



## CCAP 2024 RESOLUTIONS

The following resolutions were adopted at the CCAP 2024 Annual Conference. Under the Association's bylaws procedures, they were considered and voted on by the full CCAP membership at the Conference business meeting on August 6, 2024. The resolutions amend the *Pennsylvania County Platform*, the Association's cumulative policy statement. The *Platform* is available on the CCAP website, [www.pacounties.org](http://www.pacounties.org).

**PROPOSED RESOLUTION NO. 1** (*Submitted by the CCAP Agriculture Committee and the CCAP Assessment and Taxation Committee*) - The Association supports uniform treatment of utility or grid scale solar and wind projects for the purposes of assessment in Pennsylvania, particularly related to exceptions as machinery and equipment, and for purposes of eligibility, violations and rollback taxes under the Pennsylvania Farmland and Forestland Assessment Act.

*As utility and grid scale solar development continues to occur, questions regarding the application of Clean and Green have arisen. The Clean and Green Law already addresses eligibility, violations and rollback taxes as it relates to wind and oil and gas development, and the resolution proposes that utility scale solar be treated similarly – that is, that any property actually devoted to utility scale solar be unenrolled from Clean and Green and rollback taxes paid accordingly, while any remaining property otherwise eligible for Clean and Green may remain enrolled.*

**PROPOSED 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.

*The increase in payment in lieu of taxes sought in this plank was achieved under Act 34 of 2023 and Act 54 of 2024.*

**PROPOSED RESOLUTION NO. 3** (*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;
- 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.

*The proposed amendment clarifies that while counties support an increase in the acreage threshold for properties to be eligible for the Clean and Green Program, there should still be an ability for properties of less than 25 acres to qualify for the program based on income eligibility as there is under current law.*

**PROPOSED RESOLUTION NO. 4** (Submitted by the CCAP Elections Reform 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. 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. 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.
- e. 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.

- f. 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.
- g. 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,
- h. Provide uniform standards for submission and placement of referendum questions, including a 90 day deadline for submission to the county board of elections.
- i. 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.
- j. 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.
- k. Set an extended and uniform 90 day standard for the deadline for special elections for vacancies in municipal office.
- l. Allow the county board of elections to make appointments to vacancies on local election boards, effective for the balance of the unexpired term;
- m. Make the overseer petition provision workable in Philadelphia by eliminating the requirement for concurrent assent by all law judges;
- n. 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
- o. Allow counties to begin pre-canvassing of absentee and mail-in ballots up to five days prior to an election, provided that tabulation does not begin until after the polls close on election day.

*As counties continue to learn more through their experience with mail-in ballots, many of the reforms related to administration of those ballots have also evolved; many of the changes that counties are seeking are elsewhere in the Platform and so clause b is no longer needed. In addition, the Committee recommended the deletion of clause n, citing concerns with attempting to require individuals to vote by mail if they prefer to vote in person. Finally, the amendment to clause q, shortening the requested time period for precavassing, reflects counties' continued experience with processing mail-in ballots.*

**PROPOSED RESOLUTION NO. 5** *(Submitted by the CCAP Energy, Environment, & Land Use Committee)* - The Association supports the Public Utility Commission's ability to enforce federal pipeline safety laws and regulations to specifically include Class 1 gathering lines and supports requiring the location of shale gas pipelines to be shared with counties for planning, emergency response and other purposes.

*The PA PUC currently holds the authority to enforce federal law and class 1 pipeline regulations. However, the sharing of locations with counties is not required, although it does*

*occur without being mandated. This plank is amended to reflect that counties continue to support PA PUC having these authorities over class 1 pipelines.*

**PROPOSED RESOLUTION NO. 6** *(Submitted by the CCAP Energy, Environment, & Land Use Committee)* - 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 unaffiliated third party transactions that reflect fair market conditions and without deductions.

