

PENNSYLVANIA

COUNTY GOVERNMENT OVERVIEW

Counties

67

Government Form

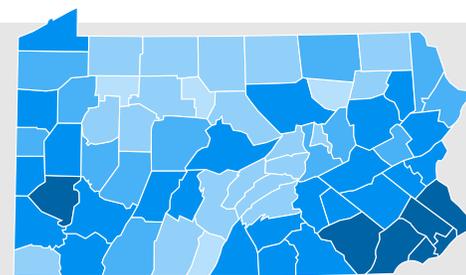
Mixed¹

Governing Body Size

General Law Counties: 3
 Charter Counties: 3 or more

Population (2020)

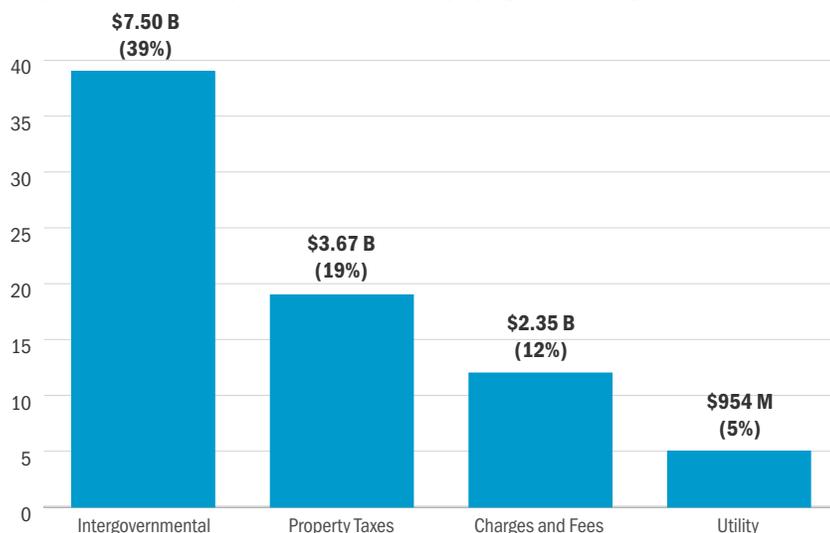
13 million²



County Authority

Mixed/Restrictive (Mostly Dillon's Rule): Most Pennsylvania counties are governed under Dillon's Rule and therefore only have powers authorized by the state legislature, but the state also allows counties to adopt home rule charters. The adoption, amendment or repeal of a home rule charter must happen by referendum and therefore requires approval by county voters. Counties with home rule charters may exercise any power or perform any function that is not denied by the state constitution, by its home rule charter or by the general assembly of Pennsylvania. Of the 67 counties, eight have adopted home rule charters.

TOP REVENUE SOURCES FOR PENNSYLVANIA COUNTIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017

¹“Government Form” refers to the distribution of executive decision making authority in a county. “Traditional” county states mandate that counties exercise executive decision making power solely through the board of elected officials (commissioners, supervisors, etc.). “Reformed” county states mandate that counties employ an elected or appointed county executive, manager or similar position to take on at least some of the county’s executive decision making authority. “Mixed” county states means that some counties in that state are “traditional” and some are “reformed.”

²NACo Analysis of U.S. Census Bureau - 2020 Decennial Census

Summary of County Services

Services counties MUST provide:

- Establish an emergency management agency.
- Maintain a county courthouse.
- Administer elections.
- Jointly provide mental health treatment facilities with the state.

Services counties MAY provide:

- Create housing authorities.
- Establish district health departments.
- Repair and maintain county roads and bridges.
- Provide services related to parks and recreation.

Services counties CANNOT provide:

- Provide gas and electric utilities.
- Create school districts.

STRUCTURE/AUTHORITY

SUMMARY

Most of Pennsylvania’s counties are classified as either third, fourth, fifth, six, seventh, eighth class or second class A based on the county’s population. Due to population size, Philadelphia City-County is the only first class county in the state and Allegheny County is the only second class one. The main purpose of this classification is to overcome the constitutional prohibition of “special laws” or laws pertaining to a single governmental unit. While non-charter counties have a three-member board of county commissioners that serves as both the executive and legislative decision-making authority, charter counties may choose alternative forms of government, such as a county council, and have the option to elect a chief executive officer.

