



CCAP 2016 RESOLUTIONS

The following resolutions were adopted following the CCAP 2016 Annual Conference. Under the Association's bylaws procedures, they were considered at the Conference business meeting on August 9, 2016, and then were submitted to the full CCAP membership by electronic ballot. Balloting opened on August 16, 2016, and closed on August 26, 2016. 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 action by the Pennsylvania General Assembly to relieve the burden of inequitable local property tax as the principal means of finance for our counties by granting counties broader-based and fairer 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;
- c. Extend to counties the authority to levy a county earned income tax of up to 1%;
- d. Authorization for a county to levy a county sales tax of up to 1%, on the same base as the state sales tax;
- e. Implementation by action of the county governing body, with or without referendum;
- f. Provisions to require a county that adopts a new tax base or bases to reduce or repeal existing taxes to assure taxpayers that the result will be revenue neutral; and
- g. Inclusion of language permitting counties not to implement any new state mandate that is not accompanied by state funding. (Amended 2000, amended 2002, amended 2006, amended and readopted 2012)

Some counties may prefer to put an optional tax levy before their voters via referendum, or the legislature may require it as a condition of enactment. The amendment provides flexibility for the Assessment and Taxation Committee to support this option as part of a comprehensive tax fairness bill.

RESOLUTION NO. 2 (*Submitted by the CCAP Assessment and Taxation Committee*) – The Association supports legislation that would authorize counties to levy a valuation fee not to exceed \$15 on all recorded deeds and mortgages to generate funding that would assist counties in performing reassessments.

The substantial cost of countywide reassessments is often a primary deterrent to counties undertaking the process. The resolution authorizes an optional local source of revenue that could be accrued by a county until such time as it determines a reassessment should be completed, to assist in offsetting those costs.

RESOLUTION NO. 3 (Submitted by the CCAP Community and Economic Development and the Assessment and Taxation Committees) – The Association supports enactment of provisions to aid in enforcement of the county hotel tax, including the ability to cross-reference state hotel tax collection data. (Added 2010, readopted 2012, readopted 2014)

Elements of this plank item were deleted based on their inclusion in Act 18 of 2016, which provided a comprehensive update to the state's hotel tax statutes.

RESOLUTION NO. 4 (Submitted by the CCAP County Governance Committee) – The Association supports changing the employee contribution interest crediting provisions of the County Pension Law to a range of rates that is more reflective of current and anticipated market conditions. (Readopted 2012)

The County Pension Law (Act 96) currently requires counties to credit interest to employee contributions at a rate of between 4 and 5.5 percent. In high markets, employees clamor for a higher return, while the low returns of recent history make the 4 percent minimum unduly rich and result in increases to the county annual required contribution (ARC). The resolution reflects work now underway by the Association's Pension Work Group, which is preliminarily recommending a rate range of 2 to 6 percent.

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

- a. 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;
- b. 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;
- c. 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.
- d. 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.
- 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; and
 - n. Make the overseer petition provision workable in Philadelphia by eliminating the requirement for concurrent assent by all law judges. (Added 2005, amended 2009, 2010, amended and readopted 2012, f and i amended and j through n added Spring 2014, b added and c amended 2014)

Changes in the USPS scheduling and routing have resulted in counties receiving absentee ballots after the deadline for receipt, that in the past would have been considered timely mailed. The resolution calls for finding means to end this disenfranchisement, while concurrently acknowledging several practical matters for consideration as part of that solution.

RESOLUTION NO. 6 (Submitted by the CCAP Elections Reform Committee) – The Association supports an amendment to the Election Code to require that all statewide and local referenda appear on the November election ballot, with limited exceptions, to be exercised by special requirement, for placement on the primary ballot.

The state has been variable in establishing whether a pending statewide referendum question is to appear on the ballot at the primary or the general election, often based on political interest in the outcome. This year's change in placement regarding the judicial retirement age constitutional question is perhaps the most extreme example. The resolution proposes a default requirement that all statewide and local referenda appear on the November ballot. The types of exceptions envisioned could be related to emergencies, timely compliance with court orders, or critical issues of public finance. Special requirements might mean a super-majority of each legislative chamber. Relatedly, the change also overcomes one aspect of minor party and independent voter complaints about the closed primary system.