*While lawsuits have addressed specific complaints in Pennsylvania by landowners, legislative efforts to address this plank have largely failed to move through the legislature. The language added is intended to clarify the definition of "arm's length transactions," specifically that they should be based on fair market values to the benefit of landowners. Further amendment clarifies the meaning of an arm's length transaction.*

**PROPOSED RESOLUTION NO. 7** *(Submitted by the CCAP Energy, Environment, & Land Use and the CCAP Community and Economic Development committees)* - The Association supports programs and funding for use of alternative transportation fuels, including development of fueling facilities such as electric vehicle charging stations, for public use in consultation with county development plans. Further, the Association supports funding and incentives for counties and mass transit agencies to deploy hybrid vehicles and vehicles operated by alternative fuels such as natural gas, hydrogen, and electricity.

*This amendment reflects the shift in the transportation industry toward alternative fuels, particularly electric vehicles, in combination with the National Electric Vehicle Infrastructure (NEVI) funding from the Bipartisan Infrastructure Law (BIL). As the state and industry continue development and planning to use federal funds, counties want to ensure they are at the table for those discussions. Further amendment supports funding for the use of alternative fuels.*

**PROPOSED RESOLUTION NO. 8** *(Submitted by Commissioner Stacy Richards, Union County)* - The Association urges the Pennsylvania Public Utility Commission to require electric utility service providers to make available to counties and the interested public existing capacities and the plans for transmission line expansion or increasing existing capacity.

*Currently, the Pennsylvania Public Utility Commission suggests, but does not require, sharing of this information. Electric providers will not provide it upon request since it is optional. Requiring the sharing of this information would allow for better cohesion between counties, municipalities, and utilities in planning and land use implications. There is an economic development component to this, as the siting of these projects often indicate intent to expand industrial development in areas such as manufacturing as well as energy development such as utility scale solar. This is not only limited to new lines but also the updating and building off of existing infrastructure.*

**PROPOSED RESOLUTION NO. 9** (Submitted by the CCAP Energy, Environment, and Land Use Committee) - The Association supports legislation that would provide or continue to provide incentives to invest in best management practices for agricultural operations and storm water management in order to reduce nutrient loads in Pennsylvania's waterways and enhance water quality.

*The Agriculture Conservation Assistance Program (ACAP) was created through the Clean Streams Fund established by the FY2022-2023 State Budget. ACAP provides financial and technical assistance for the implementation of best management practices (BMPs) on agricultural operations within the Commonwealth. With ACAP funding due to expire this year, a program that has been largely beneficial for counties like Westmoreland, this plank should be clarified to support existing programs in addition to any new programs developed.*

**PROPOSED RESOLUTION NO. 10** (Submitted by the CCAP Courts and Corrections Committee) - The Association supports legislation requiring the Commonwealth to pay the costs for the public defender's office, including permanent appropriations funding.

*In FY 2023-2024, the Fiscal Code created the Indigent Defense Advisory Committee within the PA Commission on Crime and Delinquency. The Committee was tasked with determining how \$7.5 million in state funds would be granted to counties to supplement, but not supplant indigent defense activities. The Courts and Corrections Committee recommends this additional language to reinforce the Association's position that funding should continue. However, the restrictions of the funding being awarded by grant and only for supplementation, not supplantation, created difficulties for counties, and the Committee remains firm in the broader position of full state funding. Additionally, while the Committee agrees with the need for parity between defense and prosecution, further amendment clarifies that the intent of the resolution was not to require counties to offer the same salary to public defenders as to district attorneys.*

**PROPOSED RESOLUTION NO. 11** (Submitted by the CCAP Broadband Task Force) - The Association supports an extension of the Broadband, Equity, Access and Deployment (BEAD) program until prior broadband funding proposals and project information is available to ensure broadband funding is driven out to unserved areas of greatest need.

*Counties have long been advocates of broadband funding but have continued to express fear of project overlaps and areas of greatest need being left unserved. With the delayed release of the Broadband Infrastructure Project (BIP) maps for awarded projects, counties do not feel there is sufficient information to proceed with the BEAD application process. Moreover, counties believe that the BEAD timeline is too short with unclear guidelines and hope to see the process get pushed back to 2025 as preparation work is nearly impossible to complete in the current timeframe.*

**PROPOSED RESOLUTION NO. 12** *(Submitted by the CCAP Technology Committee and the CCAP Broadband Task Force)* - The Association strongly advocates for state initiatives aimed at enhancing and streamlining broadband infrastructure implementation by empowering providers and local government entities. This includes, but is not restricted to, streamlining processes for pole attachments, securing right-of-ways, and maximizing the utilization of existing infrastructure both above and below ground.

