

## **CCAP RESOLUTIONS 2009**

Adopted by the CCAP membership at the Annual Conference  
Tuesday, August 11, 2009

**RESOLUTION NO. 1** *(Submitted by the CCAP County Governance Committee)* – The Association supports legislation to provide for county collection of county, municipal, and school property taxes, including mechanisms for recovery of costs of administration.

*Act 32 of 2008 requires schools and municipalities to undertake combined county-wide (not county) collection of school and municipal earned income taxes. The change was seen as improving uniformity of collection and collection practices, and providing better service to taxpayers and businesses. There is speculation that once these systems are in place the legislature will turn its attention to collection of the property tax, now administered by a system of a couple thousand locally elected tax collectors. The resolution replaces a prior resolution that did not propose abolishing the office of tax collector but simply allowed the county to choose to collect its taxes, leaving collection of school and municipal property taxes to the elected collector (currently home rule counties and about four other counties can collect their own taxes). The new resolution, recognizing that counties already administer the assessment system and the tax claim system and, in most counties, prepare and mail the county, municipal and school property tax bills, proposes that the whole system be consolidated at the county level.*

**RESOLUTION NO. 2** *(Submitted by the CCAP Community and Economic Development Committee)* – The Association supports legislative or regulatory changes to require the commonwealth to collect and remit to counties any applicable county hotel tax for state-owned lodging facilities.

*The commonwealth owns rental facilities such as cabins and lodges that, if privately owned, would be subject to collection and remittance of the county hotel tax, but the commonwealth claims to be exempt from collection. The resolution would place the commonwealth under the same requirements as private hoteliers.*

**RESOLUTION NO. 3** *(Submitted by the CCAP Community and Economic Development Committee)* – The Association supports legislation to eliminate the current rule that deems a hotel stay in excess of 30 days a residential accommodation and removes it from liability for state and county hotel taxes, while being careful not to affect the status of true transient rentals such as boarding houses.

*The long-term room rentals at hotels in counties affected by Marcellus Shale development have triggered the 30-day residence rule, resulting in lost revenue for the commonwealth and the counties. Given that the nature of the hotel facility has not changed based on these long-term rentals, the resolution calls for modification to the 30 day rule to allow the tax to still be collected. Recognizing that some older motels and hotels have been converted to true short term residential rentals, the resolution calls for clarity that the change not affect these types of properties; it is intended to affect only those properties operating primarily as a hotel or motel and it does not intend to add in any properties not currently covered by the county hotel tax.*

**RESOLUTION NO. 4** *(Submitted by the CCAP County Governance Committee)* – The Association supports amendments to the Real Estate Tax Sale Law and the Municipal Claim and Tax Lien Law to permit counties to recover from redemption or sale of subject properties the necessary costs incurred by the county to address safety and maintenance of the property or other improvements reasonably necessary to improve the salability of the property.

*Properties that come under county control for purposes of tax or lien sale may need routine maintenance and sometimes need to have basic safety issues addressed. Both affect the potential for sale of the property,*

*and also may be impacted by other practical and legal requirements such as municipal property maintenance codes. The resolution proposes that the county be permitted to recover any reasonable costs incurred for these purposes, regardless of whether the property is redeemed by the owner or proceeds to sale.*

**RESOLUTION NO. 5** *(Submitted by the CCAP Agriculture Committee)* – The Association opposes the state making policy changes that affect existing relationships between county agencies and commonwealth agencies when those changes occur outside the regulatory and legislative process, and without input from the county agencies that will be affected.

*The resolution results from recent opposition by counties in the oil and gas region to a unilateral decision by the Department of Environmental Protection to remove Section 102 and 105 permit review responsibilities related to oil and gas operations from county conservation districts. Counties are concerned about both the effects of this policy change and the process by which the change was made. Commissioners, county conservation districts and other stakeholders were not consulted at any time prior to the announcement of the change, nor was the change submitted to the regulatory review and legislative process, further limiting opportunity for input.*

**RESOLUTION NO. 6** *(Submitted by Washington County)* – The Association supports legislation to expand governmental immunity to include the county and its tax claim bureau’s liability arising out of the possession care, custody or control of real estate obtained or held in repository through the Real Estate Tax Sale Law and the Municipal Claim and Tax Lien Law.

