

CITIZEN'S GUIDE TO PENNSYLVANIA LOCAL GOVERNMENT

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I. Local Government Overview

Local governments provide necessary public services directly to the residents of Pennsylvania. Local governments provide police and fire protection; collect garbage and recycling and provide for its disposal or reuse; treat and supply water and sewage; pave, plow, and light streets and roads; educate our children; provide services for the elderly and at-risk youth; maintain parks and offer recreational programs; and much more. Local government impacts the daily lives of residents, businesses, and visitors.

Types of Local Governments

In Pennsylvania, everyone lives in a school district, a county, and a municipality. A citizen may be served by one or more municipal authorities or none at all.

School districts educate our children. The county oversees elections, social services, the court system, prisons, and property assessment, to name a few. The county coordinates emergency management, including 911 center operation, and plans for land use, solid waste disposal, and stormwater. Some counties own bridges or roads and many operate parks.

Municipalities, which include boroughs, cities, home rule municipalities, a town, and townships, are responsible for public infrastructure, including roads and bridges, and sewer and water systems. Municipalities provide public safety services, enforce state environmental protection regulations, and may collect trash and recycling. Municipalities may plan how the community wants to develop in the future through a comprehensive plan and enforce this plan through subdivision and land development and zoning ordinances. Municipalities can improve the attractiveness of their community through property maintenance regulations and provide for the quality of life of their citizens through recreational, educational, and cultural activities.

Municipal authorities are independent local governments created by one or more municipalities, counties, or school districts to borrow funds and acquire, construct, and operate expensive public facilities, such as school buildings, sewage treatment plants, and industrial development projects. An authority board is made up of members appointed by the local governments that created it.

Many local governments work with other municipalities, the county, or school district to provide better services for their residents or to reduce the cost of these services. This includes purchasing equipment and supplies jointly, road maintenance, enforcement of codes, regional police departments, and recreation programs.

Local Government Officials and Employees

With the exception of municipal authorities, each local government is run by local elected officials that provide services for their community, appoint officials and hire employees to carry out these activities, and levy taxes and fees to fund them.

Local elected officials are ordinary citizens that serve their communities, often for little or no pay, because they care and want to have a voice in how critical local services are provided and funded. The citizen-official is the backbone of local government in Pennsylvania.

Appointed public officials and employees carry out the day-to-day delivery of services for their communities. Larger local governments may have many departments and hundreds of employees, while small municipalities and authorities may rely on a few part-time employees who answer directly to the board or council. Some local government employees must have specialized training and state certifications, such as teachers and police.

Varying Level and Types of Services

There is little difference in what services a class of local government may offer if its board or council chooses. However, there is a wide variety in the type and level of services that are provided in different communities. This is due to the different expectations, needs, and priorities, of residents across the commonwealth. In all cases, local governments are limited by the available funding and willingness of their residents and businesses to pay for desired services. Sometimes these differences are due to population density or size, while in other cases it may be due to varying expectations of what government should do.

For example, many larger communities provide trash and recycling curbside collection as a basic service. In these communities, the residents expect and demand this service. However, in many rural and sparsely populated areas of the state trash collection is not expected or desired. The community may instead offer annual bulk pick-up for large items and drop-off recycling. Police protection in most densely populated communities is provided by a full-time local or regional force, while smaller or more sparsely populated communities may be served by a few part-time officers or solely by the Pennsylvania State Police. Some school districts offer extensive music and art programs, while others may offer a limited selection. Some counties own a nursing home or provide a park system and recreational programs, while others do not.

Creation and Power

Pennsylvania's Constitution authorizes the General Assembly, Pennsylvania's state legislature, to create different types of local governments and to give each specific responsibilities and the authority to carry out those responsibilities. All were created by the state legislature and operate under the laws of the commonwealth. Each local government is independent of the others, although they often act together to serve their mutual residents.

Each local government operates under a state law, called a code, which establishes who is responsible for running the government, usually an elected board or council. The code gives the board or council certain responsibilities, the legal authority to carry out these responsibilities, and the means to pay for them, generally through taxes or fees. For example, the Borough Code creates an elected council, gives the council a set of services that it must provide and another that it may provide, and empowers council to levy real estate taxes and assessments to pay for these services.

Several state laws require certain local governments to provide a service or to regulate an environmental hazard. The Municipal Waste Planning, Recycling, and Waste Reduction Act mandates that municipalities with larger populations provide curbside recycling service. The Pennsylvania Sewage Facilities Act regulates sewage disposal systems and requires that every municipality plan for and regulate sewage disposal within their community, including the operation and maintenance of on-lot septic systems.

