

Local Government Works, PSATS Tells Constitutional Review Commission

PSATS Assistant Executive Director Elam M. Herr appeared before the Pennsylvania Bar Association Constitutional Review Commission, where he defended Pennsylvania's local governing system and the people who represent it.

BY JILL ERCOLINO / MANAGING EDITOR

Pennsylvania's local governments are not broken and should not be eliminated based on the mistaken assumption that consolidation will save tax dollars or improve the state's economy.

"No study has ever proven that bigger government is more affordable government," PSATS Assistant Executive Director Elam M. Herr recently told members of the Pennsylvania Bar Association Constitutional Review Commission. "In fact, if you look around at places that have adopted such a governing system, including Maryland, our

neighbor to the south, you will find this simply isn't true."

Herr was among the participants in a hearing convened by the commission's Local Government Committee. The group is tasked with studying Pennsylvania's municipalities and recommending ways to improve their structure and operation.

PSATS, however, doesn't believe that major constitutional reforms, particularly those that would alter the commonwealth's governing system, are necessary.

"While it remains early in the new administration, steps toward a new approach to governance seem to have

been taken at the state level," Herr said. "We should avoid giving into rhetoric and the pursuit of change for the sake of change and instead focus our efforts on promoting responsible governance at all levels."

In defense of local government

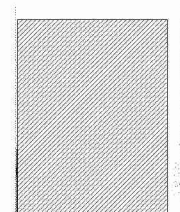
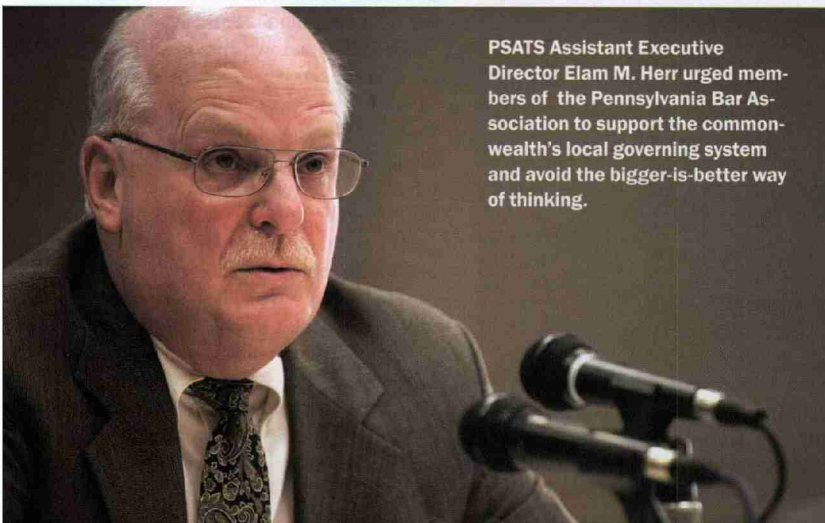
During the hearing, Herr urged committee members not to give in to the bigger-is-better way of thinking. Local government is the government closest to the people, and it serves a vital function in Pennsylvania.

"Today, a township resident can go to a municipal meeting, speak out about what they believe is right and wrong, and have a real and lasting impact on what happens in their community," he said. "We believe that moving to a larger, more centralized governing system would limit this valuable connection between the community and the people chosen to represent it."

In addition, he noted, bigger governments are more cumbersome with their layers of people and services.

"In many townships, elected supervisors perform much of the work that would undoubtedly be performed by teams of office personnel and laborers, many unionized. This helps to keep the cost of governing down," Herr said. "Just imagine, then, what would happen under a centralized governing system. As we've seen, costs would escalate because larger, more removed adminis-

PSATS Assistant Executive Director Elam M. Herr urged members of the Pennsylvania Bar Association to support the commonwealth's local governing system and avoid the bigger-is-better way of thinking.



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trations tend to be overly bureaucratic and more responsive to the demands of unions and special interests.

“The reality is, larger organizations are built in layers. It doesn’t matter if we are talking about an army, large retail operation, or a government. And as these units grow, they require more management and more managers. How is this more productive and efficient than what we have now?”

Herr stressed that local government works because the public servants behind it are deeply committed and accountable.

“We think the consolidation discussion often misses an important point: Elected municipal officials aren’t professional politicians or costly bureaucrats,” he said. “Instead, they are hard working, fiscally responsible volunteers who serve their communities, do more with less, and are frugal with tax dollars — all while receiving little compensation for their efforts.”

