



CCAP 2020 RESOLUTIONS

The following resolutions were adopted following the CCAP 2020 Annual Conference. Under the Association's bylaws procedures, they were considered at the Conference business meeting on August 18, 2020, and then were submitted to the full CCAP membership by electronic ballot. Balloting opened on August 24, 2020, and closed on September 3, 2020. 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 uniformity and equity in property reassessment, and to that end supports enactment of a new assessment law containing the following elements:

- a. Maintenance of the base year assessment methodology, with tools to maintain uniformity and equity of assessments between full-scale reassessments. Such tools may include use of the common level ratio, statistical revaluation, and 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, or classes of property that have appreciated at a faster or slower rate than the other classes, without such adjustments being considered spot reassessment;
- b. Provide for an appropriate state agency to oversee the assessment function, including development of attainable standards of fair and equitable assessments, administration of funding programs for county assessment, and auditing sales transactions and other factors used in determining formulas and ratios;
- c. Adequate testing and evaluation of assessments utilizing standards no less stringent than those established by the International Association of Assessment Officials;
- d. Improved building permit reporting systems providing consistent municipal permit issuance thresholds and mandatory reporting to the county;
- e. Effective representation of counties in the development and administration of state functions relating to property assessment;
- f. Statewide uniform assessment ratio based on the base year of, and implemented concurrent with, the county's reassessment;
- g. Maintain minimum training, certification, and recertification standards for county-appointed assessors and revaluation company personnel, with state funding for training costs and with encouragement to counties to authorize training above minimum standards;
- h. Authority to use statistical revaluation, with appropriate standards, as a methodology for performing reassessments;

- i. Standards for appeals that are appropriate and equitable for each class of property, and include the ability to use stratified common level ratios pertinent to each class of property;
- j. A grant of the greater of twenty-five percent of the state share of realty transfer tax collections generated in the county or \$15 per parcel to any county achieving or maintaining the required measure of equity in its assessment program;
- k. Independent verification of the formula and sampling standards used to determine the coefficient of dispersion and the common level ratio;
- l. The establishment of a state grant fund or revolving loan fund to assist counties in performing reassessments;
- m. In the case of 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;
- n. 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; and

Act 155 of 2018 required all boards of assessment appeals to complete three training modules to continue to hear county property tax assessment appeals, and so this language in the plank can be removed.

RESOLUTION NO. 2 *(Submitted by the CCAP Assessment and Taxation Committee)* – The Association supports an equitable increase in payments in lieu of taxes for federally exempt property, and an increase in payments in lieu of taxes for state game lands to an equitable amount, but not less than \$6.00 per acre, comparable to the in lieu of tax payment made to counties for state forest and park lands.

This plank is up for its four-year review, and the amendments clarify the existing plank and update for consistency with current law.

RESOLUTION NO. 3 *(Submitted by the CCAP Assessment and Taxation Committee)* – The Association supports legislation to dedicate a percentage of the receipts from gas and oil leases on state-owned lands to provide an additional payment in lieu of taxes to counties, school districts and municipalities.

The amendments clarify the intent of the plank to support a payment in lieu of taxes from gas and oil leases on all state-owned lands, not just those related to the DCNR Oil and Gas lease fund.

RESOLUTION NO. 4 *(Submitted by the CCAP Agriculture Committee and the CCAP Assessment and Taxation Committee)* – The Association supports updating the Pennsylvania Farmland and Forestland Assessment Act to assure the statute continues to meet its original intent to encourage protection of farmland, forest land and open space while maintaining fairness, uniformity and equity among county residents, including:

- a. Increasing the acreage threshold for eligibility to 25 acres for all three categories based on deeded acreage, and removing income eligibility for those under 25 acres;
- b. Requiring properties in the agricultural use category to submit a schedule F or notarized operator’s agreement for the three years prior to application and on an ongoing basis;
- c. Establishing enhanced enforcement capabilities for non-compliant properties;
- d. Limiting exceptions to eligibility requirements, and requiring the Department of Agriculture issue guidance for any approved exceptions; and
- e. Permitting a property enrolled under the law’s original acreage and income eligibility thresholds to remain eligible until it changes to a use inconsistent with the Act, is subdivided or is transferred to someone other than a class A beneficiary.

A work group consisting of members of CCAP’s Agriculture and Assessment and Taxation committees, as well as the Assessors Association of Pennsylvania (AAP) spent several months reviewing CCAP’s existing policy on Clean and Green. The resolution reflects the recommendations of that work group to address more than 40 years of experience with implementation of the statute and to bring the eligibility thresholds up to more current considerations.

RESOLUTION NO. 5 *(Submitted by the CCAP County Governance Committee)* – The Association supports periodic updates to all legislation setting fees or providing for administrative costs to be collected by counties that appropriately reflect program needs and costs of service provision and provide increased costs of living.

This amendment more accurately reflects the intent of the plank by asserting that any legislation regarding fees must be updated periodically to account for cost of living increases and that the fees must take into account county and program needs, rather than simply the “actual cost” of a service, which is often difficult to estimate and may not meet the county’s needs.

