

## RESOLUTION

Resolution of the County of Allegheny, Commonwealth of Pennsylvania, urging the Pennsylvania General Assembly to act promptly to amend the Second Class County Code, Article XIX (F) § 4980.2 to eliminate the ability of political subdivisions to receive a one hundred five percent windfall and require revenue neutral budgeting by those taxing jurisdictions.

**WHEREAS**, Article XIX (F) § 4980.2 of the Second Class Code provides that, following a reassessment or change in established predetermined ratio, a political subdivision shall reduce its tax rate to ensure that the total amount of property tax revenue received as a result of the reassessment or change in the predetermined ratio does not exceed one hundred five percent of the revenue received the prior year; and

**WHEREAS**, the “anti-windfall” provision gives political subdivisions the ability to reap a back-door tax increase without having to make any public vote to increase the amount of revenues received following a reassessment or change in predetermined ratio; and

**WHEREAS**, because there is no enforcement mechanism for the anti-windfall provision, taxpayers have no remedy when political subdivisions violate the provisions of § 4980.2 as was done following the last reassessment, and have an additional burden placed upon them simply as a result of a reassessment; and

**WHEREAS**, while the County can take steps to ensure that its own budget proceedings are revenue neutral, and pledges to do so, there is little opportunity or ability to ensure that the municipalities and school districts in Allegheny County take the same responsible steps; and

**WHEREAS**, the only means to ensure that taxpayers are protected from back-door tax increases as a result of a reassessment or change in predetermined ratio is by making appropriate amendments to the Second Class County Code; a measure that this Council wholeheartedly supports and advocates;

***The Council of the County of Allegheny hereby resolves as follows:***

### **SECTION 1.**

The Pennsylvania General Assembly is urged to act quickly to amend the Second Class County Code, Article XIX (F) § 4980.2 to eliminate the ability of political subdivisions to receive a one hundred five percent windfall and require revenue neutral budgeting by those taxing jurisdictions.

**SECTION 2.**

The Council of Allegheny County further resolves that this Resolution be provided to the Governor and Members of the General Assembly from Allegheny County as an expression of this County's desire to see the elimination of the one hundred five percent windfall and require revenue neutral budgeting.

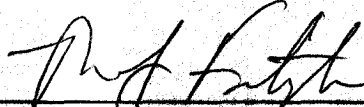
**SECTION 3.** *If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.*

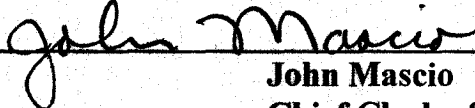
**SECTION 4.** *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.*

**SPONSORED BY COUNCIL MEMBER PRICE**


Enacted in Council, this 5<sup>th</sup> day of April, 2005


Council Agenda No. 1908-05

  
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**Rich Fitzgerald**  
President of Council

Attest:   
\_\_\_\_\_  
**John Mascio**  
Chief Clerk of Council

Chief Executive Office April 11, 2005

Approved:   
\_\_\_\_\_  
**Dan Onorato**  
Chief Executive

Attest:   
\_\_\_\_\_  
**Donna Beltz**  
Executive's Secretary