than half of the communities in the state have given over the administration of health to the Department of Health. Municipalities with local health boards and health officers operate under the supervision of the state with assistance rendered to them by Pennsylvania Department of Health district offices.

Among the duties of local health authorities are: cooperation with state and school authorities in distributing vaccines and controlling of sexually transmitted diseases; inspection of garbage and refuse disposal facilities; and abatement of all nuisances affecting the health of the community. The Department of Agriculture enforces the Milk Sanitation Law governing the production, processing and sale of milk and milk products in the state.

All local health ordinances and regulations must be consistent with state laws and regulations. Local health authorities must make reports to the state on such matters as communicable diseases (weekly), licenses issued to eating places (annually), bacterial analysis of swimming pools and bathing places (at intervals), and operational reports on local waterworks (at intervals).

Local municipalities are prohibited from polluting streams by sewage, must construct sewage treatment plants and may receive grants from both the state and federal governments for construction of facilities to eliminate stream pollution. The health of school children is rigidly supervised by regulations of the state Departments of Health and Environmental Protection as relates to food services, school building facilities, immunization requirements, health examination of pupils and health education.

Air pollution control is one of the newer environmental protection functions. In urban and industrial areas, the concentration of industrial fumes, smoke, automobile exhaust fumes, vapor and other gaseous effusions has been found to be detrimental to health and efforts are being made to reduce the hazards attributable to it.

As a result of the alarming increase in drug abuse in recent years, the Office of Drug and Alcohol Programs was created in the Department of Health to deal with the prevention, treatment, rehabilitation, research, education and training aspects of drug and alcohol abuse and dependence problems. The state is divided into 49 units. A planning council or an executive commission develops a county plan for the three programs of prevention; primary, aimed at the non-user of drugs and alcohol; secondary, aimed at the experimental or occasional user; and, tertiary, dealing with the chronic use or person who is impaired as a result of use or abuse of drugs.

County mental health/mental retardation programs are operated by the county commissioners, with supervision by the Department of Public Welfare. The following services are available: short-term inpatient, outpatient, partial hospitalization, 24-hour emergency consultation, education, aftercare, specialized rehabilitation and training, interim care of the mentally retarded and unified intake procedures.

Counties operate homes and hospitals for the indigent, aged and handicapped. Practically all general hospitals in Pennsylvania are owned and operated by nonprofit corporations in contrast to many other states where they are important local government activities.

Emergency health services are provided by local fire departments, ambulance services and rescue squads, operating as volunteer agencies. The Department of Health provides training for emergency medical technicians and has a certification program for ambulance services.

VIII. The Public Schools

Education is the key function of school districts. The Pennsylvania Constitution directs the General Assembly to provide for the support of an efficient system of public schools where all children of the Commonwealth above the age of six may be educated. Since 1834, when the first public school law was enacted, the General Assembly passed legislation to develop the present school system. The laws relating to Pennsylvania schools are consolidated into what is known as the Public School Code.

School Districts

The Public School Code sets up five classes of school districts according to population. School districts except in Philadelphia are administered by nine-member school boards elected by the people for four-year overlapping terms. In Philadelphia, in accordance with the Educational Supplement to the Home Rule Charter, a nine-member board is appointed by the mayor from a list submitted by an education nominating panel. There are 500 public school districts in the Commonwealth.

Local Administration

The boards of school directors, as the local controlling and governing bodies for the public schools, have full power to carry out the responsibilities assigned to them by law. They employ school personnel, provide for school buildings, buy textbooks and other supplies, levy taxes and issue bonds for school purposes. The law assigns powers, duties and responsibilities to the school board as a whole and not to individual members. Away from board meetings, an individual member has no more authority over school policy or personnel than any other citizen.

The administrative head of a school district is the superintendent. The superintendent recommends teachers and other personnel for appointment by the board. While the school board exercises policymaking functions, the superintendent serves as the board's chief executive officer and professional advisor. This official usually prepares the proposed annual school budget and makes other recommendations for the board to accept, modify or reject. The school directors adopt general rules and regulations covering the management, supervision, control or prohibition of any exercises, school publications or activities in the schools.

The only valid causes for termination of a contract entered into with a professional employee—teacher, administrative or other such personnel—are immorality, incompetence, intemperance, cruelty, persistent negligence, mental derangement, advocacy of subversive doctrine and persistent violation of school laws and regulations. Before dismissing any professional employee with permanent tenure, the school board must furnish the employee a written statement of charges and must conduct a hearing to ensure due process. A decision of the board may be appealed to the state Secretary of Education.