RESOLUTION NO. 6 *(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. Amend 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, consistent with current law authorizing mail-in ballots;
- b. Improve administration of absentee and mail-in balloting to provide greater convenience and accountability, including ease in application and submission of ballots, such as allowing completed ballots to be returned to a voter's polling place on election, and permanent absentee registration for qualified permanently disabled electors without reassertion of disability, 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 delayed receipt of absentee and mail-in ballots sent late in the deadline window, based on US Postal Service (USPS) scheduling and routing by moving the deadline to apply for ballots to 14 days prior to an election, as well as other changes that do not affect the timely count of absentees, permits as necessary central count of absentees, do not inadvertently encourage late filing, educates the public on timely mailing, and takes into account other practical issues have arisen with authorization of mail-in ballots.
 - 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;
- 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; and
- q. Allow counties to begin pre-canvassing of absentee and mail-in ballots up to three weeks prior to an election, provided that tabulation does not begin until after the polls close on election day.

Applications for absentee and mail-in ballots led to some ballots not being received before the deadline to submit ballots, or too close to the deadline to return them to make it logistically possible, and so the amendment suggests moving the deadline for application back an additional seven days. In addition, the resolution supports authorization for a longer period for pre-canvassing of mail-in and absentee ballots to assist counties in processing the significant volume so that election results can be provided in a timely fashion. The amendment also contains technical clarifications to reflect the authorization for mail-in ballots as well as absentee ballots, as provided for under Act 77 of 2019.

RESOLUTION NO. 7 *(Submitted by the CCAP Elections Reform Committee)* – The Association opposes early voting that relies on establishing and operating single or multiple polling places.

The amendment reflects the implementation of mail-in ballots that occurred under Act 77 of 2019.

RESOLUTION NO. 8 *(Submitted by the CCAP Elections Reform Committee)* – The Association supports statutory clarity of write-in balloting, to include:

- a. Only tabulate and process votes for a write-in if the number of write-in votes cast exceeds the number of signatures required to qualify for the nominating petition for that office;
- b. Delineate clear standards on timing, means, and method for the county to notify successful write-in candidates following certification of the count, require successful write-ins to certify that they accept the nomination or position, and require successful write-ins to file the candidate affidavit and pay relevant filing fees; and

- c. Recognize local party rules governing nominations to party offices. (Added 2017)

The change reflects changes enacted in Act 77 of 2019 that prohibit the use of stickers and paste-on labels for write-in candidates.

RESOLUTION NO. 9 (Submitted by the CCAP Human Services Committee) – The Association supports efforts to amend the Human Services Code to ensure that, in the event of a delay in the timely adoption of the Commonwealth’s budget, funding to reimburse counties for the cost of services to at risk, dependent, and delinquent children will continue uninterrupted at the level of funding approved for the prior fiscal year.

Funding is critical in assuring services for delinquent and dependent youth is vital and during times of budget impasse, when funds are withheld pending resolution of legislative action, those services, especially during the recent COVID-19 response, must be assured and considered as “life sustaining.” Services for delinquent youth are specifically designed to address community protection and services for dependent youth are specifically designed to address individual child protection. Many of the system-involved youth are categorized as both delinquent and dependent.

RESOLUTION NO. 10 (Submitted by the CCAP Human Services Committee) – The Association supports efforts to ensure adequate funding which will enable reasonable child welfare caseloads, adequately support implementation of state and federal laws, and support the development of data and case management system.

This amendment would more accurately reflect the request for adequate funding across the spectrum of child welfare services.

RESOLUTION NO. 11 (Submitted by the CCAP Human Services Committee) - The Association supports increased state and federal funding, along with flexibility, for substance abuse prevention, intervention and treatment services. Additional funding will be necessary to sustain the expanded continuum of care that has been established with one-time federal funding that will expire in 2020.

The language modernizes the plank and brings it up to date with currently available policy and funding. The plank was updated to reflect the need for increased flexibility as well as funding.

RESOLUTION NO. 12 (Submitted by the CCAP Human Services Committee) – The Association supports the right of first opportunity for county administration of managed behavioral health care as well as the right of first opportunity for local management of intellectual disability services.

23 additional counties assumed the right of first opportunity for behavioral health services at the conclusion of the state held contract period, therefore this language is no longer needed.

RESOLUTION NO. 13 *(Submitted by the CCAP Human Services Committee and the CCAP Courts and Corrections Committee)* - The Association supports state policies that encourage juvenile justice services to utilize evidence-informed practices, protocols, and procedures in order to assure the safety of youth in their care and of staff, while protecting the community.

This amendment reflects a wording change to capture the current and broader array of services to youth involved in the juvenile justice system.

RESOLUTION NO. 14 *(Submitted by the CCAP Courts and Corrections Committee)* – The Association supports county intermediate punishment programs an alternative to restrictive conditions of probation for persons convicted of nonviolent crimes at the county level, contingent upon the continued and permanent funding by the Commonwealth for the cost of implementation, operation, and capital expenditures for county intermediate punishment programs in the counties, with funding based on performance measures of program success. The Association supports policies that require defendants to contribute to the costs of their participation in programs that are alternatives to incarceration.

