



FUNCTIONS OF COUNTY GOVERNMENT

The following pages contain descriptions of some of the core functions of county government performed under state or federal mandate. In many cases, counties receive partial state funding for these mandates, augmented by funding derived from local property taxes. In some, funding comes exclusively from the local property tax or special fee structures. Oversight agencies at the state level are identified. While this list is not exhaustive, it highlights the major areas of policy where counties interact with state government.

ASSESSMENT OF REAL PROPERTY

County Responsibility: Counties are responsible for maintaining the assessment roll, against which real property taxes are levied by the county, municipalities and school districts. Periodically, the county performs a county-wide reassessment of all properties, and between reassessments, the county assessment office uses various statistical methodologies to maintain the roll.

The county-wide reassessment establishes the “base year,” and until the next reassessment individual property values are changed only when the nature of the property changes (e.g. construction or structural renovation) or when the property value is appealed. During county-wide reassessment all properties are assessed uniformly at current market values, and classes of properties are identified, including residential, commercial, industrial, agricultural, tax-exempt and others.

The Board of Assessment Appeals, which are either the county commissioners or a board appointed by them, determines questions of value or of tax status. The county assessment office also administers the homestead exclusion, which permits a portion of the value of each owner-occupied residential property to be excluded from the assessment. Counties annually certify the tax rolls to the school districts and municipalities within their counties, from which their tax bills are generated. Many counties also handle preparation of tax bills, and counties also have primary responsibility for tax claims.

State Mandate/Oversight: Assessment is currently governed by the Consolidated County Assessment Law. County assessors must be trained and must be certified by the State Board of Certified Real Estate Appraisers. Counties are required to report assessed values and other information to the State Tax Equalization Board (STEB), an agency within the Department of Community and Economic Development, which uses this information to determine the common level ratio (the ratio of the assessed value to the current year market value), an equalization factor for the school subsidy formula, assessment appeals, and other purposes. Statute requires county assessors to receive training and certification in the assessment function with oversight

by DCED and STEB, although neither has direct regulatory oversight over the county assessment function itself.

CORRECTIONS

County Responsibility: Counties are responsible for incarcerating pre-trial and pre-sentence detainees, all offenders sentenced to two years or less, including those in intermediate punishment, and some offenders with sentences between two and five years. Counties also have the option to establish intermediate punishment programs with alternate sanctions to incarceration, such as electronic monitoring, house arrest, community service, and inpatient drug and alcohol treatment. Many counties have also undertaken establishment of specialty courts to divert certain offenders into other programming, such as mental health and behavioral health, that can be more productive and more cost-effective than incarceration.

State Mandate/Oversight: The Department of Corrections has some oversight in certifying county jails. However, the full responsibility for funding and administering jails rests with the county. Counties receive no financial assistance from either the state or federal government for the daily operations of jails and prisons unless they have contracts to hold inmates from other counties or from state or federal agencies, in which case the county contracts with the entity to house their inmates at a negotiated daily rate. Counties with available capacity also have the opportunity, with the assent of the local judge and district attorney, to house convicted state offenders with sentences of between two and five years.

COURTS

County Responsibility: Counties support the local court system, including the common pleas courts and magisterial district justice (MDJ) system. The commonwealth pays the salaries of the judges, MDJs, court administrators and chief deputies, and related support services, along with a portion of the salary of the district attorney (DA). All other line and support staff, capital, and overhead costs are borne by the county.

The county provides chambers for the judges, either in the courthouse or at another location agreeable to the judge and the county commissioners, and facilities for the MDJs. The county commissioners provide facilities and funds for supplying and maintaining a law library for the use of the court, county officials, members of the bar and the public. The county pays the salaries and costs for the DA (with a 65% reimbursement from the state of the DA salary) and the public defender and their staff.

The adult and juvenile probation offices and the domestic relations office are under the jurisdiction of the court but staffing, program costs, and overhead are part of the county responsibility, with partial commonwealth program reimbursement. The county adult probation and parole office is responsible for supervision of probationers and parolees serving county sentences, as well as Accelerated Rehabilitative Disposition programs. County probation officers also prepare pre-sentence investigations and pre-parole reports, and in some counties administer the DUI intervention program.