However, school boards may end the services of professional employees when enrollment substantially decreases, when there is a change in the educational program or when schools are consolidated as a result of district reorganization.

Pupils

Anyone between the ages of six and 21 may attend the public schools. The Compulsory Attendance Law requires all children to enter school not later than age eight and requires attendance until age 17, unless lawfully excused. The minimum length of all school terms is 180 days; 20 days of actual teaching constitute a school month. Beginning pupils must be admitted during the first two weeks of the annual term and must be at least five years and seven months of age at the time of admission. At the age of 15, a child having a certificate to do farm or domestic service in a private home may be exempt from compulsory attendance laws. This permit may be obtained at age 14 if the child has completed the highest grade or its equivalent in the public elementary school. A pupil may be assigned to a district other than that of his residence if the pupil lives more than two miles from a school within the district and if free transportation is not provided. If the pupil lives more than 1 ½ miles from an assigned elementary school and if proper free transportation is not furnished, the pupil may attend any public elementary school in another district that is more convenient to access. In these cases, the home district must pay the tuition. Pupils in districts without the kind of vocational training they desire may apply for admission to a school offering such instruction.

Attendance officers or administrators check on unlawful absences from school. Teachers have the right to exercise the same authority as parents when children are in school or going to and from school. An annual enumeration of all children from birth to 18 years of age or between the ages of five and 18 is made. Schooling is provided by the school districts for migratory children within their jurisdictions.

Special Education

Youngsters who are physically handicapped, emotionally disturbed or mentally retarded—whether from birth, childhood illness or youthful accident— as well as those who do so well they are academically gifted are considered "exceptional children" and qualify for special education. Special education classes, which usually contain fewer pupils than regular classes, are run by school districts and intermediate units.

Under pressure from the Pennsylvania Association for Retarded Children, the Commonwealth in 1972 became the first state in the nation to guarantee each mentally retarded child a "zero-reject" right to education. In the past, some children were excluded from public schools because of severe learning problems. This new policy guarantees that even the most profoundly afflicted youngster receives free public education or training/instruction designed to fit the child's specific capabilities and needs. The current concept is to keep special education children as close as possible to the mainstream and to let them take part in as many regular classes as feasible.

The State Department of Education

This state agency has many important functions in relation to public schools. First, it certifies teachers for the elementary and secondary schools. This means it sets the standards for education of teachers by stipulating the number of credits from approved institutions of higher learning necessary for various types of teachers. Also, the certified teacher must have had a certain number of credits in the study of educational methods and organization, including practice teaching.

A school district employing teachers without these standards may suffer a reduction in the state subsidy. The state mandates minimum salary and increment schedules school districts must pay their teachers based upon proper certification.

Second, the Department of Education is responsible for establishing the essentials of a minimum program in education: (1) a competent teacher in every classroom; (2) a definite school term; (3) the protection of school

age children in their right to attend school; (4) proper school buildings and equipment; (5) an instructional program teaching loyal citizenship, healthful living, opportunities for higher education and useful life work; (6) the provision for adult education and occupational retraining; (7) special education for retarded, handicapped, gifted and other special categories of children; and (8) the development of a master plan for higher education in the Commonwealth. To achieve such goals, the department has a number of advisory and research services to help improve programs in school districts.

Third, the department, in administering the state school subsidy system provides a portion of the cost of public education in the Commonwealth. Financial assistance is distributed on the basis of an equalization factor known as the aid ratios. It assures the poorer school districts of a greater share of state subsidy and the more affluent districts of a lesser share.

The State Board of Education is the educational policymaking agency for the Commonwealth. It consist of 22 members, seven of whom serve as members of the Council of Basic Education, seven as members of the Council of Higher Education, four are the sitting chairs of the House and Senate Education committees, three as members at large and one member is an ex-officio representative from the Standards and Practice Commission. 17 members, appointed by the Governor with the consent of two thirds of the Senate, hold office for six-year terms, but receive no salary. The Secretary of Education, the chief executive officer of the Board, is appointed by the Governor.

Linking the Department of Education and the school districts are 29 intermediate units. Each intermediate unit board of directors is composed of at least 13 members chosen for three-year terms from the school boards comprising the intermediate unit. They are selected by proportionate ballot of all the school directors of districts within the unit.

The intermediate units provide consultation and advisory and educational program services to their member school districts and auxiliary services to augment basic educational programs for all pupils of the Commonwealth. They assist the Department of Education in implementing State Board regulations and departmental policies.

