



CCAP 2019 RESOLUTIONS

The following resolutions were adopted following the CCAP 2019 Annual Conference. Under the Association's bylaws procedures, they were considered at the Conference business meeting on August 6, 2019, and then were submitted to the full CCAP membership by electronic ballot. Balloting opened on August 13, 2019, and closed on August 23, 2019. 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 Community and Economic Development Committee*) – The Association supports maintaining the shale gas impact fee, with all distributions as structured under Act 13 of 2012 to benefit impacted local governments as well as counties throughout the commonwealth, regardless of any potential discussion to place a severance tax on the natural gas industry.

Since 2012, the impact fees generated by Act 13 have allowed Pennsylvania counties with shale gas wells to address economic, infrastructure and social costs associated with drilling. But the impact fees have also provided a benefit to all 67 counties through distributions for open space and environmental purposes, at-risk bridges and conservation districts. The resolution memorialized a long-standing county priority to maintain the current impact fee distribution structure regardless of any future discussions to place a severance tax on natural gas.

RESOLUTION NO. 2 (*Submitted by the CCAP Community and Economic Development Committee and the CCAP Assessment and Taxation Committee*) – 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, and further supports efforts to ensure that the full county hotel tax is collected for short-term rentals and room rentals made through online or other third-party travel companies.

In reviewing the current platform planks, the Community and Economic Development Committee determined that the two existing planks could be combined into a single plank related to the hotel tax, with the Assessment and Taxation Committee concurring.

RESOLUTION NO. 3 (*Submitted by the CCAP Assessment and Taxation Committee*) – The Association supports amendments to update and streamline the Real Estate Tax Sale Law that include the following elements:

- a. Consolidates delinquent tax collection and tax sale procedures into one statute;

- b. Maintains upset sale procedures in addition to judicial sale procedures;
- c. Shortens the time frames for exposure of a property to upset sale to the first year of delinquency rather than the second year;
- d. Allows increased use of internet technology, including maintenance of dockets and publication of notices;
- e. Replaces the five percent commission retained from collections by the bureau with a separate five percent delinquency fee to be retained by the county for administrative costs;
- f. Increases allowable fees and charges to reflect inflation; and
- g. Creates a program in each county for registration of prospective bidders at tax sales that would require them to certify before a tax sale rather than after that they do not have delinquent taxes or outstanding code violations, as a tool to help keep delinquent properties out of the hands of buyers who are ineligible to purchase them.

The Legislative Blight Task Force has been discussing ways to keep tax sale properties out of the hands of unscrupulous buyers who are otherwise ineligible to purchase property (because they have delinquent taxes or outstanding code violations) and likely have no real intent to mitigate blight, by identifying these individuals pre-sale rather than post-sale. Legislation is being introduced that memorializes a practice currently employed by some counties to require registration of bidders before a tax sale.

RESOLUTION NO. 4 *(Submitted by Commissioner Val Arkoosh, Montgomery County, as amended by the Resolutions Committee)* – The Association supports an appropriation in the state general fund budget to support conducting a communication and outreach effort before each United States decennial census for the purpose of increasing the response rate and accuracy of the census in this state, in recognition that accurate numbers are important for legislative and congressional representation and program funding and administration.

A complete and accurate count during each census is critical to assuring that state and federal legislative delegations are appropriately formed and that funding formulas from state and federal agencies are computed accurately. Allocations from 16 large federal assistance programs (including Medicaid, SNAP, housing vouchers, and education grants) are derived from the census count. In fiscal year 2015, the state received \$26.79 billion dollars in federal grants from these 16 programs alone, an amount close to two-thirds of the entire Pennsylvania state budget. Estimates show that for every uncounted person in the 2020 census, Pennsylvania stands to lose \$2,093 in federal funding per capita over the next ten years. The Resolutions Committee amended the proposal to remove specific references to 2020 and to remove a specific appropriation amount.