State Mandate/Oversight: The Administrative Office of Pennsylvania Courts (AOPC), the administrative wing of the Supreme Court, has an advisory role over the entire court system, commonly referred to as the Unified Judicial System of Pennsylvania. The lower court system is largely funded by the counties, but the annual commonwealth budget includes a reimbursement of about \$43,000 per judicial position in each county to help offset the costs of the courts, as well as some funding for juror costs. The Pennsylvania Supreme Court in 1987 ordered the state to take over administration and funding of the courts to assure constitutional uniformity in the administration of justice. To date, only the first phase of recommendations in the subsequent Montemuro report, transfer of the court administrator and certain deputies to the commonwealth payroll, has been completed. Based on appeal by the counties, the Court determined in 2012 that its original order remains, but that it should be achieved by "interbranch cooperation" among the Court, the administration, and the General Assembly.

Adult probation and parole has two sources of funding to offset county expenses in providing the service. The Pennsylvania Board of Probation and Parole provides grants-in-aid to 65 counties, and presently pays about a third of eligible personnel salary costs. Probation and Parole is also supported by a \$25 supervision fee counties are required to collect each month from those under supervision.

ECONOMIC AND WORKFORCE DEVELOPMENT

County Responsibility: Many counties support non-profit Economic Development Corporations and Industrial Development Authorities, and are highly active in working with state and municipal officials to attract new business and provide incentives for existing business expansion in their county. Often these business-expansion efforts include interaction regionally with other counties and regional planning agencies. Counties determine the distribution of federal Community and Development Block Grant (CDBG) funding in support of organizations and businesses, and manage CDBG on behalf of the smallest municipalities. Counties also work in concert with local businesses on the workforce investment boards and CareerLinks, matching training for new and incumbent workers and juveniles with the needs of local business and industry. Counties play a key role in determining and administering development and redevelopment tax incentives, such as LERTA.

State Mandate/Oversight: The Department of Community and Economic Development oversees many of the grant programs counties utilize including a portion of CDBG funding that comes to the commonwealth. Another portion of CDBG funding is remitted directly from the U.S. Department of Housing and Urban Development to entitlement formula counties. The Pennsylvania Department of Labor and Industry oversees the workforce investment boards and administers the CareerLinks around the commonwealth.

EMERGENCY MANAGEMENT

County Responsibility: Pennsylvania counties are key local partners in emergency management. Counties are in charge of developing and administering emergency planning and response coordination with all of the municipalities in the county (police and fire are municipal functions and most emergency medical services are private). As part of those planning and response efforts, counties must plan for all hazards, including weather, incident (e.g. wild fire or aircraft incident), terrorism, bioterrorism, pandemic and hazardous materials. In addition, counties are responsible for providing and administering 911 service centers for call taking and dispatch.

State Mandate/Oversight: Emergency planning and coordination is mandated in the Emergency Management Services Code and under federal law. Some of the costs of coordination may be provided by the Pennsylvania Emergency Management Agency (PEMA) and federal grants, but most of the funding comes from the county general fund. A portion of the funding for 911 service centers comes from monthly surcharges that are placed on wire line, wireless and VOIP telephone accounts, and these funds are administered through PEMA; however, this funding stream has challenges given technological advancements, and the bottom line for counties is a significant and growing backfill of local property tax dollars needed to keep 911 systems operational. PEMA also establishes guidelines and application procedures, reviews and approves county 911 plans, and sets, reviews and approves technical standards.

ENVIRONMENT

Solid Waste/Recycling

County Responsibility: Counties are responsible for developing solid waste plans every ten years in compliance with state law to provide for the proper disposal of all municipal (garbage), residual (industrial processes) and infectious (medical) waste generated within the county, including recyclables. In addition, many counties provide supplemental recycling services such as household hazardous waste pickup or tire recycling.