Other state laws authorize a type of local government to provide a service or levy a tax. The Pennsylvania Municipalities Planning Code empowers municipalities to plan for future growth and to adopt zoning and subdivision and land development ordinances to regulate this development. The Local Tax Enabling Act authorizes municipalities and school districts to levy certain types of taxes at set rates, such as the local earned income tax and local services tax.

In addition, there are many state laws that restrict what a local government may do and how it may do it. For example, the Local Government Unit Debt Act establishes debt limits for local governments and requires that they obtain permission from the Department of Community and Economic Development before taking out a loan or issuing bonds. The Sunshine Law requires all public entities, including local government boards and councils, to meet in public and to advertise their meetings.

Finally, all local governments must comply with the United States Constitution and the Pennsylvania Constitution. Dillon's Rule, which was adopted by the United States Supreme Court and later followed by the Pennsylvania courts, provides that municipalities are "creatures" of the state and can only take actions that the state explicitly or implicitly authorizes.

About Home Rule

The Home Rule Charter and Optional Plans Law gives Pennsylvania local governments the power to determine for themselves what structure their government will take and what powers it will exercise. A home rule local government no longer has its powers and organization determined by the state code. Instead, voters of a home rule local government draft and amend their own charter, which may include any power or function not prohibited by the Pennsylvania or U.S. Constitutions or state or federal laws. Home rule local governments must follow all state laws that apply uniformly statewide, such as land use planning and regulation under the Pennsylvania Municipalities Planning Code.

II. Municipal Government

Every inhabitant of Pennsylvania lives in a municipality – a city, borough, township, or home rule municipality. Municipalities provide many basic services to their residents, including public infrastructure, public safety, administration and enforcement of environmental and safety regulations, land use planning, and parks, recreation, and cultural services.

Each type of municipality has similar responsibilities and authority under their municipal code and general state laws. However, the types and level of services provided vary significantly from municipality to municipality. What services a municipality offers depends on community expectations and needs, as well as the ability to pay for desired services.

Public Infrastructure

Municipalities are responsible for much of the critical public infrastructure in their community. Public infrastructure is essential, but expensive to construct, maintain, and operate.

Transportation. Municipalities are responsible for local transportation, including local roads and bridges. Municipalities must keep their roads and bridges in reasonable condition, which requires the dedication of significant resources. Municipalities are responsible for traffic lights within their borders. Municipalities may regulate traffic in accordance with the state Vehicle Code, such as stop signs, parking, weight and size of vehicle restrictions, and more. Municipalities drain water from the roads through ditches, culverts, swales, and stormwater sewer systems.

Much of the funding for the transportation infrastructure comes from local taxes. In addition, municipalities receive a share of state liquid fuels funds, which are levied on the wholesale price of gas. These funds must be used to maintain roads and bridges.

Sewer systems. Many municipalities, or municipal authorities created by the municipality, construct, maintain, and operate sewer systems for their residents. Sewer systems are common in densely populated communities where on-lot septic systems are not a viable option. In other municipalities, sewers are constructed when septic systems are failing in an area of the community and sewer is the only choice, often mandated by the state Department of Environmental Protection. Property owners in the affected area must connect into the system and are charged tap-in fees to help pay for the cost of construction. Users of the sewer system are charged monthly or quarterly fees.

Water. Some municipalities, or municipal authorities they create, provide public water to all or a portion of their communities. Water service may also be provided by public utilities. Public water service is put in place when there is not sufficient quantity or quality of water from private water wells in the area. Residents are charged tap-in fees for initial connections and users are charged monthly or quarterly fees.

Streetlights. Municipalities may require the installation of streetlights and pay for the costs of electricity and maintenance of streetlights. These costs may be paid through taxes or assessments charged against the property owners benefitting from the streetlights.

Fire hydrants. Municipalities are responsible for fire hydrants. This can be paid for through local taxes or assessments on property owners located near the hydrants.

Public Safety

Emergency Management. Emergency management planning and response is a mandated function of municipalities. Emergencies can range from severe storms, including blizzards and flooding, to car crashes or toxic spills along highways or railroads. The Commonwealth's Emergency Management Services Code directs every municipality to have an emergency management program that includes a trained Emergency Management Coordinator to coordinate emergency response, an Emergency Operations Plan to provide reasonable guidelines and a plan in the event of an emergency, and an Emergency Operations Center.

Police. Local police service varies greatly in Pennsylvania. In cities and many larger population boroughs and townships, full-time municipal or regional police departments are the primary means of police protection. In other municipalities, a part-time municipal police department may provide protection or the municipality may rely on the Pennsylvania State Police, which provides incident response service in those areas of the commonwealth without local police service. Local police protection is paid for with local taxes.

In those communities with full-time police departments, this important municipal service is often the largest budget item. All police officers must meet minimum state training and fitness requirements. In cities, boroughs, and township of the first class, officers must be hired through civil service commissions. In all municipalities, state law requires that certain benefits and protections be provided to officers, including pensions and bargaining rights.

