

# BAILIWICK NEWS

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## **COG General Forum to consider “special rules for unit votes” at May 28 meeting; good opportunity for State College to withdraw from COG instead.**

By Katherine Watt

At its regular meeting on Tuesday, May 28 – 7 p.m. at 2643 Gateway Drive, the Centre Region Council of Government (CRCOG) General Forum members will consider approving new procedures for “casting unit votes,” alongside approving funding and search committee formation to select a new COG Executive Director to replace Jim Steff, who will be resigning effective April 2020 after several decades in the position.

*From the General Forum agenda, published May 23:*

“This agenda item asks the General Forum to approve procedures for casting unit votes at General Forum meetings as recommended by the Executive Committee. Earlier this year the General Forum authorized the Executive Committee to review and document the procedures for casting municipal unit votes at COG meetings.

During its March, April and May meetings, the Executive Committee has discussed various approaches to documenting the procedures for the different types of unit votes. In addition, the COG Solicitor attended a Committee meeting to discuss the application of the Sunshine Act to unit votes.

The Executive Committee recognized that there are three types of a unit vote – unit votes required by the COG Articles of Agreement, unit votes called on any topic by a member of the General Forum, and unit votes that are required by a municipal ordinance or resolution.

Based on this approach of classifying the types of unit votes the Executive Committee prepared the *enclosed* draft Special Rules of Order procedures for unit votes. To proceed the Executive Committee unanimously asks the General Forum to approve the following motion: “That the General Forum, as recommended by the Executive Committee, approve Special Rules of Order to casting municipal unit votes at General Forum meetings.”

It should be noted that the Executive Committee asked the Executive Director to prepare a table identifying which municipalities may vote on the various issues that come before the General Forum. This draft table will be reviewed by the Executive Committee and then shared with the General Forum.

*Disclosure – I am currently running a write-in campaign for State College Borough Council, including two goals relevant to this article: withdrawing State College from the Centre Region Council of Governments, which I view as a highly-manipulated tool used by corporate Penn State, through managerial elites, to control and disempower the voters within each constituent municipality; and dissolving State College and COG authorities, boards, commissions and committees restricted to “advisory” power, which sideline and waste the time of citizens who would otherwise petition actual decision-makers, or seek actual decision-making power themselves, and which also strip accountability from elected representatives who cite advisory committees as the basis for their refusal to conduct and participate in contentious open deliberations on issues of public importance.*

*The proposed draft circulated with the agenda:*

Special Rules of Order For Unit Votes

Authorization for Unit Votes

COG Articles of Agreement, Article V, Quorum & Voting, Section A: “Voting: Each municipality shall have one ‘unit vote.’ However, to facilitate conducting ordinary business at the General Forum, the chair may use a majority vote of those present as a procedure to be followed in the passage of motions and resolutions. Any member of the General Forum shall have the right to call for a “unit vote” on any issue voted upon at any time. A call for a “unit vote” shall void any action on the motion or resolution ruled upon by the majority vote procedure.”

These special rules of order shall be the authority for all unit votes of the General Forum of the Centre Region COG.

Type I - Unit Votes That Are Required by COG Articles of Agreement

- a. These votes are scheduled and called by the Chair as required by the General Forum. Examples of actions requiring unanimous votes of all the COG municipalities include: borrowing, real estate transactions, and proposals to revise Articles of Agreement. The General Forum agenda will reflect that the vote will be a unit vote and also identify the municipalities that are eligible to vote on the question under consideration.

- b. A quorum of each governing body must be present in order for the unit to vote. If a unanimous decision is required, the vote will be postponed when one or more participating municipalities lack a quorum.
  - c. The public may listen to the municipal unit discussions but all public comment is to be addressed to the entire General Forum prior to recessing for the vote.
  - d. No minutes are taken and individual votes are not recorded. If a request for an individual vote record is made by a General Forum member prior to recessing for the unit vote, then municipalities will provide individual votes to the recording secretary for inclusion in meeting minutes.
  - e. Municipalities or members of a municipal governing body may not abstain unless they have a conflict of interest.
  - f. For an action to be approved, the Articles of Agreement require a unanimous vote of all the municipalities. If one or more of the participating municipalities cannot vote due to lack of quorum, the results of the vote will be considered to be void.
- a. Although they are generally called unit votes, these votes are not true unit votes, because they require specific action by each individual municipality separate from the action of the General Forum. Examples of required municipal actions include: municipal loan guarantees, adoption of municipal ordinances and changes to the Act 537 Sewage Facilities Plan or the Regional Growth Boundary.
  - b. When these votes occur, the General Forum meeting and municipal meetings are advertised in accordance with the Pennsylvania Sunshine Act. The General Forum meeting goes into recess and each municipality convenes an advertised municipal meeting.
  - c. A quorum of the governing body must be present in order to take action. If a unit does not have a quorum, other units will continue with their scheduled meetings and vote on their ordinance or resolution. The unit that does not have a quorum will then take action on the issue at a subsequent meeting of that municipality.
  - d. These votes require a public hearing which is conducted as part of the General Forum meeting and will be held prior to the convening of individual municipal meetings.
  - e. Unit meetings are advertised meetings of the municipality and are separate from the General Forum meeting. Minutes of the meeting are kept and voting is recorded in accordance with the policies of each municipal governing body.
  - f. The public may listen to the discussion during individual municipal meetings and comment in accordance with the policies of each municipal governing body.
  - g. COG action is not complete until all municipalities have voted, either during the recess or at a subsequent municipal meeting.