Higher Education

Pennsylvania has 14 state-owned universities: Bloomsburg, California, Cheyney, Clarion, East Stroudsburg, Edinboro, Indiana, Kutztown, Lock Haven, Mansfield, Millersville, Shippensburg, Slippery Rock and West Chester. These state-owned institutions trace their origins to the early days of the Commonwealth when they began as normal schools primarily educating future teachers. Today they have been transformed into multipurpose institutions with graduate program authority to provide high quality postsecondary education to help meet the needs of Commonwealth citizens.

Pennsylvania also has four higher education institutions termed “state-related,” The Pennsylvania State University, Lincoln University, the University of Pittsburgh and Temple University. The Commonwealth is partly responsible for the financial support of these four institutions.

In addition, there are eight private colleges, universities and institutes designated “state-aided,” plus 98 other private colleges, universities and seminaries; six private two-year colleges; 15 community colleges receiving both school district and state financial support; 90 specialized associate degree institutions; The Pennsylvania College of Technology and Thaddeus Stevens College of Technology. State-owned and state-related institutions have 30 affiliated branch campuses.

Keeping pace with America’s technology-oriented society is a perpetual task. Providing citizens the concepts, knowledge and skills they need to be successful, productive members of American society is the heart of the Commonwealth’s system of basic and higher education. To succeed, the system must be more dynamic and progressive than the society it serves.

IX. Major Local Government Issues

Local governments of today operate with constant change and increasing uncertainty. Traditional values and habits have been questioned. Relationships within the nation's governmental system are undergoing redefinition as efforts are made to return power and responsibility to local governments and individual citizens. At the same time, the effectiveness of local government operations is seriously being questioned since trust in the integrity of government at all levels has eroded.

Local governments are the front line troops providing public services directly to the people of Pennsylvania. Most daily contact between individuals and government occurs locally. Local governments provide police and fire protection; collect garbage; supply water; treat sewage; pave, clean, plow and light streets and roads, and provide parks and schools. These local government activities impact daily on the lives of their populace.

Increasing Complexity

The vital nature of many of these services causes many to feel people have a right to a minimum level of service from their local governments. Often local activities have significant impact outside their own boundaries. Floodplain control and stormwater management are prime examples. The state government is being looked to more and more to ensure minimum standards are met. Often sizable state and federal grants are accompanied by complex program requirements. Standards either mandated by the state or required for receiving grant funds are changing the way local governments operate.

Changing technology has also impacted local government. Transportation of hazardous materials on the public highways requires specialized knowledge for response to spills and accidents. News laws require listing and disclosure of all hazardous substances used in the local government workplace. Homeland security issues have placed an increased emphasis on public safety services since 9-11. The latest computer technology plays a central role in municipal management and record keeping activities. Payrolls, utility billings, police records, mapping and financial control are only a few of the activities where data processing techniques are now widely applied. In many localities, meetings of a local governing body are broadcast on cable television. Remote video cameras are used in dealing with problems such as blocked sewers and bomb threats. Heightened environmental awareness has brought advanced technology to sewer treatment plants, water treatment plants and landfills. Siting of objectionable land uses such as solid waste transfer stations, correctional facilities and group homes all present unpopular choices to local officials. Increasing traffic congestion in urban and suburban areas has fueled growing citizen opposition to large proposed new commercial or residential developments.

These changes have increased the size and complexity of local government operations. New demands for professional management and fiscal accountability come from both local citizens and higher levels of government. Questions are asked about the ability of local governments to perform their roles effectively.

Professionalizing Personnel

Increased complexity in operations places new emphasis on the quality and capabilities of local government personnel. With more complex duties to perform, there is an increased need for professional expertise in even the smallest municipalities. Many new home rule charters require local merit systems for selecting and promoting personnel and establish professional qualifications for significant local positions.

A variety of federal and state programs provide training for local officials and employees. State laws require certification and training of police officers, water and sewer treatment plant operators and assessors.

Public employee relations have become a major factor in local government since the passage of legislation authorizing collective bargaining and unionization for public employees. Union demands for adequate and comparable compensation are making heavy inroads on municipal budgets. Local officials have been forced to alter many of their traditional personnel practices.

Local Government Viability

The viability of local units has been frequently brought into question; nearly 77 percent of Pennsylvania municipalities contain fewer than 5,000 people and 30 percent have fewer than 1,000. Some local governments are so small and their activities so limited there is nothing that can be practically done to assist them. They simply do not have the resources, either financial or professional, to perform the functions or provide the services commonly expected of local government.

