

CCAP RESOLUTIONS 2001

Adopted August 14, 2001

RESOLUTION NO. 1 (*Submitted by Clinton County*) -- The Association supports the assignment of standardized valuations for underground oil and natural gas storage facilities so that they may be assessed for real property tax purposes pursuant to the applicable assessment law.

Currently, more than 23 counties host more than 65 underground storage fields, consisting primarily of former oil fields, that are used as storage facilities for natural gas and oil. These fields, while a form of commercial/industrial use comparable to above-ground storage, are not uniformly assessed for property tax purposes. Most of the fields are already subject to a lease agreement with the Commonwealth. The resolution proposes that they be included on the assessment roles, with standardized methodologies for valuation.

RESOLUTION NO. 2 (*Submitted by the CCAP Resolutions Committee*) -- Amend Article VI, Section E of the *Pennsylvania County Platform* to read:

1. The Association supports legislation that provides incentives to counties to voluntarily improve and update voting systems, including state matching grants, with a higher percentage match to counties that act earlier to implement updates, and allowing eligibility for those counties that have already performed updates.
2. The Association supports the ability of counties, with the support of the electors, to determine the election systems to be used in the county. The Association opposes legislation or administrative action to limit county choices in election systems, to require a statewide uniform voting methodology, or to force counties to consider changes in existing systems, including attempts to accomplish any of these ends by certifying or decertifying systems.
3. The Association supports election system certifications based on objective criteria, including the quality of the equipment, its utility to the electors, and its compliance with Pennsylvania statute and practice, and supports legislation to allow expedited consideration of new and updated technologies.
4. With the exception of absentee ballots and special accommodations for impaired electors, the Association opposes the use of voting systems, such as internet voting, that do not afford the privacy of the polling place.

The Governor's Election Systems Modernization Task Force is considering a series of recommendations relative to the conduct of elections, including whether to require standardized election systems, provide funding to counties to upgrade systems, to decertify certain types of systems, and other related questions. The resolutions all deal with the section of the Platform relative to election systems, and argue primarily for county discretion and development of systems based on informed choices.

RESOLUTION NO. 3 (*Submitted by the CCAP Energy, Environment and Land Use Committee*) -- The Association opposes legislation that would give counties or municipalities a veto of landfill permit applications, believing that a veto represents no true choice and that solid waste disposal issues must be dealt with regionally to ensure availability of environmentally sound disposal options. Instead, the Association supports legislation to provide strong options for effective county and municipal participation in the permitting process. The Association supports a legislative moratorium on the

issuance of any landfill permits or landfill expansion permits by the Commonwealth until such time as there is a demonstrated capacity need.

The Association has often been asked to support legislation giving counties or municipalities veto authority over local solid waste disposal permit applications. The Association's Energy, Environment and Land Use Committee has consistently opposed such legislation, noting that the county or municipality would have no true choice but instead politically would have to veto the permit. Given that this would be the only circumstance in Pennsylvania law in which an undesirable land use could be vetoed, the county would be forced to defend in court both the constitutionality of the veto law and the veto itself. Instead, the Committee calls for strengthening the county and municipal roles in the permitting process, which could include increased state funding for local review of pending permits, specific rules regarding the weight given to local comments, valid needs assessment processes, and the like. The last clause, supporting a permit moratorium, was added by the delegates to the CCAP Annual Conference, by amendment.

RESOLUTION NO. 4 (Submitted by the CCAP Human Services Committee and the Pennsylvania Association of County Affiliated Homes) -- The Association supports federal development of a new regulatory system for the nursing home industry that focuses more on a supportive and assistive role for the majority of quality nursing facilities, while at the same time allowing the government to be more aggressive in applying sanctions against continually poor performing facilities, and that encourages states to pilot new regulatory approaches to accomplish both actions.

The regulation and inspection of the nursing home industry remains one of the most rigid and inflexible systems in the country, leading to an adversarial and contentious relationship between nursing homes being surveyed and the regulators conducting the surveys. The problem is exacerbated by a wide variety of interpretation of the regulations and enforcement activities both within states and among the states, and this inconsistency lends itself to a flawed system and counterproductive use of resources at all levels of long term care. The resolution recognizes that limited resources among the surveying agencies would be more effectively used to more closely monitor the truly poor performing nursing homes. At the same time, states have explored more innovative methods to both enforce and regulate the long-term care industry, only to have those ideas rejected by the federal government.

RESOLUTION NO. 5 (Submitted by the CCAP Human Services Committee) -- The Association supports a Deputy Secretary position within state government to provide a coordinated, comprehensive response to substance abuse issues in Pennsylvania, while maintaining the county role as local decision-maker.

The CCAP Human Services Committee indicates that substance abuse has been identified as the nation's number one health problem, and notes that the effects of substance abuse and dependence permeate all areas of community health. They note as well that the cost of coping with this problem falls most heavily on the state and local governments. While counties are responsible for local planning and ensuring that substance abuse services are available and accessible to residents, coping with the problem requires a long term, comprehensive strategy at the state level that includes health, education, law enforcement, corrections, welfare and others. The resolution is necessary because there is currently no central point of accountability and authority for substance abuse in Pennsylvania state government that could achieve this, and the Committee believes strong leadership within state government is essential to have a positive impact on this problem.

