

the PACOG News

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Pennsylvania's Keystone for Intergovernmental Cooperation

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Final Rule for ARPA State and Local Fiscal Recovery Funds Program to Support the Ongoing COVID Response

The United States Treasury has issued the final rule governing spending guidelines for the American Rescue Plan Act (ARPA) for the State and Local Fiscal Recovery Funds Program. The rule enables state and local governments to meet immediate COVID pandemic response needs and promote long-term recovery.

April 1, 2022 is the date on which all municipalities must comply with the final rule. The final rule provides local governments with increased flexibility to pursue a wider range of uses, as well as greater simplicity, so governments can focus on responding to the crisis in their communities and maximizing the impact of their funds.

Key changes to the final rule are:

- Treasury has simplified the program for smaller local governments seeking to recapture lost revenue through the option to elect a standard allowance of up to \$10 million for revenue loss rather than calculating actual revenue loss through the full formula. Recipients that select the “standard allowance” may use that amount for government services.
- Treasury has expanded the non-exhaustive list of uses that recipients can use to respond to COVID-19 and its economic impacts. This includes clarifying that recipients can use funds for certain capital expenditures to respond to public health and economic impacts and making services like childcare, early education, addressing learning loss, and affordable housing development available to all communities impacted by the pandemic.
- Treasury has expanded support for public sector hiring and capacity, which is critical for the economic recovery and in maintaining vital public services for communities.
- Treasury has streamlined options to provide premium pay for essential workers, who bear the greatest health risks because of their service in critical sectors.
- Treasury has broadened eligible water, sewer, and broadband infrastructure projects – understanding the unique challenges facing each state locality in delivering clean water and high-speed broadband to their communities.

Visit <https://home.treasury.gov/systems/files/136/SLFRF-Final-Rule> for additional details.

COG Talk... What's Happening in Our COGs?

Steel Rivers COG brings together 19 municipalities to collaborate on sustainable solutions to local challenges and to improve the lives of nearly 80,000 Mon Valley residents in the Allegheny County area. From health disparities to vacancies to blight, they tackle long-term problems with a big picture approach. Their mission is to share resources, services, and ideas to drive positive change in the member communities.

Turtle Creek Valley Council of Governments (TCVCOG) was founded in 1971 and is celebrating over 50 years of positive impact on the communities they serve in the Allegheny County area. TCVCOG facilitates collaboration, programs, and services that strengthen the connections between their member communities and the region. The COG has 20 municipalities that work together to find efficient, cost-effective solutions and programs that benefit the member communities and more than 175,000 residents that call them home. Some of the services offered include: grant administration, utility billing, code enforcement, land banking, and a Vactor Program to comply with federal and state mandates for sewer maintenance.

Centre Region COG's Centre Region Climate Action and Adaption Plan (CAAP) was adopted by the General Forum on November 22, 2021. The COG, in conjunction with the six member municipalities, developed the CAAP to identify, address, and to the degree possible, prevent the negative impacts of climate change. The Plan is about how local governments can play an essential role in preparing communities for the changing climate and be leaders in building a low-carbon community of the future. Local governments' role will be to lead by example, foster partnerships, create policy, and help disseminate information.

Nazareth COG's recent meeting addressed reorganization, established the fee schedule for the property maintenance appeals board, and appointed new members to the property maintenance appeals board. The meeting also had a presentation by the Lehigh Valley Planning Commission (LVPC) on coordinated zoning, with members of the Slate Belt COG and staff from Northampton County being invited to attend the LVPC presentation.

Slate Belt COG has a variety of equipment available for members to use including: a tow-behind leaf vacuum, an Isuzu street sweeper, Hotbox 10 pavement crack master asphalt crack repair melter, Boss Jet basic sewer jetter, stainless steel snappy snare animal catching pole, and a Home Again Plus universal microchip reader for dogs/cats. In 2022 they will add a portable inspection camera system for sewer inspections to their inventory. They also have a major equipment maintenance and repair shop that members can use.

Beaver County Regional Council of Governments (BCRCOG) held the first Manager/Secretary Roundtable of the year in January. The meeting focused on evaluating the current needs of their members and helping to identify new services or improvement to the current services the COG provides.

Capital Region COG (CapCOG) held their 2022 Annual Dinner in January with Auditor General Timothy DeFoor as their Keynote Speaker. DeFoor has more than 25 years combined experience in law enforcement and auditing, in both public service and private industries. The COG is continuing with its implementation of the \$2.3 SAFER (Staffing for Adequate Fire and Emergency Response) Grant from FEMA (Federal Emergency Management Agency), and is partnering with 21 volunteer fire departments on the grant.

