



# **THE AMERICAN COUNTY PLATFORM AND RESOLUTIONS 2013-2014**

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# NACo POLICY PROCESS

The National Association of Counties (NACo) is the only national organization representing county government in the United States. Its membership includes urban, suburban, and rural counties.

NACo is governed by its member counties through a weighted voting system based on dues, which are based on population. Member counties elect officers and a board of directors at the annual conference.

## NACo VISION

NACo, with the creative involvement of its membership, will develop the leadership, programs, and services necessary to enable counties to:

- meet the challenges of the 21<sup>st</sup> century;
- manage rapid change; and
- assist their citizens in achieving a better quality of life.

A collaborative partnership, involving government, health, education, business, and the community is essential to achieve this vision.

NACo recognizes that economic opportunity, environmental integrity, and societal equity are the foundation upon which counties can build a better quality of life for our citizens. As locally elected representatives, county officials have a significant responsibility to provide leadership that will seek community-based solutions to strengthen their own counties. NACo supports the following values that can lead to development of sustainable communities:

- Economic vitality is crucial to the health of every community.
- Natural, scenic, cultural, and historic resources are important community assets.
- Choices should be made to accommodate economic development while preserving vital natural environmental systems.
- The process of arriving at a community vision should be open and inclusive and reflect the diverse population of the community.
- Because communities and their surrounding areas are interdependent, there is a need for collaborative approaches to problem solving.
- Safe, healthy, and clean communities are necessary to ensure a high quality of life for their citizens.
- Community stability and social well-being go hand in hand.

## BOARD OF DIRECTORS

The board of directors has general supervision, management, and control of the business of the association and sits as the resolutions committee. The board approves the NACo work program and budget and makes interim policy between annual meetings. Board members serve for one year and must come from member counties.

The board is composed of the following members who are member-elected: the president, two vice presidents, immediate past president, one elected county official from each state having a NACo member county, one additional elected county official from each of the ten states having the largest representation in NACo, and one additional elected county official from each state having 100 percent of its counties as members of NACo (and having at least forty-five weighted votes). The board also includes one member elected by the Western Interstate Region, one director elected by each NACo affiliate organization, four regional representatives, the chairs of the Rural Action Caucus (RAC) and Large Urban County Caucus (LUCC), and ten at-large directors appointed by the president to balance perceived race, sex, or urban/rural inequities. Nominations for state representation, regular and at-large, are submitted by state associations of counties to a nominating committee appointed by the NACo president.

## **POLICY MAKING**

NACo has three forms of policy pronouncements: the *American County Platform*; policy resolutions passed by the members at the annual meeting; and Board resolutions on policy passed by the board of directors between annual meetings.

1. The *American County Platform* is NACo's permanent policy document. When necessary, it is amended at the annual meeting. Divided into substantive policy areas covered by eleven policy steering committees, the platform reflects the philosophy and broad objectives of NACo's membership.
2. Policy resolutions are generally single-purpose documents addressing a specific issue or piece of legislation. Resolutions draw attention to a topic of current concern, clarify parts of the broadly worded platform, or set policy in areas not covered by the platform. These resolutions are valid until the next annual meeting, at which time they are reviewed by the appropriate steering committee and considered for inclusion in the platform. If they are not readopted or included in the platform, they expire.
3. Board resolutions are passed by the board between annual meetings and are valid until the next annual meeting, at which time they are reviewed by the appropriate steering committee and considered by the board and the general membership or they expire.

When necessary, the executive committee may make interim policy decisions between board meetings, provided the policy is not in opposition to an adopted policy of the board of directors or the membership.

The eleven steering committees propose platform changes and resolutions to the board of directors, sitting as a resolutions committee, which reports the proposals to the membership at the annual business meeting. No platform change or resolution can be brought before the full NACo membership for discussion or debate unless it has been submitted to the appropriate steering committee. However, issues which clearly do not fit within the jurisdiction of an established steering committee may, at the discretion of the president, be brought before the resolutions committee. Because issues can be crosscutting among policy steering committees, more than one committee may review a resolution or platform change.

Issues which have been addressed by the resolutions committee may then be brought before the general meeting. The membership is the ultimate arbiter of what will or will not be NACo policy. The NACo staff carries out the policy of the association and represents counties only on those issues which have been approved through the policy process.

The LUCC and RAC may propose policy to the appropriate committee of jurisdiction, but does not have the authority to enact or recommend policy to the board of directors.

The *American County Platform* and policy resolutions contained in this volume have been adopted by NACo members. The platform and resolutions are carefully considered statements of the needs and interests of county governments throughout the nation; they will serve as a guide for NACo members and staff in the year ahead as they appear before legislative and administrative agencies to present the views of county governments.

