



CCAP 2018 RESOLUTIONS

The following resolutions were adopted following the CCAP 2018 Annual Conference. Under the Association's bylaws procedures, they were considered at the Conference business meeting on August 7, 2018, and then were submitted to the full CCAP membership by electronic ballot. Balloting opened on August 14, 2018, and closed on August 24, 2018. The resolutions amend the *Pennsylvania County Platform*, the Association's cumulative policy statement. The *Platform* is available on the CCAP website, www.pacounties.org.

RESOLUTION NO. 1 (*Submitted by the CCAP Assessment and Taxation Committee*) – The Association supports legislation to allow local governments to intercept state Lottery winnings of prizewinners for the purpose of satisfying any outstanding local tax liabilities.

Amendments to the Fiscal Code enacted under Act 44 of 2017 allow the state to intercept any single Lottery prize of more than \$2,500 to satisfy outstanding state tax liabilities. The resolution supports a similar mechanism to allow local governments to do the same for their own outstanding tax liabilities.

RESOLUTION NO. 2 (*Submitted by the CCAP Human Services Committee*) – The Association supports efforts to assure, in the event of a state budget delay, that state and federal funding continues to be provided to counties for any purpose, including program funding for human services and pass through payments due to providers engaged by counties, and at the same funding level as the prior fiscal year. Should funding not continue to be provided, the Association supports whatever action necessary, including court action, to seek reimbursement from the State for loss of investment income, or interest costs paid, due to the lack of a state budget and delay of state payments owed to each county.

The resolution expands and gives more detail to solutions to different scenarios that may arise during a budget impasse.

RESOLUTION NO. 3 (*Submitted by Carbon County*) – The Association supports balance in row office "section 1620 rights" to assure full and uniform countywide compliance with federal and state employment law, including adherence to policies and procedures adopted by the county for this purpose.

While recognizing the long-standing ability of the judiciary and row offices to hire and manage employees within their offices, the county has responsibility to both employees and taxpayers to assure that all federal and state employment laws are fully and uniformly applied. The resolution supports statutory and practical means to assure judicial and row office management practices adhere to these objectives.

RESOLUTION NO. 4 *(Submitted by the CCAP Elections Reform Committee)* – The Association supports federal and state reimbursement to counties for the expense of conducting and administering federal and state elections.

The use of ballot preparation costs in determining level of reimbursement does not take into account election administration costs and is also inequitable for counties using election systems that have lower ballot preparation costs relative to other systems.

RESOLUTION NO. 5 *(Submitted by the CCAP Elections Reform Committee, as amended by the CCAP Resolutions Committee)* – The Association supports changes in election law and practice that would:

- a. Reduce restrictions on the application for and use of absentee ballots, in particular by amending the Pennsylvania Constitution, if necessary, to eliminate all reasons or conditions necessary to qualify for an absentee ballot and permit any qualified elector to vote by absentee ballot without excuse;
- b. 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;
- c. Provide for cooperation from the courts in recognizing the practical and cost implications of late action on ballot determinations, including a requirement that those factors be noted by the court during its deliberative process, relieving any county from requirements to reprint or reprogram ballots when a decision is rendered with insufficient time for the county to practically and with confidence make the required change, and requiring commonwealth reimbursement of costs incurred by counties for reprinting or reprogramming ballots based on decisions rendered within four weeks of the election;
- d. Maintain the schedule for uniformed and overseas citizens absentee voting and provide that the federal write-in absentee ballot can be used in all elections for all offices. The Association also supports exploration of processes and technologies that will facilitate, with proper security, the registration, absentee application, and balloting processes for uniformed and overseas citizens;
- e. Address disenfranchisement of voters occasioned by delayed receipt of absentee ballots sent late in the deadline window, based on US Postal Service (USPS) scheduling and routing, that does not affect the timely count of absentees, permits as necessary central count of absentees, does not inadvertently encourage late filing, educates the public on timely mailing, and takes into account the practical issues that might arise with authorization of no-excuse absentee;
- f. Include in the polling place school-use mandate all schools that receive state instructional funding, and designate the date of the primary and general election as school in-service days to support the closing of schools that are used as polling places;