RESOLUTION NO. 5 *(Submitted by the CCAP Marijuana Task Force)* – The Association believes any efforts by the commonwealth to change laws to further legalize use of marijuana are

premature at least until the federal government removes marijuana from the list of Schedule 1 drugs.

While use of medical marijuana is now legal under Pennsylvania law, marijuana remains on the federal Drug Enforcement Agency's list of scheduled drugs as a Schedule I substance, meaning it remains illegal under federal law. As counties have discovered, this means the most challenging aspect of the state's medical marijuana law has been the lack of clear guidance due to the disconnect between state and federal law as it applies to workplace policies, insurance programs, program requirements and funding eligibility of federally funded programs, and prosecution of those using medical marijuana. This disconnect must be resolved with policy and statutory clarity before the state undertakes any efforts to further legalize use of marijuana, including recreational use.

RESOLUTION NO. 6 (Submitted by the CCAP Marijuana Task Force, as amended by the Resolutions Committee) – The Association believes that if state legislation moves forward to further legalize marijuana, counties must be brought to the table as part of those discussions to address the local impacts, costs and benefits, including but not limited to issues related to commercialization, environmental and land use impacts, behavioral health and other human services impacts, workplace and employee policies, ability of local governments to regulate the growing, dispensing and use of marijuana, social justice impacts, and impacts to the court and correctional systems, as well as reimbursement of costs to counties.

In light of recent public discussion and debate over legalization of recreational marijuana, CCAP policy committees have been reviewing the matter to assure the Association is prepared for any future legislative discussion or movement in this direction. Following feedback and recommendations from other state associations of counties, as well as other stakeholders, the resolution emphasizes the need for counties to be included as part of any discussion to legalize recreational marijuana. Moreover, this discussion must address the broad range of impacts legalizing recreational marijuana can have locally. The Association intends to continue its review and consideration of these impacts to develop a report with more specific recommendations. The Resolutions Committee suggested an amendment to strike the word "recreational" from the resolution so that it more broadly speaks to the need for counties to be at the table for any discussion related to marijuana, regardless of how it is used.

RESOLUTION NO. 7 (Submitted by the CCAP Human Services Committee as amended by the Resolutions Committee) – The Association supports the development and consistent application of policies and procedures by the Commonwealth of Pennsylvania Office of Administration to facilitate the option for counties to design and implement approved merit hire systems in place of civil service hiring systems.

Counties struggle to recruit and retain high quality staff across numerous programs and find significant barriers presented by the State Civil Service system procedures. While civil service modernization legislation has been adopted, transferring many functions to the Commonwealth of Pennsylvania Office of Administration and away from the Civil Service Commission, barriers still exist for counties in timeliness and attracting an available pool of

qualified clients. Counties seeking approval for merit hire systems to replace civil services have been met with significant delays in approval and difficulties in meeting unclear state standards. The Association seeks opportunities to work with the Office of Administration to allow a clear pathway for counties to develop and gain approval for merit hire alternatives. The Resolutions Committee added "and consistent application."

RESOLUTION NO. 8 *(Submitted by the CCAP Elections Reform Committee, as amended by the 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 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 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.

Under the Election Code, qualified military veteran and civilian voters with a permanent disability and certified by an attending physician as physically unable to attend the polls or operate a voting machine may request permanent absentee ballot status, but every four years must submit to the county a written statement asserting their continuing disability. The proposed resolution would remove the requirement for reasserting disability. Language in the Election Code requiring an individual to notify the county of loss of disability would not be affected. The Resolutions Committee amended the proposal to clarify its application only to those with permanent disability.

RESOLUTION NO. 9 *(Submitted by the CCAP Elections Reform Committee, as amended by the Resolutions Committee)* – The Association supports means to increase the pool of available poll workers and facilitate their ability to serve by:

- a. Allowing government employees to be poll workers, except for those with conflict of interest as defined by statute;
- b. Allowing employees to take leave without penalty, whether paid or unpaid, to serve as poll workers; and

- c. Allowing a poll worker who is a registered elector in the county to be designated to serve in any precinct in the county that has a vacancy within 30 days of election day.

