



March 2008

Pennsylvania State Association of Boroughs

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PSAB Update

From the Desk of the Director of Communications

Did you know that the next round of Assistance to Firefighters Grant Program is just around the corner? The application timeframe for Spring 2008 has not yet been announced; however, free, two hour, applicant workshops have been scheduled across the region. Program information along with the workshop schedule is available at www.firegrantsupport.com.

Finalize Your Plans!

Attend PSAB's Spring Legislative Conference, March 30 - April 1, 2008 at the Holiday Inn Harrisburg/Hershey in Grantville! Lt. Governor Catherine Baker Knoll will address attendees on Monday, March 31 at 9:30 a.m. The Keynote Speaker, **Robert Guyer** from Engineering THE LAW, will give you tips on "How to Successfully Lobby Your State Legislature." Other topics include Project Management, Open Records Law, Chesapeake Bay, Sunshine Act 101, Municipal Contracts, UCC Administration, Celebrating PA's Diversity and much more. Conference deadlines are just around the corner: **Housing** - March 7; **PSAB Registration** - March 17. For more information, contact Mary Weller, Director of Conferences and Meetings at 800-232-7722 ext. 26, mweller@boroughs.org or visit our website at www.boroughs.org/conferences. **Don't delay, register today!**

Upcoming Training Opportunities

PSAB now offers Webinar training courses. Upcoming classes include:

March 5: *Q & A with Shelley Houk*; noon - 1:15 p.m.

March 25: *Cyber Security Issues for Borough Governments*, PA Office of Information Technology; noon - 1:15 p.m.

April 9: *Understanding Your Audit for Borough Secretaries and Managers*; noon - 1:15 p.m.

April 9: *Q & A with Shelley Houk*; 6:00p.m. - 7:30 p.m.

April 23: *Understanding Your Audit for Borough Council Members*; 6:00p.m. - 7:30 p.m.

April 24: *COSTARS: Saving Money by Making Local Procurement More Efficient & Effective*; noon - 1:15 p.m. All sessions are \$20.00; pre-registration and payment are required. For additional courses, visit the Training web site at <http://www.boroughs.org/training>.

Please Note: *The Dauphin County and Montgomery County Newly Elected Borough Officials classes have been rescheduled for March 7-8.*

For specific details visit the Training page at www.boroughs.org/training or contact Terri Dickow, Assistant Director of Education & Meetings at 800-232-7722 ext.42 or tdickow@boroughs.org.

Open Records Law Signed

On February 14, Governor Rendell signed Senate Bill 1 into law as Act 3 of 2008. Two major changes in the Open Records Act are that all records are considered open unless specifically exempted by statute (there are 30 exemptions in the law) and the burden is now on the borough to prove that the record is not public. (Prior versions put the burden on the requester.)

- The definition of *requester* has been amended to include any citizen of the United States.
- The duties of the local agency's Open Records Officer have been expanded.
- A new office under the Department of Community & Economic Development called the Office of Open Records is created. The Governor appoints the executive director of the office.
- This office will hear appeals to denials of access, give advisory opinions, establish an internal mediation process and compile a list of every agency's Open Records Officer information and make it available on line.
- The fine for a willful and wanton disregard of the act can bring fines up to a maximum of \$1500.

PSAB will be reviewing the act and providing a summary of the Act and the training department is in the midst of scheduling classes. Act 3 will not take effect until January 1, 2009; however, boroughs have some work to do to prepare for that date. For more information, contact Shelley Houk, Director of Research, at 800-232-7722 ext. 18 or shouk@boroughs.org.

Family and Medical Leave Act Update

On January 28, 2008, President Bush signed into law amendments to the Family and Medical Leave Act (FMLA) that may affect boroughs. Although FMLA affects only those private sector employers with 50 or more employees, all public agencies are subject to the law, regardless of number of employees. Title 29 US Code, §203 (x), defines public agencies as "the government of the United States; the government of a State or a political subdivision thereof; any agency of the United States (including the United States Postal Service and Postal Rate Commission); a state, or a political subdivision of a state; or any interstate governmental agency."

The amendment is in two parts. First, the next of kin of a member of the armed services who has been seriously injured or is seriously ill as a result of military service may take up to 26 weeks of unpaid leave to care for that person. The leave can only be granted once to an employee for the care of that person.

Also, when an employee has a family member who is on active duty or is about to be deployed, that employee may take up to 12 weeks of unpaid leave to attend to family needs resulting from the deployment. The US Department of Labor has not yet promulgated regulations that would precisely define qualifying "family needs," and this portion of the amendment will not become effective until such regulations are finalized. As always, consult with your borough solicitor on the details of how the FMLA amendments may apply to your staff. For more information, contact Christine Dixon, Assistant Research Specialist, at 800-232-7722 ext. 32 or cdixon@boroughs.org.

PA Budget News

Governor Rendell delivered his proposed 2008-2009 budget to a joint session of the Pennsylvania House and Senate on Tuesday, February 5. The budget calls for \$28.34 billion in General Fund spending, an increase of 4.2%. In his address, the Governor outlined new proposals to stimulate the economy, provide tax cuts for low income residents, increase education spending, increase state prison capacity and provide additional resources to rebuild Pennsylvania's infrastructure. While the House and Senate Democratic caucuses have been generally supportive of the budget proposal and its accompanying initiatives, the Republican caucuses of both chambers have expressed a number of concerns, pointing to an increase in spending over the rate of inflation, drawing the \$130 million for tax cuts for low income families from the rainy day fund, a 6.9% growth in the Department of Public Welfare budget and \$2 billion in additional borrowing for the Energy Independence and Jonas Salk initiatives. Legislators are also dissatisfied with the Governor's decision to again cut more than \$500 million in legislative line items.

For more information, contact Ed Troxell, Director of Government Affairs, at 800-232-7722 ext. 21 or etroxell@boroughs.org.