

## CCAP RESOLUTIONS 2008

The following resolutions were adopted by the delegates in attendance at the CCAP Annual Conference in Valley Forge at the business meeting on August 5, 2008. In italics after each resolution is a description of the content and intent of the resolution.

**RESOLUTION NO. 1** (*Submitted by the CCAP Assessment and Taxation Committee*) -- The Association supports an amendment to the various assessment laws to prohibit a taxing body from appealing a property assessment when a property is sold for more than the assessed value unless there is also a substantive change, such as improvement, demolition, division, change in use, or countywide reassessment.

*The resolution would prohibit a practice among some taxing jurisdictions of targeting and bringing assessment appeals against individual properties, typically commercial or high-value residential properties that are subject of recent sales. There is concern that this carries the appearance of spot assessment, and can result in a lack of uniformity.*

**RESOLUTION NO. 2** (*Submitted by the CCAP County Governance Committee*) -- The Association supports legislation to update the bonding provisions for county officials, including:

- a. Retention of language permitting crime insurance as an alternative to bonds;
- b. Provision for blanket bonds instead of individual bonds;
- c. Establishment of more appropriate levels of coverage for both crime insurance and blanket bonds;
- d. Establishment of a uniform and annual reporting requirement for bond or insurance coverage; and
- e. Simplification and standardization of reporting requirements to the state.

*The current bond requirements vary considerably by office, and although inconsistent are universally inadequate and fail to take into account newer bonding alternatives. The resolution would update and standardize bonding requirements.*

**RESOLUTION NO. 3** (*Submitted by Columbia County*) -- The Association, recognizing the increased standards for accounting and reporting required by the County Code and by GASB standards, supports an amendment to the County Code to give counties the local option, when selecting a Certified Public Accountant to perform the necessary and required audits of the counties' fiscal affairs, to elect not to use the elected auditors for that purpose while allowing the auditors to retain any remaining statutory functions, and limiting the auditors' annual reporting requirements to the financial and compliance audit filed with the commissioners and president judge to reflect the revenues and expenses of county offices, and compliance with bidding, advertising, and similar matters relating to the conduct of county business.

*The resolution provides additional detail and clarity to an existing Platform resolution allowing counties to give the primary auditing and reporting functions to a CPA while retaining internal reporting and compliance functions with the elected auditors. The increased standards of both the County Code and GASB mean that the required reports are beyond the professional capacity of most elected auditors.*

**RESOLUTION NO. 4** *(Submitted by Pike County)* -- The Association supports an amendment to the County Code to provide that a vacancy in the office of commissioner is filled by action of the remaining two commissioners (subject to the existing party, age, and residency requirements) or, if they are not able to reach agreement within 30 days of the vacancy, by a vacancy board comprised of the commissioners and a registered elector appointed for such purpose at the quadrennial organizational meeting, and if the vacancy board fails to reach a conclusion in 15 days, then by the court of common pleas, and further providing that the appointee will serve until the first Monday in January following a municipal election occurring more than 60 days after the vacancy occurs, at which election an eligible person shall be elected for the unexpired term.

*Currently commissioner vacancies are filled by action of the court of common pleas. The resolution proposes a system common to that for Pennsylvania's municipalities, under which the vacancy is filled by the remaining members of the governing body or, if they are unable to reach agreement, by a vacancy board. The vacancy board is the remaining members of the governing body plus one elector from the county who was appointed for this purpose at the original organizational meeting. If the vacancy board fails to make an appointment, the matter goes to the court. Additionally, the resolution provides that, like the municipalities, if there is an intervening municipal election a special election is held to fulfill the remainder of the term. The resolution stipulates that the current rules that the appointee be from the same party from which the departing commissioner was elected, be a one-year resident of the county, and be over age 18, be retained.*

**RESOLUTION NO. 5** *(Submitted by Columbia County)* -- The Association supports amendments to the County Salary Law to provide an annual salary for the county elected auditors established in the same manner as the salaries for other county elected officials, and to remove the auditor provisions on per diem and mileage pay.

*The resolution deletes the per diem and mileage provisions of section 4 of the County Salary Law, in recognition of the sometimes contentious nature of determining the number of days the auditors are permitted to work, and removes the home-commute mileage reimbursement which is not available to any other elected official. The sense of the CCAP County Governance Committee is that the initial salary would be established county-by-county based on comparison to actual compensation history for that particular county, and that future uniform percentage increases granted to other elected county officials would apply.*

**RESOLUTION NO. 6** *(Submitted by the CCAP County Governance Committee)* -- The Association supports a requirement that federal agencies, upon request of each state's Secretary of State or other chief election official, assist in voter registration and absentee ballot applications with clients of that agency, and under reasonable rules permit nonpartisan voter registration activities within agency facilities.