## **PROCEDURES FOR SUBMITTING AND CONSIDERING NACo RESOLUTIONS**

The NACo resolutions process provides the membership with the ability to create national policies affecting county governments. The process is intended to be as open as possible, in order to allow participation from the entire membership. There are, however, some guidelines to ensure that the process is a relatively orderly one. These guidelines are as follows:

**Submitting Resolutions:** Resolutions and platform changes must be sent to the steering committee staff person or NACo Legislative Director at NACo headquarters 30 days prior to a NACo conference in an editable electronic format. These resolutions may be introduced at NACo conferences, including the Annual Conference, Legislative Conference or, in some cases, any other conference where the NACo Board of Directors convenes.

Resolutions should, if possible, be no more than one page in length and be simply and directly written. They should include an “**Issue**” statement, a “**Proposed Policy**” statement, a factually accurate “**Background**” statement and a “**Fiscal/Urban/Rural Impact**” statement if possible. For those without a specific impact statement, the NACo steering committee staff will develop an appropriate statement prior to submittal to the Board. For resolutions, the “Issue” statement should in a short sentence state the purpose of the resolution, the “Proposed Policy” section should specify a position or action by NACo and/or other entities, the “Background” section should clearly outline the county interest in the particular issue, and the “Fiscal/Urban/Rural Impact” section should attempt to address potential impacts for counties in these areas, if known. Resolutions cannot overrule platform language, which has been ratified by the membership. NACo staff may make necessary changes to the resolutions to ensure that they are in the proper format.

The NACo Legislative Director, in consultation with the steering committee staff person, shall make a preliminary decision as to which steering committee(s) to initially refer the proposed resolution, subject to review by the Policy Coordinating Committee at the conference.

**Distribution of Resolutions:** No later than 14 days prior to the Legislative and Annual conferences, all proposed resolutions pertinent to a steering committee and those acted upon at a previous NACo conference which need final disposition by the NACo Board and general membership will be mailed to members of the appropriate steering committee. The steering committee chairs, vice-chairs, subcommittee chairs and vice-chairs will be mailed material containing all steering committee resolutions and platform changes to be considered at a conference.

**The Role of the Policy Coordinating Committee/Request for Referrals:** The Policy Coordinating Committee (PCC) consists of the chairs of each of the policy steering committees and the NACo Officers. It is the responsibility of this body to review all resolutions and determine, prior to the meetings of the full steering committees, whether there are resolutions which must be considered by more than one steering committee because of a policy issue that cuts across steering committee jurisdictions.

The first meeting of the PCC is typically held at the end of the first day of the conference. Prior to, or during the first PCC meeting, it is the responsibility of steering committee chairs to request, through the NACo Legislative Director and the presiding NACo Officer, the opportunity to consider a resolution that has not been previously referred to it by NACo staff. If a subcommittee chair is interested in considering a resolution that was not referred to the full steering committee, he/she must, prior to the first PCC meeting, ask the steering committee chair to consider requesting a referral of the resolution.

For resolutions that have been referred to another committee, time must be made available at the steering committee meeting for the sponsor of the resolution or his/her representative to explain its intent. This presentation may also be made at a subcommittee, but it shall not replace the presentation at the full steering committee.

**Emergency Resolutions Submitted After the 30 Day Time Limit:** Steering committees may also consider other resolutions or platform changes that were not submitted within the 30 day time limit. These so-called “emergency” resolutions are federal legislative or regulatory matters that could not have been foreseen 30 days prior to the conference, and is an issue of a timely nature that NACo should consider action immediately. Inaction on the part of a submitter is not grounds for an emergency resolution.

Steering committees receiving emergency resolutions or platform changes may consider them only if two-thirds of the steering committee members present vote to review them. This vote and the vote resulting in the adoption or defeat of the actual resolution must be tallied and reported to the PCC at the conclusion of all steering committee meetings.



If a steering committee, after a two-thirds vote to take action, considered and ultimately adopted a resolution that was not anticipated before the first PCC meeting, the PCC, at the request of any steering committee chair, may table the resolution for consideration until the next NACo conference. The request to table must be approved during the PCC meeting by a majority of the steering committee chairs or their designees or officers present.

**The Subcommittee's Role:** NACo subcommittees usually meet prior to their steering committee to both receive specific, detailed information about their issues and to consider resolutions for later disposition by the full steering committee. Most, but not all, resolutions are usually considered first in a subcommittee. The subcommittee may consider the resolution referred to it by the steering committee chair and make a recommendation, with a recorded vote, to the full steering committee on the disposition of the resolution. A subcommittee does not have the ability to table or defeat a resolution, thus prohibiting full committee consideration. There is no specific requirement for subcommittees to make recommendations.