Fire Protection. Municipalities must ensure that fire protection is provided within their community. This critical service is delivered through a paid municipal department in cities and other densely populated communities. Most of the municipal codes require paid firefighters to be hired through civil service and grant these employees certain benefits and employment rights.

In most townships and boroughs, fire protection is provided by one or more volunteer fire companies. The primary funding source for fire protection is local taxes. Fire companies today do far more than respond to fires. Car accidents and other emergency incidents cause more fire calls than actual fires. Due to a significant decrease in the number of volunteers, municipalities need to consider providing greater levels of support to volunteer fire companies and allow volunteers to focus on providing emergency services. Without volunteers, more communities will need to fund paid fire departments.

Ambulance and Rescue Services. Municipalities must ensure that emergency medical services are provided within their community and are required to consult with volunteer emergency service responders, including ambulance companies, in order to determine and provide appropriate levels of financial and administrative assistance. Municipalities may provide ambulance and rescue services, donate funds to non-profit ambulance companies, and contract with emergency medical service providers. Most ambulance companies today are non-profits or for-profit with paid employees. Municipalities may fund these services through their general real estate tax or a special millage for ambulance, rescue, or other emergency services.

Environmental and Safety Regulations

Sewage planning. Malfunctioning sewage disposal systems can pose a serious threat to health and the environment. The Pennsylvania Sewage Facilities Act requires municipalities to develop and implement sewage management planning to resolve existing problems, provide for future sewage disposal needs, and regulate sewage disposal systems. The Act requires municipalities to submit plans for sewage management to the Department of Environmental Protection and appoint a sewage enforcement officer and an alternate sewage enforcement officer to issue permits for the installation of sewage systems and to inspect malfunctioning systems. In situations where there is a major problem due to failure of multiple on-lot sewage systems in an area, DEP may mandate that a municipality provide sewer service to affected properties. Portions of this program are funded through fees and enforcement is paid for by local taxes.

Solid Waste and Recycling Collection. Municipalities may regulate the collection and disposal of solid waste. Some municipalities require residents and business owners to contract with private haulers for waste collection, while others contract with private haulers or use municipal employees and equipment to collect solid waste. This service is usually funded by quarterly or monthly user fees.

The Municipal Waste Planning, Recycling, and Waste Reduction Act requires larger and more densely populated municipalities to implement a local recycling program, including curbside collection of recycling. Each mandated municipality must develop and implement a comprehensive public information program on recycling and waste reduction. In smaller communities, this function may be performed by private contractors, or individual households may be responsible for making their own arrangements. These programs are paid for with user fees, state assistance, and local taxes.

Floodplain Regulations. Federal and state laws require flood-prone municipalities to adopt minimum standards for the 100-year flood plain established by the National Flood Insurance Program Act and the Pennsylvania Floodplain Management Act. The National Flood Insurance Program provides coverage for structures within municipalities that participate in it. Municipalities not participating in the program will be denied federal financial assistance. Lending institutions must notify borrowers of flood hazards and whether or not federal disaster relief will be available in the event of a flood.

Stormwater. The Storm Water Management Act requires municipal administration and management of stormwater runoff from land development. Under the Act, counties must develop stormwater management plans for specific watersheds, subject to DEP approval. Once approved, municipalities must adopt or amend stormwater ordinances to implement the county plan.

The stormwater management plan should permit and encourage joint stormwater facilities for nearby developments, provide construction standards for basins, require a maintenance plan that clearly spells out who is responsible, and coordinate with other ordinances that manage water flow. Some municipalities will assume the responsibility for maintenance of such facilities if properly constructed and payment is made into a stormwater maintenance fund.

Municipalities that meet certain standards under the Clean Water Act must obtain National Pollutant Discharge Elimination System (*NPDES*) permit coverage for discharges from their municipal separate storm sewer systems (*MS4s*). *MS4s* are any conveyance, or system of conveyances, including, but not limited to, streets, ditches, and pipes, that a municipality owns and is designed or used for collecting or conveying stormwater. Many municipalities are considered *MS4s* and must develop and implement stormwater management plans to minimize the impacts from runoff. This function may be funded through taxes or fees.

Code Enforcement. Building codes regulate the construction and alteration of structures. Building, plumbing, electrical, and fire prevention codes ensure that new buildings are safe and structurally sound. The Uniform Construction Code requires that most new and altered structures comply with its standards and that building inspectors be certified by the Department of Labor and Industry. All buildings constructed in Pennsylvania must comply with the UCC and municipalities that enforce this program use employees or a contracted agency.

