

CONFIDENTIAL/ATTORNEY CLIENT PRIVILEGE

Solicitor's Report

April 2019

Dated May 3, 2019

Legislative

Act No. 4 of 2019 amends the Municipality Authorities Act to require authorities to establish minimum fiscal procedures related to designated depositories of money, procedures to bill and collect payments, and require the approval of the annual audit and financial report of the authority by a vote at a public meeting. The bill would also allow the filing of the annual report with DCED within 180 days of its fiscal year, for an authority with a fiscal year other than a calendar year, and to provide that report to the municipality creating the authority or any other municipality with residents served by the authority. **Approved by the Governor May 1, 2019.**

HB 406 PN 1145 would require a public meeting pursuant to public notice prior to entering into an agreement to sell or lease a water or sewer system.

HB 509 PN 495 entitled the "Permit Administration Act", would require DEP to handle the administration of permits including renewals and modifications for applicants including a municipal authority in a more timely and transparent manner. The act would require a tracking system of applications. It would require notice of incomplete applications within 10 days of receipt and notice of technically deficient applications within 20 days of completeness. It would require notice to permit holders of changes to permit regulatory requirements, expiration and changes to fees. It would require third party reviewers to review applications that DEP cannot get to. The proposal passed the House on April 30, 2019.

HB 751 PN 801 would amend the Public Utility Code to eliminate the power of the PUC to order municipal authorities to acquire troubled water or sewer systems. PMMA has opposed this in order to retain the option of acquisition of such systems by municipal authorities.

HB 860 PN 1127 would amend the Right to Know Law to clarify the personal financial and other information of employees of political subdivisions including authorities that is exempt from disclosure, and to clarify that an agency's financial institutions account and other numbers are exempt from disclosure. **Second consideration on May 1, 2019 and referred to Appropriations Committee.**

HB 882 PN 993, HB 883 PN 994, HB 884, PN 995, HB 885 PN 1050 reintroduces a series of legislation from the last two sessions to address perceived financial excesses involving the financial troubles of the City of Harrisburg and its municipal authority. The legislation would require additional oversight of debt financings where a municipality is guaranteeing the issuance of debt of a municipal authority, including prior proceedings under the Debt Act, disclosure of certain financial information, limiting the use of proceeds and the use of swaps in financings and

the requirement for a performance bond, letter of credit, or a restrictive or escrow account as financial security for a project, and not any other type of financial security.

HB 1069 PN 1230 would amend the Sunshine Act to require the posting of agendas at least 24 hours in advance of a meeting and prohibit the agency from taking action on matters not on the posted agenda at that meeting, subject to certain exceptions for emergency or *de minimus* business.

Courts

Nothing to report.

Financial

Completed and emailed legal disclosure letter in response to auditor's request.

Lower, Upper and West Pottsgrove Townships

Nothing to report.

General Contracting

Continued reviewed of T-Mobile's Amended Lease Agreement for the K-Mart Tank and ATT lease for Jackson Street Tank.

Sewer Treatment Plant

Nothing to report.

Sewer Collection System

Nothing to report.

Water Distribution System

Completed draft of revisions to water specifications to address discrepancies between the water system design standards and service line specifications, meter pits and fire line specifications.

Developments

Colebrookdale Railroad Pottstown Station

Nothing to report

Spring Valley Farms

Review final release documents for Phase 1. Review and respond to letters from Ed Mullin regarding engineer fee dispute. Review materials assembled by Tom Weld in connection therewith.

Stormwater Fees

Nothing to report.