**Platform Changes/Existing Resolutions:** Platform changes are considered only at the Annual Conference. As with resolutions, they must be submitted to the NACo legislative staff at least 30 days prior to the conference.

Each year resolutions will automatically be deleted from the *American County Platform* at the following Annual Conference. At that conference, those resolutions that are still relevant must be incorporated into platform language or offered 30 days in advance as a “new” resolution to be considered by the appropriate steering committee. Resolutions passed by the NACo Board at the Legislative Conference must be reviewed by the appropriate steering committee and recommended for ratification by the general membership, or be dropped. Resolutions cannot be used to overturn or modify existing language in the platform. Resolutions passed by the NACo Board at the Legislative Conference must be reviewed by the appropriate steering committee and recommended for ratification by the general membership, or be dropped.

**Presentation of Resolutions and Platform Changes to the NACo Board of Directors Sitting as a Resolutions Committee:** Each Steering committee chair will report to the Resolutions Committee the platform changes and resolutions adopted by the steering committee. They will also report on the proposed disposition of resolutions adopted at any previous conference. Steering committees should make every effort to settle disputes on resolutions before the meeting of the NACo Board of Directors. They should consider blending and amending the resolutions into one compromise proposal or they should table the issue for further discussion. If those alternatives are not acceptable to the steering committees that have differing views, then the disputed resolution(s) shall be presented to the Board of Directors after all other resolutions have been considered and acted upon. The representative of the steering committee that originally drafted the resolution shall present their resolution first, followed by a response and resolution from the other committee.

A steering committee chair shall report actions taken on all platform changes and resolutions, both as part of the resolutions “package” and during the chair’s report to the Board of Directors when it sits as a Resolutions Committee.

The chair’s report shall identify:

- those platform changes and resolutions that were adopted unanimously;
- those platform changes and resolutions that were adopted with some unrecorded “nay” votes; and
- those platform changes and resolutions that were adopted by roll call vote, announcing the “yeas” and “nays”.

**Minority Reports:** If a resolution is defeated during steering committee consideration, a one page minority report may be made on an action taken by roll call vote where the voting minority constituted at least 25 percent of those steering committee members present and voting. After announcing such a vote, the steering committee chair may allow a member of the minority to present the minority report to the Board for informational purposes only. No Board action is taken on the minority report.

## STEERING COMMITTEE NOMINATIONS PROCESS

Every spring, NACo calls for NACo steering committee nominations through the state associations of counties. Approximately one month before the NACo annual conference, county officials must submit their completed nomination forms to their state associations of counties. Generally, the President of the state association, in consultation with the state executive director, appoints state members to NACo's steering committees. Nomination forms are sent to the state associations of counties, along with a list of the current steering committee members from their state and a sample announcement they may use to notify their membership about the process and the deadlines for submitting nominations. Affiliate nominations to steering committees must also follow the same process.

Applicants are urged to mark their first and second choices of steering committees on the nomination form. The state associations of counties will submit names electronically by a deadline determined by the NACo Legislative Director.

**The Eight and Two Rule:** NACo will make every effort to accommodate the nominee's first choice of steering committee assignments. NACo will consider the state and regional balance on the steering committees and ensure that, at a minimum, the membership of each steering committee is at least two-thirds elected county officials. Only eight county officials from the same state will be appointed to any one steering committee, and no more than two persons from the same county may serve on any one steering committee. This does not include NACo presidential appointments.

Prior to the mailing of the appointment letters, the NACo staff will review the new steering committee rosters to ensure that there is geographic and demographic diversity within each committee and the above guidelines for membership by a state or county are followed.

**Appointments:** The NACo president will send each appointee a letter announcing their appointment to a steering committee. The NACo Legislative Director, Deputy Director, or an Associate Legislative Director will contact appointees with relevant information regarding the NACo policy process, committee membership links, schedules, American County Platform and other relevant information.

Steering Committee appointees will serve on the committee for one year and cannot transfer membership to another committee, or serve on more than one steering committee, during that year. (As with any other NACo member, however, the appointee is welcome to attend any other steering committee meeting to learn about its issues.) Committee appointees may serve simultaneously on NACo caucuses, standing committees, task forces, or ad hoc committees.