Property Maintenance. Municipalities may establish and enforce property maintenance codes, which are not part of the UCC. Property maintenance codes require owners to keep existing structures in good repair and properties clear of clutter and trash.

Historic Districts. Municipalities may establish historic districts to regulate construction, reconstruction, and maintenance to ensure that historical features and appearances are preserved.

Land Use Regulations

The Pennsylvania Municipalities Planning Code establishes the rules and regulations for a municipality to plan for development through a comprehensive plan and to govern development through zoning and subdivision and land development ordinances. Municipalities establish planning commissions to advise them on planning and zoning ordinances and to review proposed subdivision and land development plans. Zoning hearing boards hear appeals of zoning officer decisions, special exceptions, and variance requests. If a municipality oversteps its authority, the MPC outlines the procedures an aggrieved person may follow to challenge the municipality's actions.

Many municipalities are finding it important to develop comprehensive plans and land use ordinances to preserve and protect agricultural, natural, and historic resources or to promote community and economic development. Comprehensive plans establish a community's goals for future growth. Zoning divides the community into residential, commercial, industrial, or other districts and details what uses are permitted in each. Subdivision and land development ordinances provide standards for roads, water and sewer facilities, sidewalks, stormwater management, and more.

Recreation and Other Services

Municipalities have broad authority to provide park and recreational opportunities for their residents and to acquire and operate parks and other recreational facilities. Municipalities may fund park and recreational programs through taxes and program fees. In addition, the Pennsylvania Municipalities Planning Code authorizes municipalities to require developers to provide land, construction of facilities, or payment of fees in lieu of land donation for park or recreational purposes.

Municipalities may fund libraries, hospitals, fairs, parades, community celebrations, and other types of cultural and educational services and events.

Taxes, Fees, and Assessments

Municipalities fund facilities and services primarily through taxes and fees. Municipalities may levy authorized taxes to distribute the tax burden between different types of uses.

The real estate or property tax is the primary source of tax revenue for many municipalities. This tax is based on property assessments by the county. Residential, commercial, industrial, and agricultural property owners must pay property taxes while certain non-profits are exempt.

Municipalities may levy a real estate tax for general expenses and special real estate taxes for identified purposes, such as fire protection and to pay off debt. These special taxes may only be used for the purpose for which they were collected.

Other important sources of municipal tax revenue include the earned income tax, which is levied on wages and net profits of residents. Individuals who work in a municipality may pay a local services tax of up to \$52 per year. When a property is purchased, the buyer pays a realty transfer tax. Individuals enjoying an amusement, such as an amusement park or golf course, may pay an amusement tax. Individuals who live in a municipality may pay a per capita tax of up to \$10. Certain municipalities collect a business privilege tax on businesses operating within their community.

Individuals or businesses that require a permit for a program administered by the municipality pay a fee, which helps to pay for the costs of these programs. Municipalities may charge fees for other services as well, such as recreational programs.

Municipalities may also charge special assessments to property owners who benefit from certain services, such as street lights and fire hydrants. An assessment is usually based on the assessed property value of benefitting properties and revenues must be used for the purpose for which it was collected.

Types of Municipalities

Each type of municipality is created by a municipal code, which contains the form of government, delegates certain mandatory responsibilities to that municipality, and provides municipal officials with the authority to offer optional services and to enact certain regulations. The municipal codes provide the rules that the municipality must follow.

Elected municipal board or council members receive a small stipend for performing the duties of office. These salaries are capped annually at \$1,875 to \$5,000 per official depending on the municipal population.

Boroughs. Boroughs operate under the Borough Code, which establishes borough council as the governing body and charges council with the governance of the borough, including hiring employees, adopting a budget, approving expenses, and adopting ordinances or local laws. 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. Councilpersons are elected for four-year overlapping terms.

Each borough also has a mayor, who is elected for a four-year term. The mayor has oversight of the borough police department, may declare emergencies, may veto proposed ordinances, and enforces borough ordinances.

Other elected officials of the borough include the tax collector and a board of auditors, controller, or appointed certified public accountant. The elected tax collector collects real estate taxes and the board of auditors, controller, or appointed CPA perform an annual audit of all borough accounts.

Each borough has an appointed secretary and treasurer who serve the council. Council may appoint a borough manager to oversee employees and day-to-day operations of the borough.

Cities. Third class cities operate under the Third Class City Code, which establishes city council as the governing body. Council is made up of an elected mayor and four or six councilpersons. The councilpersons may be elected by wards. Council members are elected to overlapping four-year terms. Council is responsible for governing the city, including adopting a budget, approving all expenses, and adopting ordinances or local laws.

The mayor is elected for a four-year term, is a voting member of council, oversees the police, is the chief executive, and may declare emergencies and enforce ordinances.

