

RESOLUTIONS ADOPTED AT THE 2006 CCAP ANNUAL CONFERENCE

Following are the resolutions adopted by the delegates in attendance at the 2006 CCAP Annual Conference in Seven Springs, at the business meeting on August 15. In italics after each resolution is a description of its content and intent. The full list is available electronically at the CCAP web site, www.pacounties.org, on the *Bulletin* page.

RESOLUTION NO. 1 *(Submitted by the Assessment and Taxation Committee)* -- The Association strongly supports action by the Pennsylvania General Assembly to grant to counties the authority to create fairness for county tax payers by providing counties with taxing options, in addition to real estate tax, that include the following elements:

- a. Participation at the discretion of county government;
- b. Authorization for a county to levy a county income tax of up to 1%, on the state personal income tax base, as the primary tax base alternative for counties;
- c. Authorization for a county to levy a county sales tax of up to 1%, on the same base as the state sales tax, to be shared with municipalities in the county to address the special fiscal needs of entities which cannot generate sufficient funds from their own tax base;
- d. Implementation by action of the county governing body, without referendum;
- e. Provisions to require a county that adopts a new tax base or bases to reduce or repeal existing taxes to assure taxpayers that the county will receive no windfall in revenues; and
- f. Inclusion of language permitting counties not to implement any new state mandate that is not accompanied by state funding.

The resolution restates and reaffirms the general plank on tax fairness, and emphasizes that it is our first priority.

RESOLUTION NO. 2 *(Submitted by the Assessors Association of Pennsylvania)* -- 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 assessments utilizing standards as established by the International Association of Assessment Officials;
- 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;
- 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; and
- q. Provide limitations on challenges to assessors' professional certifications that are based solely on dissatisfaction with an individual's assessment, and provide for county indemnification of legal costs for successful defense of such challenges.

The Resolution adds clause q to the existing resolution on assessment reform. Assessors are required to attain a professional certification, granted by the State Board of Real Estate Appraisers. Challenges can be brought to the Board regarding conduct by an assessor under those certification standards, and successful challenges can result in loss of certification and other penalties. While professional conduct should be an issue before the Board, some assessors have been challenged based solely on property owner dissatisfaction with the county assessment. Under current law, it is the responsibility of the assessor to defend himself / herself, and there is no clear statutory means for the county to provide a defense or otherwise assist the assessor.

RESOLUTION NO. 3 (Submitted by the CCAP County Governance Committee) -- The Association opposes the use of voting systems, such as internet voting, that do not afford the privacy of the polling place.

The resolution is a re-enactment of a prior resolution, updated to recognize current law and practice by deleting language from the prior version that referred to absentee ballots and balloting privacy for electors with disabilities. State and federal laws, and county election systems, now address these privacy issues, but questions remain about security and privacy issues that might be associated with internet voting.

RESOLUTION NO. 4 (Submitted by the CCAP County Governance Committee) -- The Association supports a uniform computerized statewide central registry of electors that includes:

- a. A computerized state voter registration data warehouse which is accessible to counties on an on line basis;
- b. Full state funding for equipment, data entry, and training costs associated with the state data warehouse;
- c. Full system functionality permitting counties at minimum the same administrative capabilities they enjoyed when operating independent systems; and
- d. Ongoing review by the State, county end-users and IT staff, and third parties as necessary, with regular improvements to increase accessibility, stability, and utility.

The SURE system is now fully implemented and in use by all 67 counties. Few significant problems were reported in the run-up to the May 2006 primary or after, its first full-scale test. While sporadic problems remain, they are largely typical of systems of this type. The final issue is updating the system platform to current technological best standards, which will increase speed, stability, and functionality. The State and its contractor have a product under development and review that is intended to meet this objective.

RESOLUTION NO. 5 *(Submitted by the CCAP Energy, Environment and Land Use Committee)* -- The Association supports programs to promote use of alternatives to fossil-based transportation fuels, including incentives for counties to deploy hybrid vehicles and vehicles operated by alternative fuels.

The resolution proposes incentives for county use of hybrid or alternative fuel vehicles, along with a general statement on reducing fossil fuel reliance.