*The National Association of Secretaries of State is seeking clarification about the reported refusal of the federal Department of Veterans Affairs to honor a 1994 executive order signed by President Clinton requiring all federal agencies, if requested by the chief election official of a state, to assist with voter*

*registration, and instead banning any individual or group from conducting voter registration activities on VA property. Recent information obtained by the Pennsylvania Department of State indicates the apparent intent is actually to prevent partisan political activity. The resolution seeks to clarify application of the executive order, by legislation or otherwise.*

**RESOLUTION NO. 7** *(Submitted by the CCAP Agriculture Committee, and endorsed by the CCAP Energy, Environment and Land Use Committee)* -- The Association supports action by the administration and General Assembly to broadly view and address issues associated with oil and gas exploration in order to minimize negative impacts on local communities, including water quality, water quantity, pipelines, maintenance of county and municipal roads and bridges, permitting, planning, and taxation.

*The CCAP Platform already contains a plank urging the legislature to take action to reverse the Supreme Court decision that ruled oil and gas as non-assessable for property taxes. The resolution calls attention to the host of other issues related to the proliferation of gas exploration and urges the state to take action to protect local communities from negative impacts.*

**RESOLUTION NO. 8** *(Submitted by the CCAP Energy, Environment and Land Use Committee)* -- The Association supports legislation to facilitate structural and nonstructural methods to assist local governments with flood mitigation and prevention.

*The Governor and legislature have been working on a number of bills that would provide funding for flood prevention and mitigation through repair of dams, as well as enable DEP and local governments to implement non-structural solutions such as acquisition of land in flood-prone areas. The resolution expresses general support for assistance with both structural and non-structural flooding issues.*

**RESOLUTION NO. 9** *(Submitted by the CCAP Energy, Environment and Land Use Committee)* -- The Association supports statutory authority for a county or multiple counties to form an authority, or other similar entity, which has the ability to raise revenues and to undertake activities such as establishing and improving storm water management facilities, as well as managing water quality and subsurface water issues in support of a comprehensive approach to the Commonwealth's storm water management goals.

*In response to ongoing discussions about water quality issues statewide, the resolution supports creation of storm water authorities to fund and maintain storm water infrastructure.*

**RESOLUTION NO. 10** *(Submitted by the CCAP Energy, Environment and Land Use Committee)* -- The Association supports increased state funding to help local communities meet more stringent state and federal water quality standards.

*CCAP is represented on the new Statewide Water Infrastructure Task Force and, as additional dialogue is expected to address water and wastewater infrastructure needs, the resolution expresses counties' support for the Commonwealth to help fund the obligations associated with more stringent water quality standards as wastewater treatment facilities face costly upgrades to acquire permits necessary for operation.*

**RESOLUTION NO. 11** *(Submitted by the CCAP Human Services Committee)* -- The Association opposes legislation to establish a state false claims act, based on concern that it will lead to increased

costs as providers incur higher defense costs, face multiple lawsuits, and become subject to duplicative penalties for the same alleged act. Further, the Association opposes legislation to enact a state false claims act that rewards a whistle blower who is also a participant in criminal activity because it provides an incentive for employees to commit fraud.

*Legislation has been introduced to establish a Pennsylvania False Claims Act that provides an incentive for private individuals to file lawsuits on behalf of the state for alleged fraud and then collect a "bounty" of up to 30% of Pennsylvania's award - plus costs and attorney fees. The Federal government and the Commonwealth of Pennsylvania have enacted multiple laws, regulations, and legislation to govern, investigate and prosecute alleged instances of fraud and abuse in the administration of various governmental programs. The already litigious environment in which most providers operate will only become more so if Pennsylvania enacts its own False Claims Act.*

**RESOLUTION NO. 12** (Submitted by the CCAP Human Services Committee) -- The Association supports statewide implementation of best practices for individuals with mental health and substance abuse disorders who are involved in the criminal justice system, including diversion, specialty courts, intermediate punishment, alternative housing and specialized treatment initiatives. Concurrently, CCAP supports making maximum use of state, federal and local funds without a reduction of resources for persons who are not involved in the criminal and juvenile justice system. County human services personnel, corrections administrators and court personnel should be partners in planning and implementation of these initiatives.