RESOLUTION NO. 6 (Submitted by the Courts and Corrections Committee and the CCAP Board of Directors) -- The Association opposes any legislative effort to change the status of current part-time district attorneys within the counties to full-time. The Association does not oppose legislation to require the Commonwealth to reimburse any county that currently has a full time district attorney, or in the

future changes the status of the district attorney to full time, at a rate equal to 65% of the annual salary of the judge of the court of common pleas.

Legislation has been introduced that would make all part-time district attorney positions full time. The only exception under the proposal is for counties of the eighth class; in those counties, the president judge of the court of common pleas must certify that at least two out of six listed criteria are met in order for their DAs to acquire full-time status. The resolution was amended from the original, which proposed requiring the state to reimburse every county that employs a full-time district attorney (including those that currently have full-time DAs) at a rate of 65% of the annual salary of the judge of the court of common plea, and would have translated into \$75,000 for each county, at current salary levels. The amended version instead provides an incentive for counties to consider (or removes a disincentive for considering) the switch to a full time DA, while preserving the right of counties to make the decision based on their local needs. The first sentence of the resolution was already existing Association policy.

RESOLUTION NO. 7 (Submitted by the CCAP Agricultural Subcommittee) – Amend Article IX of the Pennsylvania County Platform by adding a section to read:

C. Agriculture

1. The Association encourages all counties to involve the agricultural community in local decision-making and to emphasize agricultural issues in the preparation of the county comprehensive plan and related land use documents.
2. The Association supports the financial treatment of agriculture in a manner equal to any other business in the Commonwealth.
3. The Association supports the elimination of transfer taxes on land assets for inter-family transfers of agricultural land.
4. The Association supports efforts to expand and increase funding from the Commonwealth and other sources for farmland preservation.
5. The Association supports county discretion to determine those farmlands to be included in county farmland preservation plans and programs, and opposes any state interference or discretion in their determination.
6. The Association supports maintenance of the prohibition against using a base acre in valuation of land in the Clean and Green program when classified as active agricultural use, but supports restoration of the use of a base acre in valuing land enrolled in the program as agricultural reserve or forest reserve.
7. The Association supports nutrient management legislation and regulations allowing local administration of the program, contingent on the Commonwealth appropriating sufficient funds for county conservation districts to assume this delegation, and contingent on clarification that the conservation districts can charge a fee for this service.

The Association's Agriculture Subcommittee offered this comprehensive set of planks to consolidate and expand the Association's position on agricultural issues, reflecting counties' vital interest in agriculture as a driving economic force in the Commonwealth. Existing agricultural elements of the Platform are transferred, with minor modification, to this section and new elements are added relative to agribusiness. The proposed planks reflect the mission statement and objectives developed by the Subcommittee.

RESOLUTION No. 8 (*Submitted by the CCAP Community & Economic Development Committee*) -- Amend Article XI, Section E of the *Pennsylvania County Platform* to read:

E. Workforce Development

1. The Association supports action by the federal administration and Congress to:
 - a. Restore and maintain full funding of the Workforce Investment Act formula;
 - b. Provide assurances that the vast infrastructure commitment currently being made by local Workforce Investment Boards and local elected officials will be recognized and funded in future years; and
 - c. Demonstrate support to counties, the workforce system and the private sector led workforce investment boards by providing consistent and predictable funding levels for the workforce development system.

2. The Association supports a substantial increase of funding for the youth component under the federal Workforce Investment Act as a means to provide work experience and academic enrichment for disadvantaged youth and urges the Governor and state legislature to utilize a portion of the Commonwealth's unspent TANF allocation for Youth Development Grants.

3. The Association supports development of initiatives for post secondary education and training to make lifelong learning accessible to all Pennsylvanians and to ensure that these initiatives are aligned closely to the Workforce Investment Act and coordinated with local Workforce Investment Boards.

4. The Association supports enactment into state statute of the PA Workforce Investment Act including the following critical components:
 - a. Appointment, at a minimum, of two commissioners to serve as voting members of the State Workforce Investment Board.
 - b. Alignment of workforce resources within the Commonwealth to ensure that resources are targeted locally according to the priorities and policies established by the Workforce Boards and Local Elected Officials (Commissioners); and
 - c. Integration and consolidation of workforce development programs and funding streams to further ensure that the workforce development system is responsive to local needs.

5. The Association supports maintaining and expanding the capacity of the CareerLink web-based system, which is currently promoted and marketed as Pennsylvania's choice for a labor exchange system, to guarantee that the system is reliable and able to respond uninterrupted to increased demands and usage in order to ensure the integrity and reputation of the Workforce Boards, County Commissioners and the Workforce System in the Commonwealth.

6. The Association urges the Governor and the General Assembly to allocate no less than \$5 million in flexible funds to allow Workforce Investment Boards the ability to implement strategic workforce related activity, including use as matching funds to attract new workforce resources to all of the Commonwealth's 67 counties.