RESOLUTION NO. 6 *(Submitted by Bradford County, substitute resolution submitted by the Pennsylvania Association of County Affiliated Homes)* -- The Association supports reform of the Department of Health's Informal Dispute Resolution (IDR) process for licensure of nursing homes to assure an impartial and independent review of the issues in dispute, including utilization of hearing officers from outside of the DOH survey agency or management of the IDR process by an independent, third party organization.

The Department of Health's administration of the Informal Dispute Resolution (IDR) process does not permit an impartial and independent review of the issues in dispute. Although the Department of Health's IDR policy states that IDR decisions will not be made by persons directly involved in the survey, decisions are being made by regional managers whose staff conducted the field reviews that support the decision. An independent review process would give counties more surety as issues are under discussion, and remove the potential of injecting bias into the decision. The resolution proposes that the Department of Health establish an independent IDR process, following the procedures of either Virginia, which uses hearing officers who are Department of Health employees but outside the jurisdiction of the Department's survey agency, or Delaware, Illinois, Indiana, Michigan and Wisconsin (among others) that contract with an independent third party organization to assist in the IDR process.

RESOLUTION NO. 7 *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association supports the development of a jail industries strategy that is supported by state and federal dollars, including any necessary state or federal legislation.

The resolution adds a call for state and federal funding support to an existing resolution in support of jail industries strategies, intending the support primarily as seed money to encourage development, and improve the viability, of such projects.

RESOLUTION NO. 8 *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association supports changes to appropriate 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.

The resolution is a technical change to an existing resolution, correcting a misinterpretation of federal rules.

RESOLUTION NO. 9 *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association supports the development of federal and state policies and procedures to assist counties when they must handle inmates with serious illness or injuries.

While the Pennsylvania County Platform already has a resolution supporting application of Medicaid or private insurance to inmate medical needs, there are other administrative issues and strategies created or complicated by incarceration. This also encompasses issues such as private insurance, and working directly with health care providers, especially in cases of catastrophic illness.

RESOLUTION NO. 10 *(Submitted by Northampton County)* -- The Association supports legislation to permit counties additional mechanisms to collect fines, costs, and judgments, including such strategies as wage attachments, freezing bank accounts through credit bureau reporting systems, garnishment of federal and state income tax refunds, denial of driver's licenses except where wage attachments have been agreed to, garnishment of lottery winnings, attachment of workers' compensation or other insurance payments, denial of passports, and publishing the offender's name and fiscal delinquency data in a statewide databank for ease of tracking.

Recovery of fines, costs, and judgments has become increasingly difficult, and failure to do so causes the burden of court services to be borne by the taxpayers. The resolution proposes a comprehensive set of strategies counties could use to improve collection rates.

RESOLUTION NO. 11 *(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 facilities.

The resolution amends an existing resolution to recognize that many of the security measures under consideration are not exclusively statutorily based but also result from recommendations of national, state, or local work groups or other sources, and also recognizes that county facility security issues are not confined to courthouses or judicial operations.

RESOLUTION NO. 12 *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association supports “smart courtroom” or comparable technologies that provide for electronic and visual recording and transcription of courtroom proceedings.

Smart Courtroom technologies can increase the accuracy and completeness of courtroom records, and reduce reliance on traditional transcription methodologies.

RESOLUTION NO. 13 *(Submitted by Fulton County)* -- The Association supports legislation that provides for the electronic recording, including recognition of electronic notarization or other certification, of various legal instruments such as deeds, mortgages, survey coordinates on property corners, and others normally recorded with the county for legal purposes.

The resolution proposes permission for a system of electronically filing documents at the courthouse. While it generally would include filings containing electronic signatures, it could also include filings by pre-approved individuals and firms such as attorneys or engineers, who could be granted an electronic certificate for verification purposes. Filing could be by completion of on-line forms, by scanned copies of documents with appropriate indexing and identifiers, or by a combination of both. Benefits include reduced time for row office clerks and greater accessibility for consumers. Several other states have electronic systems in place.

RESOLUTION NO. 14 *(Submitted by the CCAP Community and Economic Development Committee)* -- The Association urges retention of Pennsylvania military bases and facilities and supports the role of the Department of Community and Economic Development, the Pennsylvania Base Development Committee, and the General Assembly in coordinating strategy among bases for the creation and retention of federal jobs, and coordination of other industry and support efforts.