*More than 80% of individuals who are incarcerated in Pennsylvania are in need of mental health or substance abuse services. Our inability to effectively address these needs has resulted in a huge financial burden to tax payers and thwarts attempts to reduce recidivism. Counties are committed to implementing best practices to address the needs of this growing population without taking resources away from individuals who have mental health and substance abuse service needs but are not involved in the criminal justice system.*

**RESOLUTION NO. 13** (Submitted by the CCAP Human Services Committee) -- The Association supports reform of the provision of county children and youth services, including:

- a. The Needs Based Plan and Budget process should be consistent and in compliance with Act 30 of 1991, while allowing counties flexibility to meet local needs and conditions. The state funding of the annual plan including new initiatives needs to be predictable for the county.
- b. Change county match requirements from the current schedule to:
  - i. 100% state reimbursement for competitive salaries for all children and youth staff, regardless of cost center;
  - ii. 100% reimbursement by the Commonwealth for both adoption services and adoption subsidies; and
  - iii. 90% state reimbursement for all Children and Youth services.
- c. Payment of children and youth funds in advance of each quarter, with fiscal year-end reconciliation;
- d. State regulations and licensing procedures which are general in nature and have flexibility and latitude for the provision of services;
- e. Implementation of a proven method of assessing the degree of risk of serious harm to individual children;

- f. Both authority for the prioritization of service delivery and county discretion as to which children to serve based on the risk and resources available.
- g. Promotion of family preservation;
- h. Emphasis on prevention services; and
- i. A shift to the “most appropriate” from the “least restrictive” placement as the best criteria for determining an out-of-home placement.

*The changes from current Platform wording are all editorial in nature to improve consistency in terminology and to improve readability.*

**RESOLUTION NO. 14** *(Submitted by the CCAP Human Services Committee)* -- The Association supports cooperative efforts among the full spectrum of interests, comparable to the efforts of the National Association of Counties to develop a methamphetamine policy, that yield comprehensive strategies giving county human services and corrections agencies and law enforcement agencies the tools to deal effectively with prevention and treatment, human services consequences, individual, family, and community consequences, and environmental consequences arising from the growing use of methamphetamines as well as continuing problems such as heroin and misuse of prescription drugs.

*The resolution adds language to an existing resolution on methamphetamines calling for a more comprehensive response to other substances that are equally as devastating as methamphetamines.*

**RESOLUTION NO. 15** *(Submitted by the Juvenile Detention Center Administrators Association of Pennsylvania)* -- The Association views the responsibility for children and youth in detention as a mandated service, and supports state policies that encourage juvenile detention facilities and staff to utilize best practices, protocols, and procedures in order to assure the safety of youth in their care and of staff, while protecting the community especially during emergency situations. Those best practices, tools, and protocols recognize that restrictive procedures should be employed only as a last resort, that through training of staff in de-escalation and other interventions strategies these emergency situations may be reduced in intensity and duration, and that when implemented, oversight and review must occur.

*This resolution supports detention facilities in their efforts to effectively and safely respond to youth in crisis, while supporting efforts to expand community and facility based treatment resources for youth involved with the juvenile justice system. The Department of Public Welfare provided a Special Transmittal on Jan 30, 2006 Strategies and Practices to Eliminate the Unnecessary Use of Restraint as an effort to further define and regulate under PA Code 3800, specifically those sections which address restrictive procedures and staff training. As a follow up to this Transmittal, facilities within JDCAP have experienced varied individualized responses to restraint application. Detention centers have specific and unique needs which separate them from other programs as licensed by the Department under this set of regulations:*

- *Detention staff does not have the ability to screen referrals and as such, staff is subject to youth who are aggressive and non-compliant, and who may have been referred for failure to adjust in other secure or non-secure treatment programs.*
- *Youth in detention identified as having behavioral health issues are not easily placed into appropriate settings in a timely manner.*
- *Detention facilities are not staffed 24 hours per day by behavioral health providers, although intakes occur on a 24-hour/7day per week basis.*

**RESOLUTION NO. 16** *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association supports transfer of juror costs to the Commonwealth, consistent with the Allegheny court funding decision, and supports mechanisms to encourage juror participation such as employer tax deductions or credits to enable maintenance of salary while on jury duty.

