

RESOLUTIONS ADOPTED AT THE CCAP ANNUAL CONFERENCE

The following resolutions were adopted by the delegates in attendance at the CCAP Annual Conference in Pittsburgh at the business meeting on August 3, 2004. In italics after each resolution is a description of the content and intent of the resolution.

RESOLUTION NO. 1 (*Submitted by Carbon County and the CCAP Assessment and Taxation Committee*) -- The Association supports enactment of a new assessment law containing the following elements:

- a. Consolidation of existing assessment laws into a single statute;
- b. Establishment by the Department of Community and Economic Development of recommended standards of fair and equitable assessments, to be adopted at county discretion;
- c. Adequate testing and evaluation of assessment standards;
- d. State certification of mass appraisal firms;
- e. Improved building permit reporting systems providing consistent municipal permit issuance thresholds and mandatory reporting to the county;
- f. Effective representation of counties in the development and administration of state functions relating to property assessment;
- g. Statewide uniform assessment ratio based on the base year of the county's mass reappraisal;
- h. Minimum training and certification standards for county-appointed assessors, with training costs borne by the state;
- i. Authority to use the common level ratio to maintain the equity of assessments between full reassessments, and to permit the use of the common level ratio as a tool for performing reassessments;
- j. Limitations on technical appeals by commercial and industrial properties;
- k. Standards of assessment equity, such as the coefficient of dispersion, provided the standards are realistically obtainable and do not force large numbers of counties to reassess within a limited time frame;
- l. A grant of the greater of one quarter of the state realty transfer tax collections generated in the county or \$15 per parcel to any county achieving the required measure of equity in its assessment program;
- m. Independent verification of the formula by which the State Tax Equalization Board computes the common level ratio;
- n. The establishment of a state revolving loan fund to assist counties in performing reassessments;
- o. Allowing counties to use current market values to calculate and implement adjustments to values in areas of the county that have appreciated at a faster or slower rate than the remainder of the county, without such adjustments being considered spot reassessment; and
- p. In the case of assessment errors or unreported property improvements that have resulted in underassessment of a property, to allow the taxing jurisdictions to recover underpaid taxes from the time of the error or improvement, to a maximum of five tax years.

Under current law, taxing jurisdictions are required to make multi-year reimbursements to property owners in the event of errors in assessment, but are limited in their ability to recover from property owners when either an assessment error or a failure of the property owner to report property improvements results in underpayment of taxes. Second class counties can retroactively assess omitted property and improvements for five years, 2nd class A and 3rd class counties may assess for three years, and there is no statutory authority for fourth through eighth class counties. This results in an inequity for all other taxpayers, and can encourage underreporting or delayed reporting of improvements. The resolution adds subsection p to the existing resolution on assessment, allowing taxing jurisdictions to recover underpayments under uniform rules, to a maximum of five years.

RESOLUTION NO. 2 (*Submitted by Mercer County and Indiana County*) -- The Association supports an amendment to the County Code to permit counties to provide a limited bid preference for local or domestic suppliers or contractors.

The resolution proposes allowing counties to provide some kind of preference, perhaps a percentage factor on bid price, to either local (county or state) or domestic (US or North America) suppliers or contractors as a means of promoting local companies and jobs.

RESOLUTION NO. 3 (*Submitted by the CCAP Energy, Environment and Land Use Committee*) -- The Association supports state legislation that directs the Pennsylvania Public Utility Commission to adopt regulations establishing minimum energy efficiency standards for new products sold, offered for sale, or installed in the Commonwealth of Pennsylvania that would serve to promote energy conservation and would be cost-effective for consumers who purchase and use such new products.

The resolution reflects concern with the increasing cost of nonrenewable energy sources and the need to improve conservation efforts, but does so in a way that promotes cost-effective solutions. Increasing energy efficiency increases the available supply of electricity and decreases demand during periods of peak use, which increases the reliability of the electrical grid.

RESOLUTION NO. 4 (*Submitted by Carbon County*) -- The Association supports state legislation to extend the one year window offered under Act 43 of 2003 for counties to adopt 1/50 or 1/40 pension benefit levels.

Act 43 allows counties to adopt 1/50 or 1/40 benefit levels for their pension plans, but provides only a one year window for counties to make the decision. The resolution proposes extending that window to allow counties more time to decide, or for funds to recover from market downturns before moving to the more generous benefit level.

RESOLUTION NO. 5 (*Submitted by the CCAP County Governance Committee*) -- The Association opposes state or federal legislation mandating the implementation of a Voter Verified Paper Audit Trail for use on Direct Recording Electronic voting systems in Pennsylvania, although not prohibiting the optional use of a Voter Verified Paper Audit Trail system for those counties that choose to do so.