#### Type II - Unit Votes From The Floor That Are Not Required by the COG Articles of Agreement

- a. These votes may be called for any reason by a member of the General Forum. Under the COG Articles of Agreement, a unit vote can be called after a floor vote has been taken and the unit vote becomes the official vote.
- b. After a unit vote is requested, the Chair will recess the General Forum meeting so that the municipal governing bodies can discuss the matter.
- c. A quorum of the governing body is not required. Members who are present will represent the unit.
- d. The public may listen to the unit discussions but all public comment is addressed to the entire forum prior recessing for the vote.
- e. No minutes are taken and individual votes are not recorded. Only the unit vote is reported.
- f. Municipalities or members of a municipal governing body may not abstain unless they have a conflict of interest.
- g. The result is determined by the majority of voting municipalities units. In the event of a tie vote the motion fails. Following the vote, the Chair reconvenes the General Forum meeting.

#### Type III - Unit Votes Requiring Adoption of a Municipal Ordinance Or Plans

### CRITICAL ANALYSIS

The complexity of the proposed unit vote system is just one indicator of the brokenness of the COG structure overall, which was created in 1969 within a very different social, political, economic and population context from the one that exists in State College and its surrounding bedroom communities now.

Unfortunately, I don't believe COG can be effectively reformed to meet the needs of the current population.

Fuller reporting on the structural problems with COG will be covered in future *Bailiwick News* editions.

Also, it bears emphasis that the accountability problems inherent in our current local political structures are not unique to the Centre Region.

This is just where we live and can directly participate in changing those structures.

Reinforcing this point: the unit vote rules proposal on the General Forum agenda is a direct result of increased citizen oversight and concern about the questionable legitimacy of General Forum votes over the last few years, particularly related to votes taken regarding Toll Brothers “Cottages” land development and Whitehall Road Regional Park funding, development and design decisions.

COG was created in 1969, partially as a compromise when campaigns to consolidate the municipalities failed.

In my view, today’s COG provides few of the fiscal benefits of consolidation, with most of the voter-disenfranchising drawbacks.

Decades of increasing technical complexity – in utility systems, corporate accounting, financial management, information and communications technology and many other human systems – created a political vacuum.

It became less feasible for part-time, volunteer legislators to acquire and apply the necessary technical expertise with enough competence and confidence to resist deferring to bureaucratic “experts.”

Appointed municipal managers filled the vacuum, working full-time for relatively high salaries.

If they’re socially savvy, municipal managers generally stay in their positions for decades. They’re rarely if ever dismissed by the legislatures that appoint them. And they never face voters for review of their decisions; they can’t be voted out of office.

Based on my observations and analysis over the last few years, about how the system works in the Centre Region, I’ve pieced together a few findings.

Centre Region managers (COG Executive Director Jim Steff, along with the municipal managers of State College, Ferguson Township, College Township, Patton Township, Harris Township and Halfmoon Township), meet monthly, early in the morning on a weekday; their meetings are, not coincidentally, closed to the public.

Without attributing malicious intent to those managers, I believe the meetings function as a *de facto* agenda pre-setting process for the entire region, and one that is conducted outside public view.

The full-time, paid career managers have a far stronger grasp of the technical complexities of day-to-day public works operations and finance than the part-time volunteer elected legislators.

The managers also control the flow of information that reaches the elected legislators.

Whether to simplify their work lives amidst the headaches of dealing with new and extremely ignorant legislators every election cycle (most likely), or to play the system for their personal benefit (least likely), the result is that the managers narrow the range of information and legislative options provided to legislators in a way that

virtually guarantees policy decisions that support the vision of civic life selected – month by month – by the managers, as they meet privately to discuss emerging community issues.

Without ever facing voters themselves.

The COG system itself uneasily co-exists with many other complex smaller and larger structures: six separate municipal legislatures, each with a full complement of subordinate planning commissions, zoning boards, parks committees and myriad other “authorities, board and commissions;” the separate governing boards of water, sewer, ground and air transit, parks and other independent authorities; Centre County government with its own paid staff and volunteer committees; independent economic and industrial “development” entities; Penn State administrators operating under the virtually non-existent supervision of the Penn State Board of Trustees; and the Pennsylvania legislature and courts.

All of those entities conduct meetings – with and without corporate lobbyists – to identify political goals and make plans to work toward reaching those goals. Some meetings are public, some are private.

The end result is that it’s nearly impossible for citizens to keep adequate track of what’s being done with our tax dollars, in our alleged interests.

And it’s just as impossible for citizens to effectively intervene to advance goals outside the range deemed acceptable by the managerial elites.

As a first step toward systemic simplification, I think that the State College representatives on General Forum should vote on May 28 against the “special rules for unit votes” and vote against allocating funding and search committee formation to replace outgoing COG Executive Director Jim Steff.

Instead, I think the State College representatives on General Council should move to start the process of withdrawing from COG, to create space for healthier citizen-government relationships to develop, with more transparency, accountability and accessibility.

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