*Juror payments have not increased materially since the 1950s, but counties are not in a position to absorb an increase in costs. Jury duty is considered a civic responsibility so payments should not be gauged against a living wage but against appropriate levels of recognition for service. Other impediments to service, including employer policies regarding lost wages, should be addressed. Most importantly, the matter should be considered in the context of the 1987 Allegheny decision requiring the Commonwealth to assume funding and administration of all aspects of the lower judiciary.*

**RESOLUTION NO. 17** *(Submitted by the CCAP Courts and Corrections Committee)* -- The Association supports legislation to increase the funding from the Commonwealth to each county for reimbursement of costs associated with each judge in the various judicial districts from the current \$70,000 per year to \$150,000 per year, with corresponding adjustment annually by the same percentage as the cost of living increases in judicial pay.

*The current rate of \$70,000 per judge has been in place since 1982. If the rate of inflation had been applied during that time frame, the rate per judge would be more than \$170,000 today. The current \$70,000 per judge is not sufficient to cover expenses related to judicial offices and responsibilities in each county.*

**RESOLUTION NO. 18** *(Submitted by the CCAP Agriculture Committee)* -- The Association supports efforts to expand and increase funding from the Commonwealth and other sources for farmland preservation, including state bond initiatives.

*Because Growing Greener 2 funds for farmland preservation have all been encumbered and state dollars for farmland preservation are decreasing, the resolution encourages the state to do another bond issue for farmland preservation.*

**RESOLUTION NO. 19** *(Submitted by the CCAP Community and Economic Development Committee)* - The Association opposes the use of federal gasoline excise tax, state motor license fund, state liquid fuels funds, or any other dedicated transit tax for a purpose other than that dedicated purpose, including use of dedicated state transportation funds to support Department of Agriculture or Pennsylvania State Police operations.

*The resolution expands existing language opposing allocation of federal gasoline excise taxes for non-transportation uses, to include state dedicated funds as well. In particular the resolution opposes the diversion of funds to support operations of the Department of Agriculture and the Pennsylvania State Police that are only nominally related to transportation infrastructure and operations, currently amounting to more than \$500 million.*

**RESOLUTION NO. 20** *(Submitted by Carbon County)* -- The Association supports simplification of state and federal requirements for obtaining bridge plan approval on liquid fuels projects, including concurrency of engineering and environmental reviews, enabling counties to expedite projects and to reduce design and construction costs.

*The current plan approval process often requires counties to submit multiple engineering and environmental studies, and often prohibits planning and review elements from being submitted concurrently, thereby unreasonably extending the time for approval of plans and commencing construction, increasing engineering and materials costs, and delaying public improvements.*

**RESOLUTION NO. 21** *(Submitted by the Northwest Pennsylvania Regional Planning and Development Commission)* -- The Association supports continuation of funding support for regional recreation and heritage-based tourism initiatives established in partnership by the Commonwealth's Department of Conservation and Natural Resources and Department of Community and Economic Development, such as "Pennsylvania Wilds" and similar initiatives in the "Pittsburgh and Its Countryside", "Northeast PA Mountains" and "Philadelphia and Its Countryside" tourism regions, and acknowledges the dual objectives of developing the tourism trade while conserving our natural attractions and assets.

*Beginning with the success of Pennsylvania Wilds, DCNR, in partnership with DCED, has developed a number of multi-county regional efforts that combine coordinated destination development and marketing to promote Pennsylvania's natural recreational assets, while managing and preserving its natural resources. These programs have been very successful and the resolution encourages its retention in the long term.*

**RESOLUTION NO. 22** *(Submitted by the CCAP Community and Economic Development Committee)* - The Association supports legislation to aid county and municipal government in preventing or rehabilitating blighted properties.

*The resolution seeks solutions to preventing or rehabilitating blighted properties. While most programs would be municipally administered, the Association recognizes the impact of blight on the quality of life of the community and the viability of neighborhoods.*

**RESOLUTION NO. 23** *(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, and balance between funding and other incentives for compliance and sanctions for failure to comply.

*PEMA has proposed a comprehensive revision of the Emergency Management Services Code to bring it up to date with current needs and practice. Early versions would have created problematic requirements for counties to plan on behalf of most municipalities, and would have assured compliance primarily through sanctions rather than through incentives. The resolution recognizes the need for an update, but requires the update to maintain and improve the partnership among state, county, and local agencies.*