

**BOROUGH OF BATH,
Northampton County, Pennsylvania**

**RESOLUTION NO. 2023-010
(Duly adopted July 10, 2023)**

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF BATH, NORTHAMPTON COUNTY, PENNSYLVANIA OPPOSING HOUSE BILL 684; AN ACT AMENDING TITLE 44 ENTITLED LAW AND JUSTICE; CREATING A FEE FOR SERVICE ON MUNICIPALITIES FOR MUNICIPAL PATROL SERVICES PROVIDING PART-TIME AND FULL-TIME COVERAGE BY THE PENNSYLVANIA STATE POLICE; AND COMPELLING THE STATE LEGISLATURE TO CONSIDER ALTERNATIVES OR TAXING LAW AMENDMENTS

WHEREAS, according to the Pennsylvania Department of Community and Economic Development (PA DCED), Pennsylvania has the most municipal police departments of any state in the country; and

WHEREAS, according to PA DCED, 67% of the municipalities in Pennsylvania rely on Pennsylvania State Police (PSP) patrol coverage in lieu of full-time local police forces; and

WHEREAS, according to a Pennsylvania legislative memorandum submitted by Representative P. Michael Sturla dated January 23, 2023, entitled, *'Fee for Municipalities on Pennsylvania State Police Coverage'*, the area covered by PSP encompasses 82% of the Commonwealth's land mass, only benefiting 25% of the Commonwealth's population; and

WHEREAS, House Bill 684 (HB684) has been drafted to amend Title 44 entitled *'Law and Justice'* of the Pennsylvania Consolidated Statutes, imposing a fee for service on municipalities for municipal patrol services provided by PSP and providing for PSP patrol services agreements, for allocation of funds, for fees for intermunicipal police response and for penalties; and

WHEREAS, HB684 creates another unfunded mandate on a quarter of Pennsylvania's residents, impacting the lower assessed property value communities, among others, that rely on PSP for police coverage free of charge; and

WHEREAS, according to a research report commissioned by Dauphin County Commissioners dated December 2015 written by the Police Executive Research Forum (PERF) of Washington, D.C., entitled '*Dauphin County Police Services Study*' finding, of the Pennsylvania municipalities with local police departments, 83% of those agencies are staffed with under 10 police officers; and

WHEREAS, PERF reported the United States President's Commission on Law Enforcement and Administration of Justice in 1967 was one of the first national reports recommending that each metropolitan area and each county should act to pool or consolidate police services; and

WHEREAS, PERF reported that policing agencies with fewer than 10 officers work hardships on nearby jurisdictions; the Advisory Commission on Intergovernmental Relations in 1971 advised that small local police departments, particularly those with 10 or fewer officers, are unable to provide a wide range of patrol and investigative services to local citizens; further, the National Advisory Commission on Criminal Justice Standards and Goals in 1973 suggested recombination, specifically consolidating police departments with less than 10 full-time officers; and

WHEREAS, Pennsylvania municipalities without local police protection and those enabled with departments to be staffed with fewer than 10 officers also rely on the free patrol coverage of PSP to meet fiscal constraints; and

WHEREAS, the Commonwealth fails to allow pooling of policing services under a county-wide system, in contradiction to what has long been identified in American policing as a viable solution to the mounting and redundant costs of providing duplicative policing services, especially in Pennsylvania's law enforcement system; and

WHEREAS, with exception to Pennsylvania's 2nd Class County Code (only Allegheny County is authorized to operate county police) as current law does not allow for the consolidation of county-wide policing, further restricting police consolidation options that could otherwise provide cost benefits to Pennsylvania taxpayers and lessen the over-reliance on PSP services; and

WHEREAS, implied by HB684, municipalities will pay into the PSP system using revenue generated from taxes such as Act 511 (earned income and local service taxes) and real-estate property taxes; and