Other elected city officers are the treasurer, who must be an accountant and who collects real estate taxes for the city and a controller, who must be an accountant and audits city accounts.

Optional Third Class City Charter Law. Cities have the option of operating under the Optional Third Class City Charter Law. Under this law, the city may have a five, seven, or nine-member council elected at-large for overlapping four-year terms that is charged with the governance of the city. A mayor, treasurer, and a controller are also elected for four year terms. The treasurer and controller operate similarly to the Third Class City Code. Under the Optional Third Class City Charter Law, the mayor is the chief executive of the city, enforces the ordinances of council, supervises the work of all city departments, and submits the annual city budget to council. The mayor does not have a vote on council, but does have veto power over local ordinances or laws.

Under this law, the city may also form under a council-manager form of government, which is very similar to the option described above, except council must appoint a city manager to act as chief administrator and executive.

Philadelphia. Philadelphia is Pennsylvania's oldest and largest city. It operates under a home rule-form of government. The mayor holds the majority of power to govern the city. The legislative branch is city council, which has 17 members. Ten councilmembers are elected by district and seven are elected at large. All local laws must be approved by council. The mayor may veto these laws, but council may override the veto.

Pittsburgh and Scranton. Pittsburgh and Scranton are designated as cities of the second class and second class A and operate under home rule charters. Both have mayors with broad powers who are responsible for preparing the budget, recommending measures for council to consider, and may veto local legislation. Pittsburgh has a nine-member elected council and Scranton has a five-member elected council.

Townships of the first class. 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 township must have a population density of 300 persons per square mile and voters must approve the change of classification in a referendum.

Townships of the first class operate under the First Class Township Code, which establishes the board of commissioners as the governing body and charges the commissioners with the governance of the township. Every township has at least five elected township commissioners, elected at-large or by wards for four-year overlapping terms. In townships with five or more wards, one commissioner is elected from each ward. Additional elected officials include a tax collector, who collects the real estate tax for the township, and three auditors or one controller, who annually audit all township accounts. A township may, instead of electing auditors or a controller, appoint a certified public accountant to perform the audit.

Appointed officials include a secretary and a treasurer. The commissioners may appoint a township manager, who is responsible for the day-to-day management of township employees and operations.

Townships of the second class. Townships of the second class operate under the Second Class Township Code, which establishes the board of supervisors as the governing body and charges the supervisors with the governance of the township. Townships have boards of three or five supervisors, elected at large for overlapping 6-year terms. An elected tax collector collects the real estate tax and a board of three elected auditors audit the township accounts. The board of supervisors may appoint a certified public accountant to perform the annual audit instead of the elected auditors.

Appointed officials include a secretary and a treasurer. The supervisors may appoint a township manager, who is responsible for the day-to-day management of township employees and operations of the township.

III. Counties

The Pennsylvania Constitution and various state statutes, including the County Code, create counties and require them to provide certain services to their citizens. The county oversees elections, social services, the court system, prisons, and property assessment, to name a few. The county coordinates emergency management, including 911 center operation, and plans for land use, solid waste disposal, and stormwater. Some counties own bridges or roads and many operate parks.

County Commissioners

Established by County Code, the board of county commissioners is comprised of three commissioners who are elected to concurrent four-year terms. The commissioners are responsible for the governance, operation, and fiscal management of the county.

Under the County Code, the county commissioners appoint a chief clerk, who serves as the administrative assistant to the commissioners and is charged with proposing the annual budget, acting as official keeper of the commissioners' proceedings, and serving as the chief purchasing officer. The commissioners appoint a solicitor to serve as legal counsel, and appoint other county personnel, including a county engineer, and administrators for human services programs.

Assessment. Under the County Assessment Law, the county commissioners serve as the county board of assessment, which hears assessment appeals. The assessment office determines the market value of all property in the county, including improvements to existing properties and new construction. A chief assessor is appointed by the commissioners and assembles the staff and equipment necessary to determine property values, maintain assessment records, and prepare required reports.

Elections. Under the Election Code, the commissioners serve as the county board of elections. The board may appoint a chief clerk and other necessary assistants to administer election and voter registration services. The board's duties include:

- Registering new voters and maintaining voter registration files;
- Receiving candidate petitions for placement on the primary ballot;
- Preparing all instructional material used at elections;
- Mailing and collecting absentee ballots;
- Instructing election officials;
- Receiving primary and election votes from each precinct;
- Computing, certifying, and announcing election results; and
- Investigating election fraud.

Planning. The county planning department is tasked with developing plans and implementing policies for community growth and economic development. Various state laws give counties the responsibility to plan for stormwater management, disposal of solid waste, land use, and agricultural preservation. The county planning office reviews proposed subdivision and land development plans, as well as proposed land use ordinances prior to adoption or amendment by a municipality.