The resolution updates an existing resolution based on activity to date, and to be consistent with current terminology.

RESOLUTION NO. 15 *(Submitted by the CCAP Community and Economic Development Committee)* -- The Association opposes, except as a temporary, last-resort measure, allowing flexing federal transportation funds between capital costs and mass transit operating costs, and instead supports state and federal action to develop revenue sources and enact appropriations sufficient to meet critical needs in transportation infrastructure, mass transit, and other transit programs.

Several times now the Administration has sought permission from local MTOs to use the “flex” provisions of federal transportation programs to move federal funding allocations from transportation infrastructure programming to cover shortfalls in mass transit. While the decision nominally belongs with the MTO, they have felt that there is no real local choice, that the policy is short-sighted, and that the policy fails to address the underlying problem of overall insufficiency of state and federal funding for the true needs of all aspects of public transportation programming.

RESOLUTION NO. 16 *(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 implementation of SAFETEA-LU including transportation philosophy,

comprehensive planning, national highway program, surface transportation, public transportation, airport development, railroads, and research and development.

The resolution updates an existing resolution on reauthorization of TEA-21, recognizing its reauthorization as SAFETEA-LU and refocusing the resolution on a number of monitoring and implementation issues.

RESOLUTION NO. 17 (*Submitted by Armstrong County*) -- The Association supports deployment of additional flood and rain gauges to improve the capacity and accuracy of the official early warning system administered by the Pennsylvania Emergency Management Agency, the National Weather Service, and their partners.

Isolated and violent weather systems can have disproportionate effects in smaller watersheds. A lack of, or insufficiency of, flood and rain gauges can result in inadequate data to properly plan for and respond to a weather event, or provide no meaningful warning at all. Increasing the number and dispersion of flood and rain gauges can be a cost-effective means to improve emergency response and reduce property damage and personal loss.

RESOLUTION NO. 18 (*Submitted by the CCAP Courts and Corrections Committee*) -- The Association supports clarification of sheriff powers in the wake of the *Kopko v. Miller* decision, but only to the extent necessary to restore powers generally accepted historically and only as supported by operating consensus in the years following the *Leet* and *Kline* decisions. The Association opposes any other, or any further, extension of police powers to sheriffs. To the extent police powers are granted by the legislature, courts, or otherwise, legislation should be developed to:

1. Provide for ultimate control by the county governing body;
2. Specify that expanded powers are permissive but not a duty, making expansion of powers discretionary on a county-by-county basis, rather than requiring expansion statewide;
3. Create a standardized procedure that could be followed in any county to delineate how decisions will be reached in the event an expanded scope of authority for a county sheriff's department is desired;
4. Place review of the sheriff's department under some civilian review panel to assure immediate public accountability;
5. Require training, with reimbursement for training costs on the same terms as municipal police officers;
6. Place the sheriff's department under statutes applicable to municipal police administration, including those relating to mutual response agreements, command and control, hot pursuit, civil service procedures and the like;
7. Provide for liability and indemnification;
8. If patrol and other police services are to be provided to municipalities in the county, name the county governing body as the contracting agent, with the ability to establish reimbursement for services, or special taxing authority for counties to cover costs;
9. If patrol and other police services are to be undertaken within municipalities in the county, provide a mechanism requiring notice and municipal approval or acknowledgement;

10. Preserve the integrity of the county governing body's ability and prerogatives to execute contracts and to establish the budget for the sheriff's department; and
11. Clarify the role of sheriffs in the serving of criminal warrants.

A recent decision in the case of Kopko v. Miller, et al, questioned the authority of sheriffs and their specific powers, although the case was related to the ability of sheriffs and deputies to be trained to utilize wiretaps in investigations. The decision has led to a recent announcement by the PA Sheriffs Association to seek legislative clarification of sheriff powers. The resolution continues the Association's opposition to expansion of sheriff police powers, allows return to the status quo under which departments have operated in the last dozen years since the Leet decision, and specifies the matters to be brought to the table should the sheriffs determine to pursue a legislative remedy beyond restoration of the status quo.