RESOLUTION NO. 7 (The proposed resolution, which related to district reapportionment for legislative and congressional seats, was not adopted by the membership and is not added to the Platform)

RESOLUTION NO. 8 (Submitted by the CCAP Elections Reform Committee) – The Association supports on-line voter registration, provided that:

- a. Final decisions about acceptance of the voter registration application remain with the County Board of Elections;
- b. County election staff are included in development of the on-line system and any upgrades or enhancements; and
- c. The roll-out allows adequate time for verification of technology, process, protocols, security and facility for end users. (Added 2013)

The plank is updated based on the Online Voter Registration (OVR) system becoming stable and mature in a relatively short period of time. On-going matters of practice are retained, while expanding the element relating to development to include upgrades and enhancements.

RESOLUTION NO. 9 (Submitted by the CCAP Elections Reform Committee, with further amendment) – The Association opposes automatic voter registration.

Voter registration should be a choice by the voter. Automatic registration means the voter has no stake in registration. When an election arrives, automatic registrants may not know they are eligible, and when they move they may not realize they need to change their record (which may be common for recent graduates, for example). It also increases the administrative workload for election offices, particularly in keeping the registration rolls up to date, in maintaining the inactive rolls, and in conducting purges as authorized.

RESOLUTION NO. 10 (Submitted by the CCAP Energy, Environment and Land Use Committee) – The Association supports amendments to the Covered Device Recycling Act of 2010 that:

- a. Provide multiple entities with the ability to establish collection sites, including, but not limited to, county facilities that are willing and able to participate;
- b. Allow flexibility to determine the means of collection for electronic devices that is the most efficient in a given area (e.g., permanent sites, single collection days);
- c. Consider changes to the way target weights are calculated;
- d. Do not impose a one-size-fits-all convenience standard to determine how many collection sites should be provided;
- e. Assure that smaller recyclers are able to compete for business to collect electronics devices; and
- f. Provide sufficient funding by manufacturers to cover costs, including personnel, collection, storage, recycling and transportation of electronic devices, and consideration for authorization of separate fees at collection sites if manufacturer funding is not sufficient.

The Association asks that the legislature carefully evaluate the Covered Devices Recycling Act of 2010 and encourages changes to this law to help correct its failure to foster the recycling of many electronic devices. The results of this failure are seen in the roadside disposal of televisions and the frustration of commonwealth residents when they understand that there are few if any options to dispose of TVs and CRTs. The current law is structured so that manufacturers, who are meant to bear the responsibility of cradle-to-grave disposal of the items they sell, are not fulfilling this mandate. Counties suggest these amendments to improve the market, assure means of collection are available to residents and provide full funding to those counties that choose to offer collection opportunities.

RESOLUTION NO. 11 *(Submitted by the CCAP Human Services Committee)* – The Association supports reconsideration by the Department of Human Services and the Department of Aging of the time line for implementation of Community Health Choices and Long Term Services and Supports managed care to allow full analysis of the impact on older Pennsylvanians that may result from the change. CCAP further supports immediate action by the Departments on the growing number of complaints from seniors and their families with regard to Maximus contracted services for Aging Waiver Enrollment and failure to respond to phone calls. Finally, CCAP supports analysis by the Department of Human Services and the Department of Aging of the impact of the statewide contract for level of care assessment on seniors, their families, and counties to avoid unintended consequences.