The resolution proposes several means to facilitate poll worker service and expand the pool of available workers, including allowance for government workers to serve (currently a constitutional prohibition), allowing employees to take leave without penalty for service (which would include both training and election day), and extending the five-day window for appointing poll workers to work at precincts in the county other than the one in which they are a resident. The Resolutions Committee amended (a) to add the provision relating to conflict of interest, intending that, in the case of government employees, the statute would define conflicts of interest that would disqualify a government employee from serving, and amended (b) to make it leave without penalty.

RESOLUTION NO. 10 (Submitted by the CCAP Elections Reform Committee) – The Association opposes authorization for curbside voting.

The Association does not believe curbside voting represents an equitable or viable alternative to full ADA accessibility requirements, nor can it be accomplished with the current staffing of most polling places.

RESOLUTION NO. 11 (Submitted by the CCAP Elections Reform Committee) – The Association supports large print absentee ballot applications and absentee ballots only if they can be accomplished while still preserving automated tabulation, including positioning of date registration and a voter's ballot marks.

While large print absentee materials could be helpful for voters with visual impairments, they are a practical solution only if they can be prepared in a way that does not adversely affect automated tabulation.

RESOLUTION NO. 12 (Submitted 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 development in order to minimize negative impacts on local communities throughout all development phases, from exploration through production delivery and closure, including water quality, water quantity, flood encroachment, pipelines, maintenance of county and municipal roads and bridges, permitting, planning, human services, criminal justice, record maintenance, housing, economic development and emergency management.

The proposed amendment reflects the importance of assuring that oil and gas projects be properly and responsibly completed so that negative impacts do not occur in communities.

RESOLUTION NO. 13 *(Submitted by the CCAP Energy, Environment and Land Use Committee)* –

The Association opposes legislation that would allow for private third party review of environmental permits or that would prohibit the use of conservation districts to review such permits, and instead supports efforts to address the timeframes for environmental permit reviews by providing sufficient funding and staff resources to DEP’s regional offices to address the increasing number of permit applications.

Legislation has been introduced that would allow for third-party permit reviews. Conservation districts are concerned that allowing for these private reviews will hinder the permit review process and result in permit approval delays with the potential for approved permits not meeting state standards. This could also mean the same private firms who develop the permit application would be the reviewer of those permits. While complaints are often heard about the time it takes to secure an environmental permit, allowing for third-party permit reviews does not recognize the true nature of the problem – insufficient staff resources in the DEP regional offices to manage the growth-related workload, as well as application and technical deficiencies that are a significant contributor to lengthy review times.

RESOLUTION NO. 14 *(Submitted by the CCAP Human Services Committee)* – The Association supports the inclusion of counties in all policy development related to the state plan to implement the Families First Prevention Act.

The implementation of the Families First Prevention Services Act will dramatically impact the funds available for many aspects of child welfare. It is imperative that counties have a prominent voice in the decisions being made concerning policy, in order to fully realize the benefits of the law and to maximize federal funding, while minimizing impacts on county budgets.

RESOLUTION NO. 15 *(Submitted by the CCAP Community and Economic Development Committee and the CCAP Energy, Environment and Land Use Committee)* – The Association supports funding assistance for GIS and coordination between and among federal, state, and local agencies on GIS technologies and data, including the sustainability of the state Geospatial Coordinating Board and readiness for NextGen 911.

The state’s Geospatial Coordinating Board was created under Act 178 of 2014, and absent reauthorization, will expire on June 30, 2020. Counties have several seats on this Board, and efforts to assure the Board’s continuation will need to begin well ahead of next June.