**Steering Committee Roles and Responsibilities:** Each policy steering committee has members who are nominated by state associations of counties and appointed by the NACo president for one year. The committee chair and subcommittee chair are generally elected officials who are appointed by the NACo president for one year. At least two-thirds of the members of each steering committee should be elected officials, but many committees have a much greater elected representation. Steering committees are responsible for studying issues, recommending new policy positions, and carrying out the *American County Platform* through advocacy activities.

Committees review problems facing counties, identify areas of concern to counties, and make suggestions for federal, state, and county involvement. They build county and state support for recommended revisions in federal rules and regulations and assist in building state association participation in policy formulation and implementation processes. Committees also advise the NACo board on priorities, strategies, and tactics involving federal legislation, rules, and regulations, and they participate in special rallies, conferences, and meetings of the association to advance the objectives of the committee.

Platform amendments and resolutions from member counties are submitted to the appropriate steering committee for review and recommendation. At least one NACo staff member is assigned to each steering committee to work with the committee chair in arranging meetings and determining agendas. Each steering committee reviews

legislation and issues within its jurisdiction. Committees usually meet at least twice a year, always at the annual conference and legislative conference. In many cases, informal arrangements are made for joint consideration of certain issues.

There are specific policy outreach expectations for every member of a steering committee. Each steering committee member needs to read and understand the established policy positions in the *American County Platform* within their respective jurisdictions. Each member also needs to be prepared to contact Members of Congress and Senators on important policy issues, both in Washington, D.C. and in the districts and state. They should be prepared to discuss and inform constituents about the importance of the policy positions taken by NACo, and suggest ways they can help. Steering committee members should be ready and able to contact local and state media outlets to inform and impress upon them the importance of the county positions on policy questions affecting their steering committee jurisdiction. This includes writing op-eds, letter to the editor, editorial boards, etc.

Members should also be prepared to convene meetings, participate in coalitions, and use the “bully pulpit” of elected office to inform a broader audience of the importance of NACo’s policy issues. Because many issues cut across jurisdictional lines, steering committees may provide oversight of platform amendments and resolutions from other committees that affect their areas of jurisdiction. The specific committee jurisdictions are:

- **Agriculture and Rural Affairs:** All matters pertaining to legislation and administrative actions affecting agriculture; rural development programs; rural renewable energy development; research and extension; food safety; and USDA conservation programs.
- **Community and Economic Development:** All matters pertaining to housing programs; community and economic development; public works including the creation of affordable housing and housing options for different populations; residential, commercial, and industrial development; and building and housing codes.
- **Environment, Energy and Land Use:** All matters pertaining to air, water, energy, and land use; including water resources/management, stormwater; pesticides; air quality standards; climate change; solid, hazardous, and nuclear waste handling, transport, and disposal; national energy policy; renewable/alternative energy; alternative fuel vehicles; energy facility siting; electricity utility restructuring; pipeline safety; oil spills; superfund/brownfields; eminent domain; land use; coastal management; oceans; parks and recreation.
- **Finance and Intergovernmental Affairs:** All matters pertaining to the financial resources of counties; fiscal management; federal assistance; municipal borrowing; county revenues; federal budget; federal tax reform; elections; and Native American issues.
- **Health:** All matters pertaining to public health and healthy communities, including disease and injury prevention and health promotion; health disparities reduction; financing delivering health care, including services for the uninsured, underinsured, and medically indigent; Medicaid; Medicare; long-term care; behavioral health services; substance abuse prevention and treatment; and services for persons with developmental disabilities.
- **Human Services and Education:** All matters pertaining to children’s issues; foster care; public assistance and income support; services to senior citizens and individuals with disabilities; immigration policy; social services; and elementary, secondary and post-secondary education.
- **Justice and Public Safety:** All matters pertaining to criminal justice and public safety systems, including criminal justice planning; law enforcement; courts; corrections; homeland security; community crime prevention; juvenile justice and delinquency prevention; emergency management; fire prevention and control; and civil disturbances.
- **Labor and Employment:** All matters pertaining to employer-employee relations, including personnel policy and practice; merit systems; collective bargaining; occupational safety and health; pension and retirement benefits; fringe benefits; unemployment insurance; workers’ compensation; public service employment; workforce development and job training programs; and vocational education.
- **Public Lands:** All matters relating to federally-owned public lands including federal land management programs; natural resource revenue sharing payments; payments in lieu of taxes; and property tax immunity concerns.

- **Telecommunications and Technology:** All matters pertaining to telecommunications and technology policy, including, but not limited to, the county role as a telecommunications regulator, service provider, and consumer; cable services technology and implementation; information technology development and implementation; information technology innovation; e-governance; and geo-spatial data collection and utilization.
- **Transportation:** All matters pertaining to federal transportation legislation, funding and regulation and its impacts on county government, including highway and bridge development, finance and safety; public transit development and finance; transportation planning; airport development and service; passenger and freight railroads; ports and waterways; freight movement; and research and development of new modes of transportation.