WHEREAS, according to a report dated October 2022 issued by the Pennsylvania Economic League (PEL) entitled, *'It's not 1965 Anymore: State Tax Laws Fail to Meet Municipal Revenue Needs'* the borough and many municipalities in the Commonwealth are bound to Act 511 taxing law established in 1965, which is antiquated and does not provide a means to collect revenues reflective of current market trends let alone keeping pace with more state mandates; and

WHEREAS, according to PEL's 2022 report, similarly, with respect to real-estate taxation, there are no Commonwealth laws that incentivize or mandate counties to conduct regular property re-assessments to represent present day real estate values and ensure fairness; and

WHEREAS, according to PEL's 2022 report, Pennsylvania counties vary widely on most recent assessed valuations, which in some cases are decades old; and

WHEREAS, the borough, falling within Northampton County, Pennsylvania, a county that has not performed property assessments since 1995; and

WHEREAS, PEL's 2022 report underscores the problem with property assessment values decades old are increasingly distanced from market values, thereby prohibiting municipalities from securing naturally occurring growth; and

WHEREAS, the inability to secure naturally occurring revenue growth is cutting off a municipality's tax revenue potential and therefore, from providing police protection, among other public services; and

WHEREAS, due to the limited policing consolidation options, taxation laws that have not caught up with present day economic conditions, or unrestricted and outdated real-estate property assessments, all of which impact public service affordability and delivery; and

WHEREAS, HB684 does nothing to address the core issues stated herein and will only exacerbate financial hardships against municipalities such as the borough, and is therefore strongly opposed.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by Council of the Borough of Bath opposes HB684 and that state legislature consider the following:

1. The County Class Codes should be amended with enabling legislation for the exploration of county-wide policing proposals or for County Sheriff's Departments to provide police services where local police departments are either under-staffed or not established at all.
2. The state legislature considers meaningful amendments to Act 511 taxation law as provided by the PEL report dated October 2022. Pennsylvania municipalities should not be forced to take on additional unfunded mandates without legislatively guaranteed tools for generating revenues in covering new impositions.
3. Create ways for local municipalities, should they desire, to conduct timely property reassessments. Providing for agreements between municipalities and PA DCED or contracts with PEL to perform reassessments, independent of host counties that neglect to perform property reassessments on a timelier basis. Or mandate counties conduct reassessments on a timelier basis.
4. To finally recognize the issue of paying for PSP patrol coverage is a multifaceted problem. To consider a comprehensive package of legal changes designed to address more than simply tacking on a PSP fee for services, which only harms municipalities; pitting agencies to maintain fiscal relevance against an irrelevant tax code or the inability to explore broader, county-wide police regionalization methods.

DULY ADOPTED this 10th day of July 2023, by Council of the Borough of Bath,
in lawful session duly assembled.

Attest:

COUNCIL OF THE BOROUGH OF BATH



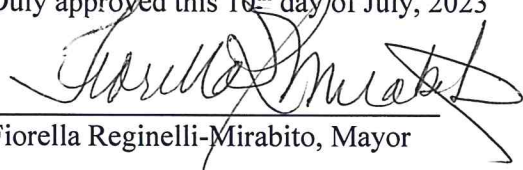
Bradford T. Flynn, Secretary

By



Michele S. Ehrgott, President

Duly approved this 10th day of July, 2023



Fiorella Reginelli-Mirabito, Mayor

CERTIFICATE

I, BRADFORD T. FLYNN, the undersigned, Secretary of the Borough of Bath, Northampton County, Pennsylvania (the "Borough") certify that the foregoing is a true and correct copy of a Resolution of the Borough which was duly enacted by affirmative vote of the majority of the members of the Borough Council at a meeting duly held on July 10, 2023, and that said Resolution remains in effect, unaltered and unamended, as of the date of this certificate.

I further certify that Borough Council met the advance notice requirements of Act No. 93 of the General Assembly of the Commonwealth of Pennsylvania, approved October 15, 1998, by advertising the date of said meeting and posting a notice of said meeting on the bulletin board at the Municipal Building, 121 South Walnut Street, Bath, Pennsylvania, the place of the meeting.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough this 10th day of July 2023.



Bradford T. Flynn, Secretary