Direct Recording Electronic voting systems have been listed in the Help America Vote Act of 2002 as the only specified method of compliance with the handicapped accessibility provisions of that law, but controversy has arisen alleging that the machines can be tampered with and that the only appropriate security fix is to implement Voter Verified Paper Audit Trails (VVPAT). The resolution, recognizing that elections have operated for years without paper audit trails on equipment such as lever and early DRE machines, also reflects concern that HAVA funding will be insufficient to replace all county machines with VVPAT equipment, that a redundant paper receipt increases both the balloting time and the potential for system failures, that VVPAT undermines both accessibility and alternate language requirements of HAVA, and that electronic systems' vulnerability is theoretical at best, and does not rely on on-line technologies that lend themselves to the exposure VVPAT proponents fear.

RESOLUTION NO. 6 *(Submitted by the CCAP Energy, Environment and Land Use Committee) --* The Association supports federal legislation that would extend the Abandoned Mine Reclamation Fund program until at least 2029 and that would change the funding formula to direct resources from the fund to states based upon historic production. Additionally the Association opposes any change to the program that would make abandoned mine drainage problems ineligible for funding.

In Pennsylvania, abandoned mines that encompass over 189,000 acres directly impact 44 of the state's 67 counties. Abandoned mine drainage (AMD) is the largest contributor to water quality impairment in the Commonwealth of Pennsylvania, impairing more than 2,100 miles of the Commonwealth's streams. Pennsylvania is representative of eastern coal states with abandoned mine drainage problems, which fueled the coal boom of the early and middle part of the last century. Although they now have low coal production relative to their western counterparts, they have the largest legacy of adverse mining impacts from before 1977. However, the majority of the grants under the Abandoned Mine program are distributed to the states based on current rather than historic production. When the program began in 1977, production in the eastern states was high enough to ensure that these states received a proportion of the funds that roughly aligned with the extent of our problems. Since then, production has shifted away from the states with high historic production and 94% of the abandoned mine land problems. Bills have been introduced in the US House and Senate that would extend the Abandoned Mine Reclamation Fund and would change the funding formula to direct resources to states based upon historic production.

RESOLUTION NO. 7 *(Submitted by the CCAP Courts and Corrections Committee) --* The Association supports intermediate punishment as an alternative sentencing mechanism for persons convicted of nonviolent crimes at the county and state level, contingent upon the continued and permanent funding by the Commonwealth for the cost of implementation, operation, and capital expenditures for alternative sentencing programs in the counties, with funding based on performance measures of program success.

The resolution amends an existing policy position by adding the last clause, incorporating the idea of performance measurement into the criteria to determine individual counties' funding levels for intermediate punishment. Funding distribution would still be application-based, but performance becomes a criterion.

RESOLUTION NO. 8 *(Submitted by the CCAP Courts and Corrections Committee) --* The Association supports the authorization for state assistance for the expansion, improvement, or creation of local adult and juvenile correctional facilities, including the development of policy

provisions to reduce crowded conditions based upon recommendations of the CCAP Prison Overcrowding Task Force.

The findings of the Overcrowding Task Force Survey and report, as well as continuing research the Association is undertaking in conjunction with the National Institute of Justice, will reveal that building new prisons may not be either the best or the only means of addressing crowding.

RESOLUTION NO. 9 *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association strongly supports a grant of statutory authority to counties to develop mechanisms to recover from prisoners and detainees the costs associated with providing services to the prisoners and detainees.

While many counties recover costs from prisoners and detainees, the resolution calls for this practice to be recognized by clear statutory language.

RESOLUTION NO. 10 *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association supports the enactment of a Pennsylvania mentally ill offender and crime reduction program with county involvement in the development of the specifics of the program.

With closure of state mental health facilities and reductions in state and federal funding for programs to aid the mentally ill, counties face increased populations of mentally ill offenders. The resolution proposes development of a program to prevent or reduce criminal activities by the mentally ill, and to assure more treatment options offered as alternatives to confinement.

RESOLUTION NO. 11 *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association supports changes to appropriate federal statutes or regulations to extend Medicaid or Medicare eligibility or other sources of health care reimbursements to prisoners and detainees in county jails, and amendment of state policy to allow Medicaid or Medicare eligibility to pre-trial detainees as is currently permitted by federal rule.