The Department of Human Services announced plans to transition to a community health choices model beginning in 2017, whereby long term care for eligible recipients will be provided through a managed care model. There are numerous unanswered questions regarding the services to be provided, the role of counties, inclusion of transportation and housing services. Additionally, on April 1, 2016, the PA Department of Human Services transferred enrollment responsibility from the local Area Agency on Aging to Maximus, a statewide contractor. All consumers requesting home and community based services who are nursing facility clinically eligible are required to go through this process prior to receiving services. Significant problems have occurred with the transition, including lost enrollments and inability/extreme difficulty in getting in touch with someone at Maximus. The change results in seniors and their families having much less support in navigating the

enrollment process which is not only complex, but also essential for the senior to receive home and community based services. Counties are receiving significant numbers of complaints from families who do not understand the change. Finally, the Department of Human Services is planning to move to a statewide contract for level of care determination assessments. P4A created a non-profit, "Aging Well", which will contract with local AAAs. Counties seek assurances that availability of services will not be reduced and that funding that supports the needs of consumers takes precedent over creation of administrative structures. Taken together, these three major changes could have a dramatic impact on our seniors as well as the ability of counties to provide services. The goal of the resolution is to ask the Departments to delay implementation unless and until there is a complete understanding of impacts beyond those that are consistent with the goals of the departments.

RESOLUTION NO. 12 *(Submitted by the CCAP Human Services Committee)* – The Association supports efforts to explore strategies to collect consistent and accurate data related to overdose incidents and deaths throughout the Commonwealth, which is essential in planning strategies to help combat this public health crisis.

Currently, overdose data, specifically incidents of overdose and overdose death are not consistently collected or reported by health care providers and county coroners. The Association supports exploring other opportunities for collecting and reporting data that can be used to determine the extent of the problem and progress toward addressing overdose. The Pennsylvania Prescription Monitoring Database should provide access to real time information about prescribing practices. It may also provide the opportunity for other stakeholders to streamline reporting and implement more consistent data reporting.

RESOLUTION NO. 13 *(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. The Association supports the right of first opportunity being offered at the expiration of contracts executed by the state. (Amended and readopted 2012)

County Drug and Alcohol Programs want to assure a position in favor of county right of first opportunity consistent with the position of PACA MH/DS. Additionally, PACA MH/DS has changed its position from supporting managed care for intellectual disability services to one of supporting system reform. There are platform planks under both mental health and drug and alcohol, and the language change would be consistent across both.

RESOLUTION NO. 14 *(Submitted by the CCAP Human Services Committee)* – The Association supports efforts by the Department of Human Services to allow for expanded county involvement in the administration and provision of autism services in the Commonwealth, accompanied by assurance of federal and state funding to adequately meet service needs. (Added 2007, amended and readopted 2012)

The Department of Human Services and the Office of Developmental Services are developing plans to modify the eligibility of the current intellectual disability (ID) waiver programs to include individuals diagnosed with autism who meet the federal eligibility

requirements. County Mental Health/Intellectual Disability programs currently administer the ID waiver and are responsible for the waiver waiting list and capacity management. The amended language would support an additional county role in program administration and also make it clear that additional funding will be needed.

RESOLUTION NO. 15 *(Submitted by the CCAP Human Services and Courts and Corrections Committees)* – The Association supports a long-term funding solution for juvenile detention services, to be accomplished through a collaborative effort inclusive of all involved county departments, the Office of Children Youth and Family Services, and other stakeholders, to re-evaluate existing funding mechanisms and establish the most appropriate formula. Funding formulas must also consider county-specific needs, balancing child needs and community safety, and adoption of evidence-informed practices. (Section rewritten 2007, amended 2011, amended and readopted 2012)

The amendment clarifies the intent of the platform plank.

RESOLUTION NO. 16 *(Submitted by the CCAP Human Services and Courts and Corrections Committees)* – The Association supports state policies that encourage juvenile detention and alternative programs 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. (Added 2008, amended and readopted 2012)

The amendment updates the platform plank to current terminology.

RESOLUTION NO. 17 *(Submitted by the CCAP Human Services and Courts and Corrections Committees)* – The Association supports joint county/state development of programs promoting statewide investment in prevention, intervention and diversion programs. (Added 1994, amended 1995, 2010, amended and readopted 2012)

The edit clarifies the intent of the platform plank.

RESOLUTION NO. 18 *(Submitted by the CCAP Human Services and Courts and Corrections Committees)* – The Association supports the enactment of policies and procedures at the federal, state and local level to support the diversion of mentally ill and substance abusing offenders, assuring collaboration with counties in defining the approaches, considers the capacity of counties to provide drug and alcohol treatment and other services to facilitate diversion while assuring public safety, and includes development of technical assistance and funding supports. (Added 2004, readopted 2012)

The amendment updates the language to reflect the change in strategy to avoid utilizing jail for mentally ill and substance abusing offenders when other options assure protection of public safety while addressing the underlying causes of criminal behavior.