Row Officers	Elected/ Appointed	Mandatory/ Optional
Auditor	Elected	Mandatory
Controller*	Elected	Mandatory
Coroner	Elected	Mandatory
Court Clerk	Elected	Mandatory
District Attorney	Elected	Mandatory
Prothonotary	Elected	Mandatory
Recorder of Deeds	Elected	Mandatory
Register of Wills	Elected	Mandatory
Sheriff	Elected	Mandatory
Treasurer	Elected	Mandatory

*Every 2nd-5th class county has an elected controller, no elected auditor. State law provides for the election of three auditors rather than a controller in 6th, 7th and 8th class counties. However, those counties may establish through referendum the office of county controller, thereby abolishing the office of auditor.



COUNTY STRUCTURE

Legislative Branch: Non-charter counties are governed by a board of commissioners. Charter counties may have an alternate form of legislative authority, such as a county council, which may have 3 or more members.

Executive Branch: In non-charter counties, the board of commissioners serves as the executive authority. Home rule charter counties have the option of an elected chief executive officer. All counties also have the option of an appointed chief administrator or chief clerk which serves in a management capacity but holds no executive authority.

Judicial Branch: Pennsylvania’s judicial system consists of the superior court and commonwealth court which serve as the statewide intermediate appellate courts. The superior court reviews appealed civil and criminal cases from the court of common pleas, which operates out of 60 judicial districts that serve one or more counties. The courts of common pleas are the primary courts in Pennsylvania and have jurisdiction over misdemeanors and felony criminal cases.

Optional Forms of Government:

- Board of Commissioners
- Charter counties may have an alternate form of governing body and array of row officers.



COUNTY AUTHORITY

Executive Power: In non-charter governments, the board of county commissioners constitutes the chief governing body of the county and has both administrative and policy-making authority. The county commissioners are empowered with selective policy-making authority to provide services and facilities on a county-wide basis.

Ability to Form Partnerships: Counties may pursue partnership development and stakeholder collaboration to improve the flexible delivery of public services.

Call a State of Emergency: Counties must establish a local emergency management organization in accordance with the Pennsylvania emergency management agency and are responsible for all planning and recovery coordination within their territorial limits. Counties may also declare a state of emergency if a disaster is happening or imminent.

Special Districts: Pennsylvania has close to 1,700 special districts, with approximately 13 different types that serve as independent governments. Some of these districts are conditional on the city or county’s classification.

SERVICES

OVERVIEW OF COUNTY SERVICES

Pennsylvania non-charter counties may have limited autonomy but are still authorized by the state to provide many important services. Counties provide 911 services, administer elections, manage property assessments, manage jails and courts and support transportation infrastructure. Counties are mostly restricted to their own territorial limits, as municipal authority supersedes that of a county in certain services such as zoning. The state government holds authority over the establishment and coordination of senior care services, welfare administration and services related to road maintenance and construction. Several counties have also developed integrated departments of human services to manage the county's overall human services functions. This protects the county and the citizens from administrative duplication, and develops strong staffing capacities at the county government level.



HEALTH AND HUMAN SERVICES

County Health Department: Counties **may** establish health departments and join with one or more counties to form regional health departments. Most Pennsylvania counties, however, do not currently have health departments.

Hospitals: Counties **cannot** establish hospitals.

Senior Care Facilities: The **state** is responsible for coordinating and financing services for seniors. Counties **may** however, contribute funds to the 52 Area Agencies on Aging that administer programming and grants for senior services. Some counties also have county-owned nursing homes and provide additional support services.

Mental Health Facilities: Counties **must** administer mental health and developmental disabilities programs either individually or in groups of two or more counties called "joinders."

Child Welfare: Counties **must** establish children and family support services, including youth centers, group homes, residential community care centers and child abuse investigations. Counties may be reimbursed by the state for the majority of the costs incurred in the delivery of children and family services.

Welfare: The **state** department of human services is responsible for the administration of welfare services within the county. The county board of commissioners **must** reimburse the state department on a monthly basis for the cost incurred from welfare service delivery within the county.



INFRASTRUCTURE

Roads: Counties **must** maintain over 4,000 county-owned bridges, but play a minimal role in overall road administration. The **state** department of transportation and municipalities are primarily responsible for maintaining and repairing public roads, but the state may also give counties permission to provide these services.