State Mandate/Oversight: The Municipal Waste, Planning, Recycling, and Waste Reduction Act, Act 101 of 1988, governs the management of solid waste at the county level and provides for mandatory recycling programs at the municipal level. Counties are responsible for assuring that municipalities within the county have adopted any ordinances and procedures that the county solid waste management plan may require. Grants are available from the Department of Environmental Protection (DEP) for development of plans and for the hiring of recycling coordinators; the grants are funded through a state tipping fee, although these funds have declined in recent years. In addition, a 2005 Commonwealth Court decision found that there was not an adequate statutory base for the county-levied administrative fees, which in many counties had historically funded supplemental recycling program expenses not covered by Act 101, leaving counties without a dedicated revenue source to fund these programs.

Conservation Districts

County Responsibility: Counties are the major contributor of funding to conservation districts, which have a local responsibility in natural resource management by coordinating the efforts of all state, federal and local agencies involved in the conservation of our natural resources. Assisting the public in complying with environmental regulation and environmental education are the two major focuses of districts. District duties or programs may include responsibilities such as storm water management, dirt and gravel road pollution prevention, overseeing the erosion and sedimentation pollution prevention program (Chapter 102 of the Clean Streams Law) and permitting of stream and wetland encroachments (Chapter 105).

State Mandate/Oversight: There are districts in every county except Philadelphia, and they are guided by a volunteer Board of Directors appointed by the county commissioners. The State Conservation Commission, a departmental administrative commission under the concurrent authority of the state Department of Agriculture and DEP, also provides support and oversight to the conservation districts for the implementation of conservation programs. Counties provide funding assistance for district operating funds, while the State Conservation Commission assists with funding for administration and for hiring staff.

ELECTIONS

County Responsibility: Counties are responsible for administration of voter registration and the conduct of all elections in the commonwealth. County commissioners, serving as the Board of Elections, oversee an appointed director of elections. The county determines the election equipment to be used, develops the ballots, administers the polling places, administers absentee ballots, oversees the tabulation and makes certification of the election results. The office is responsible for entering and maintaining voter registration information and voter activity in the Statewide Uniform Registry of Electors (SURE) system. The county, on petition to court, determines the election districts.

State Mandate/Oversight: The county is responsible for administering and funding the primary and general elections, including hardware, software, preparation of ballots, and payment of poll workers. Elections are overseen by the Department of State and governed by federal law and the Pennsylvania Election Code. The Department of State issues guidance to counties on administrative practices not defined in statute or case law. The Department of State provides and manages the SURE system. There is typically state reimbursement for the costs of special elections. Until the passage of Act 88 of 2022 which created election administration grants for counties, there has been little to no state funding for elections.

RECORD KEEPING

County Responsibility: Counties maintain civil and criminal records on behalf of citizens, including deeds, wills, mortgages, marriage licenses, uniform commercial code filings, and records of civil and criminal litigation. Historically, these responsibilities are vested in a group of elected row offices, over which the county commissioners have budgetary authority with

concurrent responsibility for staffing, capital and overhead costs. The prothonotary keeps record of all civil procedures before the court, while the clerk of courts keeps records of all criminal matters before the courts. The register of wills decides the probate of the will of any resident of the county or of any decedent, the bulk of whose estate lies within the county. The recorder of deeds maintains the records related to real property in a county. Several offices also maintain records related to taxes and fees: the prothonotary collects taxes on certain records for remittance to the state, and the register of wills is the commonwealth's agent for collection of the inheritance tax. The recorder of deeds also collects fees on behalf of the state treasurer. In some smaller counties, these offices may be combined, while in most home rule counties, these offices have been abolished and the responsibilities vested with administrative employees.

State Mandate/Oversight: The row offices are generally considered to be part of the judicial system, and work in concert with the Court of Common Pleas within duties delineated by statute. Part of the cost of each office is offset by fees collected for filings. Add-on fees also contribute to a number of state and county programs.