While counties have long been led to believe that all Medicaid and Medicare eligibility ceased at the prison door, federal rules do in fact permit eligibility for pre-trial detainees; it is state policy that prevents pre-trial eligibility. The resolution calls for amendment to state policy to clear the way for pre-trial eligibility. It is noted that this will allow state-share reimbursement only, and that current federal law needs to be amended to extend eligibility for both pre-trial detainees and post-sentence inmates.

RESOLUTION NO. 12 *(Submitted by the CCAP Human Services Committee)* -- The Association supports eligibility for the Medical Assistance Fee-For-Service programs for all juveniles during the entire period of care in a county operated or a county affiliated secure juvenile detention facility to ensure timely access to physical and behavioral healthcare and to promote the continuity of care.

County operated and county affiliated secure juvenile detention facilities are mandated to provide prompt physical and behavioral healthcare services to youth in their care, but some facilities are in HealthChoices,

the mandatory managed care payment system for medical assistance counties and others are in the Fee-For-Service for Medical Assistance, which creates delays in eligibility, services, and payment. These differing arrangements can interrupt continuity of care, hampering equal access to and payment for services based on individual needs of the youth. The resolution calls for a unified fee-for-service program.

RESOLUTION NO. 13 *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association supports state legislation to provide a per prisoner per diem state reimbursement to counties for inmates in county prisons who are subject to the paroling decision of the Pennsylvania Board of Probation and Parole, at no less than the same rate as the calculated and reported cost for maintaining prisoners in state facilities.

This is a restatement of a prior resolution that called for per diem reimbursement of the greater of actual costs or \$50. The resolution calls for state reimbursement for state prisoners in county jails, at the certified daily rate for maintenance of prisoners in state facilities.

RESOLUTION NO. 14 *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association supports state legislation providing for the place of confinement to be the determining factor for parole jurisdiction for a sentenced inmate.

The resolution rewrites an existing resolution for clarity. Under current law, the sentencing judge has parole discretion only for offenders sentenced to maximum terms of less than 24 months, and all others are under the discretion of the State Board of Probation and Parole. The resolution proposes that, if an offender in the 2-5 range is serving time in the county facility, the sentencing judge, and not Probation and Parole, has parole discretion. The resolution does not affect the responsibility for parole supervision.

RESOLUTION NO. 15 *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association supports legislation providing for appropriate budgeting, accounting, and auditing of drug forfeiture receipts, including the ability of the commissioners or their home rule counterparts to allocate the funds for general county purposes.

This is a restatement of a prior resolution, rewritten for clarity.

RESOLUTION NO. 16 *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association supports 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, and will not oppose legislative efforts to change the status of current part-time district attorneys within the counties to full-time so long as it is accompanied by such Commonwealth funding.

The resolution restates an existing resolution that calls for state funding for full time district attorney salaries, while concurrently embodying a compromise position, adopted in conjunction with the District Attorneys Association, that maintains our opposition to state-mandated full-time status for all district attorneys but removes our opposition (although not going as far as supporting the change) if

Commonwealth funding of 65% of the salary is guaranteed. The resolution is rewritten for clarity of this position.

RESOLUTION NO. 17 *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association supports state legislation to provide full and permanent funding for the establishment of drug courts and other treatment courts in Pennsylvania where such courts might be effective.

These types of specialized courts can be effective in more carefully matching sentencing and treatment options to the nature of the offense, thereby improving recidivism rates and reducing overall corrections and treatment costs, as well as costs to other human services programs.

RESOLUTION NO. 18 *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association supports an increase of \$5 in court filing fees to be set aside as a dedicated fund under the discretion of the commissioners or their home rule counterparts for the implementation and ongoing administration of security measures within county courthouses as required by existing law.

The resolution updates an existing provision to recognize the ongoing evolution of courthouse security policy, including the pending recommendations of the Administrative Office of Pennsylvania Courts, the Office of Homeland Security, and the initiatives of individual counties.

RESOLUTION NO. 19 *(Submitted by Columbia County)* -- The Association supports amendment to PA Code 201, Chapter 50, Rule 5000 relating to court reporting, to provide that fees for copies of court transcripts are paid to the county general fund for its use and not to the court reporters.

Although court reporters are county employees and on the county payroll, they still benefit from the long-standing tradition, affirmed in Rule 5000, that the reporters retain the fee paid by litigants for copies of the court transcripts. The resolution calls for the fee to be payable to the county rather than the reporter.

RESOLUTION NO. 20 *(Submitted by the CCAP Agriculture Committee)* -- The Association supports an increase in the state's share of funding for conservation districts.

