ECKERT SEAMANS

Municipal Law & Governance

OVERVIEW

Eckert Seamans has represented both public and private clients for many years on matters involving Pennsylvania municipal law. The lawyers in the Municipal Law Group have extensive experience in all aspects of municipal law and practice, including land use regulation, environmental law, labor relations, pension matters, procurement, construction contract administration and litigation, real estate, taxation, and mass transit. The firm represents public clients in both litigation and general advisory capacities. Municipal Law attorneys currently serve as solicitors to several Pennsylvania municipalities, and as solicitor to public authorities, including the Public Auditorium Authority of Pittsburgh and Allegheny County, the Sports and Exhibition Authority, the Urban Redevelopment Authority of the City of Pittsburgh, the Allegheny County Sanitary Authority (ALCOSAN), the Port Authority of Allegheny County, and the Westmoreland Authority. The firm represents numerous other municipalities and municipal authorities on specific matters.

The firm has widespread experience in one of the most visible areas of municipal practice—land use regulation. Firm attorneys have drafted and advised municipal clients with respect to zoning, subdivision, fire and building code, and environmental ordinances. Firm attorneys also represent private clients at all levels of the land use process, including permit and plan applications before municipal administrators and zoning officers, quasi-judicial proceedings before municipal governing bodies and zoning and planning boards, and litigation before state and federal trial and appellate courts. In addition to zoning cases under the Pennsylvania Municipalities Planning Code, the Section's municipal land use practice addresses environmental matters, including historic district, flood plain, stormwater management, clean streams, and solid waste disposal regulation. Firm attorneys also practice actively in the expanding area of landowner relief under the Pennsylvania and United States constitutions and statutes.

Through its Labor and Employment Group, the firm offers labor counseling and negotiation services to its municipal clients, as well as expertise on pension plan and pension investment matters, civil service disputes, the Fair Labor Standards Act, the Americans With Disabilities Act, workers' and unemployment compensation claims and litigation, equal employment opportunity regulations, occupational health and safety matters, and emerging right-to-know law issues.

Eckert Seamans' attorneys prepare, negotiate and present before arbitrators and the courts construction claims involving delays, disputed site conditions and liquidated damages on large public works projects. The firm's municipal construction law practice also includes the litigation of payment and performance bonds and mechanics lien claims. Firm attorneys also draft and review public sector procurement, service, and construction contract documents, bonds, and letters of credit.

The firm has extensive experience in the areas of procurement by public agencies and the administration of governmental contracts. The firm's attorneys have represented both public agencies and private contractors in proceedings before courts and administrative tribunals arising out of the award and administration of public contracts. Firm lawyers have served as members of advisory committees for state and federal agencies in connection with proposed revisions of procurement laws and regulations.

Firm attorneys prepare earned income tax, business privilege, realty transfer, and real estate tax ordinances for municipal clients. The firm also litigates real estate tax assessment appeals on behalf of both public and private clients. The firm represents both public and private entities in eminent domain litigation, the acquisition and leasing of real estate related to public entities, and the dedication and vacation of public streets and rights-of-way.

The firm's experience in municipal taxation and finance has enabled it to play a significant role in encouraging commercial and business development in communities through the development of municipal tax abatement and special assessment programs. Firm attorneys recently assisted in the preparation of a business assistance manual cataloging services available to businesses from public and private agencies in southwestern Pennsylvania, including financing, site location, site development, education, training, retraining, facility leasing, construction, business technical assistance, and technology development.

Over the past decade, Eckert Seamans has played a leading role in legal matters involving the cooperation of public agencies and private organizations in Pittsburgh on projects of major economic, civic, and cultural significance. These include the agreement between USX Corporation and Port Authority of Allegheny County involving the development of air rights above the Steel Plaza Transit Station; the lease of the Civic Arena by Public Auditorium Authority to Civic Arena Corporation; the financing of capital improvements in connection with the acquisition of Benedum Center by Public Auditorium Authority, and the lease of that facility to the Pittsburgh Trust for Cultural Resources; the acquisition of the Pittsburgh Pirates baseball team through a public/private cooperative effort; and the Highspeed Maglev Project.

The firm advises government clients on virtually all aspects of municipal law. In addition to those already mentioned, areas of practice include Sunshine and Ethics Act questions, police and fire protection issues, review of state and federal grant contracts, cable television and satellite dish regulation, the drafting and negotiation of cable television franchises and franchise renewal agreements, and the drafting and review of ordinances and resolutions on a wide variety of subjects.