**Task Forces:** In addition to the eleven policy areas governed by steering committees, there are, occasionally and periodically, issues which impact the jurisdictions of several steering committees. Because these areas are not appropriate for limited consideration, they are often referred to special task forces for broader policy consideration than that offered initially by a single steering committee.

These task forces or other special review bodies, like steering committees, report their findings to the Board of Directors and the membership as a whole. Where permanent policy is required, the policies so adopted may be inserted into appropriate locations within the platform. Temporary or other impermanent policies are treated as general resolutions. Resolutions and platform changes recommended by a task force must be considered and adopted by the relevant steering committee(s) through the regular resolutions process.

# **AGRICULTURE AND RURAL AFFAIRS**

## **STATEMENT OF BASIC PHILOSOPHY**

The National Association of Counties (NACo) is concerned about the impact of national, state and local policies and decisions affecting rural counties. Approximately 17 percent of the nation's population lives in 2,051 counties deemed 'non-metropolitan,' or rural, according to the U.S. Census Bureau. There has been a serious loss of human and financial resources in many counties as a result of economic trends and governmental policies. Deterioration of infrastructure facilities and institutions, such as roads, health care and education systems, is prevalent in many rural counties. American agriculture and its related agribusiness remain a vital part of the U.S. economy as well as a major contributor to economic activity throughout the world.

Simultaneously, there are other industries that also are becoming an important part of the rural landscape. Long-term economic trends in rural communities show growth in the service and retail trade industries and a variety of other industries in recreation, food service, education, and health care.

Employment in the relatively high paying natural resources jobs, including farm proprietors, miners, and forest products workers have continued their downward trend. Companies requiring complex skills have often preferred to locate in urban areas where they can find a larger pool of trained workers and a higher concentration of services. Nevertheless, manufacturing accounts for more than 15 percent of rural jobs.

The spread of advanced technology in rural areas especially in communications may make rural areas more attractive in the future to companies offering higher wage jobs. Counties need to recognize the critical importance of technology and the need for an advanced telecommunications infrastructure.

Many rural counties are experiencing eroding tax bases, population loss and declining support from federal and state governments. Rural elected officials must recognize these challenges and provide an atmosphere conducive to rural economic development.

The United States federal government should enforce laws as written in a uniform manner nationwide. Further, the federal government should develop a comprehensive national rural policy that recognizes the challenges rural county governments are facing and increases the coordination among local, regional and state governments. In addition, the government should look to ways to streamline and simplify federal regulations and grants to rural counties.

## **RURAL DEVELOPMENT**

Included as part of the Federal Agricultural Improvement and Reform (FAIR Act of 1996), Congress consolidated a number of rural development programs into the Rural Community Advancement Program (RCAP).

RCAP was comprised of three funding accounts – housing, utilities and business. RCAP provided the flexibility to develop innovative approaches to rural development problems locally. By permitting the transfer of up to 25 percent of the RCAP funds allocated to other programs within RCAP, local officials could direct more assistance towards the enhancement of jobs through education, infrastructure investment and economic development. In recent years, funds for RCAP programs are appropriated under new and separate accounts within the Rural Housing, Rural Business Cooperative, and Rural Utility Services. RCAP no longer exists in name; however, program operations and implementation, including the flexibility to transfer funds within each account is not changed.

NACo supports this flexibility and urges Congress to adequately fund Rural Housing, Rural Business Cooperative, and Rural Utility Services during the annual appropriations process. Furthermore, NACo supports the Congressional Rural Caucus on issues of mutual interest and believes that the caucus is critically important to articulating the strengths and challenges of rural America.

**A. Rural Housing:** There is a great need across America for affordable housing for rural families and transient and permanent farm workers. Federal regulations often are inflexible and too restrictive in providing adequate quality housing for farm workers.

Studies have shown that housing stock in rural areas has grown at a slower rate than in urban areas. Additionally, six percent of rural houses have severe physical problems, including inadequate heating, plumbing, and space. NACo supports the U.S. Department of Agriculture's (USDA) housing programs and opposes any effort to move these programs to the U.S. Department of Housing and Urban Development.

**B. Rural Poverty:** According to the USDA and the U.S. Census Bureau, there are 340 persistently rural poor counties throughout the nation, roughly 11 percent of our counties. These areas are defined as persistently poor since twenty percent or more of the population has lived in poverty for a thirty-year time period (1970-2000). Several characteristics bind these persistently poor counties together including, lower education rates and higher levels of unemployment. Congress, the USDA and the Administration should redirect more funds to build economic capacity in these financially distressed counties.