Mass Transit and Paratransit: Larger counties **may** be responsible for fixed route mass transit systems. Smaller counties, however, tend to primarily focus on paratransit needs for transporting seniors and mental health clients.

Utilities: The **state** public utilities commission is responsible for determining state utility policies and regulating rates for electric and gas services. Utilities such as water treatment and solid waste management are a function of municipalities, specific utility authorities and private firms; however, counties do provide a county solid waste plan and may offer supplemental recycling services.

- **Electric:** Counties **cannot** provide electric service.
- **Gas:** Counties **cannot** to provide gas service.

SERVICES, CONTINUED



PUBLIC AMENITIES

Parks and Recreation:

Counties **may** provide services related to parks and recreation. A board of commissioners may designate land to be used as a park or for other recreational purposes. The board may also determine the need for a fair board, park board or recreation board to provide supervision of the related services and, if so, must appoint the board members.

Libraries: The county board of commissioners **may** establish and levy a library tax to provide library services within the county jurisdiction if the local governing body does not already provide the service.

Morgues: County commissioners **may** buy or lease land to construct and maintain a morgue to support the duties of the county coroner.



ZONING AND DEVELOPMENT

Zoning Power: Counties **must** develop a county-wide comprehensive plan to provide guidance for both county and municipal governing bodies on strategic developments and land use regulations. Counties, however, cannot exercise zoning power in areas within their jurisdiction where a municipality has not already passed a zoning ordinance. Municipalities tend to be responsible for land use regulation.

Zoning Restriction: County zoning regulations **cannot** supersede that of a municipality within the county.

Housing Authority: Counties **may** appropriate funds to establish a housing authority. The authority is then responsible for ensuring safe and sanitary dwellings within the county and providing a supply of affordable and sufficient housing for low-income residents.

Workforce Development Boards: Counties **may** contribute funds to their regional Workforce Development Board (WDB) to be administered within their region. The WDB system is divided into 23 regions that administer a mix of federal, state and local funding within their jurisdictions.



SCHOOLS

Education, Generally: The **state** board of education is responsible for establishing and enforcing education policies. It is the responsibility of the General Assembly to establish an effective public education system and levy the necessary funds to do so. School districts are independent from counties and municipalities.

School Boards: Counties **cannot** create a school board or district. The school board is a wholly separately elected entity from local government.

Community Colleges: Counties **may** apply to sponsor a community college with the state. If approved, counties may form special districts to levy taxes and the state must reimburse counties for costs incurred to create the college.

Cooperative Extension Programs: Counties **may** partner and share funding with federal, state and county governments to form cooperative extension programs for youth and adults in a county. The programs are based on critical issues identified by citizens who serve on program planning committees at the county level.

SERVICES, CONTINUED



PUBLIC SAFETY

Law Enforcement: Counties **must** have a sheriff who primarily processes and transports prisoners as an officer of the court. Municipalities and the state provide local law enforcement through police departments.

Jails: Counties **must** fund the establishment and operation of correctional facilities.

Courthouses: Counties **must** provide and maintain a county courthouse within the county seat. Counties also provide for the trial court system (the courts of common pleas).

Emergency Management Agency: Counties **must** establish and maintain an emergency management agency and develop a county emergency management plan and program.

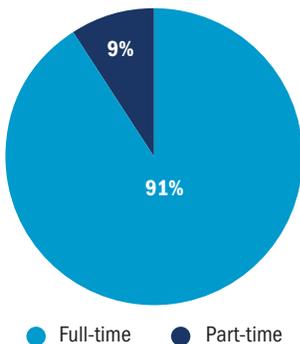
Emergency Communication: Counties **must** provide 9-1-1 emergency response services to serve all residents in the county area.

Ambulance: The **state** emergency medical services system is responsible for ambulance services. Counties cannot provide emergency medical services.

Fire: Counties **may** provide a fire training school. Fire protection agencies and departments, however, are provided by municipalities.