Emergency management. Emergency management planning is an important function of the county. The county emergency management office is responsible for emergency planning and response at the county level and may provide assistance for planning at the municipal level. The county operates the 911 center.

Every county must have a trained emergency management coordinator to coordinate emergency response, an emergency operations plan for natural and manmade disasters, including homeland security and counter-terrorism preparedness, and an emergency operations center.

Human Services. Counties provide human services on behalf of the state and federal government, who provide grants for these programs. These services include:

- **Children and Youth.** Children and youth agencies assist abused and neglected children and their families. These agencies are monitored by the Department of Human Services.
- **Mental Health and Intellectual Disability Programs.** Counties administer the Mental Health/Intellectual Disability programs individually or in groups of two or more counties assigned by the Secretary of Human Services.
- **Drug and Alcohol Awareness Programs.** Services provided by the county include the planning, coordination, and administration of drug and alcohol prevention, intervention, and treatment services. Services are provided based on county plans prepared in accordance with guidelines from the Department of Health.
- **Aging.** This office supports older adults and adults with disabilities and helps them to remain in the community as long as possible. The office helps individuals transition to facility-based care when needed. Some counties own and operate nursing homes.

Conservation district. The county commissioners appoint members to the conservation district, which administers a variety of soil and water conservation programs, such as agricultural land preservation, dirt and gravel roads program, and stormwater management. Conservation districts may administer programs on behalf of the Department of Environmental Protection and the State Conservation Commission.

Other services. Counties may own and maintain bridges and roads, as well as provide for transit services. Other county services may include veteran's affairs, weights and measures, library service, and parks and recreation.

Elected Row Officers

Other county officials are elected to direct specific departments, often referred to as row offices. The county row officers are created through the county codes and general state laws and in some cases vary depending on the classification of the particular county. These officers are elected to four-year terms and may appoint their own employees.

- **Clerk of Courts.** The clerk of courts is responsible for the recordkeeping and maintenance of criminal records. Other documents filed with the clerk include bail payments, summary appeals, and expungements.
- **Controller.** The controller is the chief financial officer and auditor of the county's financial affairs. The controller audits the books, records, and accounts of all county officers and makes financial reports for the board of commissioners.
- **Coroner.** The coroner investigates deaths that are sudden or violent to determine the cause of death. They are empowered to perform autopsies, subpoena witnesses, administer oaths and issue death certificates.
- **District Attorney.** The district attorney is the chief law enforcement officer and has oversight of all criminal investigations and prosecutions in the county. Additional personnel, deputy district attorneys, county detectives, stenographers, and clerks are appointed by the district attorney to assist with the operation of the department.
- **Board of Jury Commissioners.** Jury commissioners oversee the jury selection process and provide a pool of jurors for court cases that come before the court of common pleas.
- **Prothonotary.** The prothonotary is the clerk of the civil division of the court of common pleas and keeps records of all civil procedures, such as eminent domain proceedings, divorce, liens, and civil suits.
- **Recorder of Deeds.** The recorder of deeds records and maintains all documents related to real estate for permanent record, such as deeds, mortgages, and subdivision plans. In addition, the record of deeds maintains records of military discharge, agreements of sale, property options, leases, rights-of-way, and easement agreements.

- **Register of Wills.** The register of wills validates, accepts, and files an individual's will, along with other documents necessary to complete the administration of a decedent's estate. The register of wills may conduct hearings to determine who should be appointed as executor or administrator of an estate if a person dies and does not have a will. The register of wills also issues marriage licenses.
- **Sheriff.** The sheriff is an officer of the court and serves writs, processes, and other judicial documents, provides courthouse security, transports prisoners, and executes sheriff's sales.
- **Treasurer.** The treasurer collects, invests, disburses, and reconciles county funds. The board of commissioners authorizes the payment of bills and other funds by the treasurer. Additionally, the treasurer's office issues dog, hunting, and fishing licenses, firearm registrations, temporary boat registrations, and bingo and small games of chance licenses.

Elected Court Officials

In addition to the row officers, the following are also elected by the citizens of the county. Counties provide the courts with corrections and criminal justice programs, such as the county prison, juvenile detention center, and probation and criminal investigation units.

- **County Judges.** Each county has one or more judges elected to hear criminal and civil court cases.
- **Magisterial District Judges.** One magisterial district judge is elected in each magisterial district of the county. They have jurisdiction in minor criminal and civil cases. Magisterial district judges administer criminal bookings and small claims such as traffic tickets.
- **Constables.** Constables are elected at the municipal level, but are an officer of the court for the district magistrate.

Taxes and Fees

Counties must fund the services they provide to the community primarily through a combination of local taxes and state and federal funding. The real estate or property tax is the primary source of tax revenue for counties, which is based on property assessments. Residential, commercial, industrial, and agricultural property owners must pay property taxes, while certain non-profits are exempt.