RESOLUTION NO. 16

Withdrawn by the delegates to the CCAP Business Meeting, August 6, 2019

RESOLUTION NO. 17 *(Submitted by the CCAP Human Services Committee, as amended by the Resolutions Committee)* – The Association supports county involvement in a full evaluation of the potential impact of a Medical Assistance Transportation Program (MATP) brokerage model on county transportation systems and clients who rely upon them, as provided in Act 19 of 2019. The Association further supports county right of first opportunity where any alterations to the structure of the MATP, Shared Ride or Shared Ride Lottery programs are being considered.

In June of 2018, legislation was enacted requiring the Department of Human Services to issue an RFA for a statewide or regional brokerage contractor for MATP services. The language was a late amendment in the budget process, adopted with no consultation occurred with counties on its impact. The original proposed resolution was written while legislation was pending and the legislature, based on the strong negative reaction by counties to the potential impacts of implementation of this model, subsequently enacted Act 19 of 2019, which delays implementation of contracts for regional brokers, giving the Department of Human Services (DHS), Department of Aging and PennDOT 180 days to complete an analysis of the impact on consumers, the quality and availability of services and the positive and negative impacts of the current model versus a brokerage model. The Resolutions Committee rewrote the proposal to take Act 19 into account.

RESOLUTION NO. 18 *(Submitted by the CCAP County Governance Committee, as amended by the Resolutions Committee)* – The Association supports creation of a mechanism for volunteer responders to recover the costs of specialized responses such as trail or forest rescues from an individual or organization when determined to be based on general negligence.

The current resolution lacks specificity, and could inadvertently create charges against, for example, an individual suffering from dementia or the victim of a natural occurrence. The Resolutions committee amended the original proposal, after review with counsel, to include the specific term "general negligence."

RESOLUTION NO. 19 *(Submitted by the CCAP County Governance Committee, as amended by the Resolutions Committee)* – The Association supports improvements in the Commonwealth's funding of local libraries, including:

- a. Restoration of the Public Library Subsidy to at least FY 2001-2002 levels;
- b. Increasing County Coordination Aid to incentivize county and local support to libraries;
- c. Using up-to-date county funding and population statistics to guide the state's financial support and development of libraries;
- d. Funding for Library Access including restoration of the Statewide Library Card Reimbursement program;
- e. Restoration of funding for Libraries for the Visually Impaired and Disabled which provides library services for the state's most vulnerable citizens;
- f. Providing inflation adjustments to all funding going forward; and
- g. Reviewing library funding distribution formulas every five years.

2. The Association recognizes that welcoming, safe, modern library facilities serve communities as essential gathering spaces and technology centers that also provide access to and engagement with local government services, and so the Association supports:
- a. The continuation and expansion of matching grants for library capital projects under the Keystone Recreation, Park, and Conservation Fund program;
 - b. The development of alternate sources of capital improvement funds to update or replace aging library facilities;
 - c. Recognizing counties or multi-county regions as strategic partners that leverage increased efficiencies or service improvements through planning, coordination and funding of library services;
 - d. Acknowledging the state's responsibility to provide library services for special populations, such as the blind, the aged, injured war veterans and others with physical or mental limitations; and
 - e. Leveraging the Commonwealth's purchasing power by developing statewide information technologies and providing online resources for libraries and the citizens who use them.

The set of planks relating to libraries is up for quadrennial review, and the suggested changes, developed in consultation with the Pennsylvania Library Association, update the planks to current conditions. The amendments developed by the Resolutions Committee more closely conform to the levels of county involvement.

RESOLUTION NO. 20 *(Submitted by Butler County)* – The Association supports an amendment to Act 137 of 1992 to allow counties to increase the recorder fees to provide additional funding for affordable housing trust funds, but opposes requiring all or any portion of the revenues generated by these fees to be transferred to the state's affordable housing fund.

Legislation has been proposed which would allow counties to increase recording fees to provide additional funding for affordable housing, but would require a portion of those increases be diverted to the state for the Pennsylvania Housing Affordability and Rehabilitation Enhancement (PHARE) Fund. Counties believe that if they are undertaking the responsibility to increase fees on their constituents, those revenues should rightly remain with the county for local uses.