TRANSPORTATION

County Bridges

County Responsibility: Counties' most critical infrastructure responsibility is the maintenance of more than 4,000 county-owned bridges. All bridges must be inspected at least every two years and a sufficiency rating applied, which might result in rehabilitation, weight restrictions, replacement or closure. Inspections and maintenance work performed by counties in most cases are coordinated by the county's designated engineer and performed by a contractor. Counties engage in regional transportation infrastructure planning through Metropolitan Planning Organizations (MPOs) or Rural Planning Organizations (RPOs), which develop prioritized 12 year plans (Transportation Improvement Plans or TIPs) that guide PennDOT and local funding decisions.

State Mandate/Oversight: Under federal guidelines, all bridges 20 feet or longer must be inspected every two years. Work is done in accordance with PennDOT specification standards. Funding for maintenance and construction is provided at both the state and local level. Under Act 89 of 2013, counties receive 4.17 mills of the oil franchise tax for county bridges, augmented by a two mill county and forestry bridge fund, and a separate \$5 million bridge account. Counties also receive funding from a dedicated Highway Bridge Improvement fund, funded by the oil franchise tax, and from a mandated 15% off system bridge set-aside of the state's federal highway funds. These funds are administered by PennDOT, typically in concert with the TIP.

Act 89 also established a bridge bundling program, under which PennDOT proposes to counties and local governments projects that would combine multiple common-design bridges into bundled projects for repair or replacement, with the department managing a single contract for the bundled project. Counties, as established under Act 89, have the authority to assess a local \$5 vehicle registration fee beginning which, if adopted, would be collected by the department

and then remitted back to the county for its use in the same manner as existing liquid fuels funds.

Mass Transit

County Responsibility: County governments are involved with funding and operation of more than 30 fixed route transit systems covering more than two-thirds of the counties. Commonly, mass transit systems are operated by county or multi-county authorities, which have the ability to set fare rates and structures and in many cases borrow money or bond finance. Counties provide a percentage of the funding and are represented on the governing board.

State Mandate/Oversight: Mass transit systems are overseen by PennDOT and are subject to provisions from the U.S. Department of Transportation. Funding for the systems comes from grants through the USDOT, PennDOT, bond financing, borrowing and user fees in the form of fares. Mass transit systems also are required to provide accessibility for the disabled and handicapped.

Paratransit

County Responsibility: All counties are responsible for providing a wide range of shared-ride and public transportation programs available to help their residents enjoy the benefits of alternative transportation regardless of income or physical disability. Shared-ride public transportation services are demand response transportation in which passengers with different origins and destinations ride together in the same vehicle regardless of program funding.

The Medical Assistance Transportation Program (MATP) provides transportation to medical appointments for Medical Assistance (MA) recipients who do not have transportation available to them. Counties have the ultimate responsibility for setting the level of paratransit service to be provided to county residents, usually to any eligible resident of the county. Administrative structures and providers vary by county and program, including county human services, Area Agencies on Aging, third party, non-profit, and private provider service provision.

State Mandate/Oversight: Funding for these programs includes block grants, SSRP, MATP, state-funded human services transportation (HST) programs including Areas Agencies on Aging, Americans with Disabilities Act, and Persons with Disabilities.

HUMAN SERVICES

Aging

County Responsibility: All 67 counties provide aging services through one of fifty two Area Agency on Aging (AAA). These organizations and their governing boards are responsible for providing services to older persons who need in-home and other specialized care such as home-delivered meals, transportation services, and day care. Long-term care services are provided to persons who have been assessed as needing medical care unavailable at home.

State Mandate/Oversight: The basis for the AAAs is the federal Older Americans Act of 1965, and is under the jurisdiction of the Department of Aging and the Office of Long-Term Living. Funding comes primarily from Medicaid, supplemented with lottery funds, state general funds and county general funds.

Children and Youth

County Responsibility: Counties have a fundamental responsibility, through their children and youth agencies, to provide services to protect abused, neglected and delinquent children. By collaborating with community partners, counties ensure services are available and accessible to prevent and treat both the presenting and underlying problems, as well as to ameliorate the consequences of abuse and neglect. These services may be voluntary or court-ordered and may take place in the home (including with relatives) or, if indicated, in other out-of-home placement as directed by the court.