IRS Standard Mileage Rates for 2022

Beginning on January 1, 2022, the Internal Revenue Service standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 58.5 cents per mile driven for business use, up 2.5 cents from 2021
- 18 cents per mile driven for medical, or moving purposes for qualified active-duty members of the Armed Forces, up 2 cents from 2021
- 14 cents per mile driven in service of charitable organizations; this rate is set by statute and remains unchanged from 2021

The standard mileage rate for business use is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs.

2022 Bid Limits

Each year, the Pennsylvania Department of Labor and Industry is required by statute, to publish changes to the base amounts triggering the requirement for public bids, telephonic bids and/or separate bids for certain contracts. The Department is required to announce the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for all items for the United States City Average for the 12-month period ending September 30 of each year.

The percentage change for the 12-month period ending September 30, 2021, is 5.4%. However, legislation puts a cap of 3% on the percentage change to be utilized, so the increase for 2022 will be the maximum allowed by law of 3%.

Following are the new bidding thresholds, effective January 1, 2022:

- **More than \$21,900 for Public Bids.** Applicable to Boroughs, Townships of the First and Second Class, Cities, Counties, Municipal Authorities, Intergovernmental Cooperation, Economic Development Financing Authorities, and Public Schools.
- **\$21,900 for Separate Bids.** As applicable.
- **Between \$11,800 - \$21,900 for Written/Telephonic Bids.** Applicable as stated for entities for Public Bids.
- **Less than \$11,800** exempt from formal bidding or written/telephonic quotations.

Federal Infrastructure Investment and Jobs Act

The recent \$1.2 trillion bipartisan Federal Infrastructure Investment and Jobs Act promises to rebuild roads, bridges, and rails along with expanding access to clean drinking water and broadband internet.

It is estimated that Pennsylvania could receive:

- \$11.3 billion for federal-aid highway programs
- \$1.6 billion for bridge replacement and repairs over five years.
- \$2.8 billion over five years to improve public transportation.
- \$100 million minimum to improve broadband coverage
- \$26 million to protect against cyberattacks.
- \$1.4 billion five years to improve drinking water, including replacing lead pipes, and improving water infrastructure

In addition, Pennsylvania could receive monies for these additional projects:

- Expanding the network of Electric Vehicle chargers
- Upgrades to improve Pennsylvania airports
- Investment to make infrastructure resilient against the impacts of climate change and extreme weather events and an investment in weatherization
- The development of clean-energy technology
- Reduce greenhouse emissions
- To assist with abandoned mine reclamation
- Additional rail funding

Passage of this Act was a major accomplishment. Now, federal agencies have the difficult task of implementing the law. This will entail designing new programs, expanding/revising existing programs, building new infrastructure and improving current infrastructure, modernization, administering new grants, appropriating funds, etc. State and local governments will then be tasked with identifying and executing needed projects on the ground.

And, all these programs and projects and improvements will require coordination and cooperation between the federal, state, and local governments.

Pennsylvania Congressional Redistricting Process

Every 10 years, information collected through the U.S. Census determines the number of U.S. representatives each state is entitled based on population. Once in receipt of that data, states are responsible for redrawing the geographic area of their congressional districts to ensure equal and fair representation, and the physical manifestation of the constitutional principle, “one person, one vote.” This process is commonly referred to as redistricting.

Pennsylvania currently has 18 congressional districts, but based on 2020 Census data, we know Pennsylvania is losing one of those districts. The next Pennsylvania congressional map will include 17 districts.

In Pennsylvania, congressional maps are drawn via legislation, i.e. a bill passed by both the House and the Senate, and signed by the governor. The House and Senate State Government committees conduct hearings across the state to take citizen input before the lines are drawn.

There are currently 2 congressional redistricting map proposals being discussed:

- **The Governor’s Map Proposal.** Decisions about where to draw new boundaries were made, first and foremost, in accordance with the neutral criteria of compactness, contiguity, minimization of division of political subdivisions, and maintenance of population equality among congressional districts. These requirements implement the fundamental right to vote and to guarantee, to the greatest degree possible, a voter’s right to equal participation in the electoral process for the selection of their representatives in government. Overall, this map maintains a degree of continuity with the current congressional map, while making targeted changes to comply with the United States and Pennsylvania Constitutions and align with the redistricting principles recommended by the Redistricting Advisory Council and comments received from the public.
- **The Pennsylvania Citizens’ Map Proposal.** This map was developed by thousands of Pennsylvanians, and represents the voices of more than 7,200 Pennsylvanians who participated in mapping contests hosted by Draw the Lines over the past three years, the first time this large a group of citizens has come together to contribute to a redistricting map. The Citizens’ Map draws on over 1,500 map submissions to balance values mappers found important throughout the process. While the Citizens’ Map differs from the Governor’s Map in areas, both are in keeping with the principles recommended by the Redistricting Advisory Council.