*As broadband development efforts continue and grant funding becomes available, counties believe there ought to be minimal roadblocks to infrastructure deployment to ensure quick and timely project completion.*

**PROPOSED RESOLUTION NO. 13** *(Submitted by the CCAP Emergency Management & Veterans Affairs Committee)* - The Association opposes county assumption of responsibility for provision of fire and EMS services; rather, the Association supports an option for creation of a county authority with municipal participation or a fully multi-municipal authority to provide regionalized emergency response services on behalf of and in cooperation with all or part of the municipalities within a county, with the following parameters:

- a. Potential creation of an authority to provide and manage the service(s), either directly, by contract, in partnership with municipalities, or in some combination;
- b. Prioritize improving access to service and system efficiencies;
- c. Services may include fire and/or EMS (QRS, BLS, ALS);
- d. Services may be provided for all municipalities, or select municipalities based on criteria including among others demographics, fiscal capacity, regional contiguity, service response areas and expression of need;
- e. Development of the scope and nature of service in consultation with its municipalities;
- f. Determination on full time and part time, and volunteer staffing configurations, and whether provided directly or through a contracted third party;
- g. Alignment with other regional providers, including hospitals, trauma centers, police, State Police and others;
- h. Funding sources and methodologies, including among others direct payment by municipalities, authorization and allocation of dedicated municipal emergency services millages, authorization of a dedicated county emergency services millage or per capita levies, provider billing and payment, subscriptions, and state and federal funding sources;
- i. Provide for municipal agreement and participation by vote of the governing bodies of the municipalities in the county or, if less than countywide, in the service region; and
- j. The potential development of a partnership with local schools to offer entry level training for firefighters and EMTs to encourage our youth in career pathways and volunteerism of emergency response.

*Recent legislative discussions have continued to explore proposals related to the fire and EMS crisis in Pennsylvania. Most recently, there have been discussions surrounding county-wide fire service, which would put funding and operational service provision of fire at the county level. The committee amended the plank to clarify counties do not want to assume responsibility of fire or EMS, rather can serve as solution conveners only.*

**PROPOSED RESOLUTION NO. 14** *(Submitted by the CCAP Courts & Corrections Committee) -*

The Association opposes the expansion of sheriff powers; however, To the extent that sheriff powers are expanded by the legislature, courts, or otherwise, legislation should be developed to:

- a. Provide for prior budgetary approval by the county governing body before expansion of additional powers;
- b. Require policy development and operating procedures for expanded powers prior to implementation;
- c. Specify that expanded powers are permissive but not mandatory, making expansion of powers discretionary on a county-by-county basis, rather than requiring expansion statewide;
- d. Ensure guidance is created that counties may utilize during implementation of expanded powers, including but not limited to scope of authority, need, process for implementation, and cooperation and coordination with local law enforcement;
- f. Require training on expanded functions, with reimbursement for full training costs pursuant to 71 Pa. Stat. § 2109;
- g. Place the sheriff's department under statutes, when applicable, to municipal police administration;
- h. Define liability and indemnification;
- i. Preserve the integrity of the county governing body's responsibility to execute contracts and to establish fees for the sheriff's department, negotiate terms to provide services with municipalities, determine reimbursement for services or special taxing authority to cover costs, and provide a mechanism requiring notice and municipal approval or acknowledgement.

*Expansion of sheriff powers continues to be raised legislatively, with HB 2004 proposed in February 2024 that would define sheriffs' deputies as police officers, and the Courts and Corrections Committee reviewed the past stance of the Association during its work in this area. The committee believes that any potential expansion should be approached with cooperation and careful coordination of the county's governing body, local and state law enforcement, and any municipalities wishing to contract additional services. Any expansion should further be a county-by-county decision that meets their local needs. Further amendment emphasizes counties' primary position is opposition to expansion of sheriff powers.*

## **CONSENT AGENDA**

The consent agenda, which contains primarily existing Platform elements scheduled for periodic review and minor technical or editorial changes, was adopted by the full CCAP membership pursuant to the Association's bylaws procedures at the 2024 Annual Conference Business Meeting on August 6, 2024.