Counties have a real estate tax that may be levied for general purposes and real estate taxes that may be levied for specific purposes, such as libraries. These special taxes may only be used for the purpose for which they were collected.

Individuals or businesses that require a license or service administered by the county pay a fee, which helps to pay for the costs of these programs. In addition, counties receive funding from the state and federal government for administering certain programs, such as aging, mental health, and youth services.

IV. School Districts

Unlike other local governments, school districts are charged with one function rather than many. The Public School Code creates school districts and regulates how educational services are administered. For example, the Code provides compulsory attendance for students, which is enforced by school district administrators.

Pennsylvania's education system has three levels: school districts, intermediate units, and the state Department of Education. Many school districts have expanded their activities to include preschool, community colleges, and vocational education to provide more opportunities for their communities. Most school districts participate in career and technical centers with neighboring school districts.

Board of School Directors

Each school district is governed by an elected nine-member school board created under the Public School Code. Board members are elected for four-year terms and are unpaid volunteers. School boards handle a broad spectrum of responsibilities including taxes, labor, administration, and education policy. The board may hire personnel, provide for school buildings, buy textbooks and other supplies, and issue bonds. The administrative head of the school district is the district superintendent, who is appointed by the school board to oversee the day-to-day operations and management of the district.

Intermediate Units

Intermediate units are regional educational service agencies that help serve a given area's educational needs. Each school district is assigned to an intermediate unit, which provides supplemental services, such as professional development courses for educators and anti-bullying campaigns for schools. School districts are responsible for the administration and operation of IU programs.

Pennsylvania Department of Education

The Pennsylvania Constitution makes public education a state responsibility. The Pennsylvania Department of Education certifies teachers, advises school districts in study in curriculum development, administers state funding to school districts, approves plans for school buildings and facilities, and issues waivers for school districts to exceed limits on annual increases in real estate taxes.

Taxes

Public education is funded through a combination of local taxes and state and federal funding. The real estate or property tax is a major source of tax revenue for school districts. This tax is based on property assessments set by the county. Residential, commercial, industrial, and agricultural property owners must pay property taxes, while non-profits are exempt.

Other sources of tax revenue include the earned income tax, which is levied on wages and net profits of residents. Individuals who work in a school district may pay a local services tax of up to \$5 per year. When a property is purchased, the buyer pays a realty transfer tax. Individuals enjoying an amusement, such as an amusement park or golf course, may pay an amusement tax. Individuals who live in a school district may pay a per capita tax of up to \$15.

V. Municipal Authorities

A municipal authority is a separate legal entity created to finance and/or operate public works projects. The costs of construction, maintenance, and operation are generally paid from revenue earned by the project itself, such as water rates or sewer rentals, rather than tax revenue. Residents are charged a fee to use these facilities, and in turn, the funds are used to operate and maintain these projects and services. Often authorities are created for sewage treatment, water service, and garbage collection and disposal.

The Municipality Authority Act authorizes municipalities, counties, and school districts to create authorities by ordinance. In addition, two or more of these local governments may form a joint authority. Joint authorities are often used when major capital investments are required and community need extends beyond the boundaries of a local government, such as sewage treatment, water supply, and swimming pools.

Municipal Authority Board. Municipal authorities are governed by a board whose members are appointed by the local governments that created it. Authority boards must have at least five members and joint authorities should have at least one representative from each participating municipality. Each member is appointed to a five-year term. The authority board's roles and responsibilities should be clearly defined in the ordinance creating the authority. Decisions on projects delegated to the authority are entirely up to the authority board.

The Municipality Authorities Act requires a certified public accountant to examine the authority finances at least once a year. This audit report must be filed with the local government that created the authority and the Department of Community and Economic Development and a financial statement must be published annually.

VI. Local Government Accountability

The Pennsylvania Constitution and several state laws require local elected officials to be accountable to their citizens. This includes the ballot box, public documents, open meetings, and ethics requirements.

Voting

State law requires local governments to be accountable to their citizens and taxpayers. The ballot box is the strongest tool for citizens to ensure that their local elected officials are performing their duties responsibly. If citizens are unhappy with their performance or would prefer a change in leadership, they have the ability to change the individuals who are elected to serve their communities at the municipal election.

Citizens' vote for their local government officials at municipal elections, held on the first Monday of November in odd-numbered years. The municipal primary is held on the third Tuesday in May of odd-numbered years, which is where the registered voters from the two major parties choose which candidates will run on the November ballot. Third party independent or minority party candidates may file petitions to run in the November municipal election.