The panel charged with ultimately drawing Pennsylvania’s new state House & Senate districts is the Legislative Reapportionment Commission – a five-person panel composed of top party leaders and chaired by an independent member. Mark Nordenberg, who previously served as the chancellor of the University of Pittsburgh’s law school, was appointed by the Pennsylvania Supreme Court to be chairman of the Legislative Reapportionment Commission. The responsibility for naming a chairman of the commission was given to the PA Supreme Court since the legislative leaders on the panel failed to agree on a fifth member.

This panel must now weigh over 6,000 comments from a monthlong public feedback period before voting on final versions of the maps.

The panel has until mid-February to make changes to its proposed House and Senate maps, according to the state constitution. Once the panel approves its final versions, “any aggrieved person” then has 30 days to bring challenges against one or both maps to the Pennsylvania Supreme Court.

If an agreement cannot be reached on a final version of a state map, the state’s highest court will wind up settling the matter.

Enacted Legislation

- **Act 96 of 2021** - creates the **Pennsylvania Broadband Development Authority** to coordinate the development and expansion of “high-speed broadband services” to “unserved” and “underserved areas” of the Commonwealth. The Authority will be tasked with creating a broadband expansion plan for Pennsylvania and coordinating the funds received from the new Federal Infrastructure Act.
- **Act 97 of 2021**- amends **Pennsylvania Municipalities Planning Code** to: (1) clarify that a municipality may only require financial security from a developer that does not exceed 110% of the value of the remaining improvements as a prerequisite for final plat approval; and (2) specify that prior to the completion of a project, a municipality may only retain 10% of the estimated cost of the remaining improvements.

Pending Legislation

- **SB 473** – bipartisan legislation to **legalize the adult use of marijuana in PA.**
- **SB 726** – would impose significant **penalties on any individual who possesses, uses, sells, transfers, develops or threatens the use of ransomware.** It also strengthens ransomware alerting systems.
- **HB 860** – would require **ten-year batteries in smoke detectors for rental units** and would preempt inconsistent local ordinances.
- **HB 930** – would require police to **report DNA evidence about missing or unidentified persons** into the National Missing and Unidentified Persons System (NamUs).
- **HB 1923** – **limits local law enforcement’s ability to procure military-grade weapons and equipment.**
- **HB 1923** – amends the state constitution to **expand the property tax exemption for disabled combat veterans to include and benefit the surviving spouses** of service members who were killed in action or passed away after receiving a disability rating.
- **HB 1947/SB 275** – would **prohibit a municipality from discriminating and banning certain types of energy sources.**
- **HB 2148** – would allow a municipality that properly submits an advertisement to a newspaper of general circulation and simultaneously posts the same on their municipal website to **satisfy the legal advertising requirements in the case when a newspaper fails to print the advertisement in a timely fashion.**
- **HB 2272** – **a constitutional amendment to replace the state-run liquor stores with privately run liquor stores.** This amendment, proposed by Representative Natalie Mihalek, would require both chambers of the General Assembly to pass this legislation in two consecutive sessions. The amendment would then be presented to the voters to decide. The earliest this proposed amendment would appear on a ballot would be May 2023. If this vote fails to pass, the legislature must wait five years to try again.



Attention All COGS!

PACOG is partnering with the Pa. State Association of Township Supervisors to present the Excellence in Intergovernmental Cooperation Awards at the PSATS Annual Conference on April 25

Enter your joint project for PSATS' Intergovernmental Cooperation Awards

Did one or more boroughs in your COG partner with a township of the second class (*required*) and/or the state or federal government (*optional*) to complete a project in 2021? If so, submit a description of the project for consideration in PSATS' Excellence in Intergovernmental Cooperation Awards Program.

The deadline for entries is March 4, 2022.

Presented in cooperation with PACOG, the contest recognizes townships that work with other government entities to complete projects more efficiently and cost-effectively.

Eligible activities include but are not limited to:

- joint road or bridge construction/replacement;
- intermunicipal parks and recreation projects;
- regional stormwater projects;
- equipment/manpower sharing programs;
- joint comprehensive plans;
- public safety cooperatives; and
- intermunicipal recycling and/or illegal dump remediation programs.

Entries should include:

- Names of all participating entities and a contact name and number for each.
- A detailed description of the project, including how it came about, when it took place, what it entailed, and how it has benefited the participating entities.

Optional:

- Newsletter/newspaper articles or other documentation of the project.
- Photos (*before, during, and/or after*).

Winners will receive their awards during the Excellence Awards Ceremony at PSATS' Annual Educational Conference April 25 in Hershey and will be the subject of a *Township News* article.

For more information, call Brenda Wilt at PSATS at (717) 763-0930, ext. 123, or email bwilt@psats.org. Entries may be emailed to the same address.