7. The Association urges the Commonwealth to immediately take whatever steps are necessary to ensure the implementation of a performance management reporting system, which is required by federal law, with the following recommendations:
 - a. Provide dates and timelines to local Workforce Investment Boards as to when the performance management reporting system will be operational;

- b. Explain what performance measurement information will be provided to the federal government for the past two years;
- c. Assure County Commissioners that funds will not be cut in local areas as a result of any penalties imposed on the Commonwealth due to the lack of a performance management system; and
- d. Provide information on interim steps to be taken to begin gathering the necessary accountability information that is the foundation of the Workforce Investment Act.

8. The Association supports the Commonwealth making a one-time reallocation of funds not yet obligated to make up for the FY 2001 federal rescission in the Workforce Investment Act.

The rewrite of this section reflects changes in workforce development that have evolved over the last two years, including composition of the statewide Workforce Investment Board, operation of local Workforce Investment Boards, establishment of CareerLink centers and funding issues. Sections 1 to 3 address issues of funding, including potential decreases in federal appropriations and Commonwealth allocation of additional dollars for specific economic development targets such as youth and welfare clients. Section 4 calls for placing the current elements of composition of the program into statute. Sections 5 and 6 support continuation of present practices and flexible funding to ensure workforce activities meet the needs for a new workforce. Section 7 addresses issues that the state must face to comply with the federal Workforce Investment Act, such as performance measures, while attempting to protect the operation, initiatives and funding currently used in the Commonwealth's workforce investment system. Section 8, added by amendment, addresses recent federal rescission of FY 2001 funding.

RESOLUTION No. 9 *(Submitted by the Community & Economic Development Committee)* -- The Association supports county commissioners partnering with tourism industry representatives to direct the use of hotel tax revenue or other sources of new funding for needs consistent with attracting and promoting tourism, such as infrastructure and historic preservation, which are directly related to tourism within the Commonwealth's communities.

The resolution amends the section on tourism to reflect the newly enacted hotel tax authorization and the intent of the legislation to foster cooperative efforts between county commissioners and tourism industry representatives.

RESOLUTION NO. 10 *(Submitted by the CCAP County Governance Committee)* -- The Association supports legislation or regulations giving municipalities specific and exclusive responsibility for, and clear guidance standards for, the selection of primary Emergency Medical Services responders.

The Association's current plank calls for clear statutory delegation of responsibility for responder designation, without being specific which level of government is to do so. The County Governance Committee has, as a result, been unable to reach consensus whether the delegation responsibility should be municipal or county, and whether, in the default of one the other should be responsible. The change to the resolution makes municipalities specifically and exclusively responsible.

RESOLUTION NO. 11 *(Submitted by Northeast District County Commissioners, as amended by the Resolutions Committee)* -- The Association directs its County Governance Committee, in cooperation with PEMA, the Keystone Emergency Management Association, the National Emergency Number Association, other local government groups, and other agencies responsible for emergency management services, to develop a comprehensive platform relative to emergency management issues, including among others 911, dispatch, volunteer and paid fire services, funding issues, emergency services

training, response to mass fatalities and casualties, incident reporting systems, and the emergency service-related duties and responsibilities of elected officials.

The resolution calls for development of a comprehensive statement on emergency management issues. The Platform contains some elements relative to emergency management, but given the scope of issues counties deal with, and the changing nature of those issues, a more comprehensive approach is warranted.

RESOLUTION NO. 12 (*Submitted by Clearfield County*) -- The Association supports legislation authorizing privately-owned or privately-operated prisons in the Commonwealth of Pennsylvania only if the legislation includes:

- a. Strict and comprehensive regulation by the Department of Corrections;
- b. Recognition of legitimate host county concerns; and
- c. Limitation of the use of private prisons to minimum security prisoners.

The resolution deletes two qualifiers from the existing Platform position on private prisons, one which advocated prohibition of the use of private prisons for long term incarceration of federal prisoners, and one which called for prohibition of using private prisons to house out of state prisoners. The concern is that the qualifiers could adversely affect some prison projects being undertaken in cooperation with counties.

RESOLUTION NO. 13 (*Submitted by Monroe County*) -- The Association supports legislation requiring the Commonwealth to reimburse counties \$50 per day for state prisoners (those serving sentences of 24 months or more) housed in county facilities.

The resolution requires the Commonwealth to reimburse counties the costs of housing Commonwealth prisoners in county facilities.

RESOLUTION NO. 14, Repeals (*Submitted by the CCAP Resolutions Committee*) -- The following elements of the *Pennsylvania County Platform* are repealed, based on successful legislative resolution:

~~The Association supports legislation which reforms the workers' compensation system for the purpose of controlling employer costs.~~

~~The Association supports an amendment to Section 904 of the County Code to eliminate the limitation on appointment of assistant county solicitors (currently limited to three) and substitute authorization for the county commissioners to appoint assistant county solicitors in such number as may be approved by the salary board.~~

The resolution deletes planks that have been accomplished legislatively.