All citizens vote for municipal officials, which include a mayor and councilmembers in cities, boroughs, and some home rule municipalities; a board of commissioners in townships of the first class; and a board of supervisors in townships of the second class. Other local elected municipal officials include tax collectors and elected auditors or a controller. Voters will elect school directors for their local school district. They will vote for county commissioners and county row officers, as well as local judges and district magistrates.

Citizens must register to vote, which can be done through the county board of elections. Once registered, voters go to their polling place on municipal election day to vote for individuals to fill these important local offices.

To learn more about voting and voter registration in Pennsylvania, go to the Department of State's website: dos.pa.gov.

Right-to-Know Law

The Right-to-Know Law, sometimes referred to as the Open Records Law, guarantees access to most local government records. Any U.S. citizen has the right to examine and request a copy of local government public records. Local governments may require that requests be in writing and may charge fees for copying and postage. Local governments must comply with a written request within five-business days or state in writing why the requested document is not a public record. If a request for a record is denied there is an appeals process to the state Office of Open Records. For more information, go to openrecords.pa.gov.

Sunshine Act

The Sunshine Act requires all governmental boards and councils to take official action, and to hold deliberations leading up to official action, at public meetings. The act covers all action by local government boards and councils, committees of boards or councils, and other local government boards and commissions. Official action includes making recommendations, establishing policy, deciding agency business, and voting on any motion, resolution, ordinance, regulation, report, or order.

Public meetings must be advertised and open to the public. A quorum, or majority of a board or council, must be present for a meeting to be held. Citizens and taxpayers of the local government must be given an opportunity to comment at public meetings on matters of concern and official action or deliberation that is before the board or council. Boards and councils may hold private executive sessions to deliberate a narrow set of sensitive subject matter, such as personnel issues, however all decisions must be made in a public meeting. For more information, go to dced.pa.gov, choose "Local Government" and then "Publications and Documents" to view the Department of Community and Economic Development's *Open Meetings Manual*.

Ethics Requirements

The Public Officials and Employees Ethics Act prohibits public officials and employees from committing a conflict of interest. A conflict of interest is the use by a public official or public employee of the authority of their position, or any confidential information received through their position, for the private financial benefit of themselves, a member of their immediate family, or a business with which they, or a member of their immediate family, is associated. In other words, local government officials are prohibited from using their office to financially benefit themselves. The Ethics Act defines "immediate family" as a "parent, spouse, child, brother, or sister." Alleged violations of the act should be referred to the State Ethics Commission for investigation.

The Ethics Act requires public officials and certain covered employees to file annual financial interest statements with the municipal secretary, which are open to public inspection.

In addition, the Ethics Act prohibits public officials and employees from having any personal interest in contracts and purchases. Under the Ethics Act, public officials and employees are prohibited from entering into any contract valued at \$500 or more with their municipality unless the contract is awarded through a sealed bid process, including public notice. This prohibition also applies to any subcontract valued at \$500 or more with any person who has been awarded a contract with the municipality, unless the contract is awarded through a sealed bid process.

For more information, contact the State Ethics Commission at ethics.pa.gov or call toll-free 1-800-932-0936.

VII. Opportunities for Citizen Involvement

Citizens and taxpayers are encouraged to get involved with their local governments. Not only do citizens have the right to vote on their local representation, they may attend public meetings and monitor local government activity through websites and social media, volunteer, and run for local elected office.

Vote

As discussed in the previous chapters, the ballot box provides the strongest tool to make sure local officials govern responsibly and are accountable to their citizens. If a local official is not meeting these standards, they may be replaced at the end of their term.

Meeting Attendance

Citizens and taxpayers may attend public meetings of their municipality, county, school board, or municipal authority to see how business is conducted and to learn what issues are under consideration. As discussed in the previous chapter, citizens and taxpayers have the right speak to these issues during the public comment portion of the meeting. Other options to keep up-to-date on local government activities include reading meeting agendas and minutes on local government websites or social media outlets or news coverage.

Volunteer

Local governments require many volunteers to function. If you would like to become more involved with your municipality, county, or school district, there are many opportunities from serving on commissions and boards to volunteering at events or activities. Local government officials are frequently looking for individuals ready and willing to serve their communities.

Run for Office

Often individuals will start out attending meetings and then progress to volunteering with their local government. Some of these individuals step up when positions open on local government boards and councils. This may be to fill a vacancy in elected office or an individual may decide to run for office. Citizens may decide to run for office when they feel that they have something to contribute and would like to see the board or council head a different direction on an issue.

To learn more about running for office, talk to your local political party or civics organization. Interested individuals can also go to dos.pa.gov to learn more about how to run for public office.

Learn More

The Department of Community and Economic Development has a wealth of additional resources to help you learn more about local government at dced.pa.gov. These resources include manuals on local government topics, land use materials, a local government law library, tax information, and more.

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