Many governmental units are moving to restructure themselves to achieve more effective organization and increased responsiveness to citizen problems and community needs. They are instituting modern administrative methods and acquiring advanced equipment and facilities. Even modernized local governments with professional management face the problem of their boundaries not conforming to the limits of any true human community. Employing intergovernmental mechanisms to solve community problems is often necessary, or alternatively, these problems are attacked on a piecemeal basis. Articulating community wants and viewpoints to higher governmental agencies is fragmented and maintaining local control is made more difficult.

Consolidation of individual local government functions is a growing intergovernmental tool. Creation of regional police services permits small local units to provide full-time professional police protection for their citizens. Joint action has been taken to provide recreation facilities and transit service on a regional basis. Sharing of local government professionals, such as managers, finance directors or code enforcement officers is another growing area. In the past several years, increasing numbers of municipalities have taken advantage of changes in state law to begin planning together for future land use.

Municipal Finances

Local governments must finance expanding operations with limited fiscal resources. An inadequate and inflexible revenue base results from preemption of much of the local real estate tax for school purposes and the regressive and inequitable nature of alternative sources of local government taxation. Also, the state faces an inequitable geographical distribution of local government needs and financial resources; those areas with concentration of poverty experience the greatest need for local government services, yet have the least financial resources to pay for them.

Continuing efforts have been made to reform the local tax system in the face of increased taxpayer restiveness. Issues such as assessment reform, abolition of “nuisance taxes,” financing education through a reduced emphasis on the real estate tax and improving tax collection remain unresolved. Poor financial management practices threaten the solvency of a number of Pennsylvania municipalities.

Public Accountability

The national crisis of confidence in government of the 1970’s has had lasting effects on the credibility of local governments. Distrust of public officials extends to all levels of government. Citizens expect higher standards of behavior from public officials than they do from themselves.

Distrust of municipal officials has led to legislation such as the Right to Know Law, the Sunshine Law and the Ethics Law. More detailed reporting and more professional auditing is required for municipal bond issues. Federal and State programs often require citizen participation and public hearings. New home rule charters assure the right to be heard in municipal meetings and the right to initiative, referendum and recall.

Increasing governmental complexity, public distrust and campaign finance reporting and income disclosure laws are all contributing to a growing crisis in finding capable people to fill local elective offices. Changing public attitudes toward public office, increasing mobility of the population and a higher percentage of persons in the work force are also factors. Most small local governments in Pennsylvania operate on a volunteer, part-time basis. Now that being an elected official is less pleasant, it is becoming more difficult to find volunteers to fill the positions.

The Right to Know Law

The Right to Know Law, sometimes referred to as the Open Records Law, guarantees citizen access to certain defined public records of governmental agencies. Along with the Sunshine Act, it forms the basis for citizen access to knowledge about the activities of their government.

Any citizen of Pennsylvania has the right to examine and inspect any public record of a public agency, with certain exceptions. Act 3 of 2008, which amended the original 1957 Act, requires government agencies to adopt open records policies. Agencies may require all requests be specific and in writing, on a form provided, and may charge reasonable fees for costs incurred in making the record available. Agencies must either comply with a written request or state in writing why the requested document is not a public record, within a prescribed time period. There is an appeals process as well as provision for penalties for violations.

The Sunshine Act

The Sunshine Act requires all public agencies to take all official actions and conduct all deliberations leading up to official actions at public meetings. The Act covers all such actions by municipal governing bodies, committees of these governing bodies and municipal boards and commissions. The Sunshine Act also covers the General Assembly, state executive branch agencies, school boards, authorities and boards of public colleges and universities. Official actions include making recommendations, establishing policy, decisions on agency business, and votes taken on any motion, resolution, ordinance, rule, regulation, proposal, report or order.

Public meetings must be properly advertised and open to the public. A quorum, or majority of the board, must be present before an agency can take any official action. Citizens must be given an opportunity to comment at all public meetings on either agenda or non-agenda issues, but agencies may adopt reasonable rules for participation. Closed door, executive sessions are permitted only for specified reasons.

For more information regarding the Sunshine Act, the reader is referred to the Open Meetings publication at newPA.com. For more information regarding the Right to Know Law, please contact the Office of Open Records at www.openrecords.state.pa.us.

Conclusion

These are some of the issues facing Pennsylvania's local government system. Encouraging response has already been made in many areas. More flexibility is being built into the system to enable it to respond to the challenges of the future.

Professionalization of local government administration has become more acceptable. Cooperation between local units is addressing regional problems. Pennsylvania local government remains a "grass roots" operation, generally responsive to public needs.

Local governments today employ a large proportion of the population, receive and spend large amounts of money and make decisions affecting the lives of all who live within their boundaries. It is the responsibility of each citizen to acquire some knowledge of his local government and be concerned and involved with its future.

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