**C. Outmigration:** Outmigration poses a significant threat to rural counties across the United States. This problem is particularly acute in the nation's heartland – from the Dakotas to North Texas, and from the Rocky Mountains to the mouth of the Missouri River – where 72 percent of rural counties on the Great Plains have seen their population shrink by an average of one third.

Consequently, NACo supports legislation to combat the effects of outmigration, including the New Homestead Act, which would provide tax credits and incentives to encourage young people and skilled workers to move back to rural America.

## **RURAL INFRASTRUCTURE**

**A. Water and Wastewater:** Critical infrastructure, such as water and wastewater, remain a priority for many rural communities. The cost of building, maintaining, and upgrading local water system is a challenge for many small towns and rural counties. Beyond the public health interests, clean and reliable water is a necessity to spur economic growth. Studies have concluded that water and sewer projects can save or create jobs in rural communities by attracting and retaining businesses.

**B. Transportation:** Additionally, many counties have to close bridges when they become unsafe and cannot afford to rebuild them. The quality of roads and bridges is declining in many rural areas due to lack of funding. Federal funding for rural roads, bridges, local transit service, and air service needs to increase substantially.

**C. Technology:** Advanced telecommunications are critical to the economic vitality of rural America. According to the Federal Communications Commission (FCC), a lack of broadband infrastructure could limit the potential of rural communities to attract and retain businesses and jobs, especially businesses that are dependent on electronic commerce. The lack of broadband infrastructure in rural communities has severely impaired the potential of rural communities to attract and retain new businesses. Increased deployment of advanced technology has major implications for rural counties including improved healthcare services through telemedicine, long distance education, attraction of quality economic development, and improved wages and employment.

The USDA estimates that more than 65 percent of all cities with populations over 250,000 have cable modem service, while less than five percent of cities with populations less than 10,000 have such service. This is an example of the "digital divide", which is the gap between the "haves" and "have-nots" during this information age. Advanced technology is a major key to closing the information gap between rural and urban areas. NACo supports congressional and administrative action that hastens the deployment of high-speed broadband technology. One such program is the Rural Broadband Access program that was revamped in the 2008 farm bill.

In addition, NACo supports the universal service provisions of the 1996 Telecommunications Act that requires equal and affordable access to advanced telecommunications for rural schools, libraries, and medical facilities. Also, the Telecommunications Act of 1996 endorses the concept that all consumers, including low-income consumers and those in rural, insular, and high cost areas, should have equal access to telecommunications and information services.

NACo also supports tax credits to companies that deploy broadband communications into rural areas to hasten the closure of the digital divide throughout rural America.

**D. Economic Development:** Rural economic development is generally thought of in terms of improving the employment opportunities, incomes, and well-being of the nation's people by strengthening the capacity of rural America to compete in a global economy.

The reauthorization of the farm bill in 2008 offered several new programs that could overcome the current "stove piping" effect of many USDA programs. NACo supports holistic approaches to rural development, such as the Rural Collaborative Investment Program (RCIP). By incorporating elected county and municipal officials, businesses, and non-profits in a multi-county region, the program would allow multiple sectors a chance to chart the future of their community. Additionally, NACo urges Congress to provide increased funding for local capacity and technical assistance.

NACo also supports improved coordination of the USDA's economic development programs at the state, regional and local levels. Federal agencies should be required to recognize and follow county and regional development plans developed by local and elected officials.

**E. Rural Healthcare:** NACo recognizes the vital role that healthcare plays in rural America. The healthcare industry is an economic development engine and access to affordable healthcare is essential to spur new businesses. NACo supports strengthening the healthcare delivery system in rural America, including ambulatory services.

## **AGRICULTURE**

**A. Farm Bill Reauthorization:** The Federal Agricultural Improvement and Reform (FAIR) Act of 1996, Farm Security and Rural Investment Act of 2002, and the Food, Conservation, and Energy Act of 2008 have had substantial impacts on county governments. The 2008 law affects the economy and the tax base of many of our counties. The ability of county governments to provide services financed by property and other local taxes is dependent on farm income and rural business. Agriculture is a key component of economic development and should be included in any comprehensive rural development program.

NACo supports expansion of the crop insurance program to include additional crops, livestock, and poultry. Additionally, NACo encourages Congress to provide a subsidy for hay production to assist agriculture communities, prevent soil erosion, and improve water quality.

