

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF COMMUNITY AFFAIRS

IN RE: :

PROPERTY OWNERS, RESIDENTS, AND/OR : COMPLAINT UNDER SECTION 901 of
TAXPAYERS OF PLEASANT VALLEY SCHOOL : THE LOCAL GOVERNMENT UNIT DEBT
DISTRICT, MIKE VIANELLO, ET AL : ACT
: :
v. : :
: :
PLEASANT VALLEY SCHOOL DISTRICT :
Monroe County : HEARING DOCKET NO. LGUDA-19

Mike Vianello et al (hereinafter referred to as Complainants) filed a complaint pursuant to Section 901 of the Local Government Unit Debt Act, Act 52 of 1978 (the Act) with the Department of Community Affairs (the Department) challenging the regularity of proceedings had by the Pleasant Valley School District (the Respondent) with respect to bonds authorized to be issued in the amount of \$6,955,000. The Department received the complaint on July 9, 1984. On June 21, 1984 Respondents adopted an amended resolution authorizing and awarding a series of general obligation bonds in the aggregate principal amount of \$6,955,000 for the purpose of providing funds for and toward a capital project consisting of alterations, additions and improvements to be acquired or constructed with respect to the junior-senior high school building in the Pleasant Valley School District. Pursuant to Section 103 of the Act, notice of the resolution was published in the Pocono Record on June 18, 1984 prior to its adoption as well as on June 29, 1984 subsequent to the adoption of the resolution. On June 29, 1984 the Department received for approval or disapproval a transcript of the proceedings had with respect to paid bonds pursuant to Section 801 of the Act. The proceedings have been examined by the Department but no action has been taken pending the disposition of the Complaint. On July 19, 1984 the Department received Respondent's Answer and Motion to Dismiss.

Pursuant to 1 Pa. Code Section 35.09 and 35.54 the Department has jurisdiction to hear argument on the Respondent's Motion to Dismiss.

Section 901 of the Act authorizes the Department to determine whether the local governments have complied with all of the requirements of the Act. The wisdom of the decisions of the local government unit or school board in making a determination to proceed with a project is not a matter subject to review by the Department. That determination is to be made by the local government. Therefore, pursuant to the authority delegated to the Department by the Act, the resolution of the Pleasant Valley School District authorizing and awarding the \$6,955,000 bond issue was properly adopted pursuant to the technical and legal requirements of the Act.

The Complaint suffered from many deficiencies or irregularities under the General Rules of Administrative Practice and Procedure as set forth in Chapters 31, 33 and 35 of Title 1 of the Pennsylvania Code.

The Department lacks jurisdiction to determine any violations of the Open Meeting Law.

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ORDER

And now this 27th day of July, 1984, the above Complaint is dismissed.

It is ordered that the appropriate staff in the Department of Community Affairs reinstate and continue its review of the proceedings submitted by the Pleasant Valley School District.

Shirley M. Dennis
Secretary
Department of Community Affairs