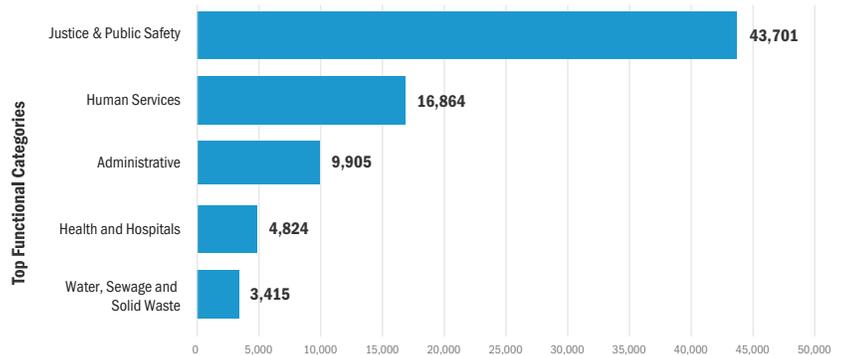
Flood Control: Counties **may** administer flood prevention by regulating and improving flood control on rivers, storm water drainage systems and other potential flood hazards. Counties may also enter into agreements with the secretary of defense and other public authorities.

PENNSYLVANIA COUNTIES EMPLOY 90,384 GOVERNMENT EMPLOYEES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

PENNSYLVANIA COUNTY GOVERNMENT EMPLOYEES BY TOP FUNCTIONAL CATEGORIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

TAXATION/FINANCES

OVERVIEW OF COUNTY FINANCE STRUCTURE

While some Pennsylvania counties have home rule power, counties **cannot** levy any tax unless expressly authorized by the state. Counties may levy a real estate tax on assessed value of all taxable property. Only Philadelphia and Allegheny counties may levy a general sales tax on all taxable sales and services. Counties may take on debt to provide county services or improve facilities with the approval of a majority of residents.



FINANCES, TAXES AND LIMITATIONS

Property Tax: Counties **must** levy a tax on all annually assessed real estate to provide for general county services.

Personal Property: Counties **cannot** levy taxes on personal property.

Income Tax: Counties **cannot** impose income taxes.

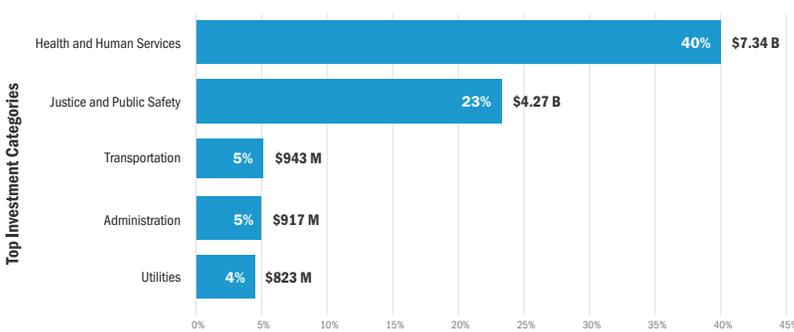
Sales Tax: Only Philadelphia and Allegheny counties **may** impose a sales and use tax on all applicable goods and services.

Mineral Tax: Counties **may** assess the value of land with coal on it and levy real estate taxes accordingly.

Gas/Fuel Taxes: Counties **cannot** impose gas or fuel taxes.

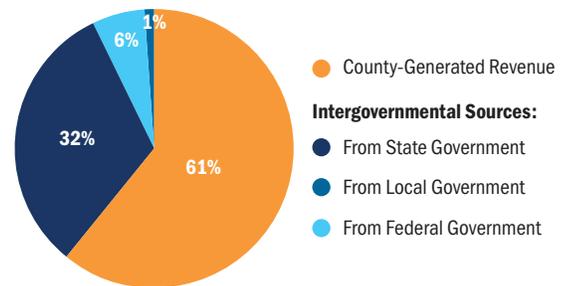
Debt and Debt Limit: Residents of a county **may** elect to approve bonds that do not exceed 300 percent of the base borrowing power of the county. Counties may also take on an additional 100 percent of debt if the county is operating major services, including public health services, water pollution control, flood control, water supply, sewage and public transportation.

PENNSYLVANIA COUNTIES INVEST \$18.3 BILLION ANNUALLY



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017

PENNSYLVANIA COUNTIES RECEIVE \$7.5 BILLION FROM INTERGOVERNMENTAL SOURCES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017