*Depending on the nature or success of the sale, counties normally hold hundreds of properties in trust under the two laws. There is sometimes the potential for property damage or personal injury due to the condition or use of the property, and the resolution calls for limitations on county liability as the incidental trustee of such properties.*

**RESOLUTION NO. 7** *(Submitted by the CCAP County Governance Committee and by Berks County)* – The Association supports development of recommendations by the Public Employee Retirement Commission, with county participation, on legislation to provide appropriate, secure, interim and long term relief to county plans that from time to time suffer from adverse market conditions, including:

- a. Adoption of plan valuation methodologies that better recognize long term market cycles;
- b. Providing safe harbor valuation methodologies to allow an alternate asset valuation date of July 1 instead of January 1 when asset values decline by more than 15% over a 12 month period of time; and
- c. Making appropriate structural changes such as changing the liability funding basis from average tenure of county employees, in terms of years of service, to average number of expected years of pension benefit payments measured by the difference between average mortality of the covered plan participants for each county minus the average age of retirement of the same plan participants.

*The resolution expands on an existing platform plank, with the first subsection recognizing that the Public Employee Retirement Commission has developed comprehensive legislation intended to help distressed municipal plans (typically less well funded and operating under more strict administrative requirements) that includes a new plan valuation methodology that uses a different means of crediting gains and losses to smooth out market fluctuations over a much longer term than the five-year averaging methodology currently used by most plans. While counties are not included in the legislation, review is underway to determine whether applying this methodology to county plans would reduce the annual required contribution (ARC) payments and provide better relief than alternate strategies such as amortizing the ARC over an extended period. The second and third subsections are submitted by Berks County, which suggests that the first change will lower the ARC, in most instances, and eliminate the subsequent year*

*impact that occurs under the current smoothing formula and at the same time allow natural economic recovery to restore asset values without having to make the devastating ARC payments that the current methodology requires for 2009 and beyond. The second change will have the impact of matching the annual funding with the expected number of payout years instead of the current methodology which front loads the funding over the average years of service, thus extending any employee's amortization over a longer term.*

**RESOLUTION NO. 8** *(Submitted by Berks County)* – The Association supports amendment to the County Pension Law to provide for defined contribution plans, at the choice of counties, to any eligible employment class hired after the date of a majority vote of the County Pension Board and that such plan require:

- a. A statutory, uniform, annual, mandatory contribution by the county;
- b. A mandatory minimum, and additional voluntary maximum, employee contribution (for example, no less than 5% and no more than 15%), based upon full time eligible payroll, with asset investment classes and fund choices selected by the County Pension Board, and with actual investments within the investment classes and funds self directed by each participating employee.
- c. Strict limitations on employee withdrawal of funds prior to superannuation.

*The resolution proposes amending the County Pension Law to give the county the option to establish, for employees hired after a certain date, a defined contribution plan instead of the current (predominantly) defined benefit plan. The provision applying the change prospectively is to meet the constitutional prohibition against reducing public employee pension benefits.*

**RESOLUTION NO. 9** *(Submitted by the CCAP County Governance Committee)* – The Association supports implementation of the following recommendations contained in the Governor's Election Reform Task Force report, dated May 12, 2005, but specifically opposes the recommendation to move the date of the Presidential Primary from the fourth Tuesday in April to the first Tuesday in March:

- a. Improve administration of absentee balloting to provide greater convenience and accountability, including ease in application and submission of absentee ballots while maintaining the integrity, security, and secrecy of the process.
- b. Maintain the schedule for uniformed and overseas citizens absentee voting but find a mechanism to assure court resolution of disputed ballots timely for preparation of absentee ballots, and provide that the federal write-in absentee ballot can be used in all elections for all offices.
- c. Develop strategies to increase voter participation, particularly with the use of no-excuse absentee ballots and by designating the date of the primary and general election as school in-service days.
- d. Improve administration of elections within the provisions of the Help America Vote Act, including clarity on provisional ballot procedures and tabulation, standards and enforcement of accessibility, alternative language accessibility, and what constitutes a vote.
- e. Defer questions of Electoral College reform to the national level but provide for greater access to the ballot for minor political parties and political bodies, and provide uniform standards for submission and placement of referendum questions.

*The resolution delineates, in summary form, the recommendations contained in the Election Reform Task Force Report. It expands on a prior Platform plank by giving some nominal notation of the elements of the report and thereby giving better initial guidance to policy-makers.*

**RESOLUTION NO. 10** (*Submitted by the CCAP County Governance Committee*) – The Association supports full federal funding, or in absence of full federal funding full Commonwealth funding, of the equipment, registration, accessibility, and related provisions of the Help America Vote Act, including alterations of or additions to any requirements under that act or any successor federal or state act.