Herr noted that elected township

supervisors in the smallest townships are capped at an annual salary of \$1,875. In Pennsylvania’s largest townships, supervisors can earn only up to \$5,000 a year for establishing policy and attending countless meetings.

“Despite this,” he said, “township officials are deeply committed to preserving Pennsylvania’s long-standing tradition of government ‘of the people, by the people, and for the people.’

“Of course, critics will say that township officials are critical of centralization because they want to preserve their jobs and power,” Herr added, “but self-preservation is not their motivation. Rather, townships are determined to protect something that their residents hold sacred, and that’s their fundamental right to govern themselves locally. This is something those who framed the amendments to Pennsylvania’s constitution during the 1968 Constitutional Convention took quite seriously.”

Pennsylvania’s local leaders also believe strongly in cooperation, Herr said, pointing to a recent PSATS survey in which 83 percent of the respondents said they are involved in projects with another municipality, county, school

district, or joint authority.

“Townships have engaged in collaborative efforts in areas as diverse as code inspections, emergency services and policing, recycling, snow removal, land use, water and sewage treatment, joint purchasing, and much more,” he said. “These efforts are saving untold millions in tax dollars and enhancing service delivery across the commonwealth.”

Herr also reminded the committee that while PSATS doesn’t support forced municipal mergers and consolidations, it does support voluntary efforts that start from the ground up, by the people who live in the affected communities.

The state, Herr said, has no business forcing these boundary changes.

“We at PSATS must emphasize our strong belief in local democracy, where residents have a direct voice in their community, how it is governed, and who represents their interests,” he said. “We oppose any proposal that would centralize this decision-making authority in the hands of a few to achieve a supposed greater good without input from those who live, work, and own businesses in those communities.

“While it may be legitimate for the state to provide technical assistance to communities pursuing a merger or consolidation, it should not take a lead role in promoting local boundary changes.”

A helping hand

Instead, Herr told the committee, the General Assembly should spend its time and energy coming up with ways to help townships, not eliminate them.

He said what townships really need from lawmakers is an end to unfunded mandates, true tax reform, and support for PSATS’ common-sense legislative platform, which would provide legal advertising alternatives, free municipalities from the prevailing wage requirements, and increase outdated bidding and road bonding thresholds.

These actions would help townships save money while generating it, too.

“Our members tell us that it is the myriad of mandates that they must comply with — not the state of the economy — that creates the greatest day-to-day stress on townships,” Herr said. “In fact, this is one area where a case could be



The Pennsylvania Bar Association Constitutional Review Commission has formed a Local Government Committee, which recently held hearings in Harrisburg. PSATS was among those testifying before the group, tasked with studying Pennsylvania’s municipalities and recommending ways to improve their structure and operation.

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made for a constitutional amendment to prohibit the commonwealth from imposing unfunded mandates on local government.

“PSATS has long advocated legislation that would limit mandates, which tie the hands of local officials and escalate their costs. At the very least, legislation should be passed that would prohibit such mandates.”

Local tax reform is another necessity that would be best addressed through legislation, not constitutional changes, Herr said. PSATS doesn't support the elimination of the property tax but does advocate greater flexibility for townships.

“Any legislative reform or restructuring of the local tax system must establish

a broad-based, long-term solution,” he told the committee. “To that end, local tax reform must be comprehensive and provide a full, optional menu of taxes for townships, including but not limited to the property tax, the earned income or personal income tax, the business privilege and mercantile tax, the amusement tax, the local services tax, and sales taxes.”

Herr noted that if the bar's Local Government Committee truly is committed to improving Pennsylvania's governing system, then its members should also support these legislative changes and give up on rewriting the state's Constitution.

Despite its age, he said, the document still works today. Why change

something that isn't broken?

“Constitutional conventions and the rewriting of our Constitution should be reserved for exceptional circumstances, and we caution that the pursuit of such could have unintended consequences,” Herr said. “We do not hear an outcry for constitutional changes to our system of local government from the residents who are served by them each and every day. Neither do we see a movement for legislatively reorganizing our current local government framework.

“While some believe that townships are antiquated because they have been doing more with less ever since the days of William Penn,” he concluded, “we believe they are still around for a very good reason: They work!” ♦