- g. 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;
- h. 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;
- i. Provide uniform standards for submission and placement of referendum questions, including a 90 day deadline for submission to the county board of elections;
- j. Make the requirement of newspaper advertising for the Election Proclamation discretionary, allowing counties instead to place the notice on the county website or other electronic publication;
- k. Clarify or correct the definition of "separate ballot" for judicial retentions, to allow printing the retention ballot on the face (as space permits) or back side of the regular ballot;
- l. Set an extended and uniform 90 day standard for the deadline for special elections for vacancies in municipal office;
- m. Allow the county board of elections to make appointments to vacancies on local election boards, effective for the balance of the unexpired term;
- n. For municipalities with fewer than 100 registered voters, permit the county to provide for the voters of the precinct to cast their ballots exclusively by mail.
- o. Make the overseer petition provision workable in Philadelphia by eliminating the requirement for concurrent assent by all law judges; and
- p. Amend results certification to provide that, when the required start of certification is a holiday or observed holiday, the certification will begin instead on the next regular business day.

The resolution adds subsection (n) to the existing platform plank. Small precincts are inefficient to operate, having the same facility, equipment and staffing requirements as larger precincts. The proposal would allow counties, at their discretion based on local conditions, to provide for the voters in the smallest municipalities to vote by mail.

RESOLUTION NO. 6 *(Submitted by the CCAP Elections Reform Committee, as amended by the Resolutions Committee)* – The Association supports creation of an Elections Advisory Commission as a legislative service agency, including representation from county commissioners or home rule equivalents, and informed by county election directors and stakeholders, to provide advice and counsel to the General Assembly on any legislative proposal dealing with election administration or other amendments to the Election Code.

In its December 2017 report on voting technology, the Joint State Government Commission recommended creation of a commission to advise the General Assembly on amendments to the Election Code, in recognition of the value of including practitioner and stakeholder expertise in development of law and policy governing elections. The resolution supports that recommendation.

RESOLUTION NO. 7 *(Submitted by the CCAP Elections Reform Committee)* – The Association supports county choice in selection of voting equipment, believing the determination, while compliant with state and federal certification requirements:

- a. Should be on a voluntary calendar that is predicated on market, equipment availability, and reasonable timelines including employee, poll worker and voter training,
- b. Should meet the needs and expectations of the county’s voters,
- c. Should have available reliable and ongoing state and federal funding, and
- d. Should be statutorily framed as a decision by the board of commissioners or home rule equivalent, rather than the election board.

The resolution proposes a framework for consideration of replacement of election equipment, preserving local autonomy and recognizing the many practical, strategic, and financial issues inherent in selection and deployment. It is framed as a positive response to the directive issued by the Commonwealth that counties make determinations by December 31, 2019 on new equipment for deployment by the April 2020 primary election, but constitutes a statement that the conditions must be met for counties to be able to practically, and with assurance, meet that deadline.

RESOLUTION NO. 8 *(Submitted by the CCAP Elections Reform Committee)* – 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, supports legislation to allow expedited consideration of new and updated technologies, and supports limiting decertification of equipment to circumstances where there are demonstrated systemic flaws or there are material changes to statutes governing equipment features or operability.

The change is intended to clarify and limit the ability of the Department of State to decertify equipment, preserving the use of equipment that, even though older, remains suitable for the conduct of elections.

RESOLUTION NO. 9 *(Submitted by the CCAP Agriculture Committee and the CCAP Energy, Environment and Land Use Committee)* – The Association opposes mandates for generation and procurement of specific levels of alternative energy in the commonwealth. However, the Association supports development of alternative and renewable energy sources in Pennsylvania for electric generation and fuel, including wind, solar, hydropower, clean coal and alternative coal, hydrogen, biomass, natural gases including methane, liquid propane and nuclear technologies.

Pennsylvania law since 2008 has mandated that fuel contain 10 percent ethanol, and there have been ongoing discussions about whether this mandate should be increased or decreased. The amendment clarifies that the Association’s opposition to mandates on alternative energy generation includes fuel.