*The HAVA requirements are largely implemented and retroactivity issues have been addressed. Still there are proposals being floated at the state and federal level that could have significant impact on county election administration and county costs. The resolution amends an existing plank to write it in a prospective manner.*

**RESOLUTION NO. 11** (*Submitted by the CCAP Energy, Environment and Land Use Committee*) – The Association supports and encourages partnership between the oil and gas industry and the Department of Environmental Protection to proactively address recycling, transport, treatment and disposal of frac water from oil and gas wells in order to maintain scientifically acceptable levels of total dissolved solids in Pennsylvania’s waterways.

*The natural gas extraction process generates brine and wastewater that can contain high concentrations of salt and total dissolved solids that are diluted and discharged into surface waters after treatment to remove pollutants. Whereas injection wells were used for storage in Texas, many experts believe this will be of limited use in Pennsylvania due to our state’s geology. At the same time, many entrepreneurs have begun to address the need for additional wastewater capacity and new technologies to treat and recycle waste fluids. Continued evolution of both the regulatory and treatment industry will be necessary to meet the challenges of increased gas exploration. Joint industry and administrative agency cooperation is needed to identify new and safe treatment technologies to treat and store this wastewater that will allow the state’s natural gas industry and its economy to thrive while protecting drinking water, and the health of commonwealth rivers and streams.*

**RESOLUTION NO. 12** (*Submitted by the CCAP Energy, Environment and Land Use Committee*) – The Association supports efforts to improve storm water planning across municipal boundaries in order to meet existing water quality requirements, while opposing changes to storm water management laws which:

- a. Impose a “one-size-fits-all” approach that does not take into account differences between counties;
- b. Fail to require shared county and municipal responsibility for implementation;
- c. Expand storm water planning requirements without additional or adequate funding;
- d. Impose another layer of storm water policy over existing Act 167 requirements.

*Bills have been introduced and considered in the House for several consecutive sessions seeking to expand storm water planning and implementation requirements for counties and municipalities. These proposals require plans to address existing storm water issues in addition to the new-development requirements contained in Act 167. The resolution expresses concerns identified by the EE&LU Committee and the county planning directors with these proposals.*

**RESOLUTION NO. 13** (*Submitted by the CCAP Human Services Committee*) – The Association supports efforts by juvenile detention centers to maintain the adequate numbers of beds to ensure access by county courts as needed.

*Given recent changes in resident population, there has been movement to explore the reduction of juvenile detention beds across the state. In some circumstances, DPW has been pushing counties, through the payment system, to reduce or control the number of available beds. Counties have expressed concern that bed reduction may be a premature reaction to environmental and economic influences that may not be long*

*lived. It is too early to begin making these types of decisions without appropriate information or the strategic planning necessary to reduce risk to counties resulting from fluctuating needs at a local level.*

**RESOLUTION NO. 14** *(Submitted by the CCAP Human Services Committee)* – The Association supports efforts to create and maintain juvenile detention services data collection and management systems that enable quality improvement opportunities both internally and systemically.

*The resolution supports research-based decision making. Centers have been engaged in ongoing efforts to create, manage and sustain tools necessary to collect and appropriately evaluate trends in population served. Some of the ongoing areas of interest include types of offense, race, gender, age, and family history. In addition, centers have experienced increased scrutiny based on inappropriate data relative to the use of restraints. As federal and state funders have begun to show support for evidence-based approaches to the reduce crime and improve outcomes for youth, the resolution positions the Association to support use of data collection to seek and acquire funds necessary to improve service and decrease long-term cost to local decision makers. In addition, data collection provides decision makers with more immediate access to critical information necessary to make informed decisions in times of crisis and additionally allows decision makers the ability to respond appropriately to public inquiries.*

**RESOLUTION NO. 15** *(Submitted by the CCAP Courts and Corrections Committee)* – The Association supports legislation amending the Pennsylvania Municipalities Planning Code to permit counties to supersede local zoning ordinances for the purpose of establishment or expansion of county adult and juvenile correctional facilities, community corrections facilities, and similar treatment and public safety settings.

*As a result of counties' increasing efforts to reduce jail and juvenile detention center overcrowding and recidivism rates, many counties are turning toward alternatives to incarceration, including re-entry programs, treatment courts, community based day reporting centers and similar alternatives. The resolution expands an existing plank to recognize these settings and programs as important tools for counties by providing protections against limitations imposed through zoning.*

**RESOLUTION NO. 16** *(Submitted by the CCAP Agriculture Committee)* – The Association strongly encourages all counties to involve the agricultural community in local decision-making and to emphasize agricultural issues in preparation of the county comprehensive plan and related land use documents.