State Mandate/Oversight: Agencies are monitored and licensed by the Department of Human Services (DHS) Office of Children, Youth and Families (OCYF). The state legislature allocates funds each year through the authority of Act 148 of 1976 and Act 30 of 1991 as part of the state budget, based upon needs-based budget requests originating in the counties and reviewed and revised by OCYF. Operating costs are also funded by federal sources through several titles of the Social Security Act. Counties must meet the required match of state and federal dollars with local funds. Fiscal regulations promulgated by OCYF/DHS describe cost centers, invoicing procedures and other pertinent fiscal requirements.

Juvenile Justice and Juvenile Detention

County Responsibility: Juvenile detention is a court-mandated service specifically designed to provide short-term housing and care for high-risk juvenile offenders when it is necessary to assure community and personal safety or both. In addition to physical health, behavioral health and educational screening, assessment and intervention, juvenile detention centers provide youth opportunities for competency development, victim restoration and positive social development. The Juvenile Court or Court of Common Pleas in each county has jurisdiction over juvenile justice personnel and the service delivery system. County-operated detention center facilities are intended to hold youth pre-adjudication and post-adjudication/pre-placement on a short-term basis, typically less than 30 days. Detention centers only hold youths charged with or adjudicated on felony or misdemeanor offenses and only when there is a determination that less secure options are not appropriate.

A series of policy changes and directives over the past 15 years has resulted in the closure of many county juvenile detention facilities. The shortage of facilities, along with staffing concerns, have created concerns for counties about available and appropriate placements, services and treatment for these youth.

State Mandate/Oversight: Placements of delinquents are paid through children and youth funding sources and county government funds. Act 148 of 1967 sets forth the rate of reimbursements for Pennsylvania's array of dependent and delinquent services, including

juvenile detention services. Secure detention expenditures are reimbursed at 50% by the state. Shelter care is reimbursed at 90% state with a 10% county match. Staff salaries and other personnel costs are county funded, with the exception of some grant-in-aid funding sources administered by the Juvenile Court Judges Commission. Federal funding has been made available from Title IV-A of the Social Security Act. Administrative oversight of juvenile detention differs by facility, in that it could be provided by the juvenile court judge, chief juvenile probation officer, children and youth administrator or, in second class counties, a board of managers. Juvenile detention centers are licensed annually by the Office of Administration's Bureau of Human Service Licensing in the Department of Human Services.

Long-Term Care

County Responsibility: Long-term care encompasses a variety of services that include medical and non-medical care to people who have chronic illness or disability. Long-term care helps meet health or personal needs so that they may age with dignity. While the majority of long-term care is provided by the private sector, as of September 2022, there are 16 remaining county nursing homes in 16 counties to serve as the safety net facilities for residents that are eligible for Medicaid upon admission.

State Mandate/Oversight: Most county nursing home residents utilize Medicaid to pay for the cost of their care. However, many residents now supplement their cost of care with private pay, where the resident or the family of the resident pays for the care provided. Medicare is also a major source of payment, where coverage is paid by the federal Medicare program for a limited number of days (usually less than 100) after which the resident would become Medicaid or private pay. Only a very small percentage of residents receive other sources of payment such as long-term care insurance. The County Code and the Public Welfare Code form the legal basis for the provision of nursing home care. A number of state and federal agencies license and provide ongoing oversight of nursing home operations.

Mental Health and Intellectual Disability

County Responsibility: The county mental health/intellectual disability (MH/ID) programs offer an array of community-based treatment and support services to persons with mental illness or intellectual disability. Counties with low population density are generally served through a joinder agreement between two or more counties that allow for the administration of MH/ID programs by the joinder within all of those counties. MH/ID programs are managed together at the county level by one MH/ID administrator with support from one advisory board appointed by the county commissioners. Most counties offer service through a series of contracts with local providers of service, and some provide services with county staff.