RESOLUTION NO. 19 *(Submitted by the CCAP Human Services and Courts and Corrections Committees)* – The Association supports legislation to provide full and permanent state funding

for the establishment of drug courts and other treatment courts in Pennsylvania where such courts might be effective, as determined by each county. (Added 2004, readopted 2012)

The amendment clarifies that funding should be ongoing, and that decisions on adding specialty courts should be made at the county level and not mandated by the state.

RESOLUTION NO. 20 (Submitted by the CCAP Courts and Corrections Committees) – The Association supports amendments to the schedule of fines, fees, and costs to increase the county court cost fees for traffic and non-traffic criminal violations, and restoration of fines and costs lost to counties through amendments included in Act 89 of 2013 relating to transportation funding reform, with regular periodic review to determine adequacy and increases as necessary. (Added 2005, amended and readopted 2012)

The amendment reflects support of the association to recapture fines and costs lost to counties for traffic violations as a result of language included in Act 89 of 2013, the Transportation Funding reform initiative.

RESOLUTION NO. 21 (Submitted by the CCAP Resolutions 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 to \$150,000 per year, with corresponding adjustment annually by the same percentage as the cost of living increases in judicial pay. (Added 2008, readopted 2012)

A number of years ago the court reimbursement allocation dropped below \$70,000 and has been variable since. The resolution acknowledges that the current allocation is immaterial; the point is to increase the state reimbursement and index it to inflation.

RESOLUTION NO. 22 (Submitted by the CCAP County Governance Committee) – The Association opposes the Federal Emergency Management Agency's (FEMA) Advanced Notice of Proposed Rulemaking (ANPRM) titled "Establishing a Deductible for FEMA's Public Assistance Program," published on January 20, 2016.

The proposed rulemaking would require state and local governments to meet a deductible, based on both hazard mitigation costs and costs of responding to a disaster, before federal public assistance disaster funds (PA) were released. While a variety of local activities qualify toward the deductible, the concern is that the proposal does not allow federal response to reflect local need, and may violate existing federal law requiring the PA to be at least 75 percent of disaster costs.

RESOLUTION NO. 23 (Submitted by 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, and to extend the benefit to spouses of members of the armed forces who are killed in action or declared missing in action. The Association opposes amendments that would provide partial exemptions to veterans or surviving spouses based proportionately on partial disability. (Added 2010, readopted 2012, readopted 2014)

The resolution represents the Committee's recommendation, as required by the membership, on matters relating to the property tax exemption available to disabled veterans and surviving spouses. As matters of equity, it proposes excluding veterans disability income from the computation of need used to determine eligibility for the exemption, and extending eligibility for the exemption to spouses of members of the military killed in action. The resolution opposes allowing a partial exemption corresponding to partial disability, based on practical concerns raised by the Department of Military and Veterans Affairs that doing so would give aid to veterans who are likely still employable, and would create administrative difficulties for the Department.

RESOLUTION NO. 24 (Submitted by Bradford County) – The Association supports legislation to prevent royalty owners from receiving net royalty payments from gas production below the statutorily required minimum of 12.5 percent of the value of production, with value determined based on arm's length transactions and without deductions.

Recent experiences by landowners entitled to receive royalties from gas development in the Marcellus shale region have raised serious questions on the fairness and transparency of gas companies in the operation of wells and in the accounting and assessment of deductions from royalty payments for costs of well operations. Many landowners previously receiving substantial royalties from productive gas wells are now receiving little or no royalties, even though there has been no reduction in quantity of gas being produced, because of extremely high deductions for costs of operations that are being claimed and assessed by gas well operators. Current laws provide no meaningful opportunity for landowners to require transparency of well operators in providing documentation or detailed accounting of deductions being claimed or providing accurate information about the business enterprises that are actually engaged in and benefitted by the operation of the wells.