Acts 114 and 115 of 2019 made changes to Adult probation and County Intermediate Punishment. The amendments are added to bring the platform into compliance with current statute.

RESOLUTION NO. 15 *(Submitted by the CCAP Courts and Corrections Committee)* – The Association supports state policies that provide options for counties, including the imposition of additional fees and costs to defendants and for other filings to fund security needs at magisterial district judicial offices and other court settings when state dollars are not provided or are inadequate to meet appropriate safety and security measures.

Many counties are increasing security measures at MDJ offices as a result of recent violent activities. Funding for armed security is not provided by the commonwealth general fund, and counties lack the ability to cover these costs without state support.

RESOLUTION NO. 16 *(Submitted by the CCAP Community and Economic Development Committee)* – The Association supports options for counties to enter public-private partnerships in development of infrastructure projects, including broadband and transportation.

A public-private partnership project is a contractual agreement between a public entity and a private entity (or another public entity) in which the public entity transfers the responsibility for engineering, construction, operation, financing, and/or maintenance (or any combination) of a transportation project or facility to the private sector for a defined period of time. Currently, local governments are not captured under the Title 74 (Transportation) as it relates to public-private partnerships (P3s). There have been recent legislative proposals to consider adding "municipalities" to the P3 law. The resolution acknowledges the challenges facing transportation funding and would give counties an additional option for funding of infrastructure projects.

RESOLUTION NO. 17 (Submitted by the CCAP County Governance Committee) – The Association supports a collaborative effort with the Department of Health, PEMA, the Office of Administration, other state and federal agencies, and stakeholders to provide technology tools to municipalities, counties and EMS providers, as well as ongoing investments in these resources, to enable them to better assess current strengths and vulnerabilities, to improve dispatch efficiencies, and to plan for current and future needs.

GIS tools, statistical models and other databases can be valuable tools for the delivery of emergency medical services by analyzing resources and ensuring they are being deployed in the most effective manner, as well as identifying gaps in service. Coordination must occur with and among data and communication systems, including database sharing among counties and with state agencies.

RESOLUTION NO. 18 (Submitted by the CCAP County Governance Committee) – The Association supports legislative and administrative action to adequately fund EMS operations across the Commonwealth, including an annual adjustment for any rate increases.

Although the state moved to increase Medicaid reimbursement rates in 2018, the platform acknowledges a continuing need to monitor and support adequate rates. In addition, rates must be placed on a path to continue to keep pace with the increased costs to provide services.

RESOLUTION NO. 19 (Submitted by the CCAP County Governance Committee) – The Association supports the creation of a work group, in conjunction with the Department of Health, PEMA and municipalities, to develop operational standards of coverage for EMS.

The SR 6 report highlighted the significant impact that the decline in EMS volunteers is having on the ability of communities to be able to reliably and safely provide emergency medical services. In turn, this has created a significant decline in service and citizen protection across the Commonwealth to the point where the most basic emergency assistance in some areas is no longer assured. Minimum coverage standards should be developed by a broad stakeholder group and adopted to recognize differences in resources, capacity and geography.

RESOLUTION NO. 20 *(Submitted by the CCAP County Governance Committee)* – The Association supports the development, funding, and operation of community-based risk reduction (CRR) programs, including but not limited to community paramedicine, mobile community health care, mental health prevention, and community needs assessment programs that will reduce emergency calls and emergency department transports.

The ET3 model, now in pilot testing under the Centers for Medicare and Medicaid Services (CMS), “aims to improve quality and lower costs by reducing avoidable transports to the hospital emergency department and unnecessary hospitalizations following those transports.” These types of risk reduction programs assure services would be available as a dispatch alternative, as well as tied to after-care and preventive care, acknowledging the readmission penalties that should make this a priority for health care systems. To be fully effective, they must also coordinate with state programming, including mental health intervention and support services, and address regulatory impediments, financial conflicts and jurisdictional conflicts.

RESOLUTION NO. 21 *(Submitted by the CCAP Assessment and Taxation Committee and the CCAP Military and Veterans Affairs Committee)* – The Association supports amendment of the property tax exemption available to disabled veterans and surviving spouses to exclude USDVA disability income from the program calculations that are used to determine financial need, to remove the requirement for a veteran to have served in a war or conflict, and to extend the benefit to spouses of members of the armed forces who are killed in the line of duty or declared missing in action, or veterans who would have been declared disabled but died from that disability before a determination was made. The Association opposes amendments to provide partial exemptions to veterans or surviving spouses based proportionately on partial disability or to remove the requirement for a surviving spouse to demonstrate need to continue to receive the exemption.

In the current legislative session, several bills have been introduced to change either the constitution or the state law regarding veterans’ property tax exemptions. While none have seen legislative activity, the amendment reflects the discussion of the Assessment and Taxation and Military and Veterans Affairs Committee on the points that have been raised, so that CCAP is prepared to take a policy position should these bills move in the future.