NACo supports agricultural reforms that will improve health and protect the environment of all Americans through significantly strengthening federal nutrition programs, improving access to healthy food, promoting environmental stewardship and conservation, protecting our food supply, and robustly funding rural development initiatives. All titles of the 2008 farm bill are important to the vitality of our nation, therefore, NACo supports full funding of all titles of this important legislation.

NACo supports investments in infrastructure, entrepreneurship programs and facilities that process, distribute, and develop value-added products using locally-grown commodities purchased from local farmers to meet the demand for local, healthy food.

NACo supports the definition of biomass from Titles I & III of the 2008 Farm Act, which states that renewable biomass is:

For federal lands: Materials that are byproducts of preventive treatments (e.g., trees, wood) that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health; would not otherwise be used for higher value products; and are harvested from the National Forest System land or public lands in accordance with public laws, land management plans, and requirements for old-growth maintenance.

For non-federal lands: Any organic matter that is available on a renewable or recurring basis from nonfederal land or land belonging to Indian tribes, including renewable plant materials (feed grains, other organic commodities, other plants and trees, algae), waste material (crop residue, other vegetative waste material including wood waste and wood residue), animal waste and byproducts (fats, oils, greases, and manure), construction waste, and food waste/yard waste.

**B. Family Farm:** Once prominent across the landscape of rural America, family farms are disappearing at an alarming rate. NACo supports the concept of family farms in producing agricultural goods. Federal policies should support the maintenance and continued existence of family farms. NACo supports an examination by Congress and the Administration into the declining revenue to agriculture producers from food sales while there has been no reduction in the cost of food.

To keep the integrity of the family farm in place and in turn the fiscal solvency of many counties dependent upon agriculture, NACo supports the beginning farmer loan program. NACo also supports incentives, such as low-interest loans and tax credits, to be provided to young people entering farming and agribusiness in rural areas. Farming is not simply an occupation but a lifestyle, and it is critical that farmers be able to teach their children and grandchildren how to perform agricultural work safely and responsibly. Statutory child labor parental exemptions should be kept in place in order to ensure the viability of the family farm.

NACo supports ‘agribility’ programs within USDA that help physically challenged farmers in their agricultural duties.

**C. Environment:** NACo recognizes the need to protect our nation's most environmentally sensitive lands and waters. The 2008 Farm Bill re-affirmed the nation's commitment to good land stewardship by providing billions of dollars to conservation programs. Programs such as the Environmental Quality Incentive Program (EQIP), Conservation Reserve Program (CRP), Wetlands Reserve Program (WRP), Conservation Security Program (CSP), and others are important sources for technical assistance and are needed to help communities implement many important conservation measures.

NACo supports USDA's Natural Resource Conservation Service (NRCS) and the valuable technical assistance their field offices provide. The NRCS plays a critical role for counties by addressing local conservation issues pertinent to county governments as well as Soil and Water Conservation Districts.

NACo urges Congress to fund and expand backlogged farm conservation programs such as the Conservation and Wetlands Reserve, Buffer, and Farmland Protection Programs. Flexibility should be allowed in the Conservation Reserve Enhancement Program to permanently protect locally identified critical habitat areas. NRCS should be the sole federal agency with jurisdictional authority over agricultural wetlands areas.

NACo also supports USDA's National Conservation Buffer Initiative and its attempt to encourage the establishment of long-term conservation practices such as the creation of buffer strips, planting of trees for windbreaks, wildlife and other conservation enhancement purposes. This initiative will help landowners make good use of their best cropland and maintain their marginal area lands.

NACo is concerned about the loss of productive farmland to nonagricultural uses because of increasing development. NACo urges Congress, and the USDA to support measures to retain, protect, and improve agricultural land, and conserve topsoil, consistent with local land use policies and controls. An important aspect of the conservation process is the maintenance of financial and technical assistance to establish practical methods



to protect farmlands for American farm families and retain farmland to maintain stable production of farm commodities.

The role of states and counties should be a partnership enhanced by a common goal in identifying and implementing conservation management programs. This would include the targeting of priority protection areas in developing sound agricultural conservation management programs.

NACo urges the U.S. Environmental Protection Agency (EPA) to use the best scientific data on pesticide use, residues on crops, and toxicity, so that important pesticide uses are preserved; and to work closely with the USDA to improve consultation with all stakeholders.

NACo supports federal incentives that reward American agriculture for the implementation of best management practices that protect the environment and opposes any attempts to impose a federal greenhouse gas tax on livestock.