RESOLUTION NO. 10 *(Submitted by the CCAP Energy, Environment and Land Use Committee, as amended by the Resolutions Committee)* – The Association encourages the pipeline industry and state and local government to work together to develop best practices in siting and routing of all oil and gas pipelines, including:

- a. Determination of appropriate setbacks that should be applied to maintain the safety of individuals, homes, businesses and other infrastructure;
- b. Requirements for property developers to consult in advance with pipeline operators and/or owners to assure precautions are taken during construction to avoid damage to existing pipelines;
- c. Development of notification protocols to assure county and municipal governments are aware of proposed pipeline development;
- d. Consideration for use of preexisting public rights-of-way and other innovative partnership solutions;
- e. Requirements for pipeline operators and/or owners to consider county and local comprehensive plans in planning the siting and routing of pipelines as well as the pipeline's impacts on future development opportunities;
- f. Appropriate training for planning officials, emergency services personnel, conservation district staff and other local government officials on the roles and responsibilities of state agencies regarding pipeline permitting and safety inspections;
- g. Opportunities for property owners to be engaged early and often in the pipeline development process, including education on the impacts to future development or subdivision of the property as well as to the property's value; and
- h. Planning efforts that have the least impact on forests and ecosystems.

The resolution adds subsection (h) to the existing platform plank. Forest fragmentation can significantly alter a landscape and disrupt the habitats of wildlife. The resolution encourages the pipeline industry to use best practices to plan development in a way that lessens the impacts forests and ecosystems.

RESOLUTION NO. 11 *(Submitted by the CCAP Energy, Environment and Land Use Committee, as amended by the CCAP Resolutions Committee, with further amendment by the Energy, Environment and Land Use Committee)* – The Association supports the ability for parties with standing to petition the county to request the United States Geological Survey (USGS) to provide a baseline assessment of groundwater quality prior to any shale gas development, including well drilling and pipeline construction and to make the request of the USGS directly if the county does not wish to do so itself.

Without baseline water-quality data, it is difficult to determine the effects of natural gas production activities on groundwater chemistry or an individual's well water. Baseline studies can assist property owners with pursuing recourse if a well is contaminated as a result of natural gas production activities, as contamination can affect the property's ability to be sold, and can also reduce frivolous lawsuits if the data demonstrates that contamination was not the result of such activities. The resolution supports having individual parties first petition the county to make the request for a USGS groundwater

study, enabling the county to aggregate and coordinate requests and thus preventing competition among individual parties for USGS funding. However, individual parties should still be able to petition the USGS directly should the county decide it does not wish to do so.

RESOLUTION NO. 12 *(Submitted by the CCAP Courts and Corrections Committee, with further amendment by the CCAP Resolutions Committee)* – The Association supports a long-term funding solution for contracted juvenile justice services, to create an acuity-based reimbursement system that ties state funding support to the identified risks and needs of the individual.

The Pennsylvania juvenile justice system has implemented standardized screening to inform placement decision-making, which has resulted in significant reductions in the use of out-of-home programming. In addition, the rules for juvenile court procedure now require judges to enter language into court orders describing why out-of-home placements ordered are “the least restrictive type of placement that is consistent with the protection of the public and best suited to the juvenile’s treatment, supervision, rehabilitation, and welfare.” As a result, the long standing funding formula now creates fiscal disincentives for making placement decisions that are proven to protect the public interest. The resolution recognizes that acuity should be part of the reimbursement calculation.

RESOLUTION NO. 13 *(Submitted by the CCAP Human Services Committee and the CCAP Courts and Corrections Committee)* – The Association supports quality year-round academic engagement and pro-social development programming for youth in the juvenile justice system and the provision of remedial educational support not otherwise available through basic education programs, and that they are reimbursable through the Needs-Based Budget process.

Youth entering the juvenile justice system identified as high risk tend to be significantly academically deficient. While these youth experience significant academic growth in a structured environment, they generally do not return on par with their counterparts in the community. When faced with barriers to assimilation within their home school system, these youth may be more likely to return to their past peers and behaviors. The provision of educational services beyond 180 days in residential programs (up to a maximum of 250 days of instruction per year), and the provision of remedial educational support not otherwise available through basic education programs, will allow these youth opportunities to catch up to their peers and make improved transition to their home.

RESOLUTION NO. 14 *(Submitted by the CCAP Courts and Corrections Committee)* – The Association supports options to assist counties when they must handle inmates with serious illness or injuries, both financially and through flexible policies for transfer to more appropriate facilities.