The conservation districts have not seen a funding increase from the State for several years, while at the same time demands for services have increased. The State Conservation Commission has established a goal of 50% State funding with a 50% local match, which has not been met in the past five years. The State share has stayed the same while the local share has increased. Inadequate state funding could put at risk the very foundation for the local conservation and environmental problem solving efforts and would make the wisdom of administering programs on behalf of the State questionable.

RESOLUTION NO. 21 *(Submitted by CCAP Agriculture)* -- The Association supports an increase in funding for the Pennsylvania Crop Insurance Assistance Program that would enable the state to cover a higher percentage of the gross premium for crop insurance.

The resolution lends the Association's name for support of increased state appropriations used to subsidize crop insurance premiums, which is an out-of-pocket expense that a great many farmers cannot afford. Pennsylvania's crop insurance program, as administered by the Department of Agriculture, bolsters Federal funds provided for the same purpose. By financially protecting farmers during poor growing seasons, crop insurance helps to maintain the agricultural industry in Pennsylvania. Maintaining the viability of agriculture in PA is important to the economy of rural PA and the state, overall.

RESOLUTION NO. 22 *(Submitted by Mercer County)* -- The Association supports a half cent increase in the county portion of the liquid fuels tax, with concurrent revision of the county liquid fuels tax distribution formula to provide that any new revenues be distributed to counties based on relative lane-miles of qualifying county bridges, and to allow the funds to be put in reserve, without being subjected to forced distribution, affording the opportunity to accumulate sufficient revenues to undertake more significant bridge renovations.

The county liquid fuels tax of one half cent has not been increased since the 1930s, nor has the distribution formula (relative gasoline sales in the county in the preceding three years – interpreted 1928, 1929, and 1930) been revised. Moreover, counties may currently hold funds for no more than two years, after which it must be encumbered or subjected to “forced distribution” to the municipalities in the county. The resolution calls for an increase in the liquid fuels tax and a redirection of that new revenue to counties with bridges, to recognize the significantly increased cost of maintaining those county bridges.

RESOLUTION NO. 23 *(Submitted by the CCAP Community and Economic Development Committee)* -- The Association supports, and incorporates by reference, the comprehensive transportation platform offered by the National Association of Counties, including provisions relating to TEA-21 reauthorization, transportation philosophy, comprehensive planning, national highway program, surface transportation, public transportation, airport development, railroads, and research and development.

The NACo transportation policy is a comprehensive list of transportation issues at the federal level, covering the range of issues identified. Each includes detail on sub-items, objectives, philosophical background, and related matters. The full policy is adopted by the membership at the NACo Annual Conference based on recommendations by the NACo Transportation Committee and Board of Directors, and can be found at www.naco.org.

RESOLUTION NO. 24 *(Submitted by the Energy, Environment and Land Use Committee)* -- In order to promote collaboration and consistency between county and municipal planning, the Association supports:

- a. State legislation that would provide incentives and reduce statutory constraints on intergovernmental cooperation and functional consolidation;
- b. County review of state funded economic development, environmental, transportation, and land use projects and grants coming into a county to ensure the coordination of regional priorities;
- c. Inclusion of conservation districts in the review process for projects with significant land use impact;

- d. Consistency between a municipal and county comprehensive plan as an incentive for receiving state funding for a municipal project;
- e. State incentives that promote the consistency of local comprehensive plans with county comprehensive plans and/or the use of county zoning and subdivision ordinances; and
- f. The allocation of state funding that would enable counties to assist municipalities within their borders with cross-municipal communication, cooperation, and functional consolidation.

The Platform has for several years contained provisions in support of sustainable communities. The resolution advocates several specific policy and statutory changes intended to foster cooperative efforts among municipal governments, allowing better coordination and sustainability of community growth.

RESOLUTION NO. 25 *(Submitted by Greene County)* -- The Association calls on the state and federal government to recognize that counties and municipalities have disparate fiscal capacities and that dedicated and permanent funding sources, including an increase of the Emergency Management Performance Grant from 50% reimbursement to 75% reimbursement and an expansion of eligible staffing authorization, are needed for training, all-hazard planning, communications, and response capability (including staffing, supplies, general and specialized equipment, and specialized response such as urban search and rescue, dive teams, and mass casualty incidents) .

Increased workloads in county emergency management offices, including efforts on homeland security, regional counterterrorism task forces, citizens corps councils, and others are putting a strain on county staff and funding resources. At the same time, many of the state and federal funding programs are narrowly earmarked and are expected to be of short term duration. The resolution calls for increased funding in established programs, with a specific recommendation for the Emergency Management Performance Grant program, and calls for increased reimbursable staffing authorization at the local level.