*The word “strongly” is inserted into an existing resolution to place greater emphasis on the need to include the agriculture industry in planning and decision-making.*

**RESOLUTION NO. 17** *(Submitted by the CCAP Agriculture Committee)* – The Association supports making available business incentives and lending opportunities for agriculture in a manner equal to any other business in the Commonwealth.

*The amendment to the resolution clarifies its purpose by referring more specifically to business incentives, such as the First Industries Fund, and supports continued flexibility and availability of lending opportunities for agriculture.*

**RESOLUTION NO. 18** *(Submitted by the CCAP Agriculture Committee)* – The Association supports policies and programs that create parity for the dairy industry and recognize actual costs of production.

*The dairy industry is experiencing particularly difficult economic times due to steep decreases in milk prices. Dairy is Pennsylvania's leading agricultural industry.*

**RESOLUTION NO. 19** (*Submitted by the CCAP County Governance and Community and Economic Development committees*) – The Association supports creation of a state-wide large volume contract on behalf of counties for bridge construction or replacement, based on common engineering and design standards and taking advantage of economies of scale, prebuilt components such as precast concrete and culverts, and other alternatives as strategies to drive down county costs.

*Given that many county bridges are of relatively common design and size, the resolution proposes using a state-wide large-volume contract for engineering, design, and construction, comparable to various contracts available under the COSTARS program. There will clearly still be some local engineering and permitting issues but the contract would cover core design and engineering approvals and basic fabrication.*

**RESOLUTION NO. 20** (*Submitted by the CCAP Community and Economic Development Committee*) – The Association supports administration of tourism grant programs by the Department of Community and Economic Development consistent with the objectives of maintaining individual county tourism promotion programs, balanced with incentives for regional approaches and providing consistency with Commonwealth tourism promotion efforts.

*Act 50 of 2008 accomplished part of the current resolution relating to defined funding streams that maintains individual county and multi-county matching grants while also providing funding for voluntary regional marketing initiatives, with specific distribution formulas and application and planning processes. Some elements of the resolution remain valid as part of the policy statement so the resolution rewrites the provision more generically.*

**RESOLUTION NO. 21** (*Submitted by Warren County*) – The Association supports an amendment to the County Code to permit counties to increase the hotel occupancy tax up to 6% along with authorization to designate the funds for administration by up to three tourism, tourism promotion, tourism development, or travel destination development entities.

*Counties have the ability to levy a 3% hotel occupancy tax, to be used primarily for tourism promotion with a small amount earmarked to tourism-related development and capital projects (some counties have special legislation authorizing higher rates). The tax is levied by the county, and administered by the county tourism promotion agency or equivalent. The resolution proposes to increase the maximum, and to allow the funds to be divided among up to three tourism-related agencies for administration.*

**RESOLUTION NO. 22** (*Submitted by the CCAP County Governance Committee*) – The Association supports a comprehensive rewrite of Title 35, the Emergency Management Services Code, to bring it into conformity with current needs and practice, conditioned on the rewrite providing a proper balance among state, county, and local agencies, appropriate flexibility to meet local conditions, appropriate resolution of workers' compensation issues for governmental staff and volunteers, a balanced approach to planning for dependent care and other group facilities, means to include planning for smaller municipalities that recognize local needs and decision-making, and balance between funding and other incentives for compliance and sanctions for failure to comply.

*The new resolution replaces a prior resolution that was in response to draft revisions the Pennsylvania Emergency Management Agency is preparing to Title 35. Since then, several drafts have been circulated, most of which contain provisions that counties find problematic. The purpose of the resolution is to give more emphasis to some of these problem areas.*

**RESOLUTION NO. 23** (*Submitted by the CCAP County Governance Committee*) – The Association supports comprehensive amendments to the Public Safety Emergency Telephone Act to provide a

uniform set of planning, accounting, eligibility, reporting, and fee levy, collection and distribution provisions across technology platforms, including an increase in fees and expansion of eligibility of expenditure of fees to match the true costs of providing 911 services, and including an appropriate inflator to allow the fees to increase over time to maintain parity with technologies and costs.

*The Public Safety Emergency Telephone Act currently contains three different planning, cost eligibility, and fee structures for wire line, wireless, and VoIP platforms, leading to budgeting, administration, planning, and accounting difficulties. Additionally, although wireless and VoIP have been added to the legislation since its passage, the rate caps have remained unchanged since 1990 and the collections fall far below actual costs. At the same time, a number of costs are excluded from eligibility and others are limited, and in combination with the low fees lead to significant county property tax contributions to 911 operations. The resolution repeals a prior plank, which would be impractical based on PUC lack of jurisdiction and inevitable problems with uniformity, and replaces it with a more comprehensive approach to fees and their management.*