

## **LIVESTREAM MEETING OF THE LOCAL GOVERNMENT COMMISSION**

**Friday, November 1, 2024**

The virtual meeting of the Local Government Commission (Commission) was called to order by Senator Scott Hutchinson at 9:01 a.m. with the following Commission Members, staff and guests participating remotely:

### **MEMBERS**

**Senator Scott E. Hutchinson, Chair**  
**Senator Rosemary M. Brown**  
**Representative Robert Freeman**  
**Representative Christina D. Sappey**  
**Representative R. Lee James**  
**Representative Dan Moul**

### **STAFF**

**David A. Greene, Executive Director**  
**Kristopher J. Gazsi, Assistant Director**  
**Martin A. Toth, Associate Legal Counsel**  
**Julia Frey, Senior Research Analyst**  
**Rex Burman, Research Analyst**  
**Karen S. Bear, Executive Assistant**

### **GUESTS**

**Justin Leventry, Senator Hutchinson's Office**  
**Isaac Evans, Senator Hutchinson's Office**  
**Emily Eyster, Senator Comitta's Office**  
**Teresa Leitner, Representative James' Office**

The Executive Director made a statement that the virtual meeting was being recorded and conducted with both Member and Commission staff participation. On Wednesday, October 30, 2024, notice of the meeting was posted on the committee meeting pages of the Senate of Pennsylvania and the House of Representatives through the Legislative Data Processing Center. The meeting agenda was posted on the Commission's website, [www.lgc.state.pa.us](http://www.lgc.state.pa.us), on Wednesday, October 30, 2024, and outside of the Commission's office located at 506 Irvis Office Building. Any questions on agenda items for consideration by the Commission were addressed during the meeting. After adjournment, the recording of the meeting will be posted on the Commission's website at [www.lgc.state.pa.us](http://www.lgc.state.pa.us).

The Members reviewed an Intergovernmental Cooperation Agreement (Agreement) that was received, via e-mail, by the Commission on October 23, 2024, between Adams County and the United States Department of Justice, United States Marshals Service Prisoner Operations Division ("USMS") to provide for the housing, safekeeping, subsistence, and care of Federal prisoners at the Adams County Adult Correctional Complex.

Pursuant to statute, the Commission is required to provide an advisory written response to a proposed intergovernmental agreement within 90 days of the agreement's submission. Notwithstanding this mandate, a failure of the Commission to provide a written response has no

**LIVESTREAM MEETING OF THE LOCAL GOVERNMENT COMMISSION**

**Page 2 – November 1, 2024**

effect of the legal efficacy of the agreement so long as it has been submitted to the Commission prior to execution. Consistent with the Applicant’s request, the Commission provided an expedited review.

The Commission does not regard the review of agreements between a Pennsylvania local government and a political subdivision of another state as involving a power to veto or enjoin; but, in accordance with the requirements of 53 Pa.C.S. § 2314, the Commission is charged with undertaking a review of the agreement and providing an advisory written response of its review of, and any recommended changes to, the agreement with regard to form and compatibility with the laws of this Commonwealth.

The terms of the Agreement reflect the conditions upon which Adams County will provide services to federal prisoners at the Adams County Adult Correctional Complex, the conditions for housing, safekeeping, subsistence and care required by USMS, and payments rates by USMS. Although the Agreement is “perpetual,” Agreement duration is adequately reflected in the power to terminate at the discretion of either party of the Agreement by 30 days written notice, or less in response to an emergency. The services provided by Adams County are billable to USMS on a per diem, guard and transportation hourly rate, and the federal General Services Administration mileage rate by monthly invoice.

After thorough review, the Commission has discovered no legal authority compelling it to conclude that the Agreement is not in compliance with Pennsylvania law. It appears that the Agreement is in proper form and compatible with the laws of this Commonwealth. Provided Adams County appropriately authorizes this Agreement by ordinance or resolution, no discernible case law, statutory or regulatory provisions apparently threaten the substantive validity of the Agreement.

The Members unanimously agreed on a motion by Representative Moul and a second by Representative James to authorize Commission staff to send correspondence detailing the Commission’s comments to all involved entities.

The meeting was adjourned at 9:12 a.m.

ATTESTED: \_\_\_\_\_  
November 7, 2024