The amendment is proposed to broaden the types of financial or other programmatic options that counties are seeking when there are issues of extreme illness or injury for inmates. Support may mean a transfer to a facility operated by the state with better means of addressing the issue, as well as funding to the county.

RESOLUTION NO. 15 *(Submitted by Franklin County, as amended by the Resolutions Committee)*
– The Association supports amendment of the Deadly Firearms Act to clarify the authority of county commissioners to establish local policy on the carrying and securing of weapons on the grounds of county jails and prisons.

The Deadly Firearms Act can be interpreted to prohibit the carrying of weapons at any place within the grounds of the county jail. The resolution supports legislation that would allow local jail policy to dictate whether a weapon can be carried or secured elsewhere on jail property.

RESOLUTION NO. 16 *(Submitted by Franklin County)* – The Association supports legislation to clarify the Vehicle Code and regulations to grant the option for county correctional vehicles to utilize lights and sirens in the performance of transports and other emergency transportation.

Areas of both law and regulation limit the ability for county jails to utilize lights and sirens while moving through traffic either to accompany an ambulance or in the performance of urgent and emergency duties. Only jails in counties of the first class have the option currently. The resolution supports amendments to legislation and regulations to permit this option for all classes of counties.

RESOLUTION NO. 17 *(Submitted by Franklin County, as amended by the Resolutions Committee)*
– The Association supports legislation to require Title 18 definitions of contraband in county jails to be updated at least annually, and to require the legislature to notify county jails and the state correctional facilities to obtain recommendations for amendments.

Current law regarding contraband in county jails is prescriptive, containing a list of prohibited items being brought into the jail by anyone, including visitors and staff. Counties wishing to exclude additional items cannot be assured that their policies would hold up under challenge. The resolution seeks to maintain standards that are statutorily uniform statewide but reviewed and modified, with county input, no less frequently than annually.

RESOLUTION NO. 18 *(Submitted by the CCAP Community and Economic Development Committee)* – The Association supports legislation and other efforts to expand broadband access in Pennsylvania, working in coordination with counties, especially in rural and limited access areas.

According to the Federal Communications Commission, about 800,000 Pennsylvanians lack access to high-speed broadband internet, which is critical for education, employment and economic development in the current era. The resolution supports efforts to address broadband needs in underserved areas, with coordination between the commonwealth and county governments, who understand local needs best, to address this gap.

RESOLUTION NO. 19 *(Submitted by the CCAP Agriculture Committee)* – The Association supports policies and programs that create parity and sustainability for the dairy industry and recognize actual costs of production. The Association further supports working with the

Department of Agriculture to identify additional agricultural economic options and alternative commodities to assist the dairy industry in diversifying its operations.

Counties have long sought options, and discretion in adopting those options, for alternate agricultural opportunities that can help to diversify dairy production, given the crisis in which the industry currently finds itself. Recognizing the unique characteristics of the dairy industry, other crop and agricultural options should be available for discussion by dairy farmers in partnership with the Pennsylvania Department of Agriculture and considering the standards set regarding agricultural production within the commonwealth to give farmers flexibility for economic sustainability.

RESOLUTION NO. 20 (Submitted by the CCAP Agriculture Committee and the CCAP Energy, Environment and Land Use Committee) – The Association supports a coordinated effort between federal, state and local government to eradicate invasive species, including but not limited to the spotted lanternfly, gypsy moth, emerald ash borer, oriental bittersweet and mile-a-minute grass, that target important agricultural, aquatic and forest commodities as well as quality of life issues. The Association further supports continued federal and state resources to assist the commonwealth and county governments in combating the spread of invasive species.

Concerns continue to mount over the environmental and economic development impacts of the spotted lanternfly in Pennsylvania counties. Counties also have a role in other aspects of managing invasive species, including education, and seek a partnership with the state and federal governments for the necessary resources to appropriately address these impacts.

RESOLUTION NO. 21 (Submitted by the CCAP County Governance Committee) – The Association supports review and revision of the Hazardous Material Response Fund fees and allocations, to increase available funds and assure uses meet current practice and needs.

The basic fee structure and rates for the Hazardous Material Response Fund have not been changed since the adoption of Act 165 in 1990. Some allocation rates and methodologies were changed by Act 121 of 2000. The resolution supports an appropriate increase in fees.