State Mandate/Oversight: MH and ID/A waivers are supervised by the Office of Mental Health and Substance Abuse Services (OMHSAS) and the Office of Developmental Programs (ODP) under the Department of Human Services. State agencies provide funding, establish policy, and license providers of some services. State MH base funds serve the population, which is not eligible for Medicaid, and also provides services that Medicaid does not cover. The county mental health base funds include the Community Hospital Integration Program (CHIPP) and the

Southeast Hospital Integration Program (SIPP); base funds now serve individuals who are diverted or discharged from a state hospital closing.

Funding for community ID/A services includes both state and federal dollars as the bulk of the program are for the administration and management of Home Community Based Services. Individuals who are not enrolled in a state waiver rely on state base funded services.

Substance Abuse Services

County Responsibility: County drug and alcohol programs, run by Single County Authorities (SCAs), are responsible for developing and implementing comprehensive prevention, intervention and treatment and recovery services for each county. The SCAs work with community leadership and stakeholders to assess local needs and develop an array of programs designed to meet the individual needs of each community.

State Mandate/Oversight: Under Act 50 of 2010, the Department of Drug and Alcohol Programs (DDAP) serves as the Single State Agency and is the recipient of federal block grant and other substance specific grant funds for the commonwealth. These funds are available from the national Substance Abuse and Mental Health Services Administration (SAMHSA). DDAP also provides guidelines for the preparation of county plans that outline the provision of services. All treatment and recovery homes are licensed by the DDAP.

The Department of Human Services's Office of Mental Health and Substance Abuse Services (OMHSAS) provides funding through allocation awards to each county for treatment services. The Commission on Crime and Delinquency (PCCD) also provides competitive grant funding to some counties through the SCAs for treatment as an alternative to incarceration, free naloxone to first responders and medication assisted treatment for county jails.

LAND USE

County Responsibility: Counties are required under the Municipalities Planning Code (MPC) to prepare comprehensive land use plans every ten years. Local governments are required to submit proposed planning, zoning and subdivision actions to the county planning agency for review and comment. Counties can adopt zoning for any land within its jurisdiction that is unzoned by its municipalities. The county comprehensive plans form a basis to promote general consistency of local plans as well as general guidance for land use patterns beyond municipal boundaries. All counties have created planning agencies, which may encompass everything from traditional land use planning to transportation planning and environmental planning, but have varying levels of planning staff and resources available.

State Mandate/ Oversight: Planning agencies interact with state agencies including the Department of Community and Economic Development, Department of Environmental Protection, the Department of Conservation and Natural Resources and PennDOT. Some grant funding is provided, but most funding is from the county general fund.

STORM WATER

County Responsibility: Counties have the primary responsibility for storm water planning, working with the municipalities to effectively manage development and the flow of storm water to the appropriate outlets. Because the plans generally apply to new development or redevelopment, system installation is typically the builder's responsibility, with municipalities or sometimes owners' associations responsible for maintenance.

State Mandate/ Oversight: The Storm Water Management Act, Act 167 of 1978, requires counties to develop plans on a watershed basis in consultation with the municipalities in the watershed; these plans are typically developed by the county planning staff or by consulting engineers. Counties also work in conjunction with the Department of Environmental Protection and PennDOT on storm water issues. The state is to provide 75% of the cost for storm water plans and remediation. Historically, the commonwealth has not provided that level of funding and the expense is transferred to the county general fund.

VETERANS AFFAIRS

County Responsibility: The director of veterans affairs assists veterans in the filing of claims such as service record changes and disability claims. At the time of a veteran's death, the director will assist the family in filing claims for the death benefits, including burial expenses and appropriate grave markers. The also maintains liaison with the various veterans' organizations within the county, and is the contact for all matters concerning active duty military personnel, ex-military personnel and certain survivors.

State Mandate/Oversight: County directors of veterans' affairs are required to maintain a Department of Veterans Affairs accreditation and to undergo training established by the state Department of Military and Veterans Affairs or one of several nationally accredited veterans' organizations. Also, the county, under the direction of the director of veterans affairs, is required by law to maintain a record of where each veteran is buried within the county and other data pertaining to their military service. This compilation is known as the Veterans Grave Registration Record. The county is also required to decorate each veteran's grave with a U.S. flag on Memorial Day and furnish a service marker.