RESOLUTION NO. 22 (Submitted by Tioga, Pike and Butler Counties, as amended by the CCAP Resolutions Committee, with further amendment proposed by Tioga, Pike and Butler Counties and further amendment on the floor) – The Association supports an option for creation of a county authority with municipal participation or a fully multi-municipal authority to provide regionalized emergency response services on behalf of and in cooperation with all or part of the municipalities within a county, with the following parameters:

- a. Potential creation of an authority to provide and manage the service(s), either directly, by contract, in partnership with municipalities, or in some combination;
- b. Prioritize improving access to service and system efficiencies;
- c. Services may include fire and/or EMS (QRS, BLS, ALS);
- d. Services may be provided for all municipalities, or select municipalities based on criteria including among others demographics, fiscal capacity, regional contiguity, service response areas and expression of need;

- e. Development of the scope and nature of service in consultation with its municipalities;
- f. Determination on full time and part time, and volunteer staffing configurations, and whether provided directly or through a contracted third party;
- g. Alignment with other regional providers, including hospitals, trauma centers, police, State Police and others;
- h. Funding sources and methodologies, including among others direct payment by municipalities, authorization and allocation of dedicated municipal emergency services millages, authorization of a dedicated county emergency services millage or per capita levies, provider billing and payment, subscriptions, and state and federal funding sources;
- i. Provide for municipal agreement and participation by vote of the governing bodies of the municipalities in the county or, if less than countywide, in the service region; and
- j. The potential development of a partnership with local schools to offer entry level training for firefighters and EMTs to encourage our youth in career pathways and volunteerism of emergency response.

Counties recognize that their municipalities have varying capacities to organize, promote, or provide emergency services, and that the traditional reliance on volunteers and third party providers does not match current societal engagement. Other models may be available to assist municipalities, either regionally or countywide, in providing those services. The resolution promotes legislation to enable new models for providing those services, and grants significant flexibility on service, structure, funding, and related matters to be able to match local needs and circumstances. An additional emergency services millage or per capita levy is authorized. The concept has also been discussed as a part of the SR6 state review of emergency response services. In addition, (j) is intended to encourage volunteerism in emergency services beginning at a young age in the educational system.

RESOLUTION NO. 23 (Submitted by Tioga County, as amended by the Resolutions Committee) – The Association supports legislative and administrative action to adequately fund EMS operations across the Commonwealth.

Historic reimbursement rates for EMS operations have been inadequate to meet costs. While this year's Commonwealth budget process saw significant increases to Medicaid reimbursement rates adopted in late June as part of the Fiscal Code amendments under Act 42 of 2018, the resolution acknowledges a continuing need to monitor and support adequate rates.

RESOLUTION NO. 24 (Submitted by the CCAP Military and Veterans Affairs Committee) – The Association supports legislation to expand state and federal veterans caregiver programs.

The CCAP membership has consistently sought ways to improve availability and delivery of services to our veterans. The resolution recognizes that while there are many programs available at the state and federal level, they can be narrowly targeted or underfunded, and

miss segments of the veterans population with specific needs. Similarly, programmatic innovation should be recognized and encouraged.

RESOLUTION NO. 25 *(Submitted by the CCAP Military and Veterans Affairs Committee)* – The Association supports full state and federal funding, including stopgap funding when warranted, to assure that programs provided by the federal, state and local governments and other providers meet the critical service needs of our veterans.

While improvements have been made in recognizing the funding needs of veterans programs – most recently by the expansion and extension of the VA Choice program through the VA Mission Act of 2018 – too often the funding streams are stretched too far and fall too short. The resolution calls for state and federal recognition of their obligation to provide full funding for these needed programs.

RESOLUTION NO. 26 *(Submitted by the CCAP Elections Reform Committee)* – The Association supports eliminating the straight party ballot provision from the Election Code.

Certification of election equipment in Pennsylvania has historically been complicated by the unique requirements for voting equipment manufacturers to program their equipment to meet the “Pennsylvania Rule” governing how straight party ballots are cast and how straight party ballots are affected by a voter wishing to vote for one or more candidates from a different party. Rather than change that rule, the solution proposed by the resolution is to eliminate the straight party ballot option, acknowledging as well that straight-party balloting is counterproductive to voter consideration of the full ballot.