**D. Pest Management:** Wildlife can cause significant damage to private and public property, including agricultural crops, livestock, forests, pastures, and urban and rural structures. Wildlife Services (WS) is an agency responsible to curtail and/or minimize such wildlife conflicts through cooperation with other federal agencies, states, counties, and private entities to establish wildlife damage management programs. NACo supports USDA Animal Plant and Health Inspection Service (APHIS), WS programs and encourages Congress and the Administration to provide necessary resources to strengthen these programs. NACo also opposes efforts to weaken WS programs, including efforts to decrease funding and change authorized abilities to cooperate with counties and other entities needing assistance.

**E. Farmworkers:** According to USDA's Economic Research Service the total U.S. agricultural labor force has declined over the past century and hired farm workers have become the largest proportion of all farm workers. An estimated half of hired farm workers lack the legal status to work in the U.S. These workers are a major presence in rural communities across our country and are vital for the economic health of our agricultural sector, from large producers to family farms and ranches. The H-2A visa program – the nation's only legally sanctioned guestworker program – does not have the capacity to handle the nation's demand for hired farm workers. NACo supports a sensible and orderly guestworker program for farm workers that significantly simplifies administrative requirements for employers, provides temporary legal status and protections for migrant farm workers, and the possibility of obtaining permanent legal residence in the United States.

In addition NACo supports the following principles:

- **The Future Flow of Agricultural Jobs:** The continuous flow of a legal, reliable and stable workforce is necessary to ensure the future of agricultural production in the U.S.
- **Wages:** The wage must be an economically viable rate for agriculture, representing the local area.
- **Private Right of Protection:** There must be protections in place to ensure that agricultural employers are not at risk from class action litigation.

**F. Property Rights of Horse Owners:** NACo calls for the humane treatment of horses in the ownership, raising, transporting, and processing that is carried out under the supervision of USDA. NACo opposes efforts to curtail the property rights of horse owners and specifically opposes efforts to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes. The only three remaining horse processing plants in the United States were shut down in 2007 by state laws. This federal legislation will make it illegal to transport horses to a packing plant or to release any horses to any Canadian or Mexican packing plants, thereby totally shutting down the "harvest" market for used and unwanted horses.

There are currently 60,000 to 90,000 horses originating from the United States that are slaughtered annually in Mexico and Canada. The meat is shipped to Italy, France, Belgium, Holland, and Japan. In addition, only about

6,000 spaces are available nationwide for horse rescue facilities and the vast majority are already full. Unwanted horses are detrimental to county governments. Horse owners release their unwanted horses into the wild, thus making it the county's responsibility to collect and dispose of them. Not only is this a public health issue, but it is also quite costly. This is also a property rights issue. Horse owners who wish to seek an additional value for their spent horses by sending them to slaughter should have the right to do so. Those who wish to retain them to die of old age, or euthanize and bury them on the farm or ranch should have that right as well.

**G. Renewable Energy:** NACo supports comprehensive legislation to encourage and enable American Agriculture to provide at least 25 percent of the total energy, including wind and solar, consumed in the United States by 2025 while continuing to produce abundant, safe and affordable food and fiber.

Biomass fuels (ethanol, bio-diesel) are paramount not only to the reduction of pollution in counties throughout the nation, but also serve as revenue generators for many farmers that are struggling with low prices for their crops and increased costs of production. Their use and development should be encouraged and enhanced by the U.S. Congress. Bio-diesel should continue to receive tax incentives for production.

While NACo is supportive of efforts like incentives to increase usage and reliance on renewable energy sources, it opposes mandates that will result in undue fiscal hardship to rural and agricultural users.

In addition, NACo supports the increased use and promotion of wind energy. Wind energy represents a clean and renewable source of electric power and it has great potential and should receive tax credits for production.

**H. Drought and Natural Disasters:** The results of droughts and other natural disasters cause great economic loss, high unemployment, and other long-range problems. NACo is concerned about the adverse impact these weather-related disasters have upon counties and other local governments.

NACo urges the Administration and Congress to adopt a national drought policy consistent with the recommendations of the National Drought Policy Commission's report: Preparing for Drought in the 21<sup>st</sup> Century. These programs should provide for long-range solutions to minimize the effects of future droughts and disasters as well as the economic revitalization of the community.

NACo urges Congress and the administration to pass disaster assistance aimed at farmers during times of drought and abnormal precipitation.

**I. International Trade:** NACo believes that the competitive position of U.S. agriculture in world markets would be enhanced by the removal of certain barriers to trade in some foreign markets and by the termination of subsidies by foreign competitors.

NACo supports legislation that provides for uniformity in product grade, quality and inspections standards for all imports and exports.

NACo is opposed to the use of agricultural commodities as an embargo tool for U. S. foreign policy. The use of commodity embargoes has an adverse effect on long-term market demand and thus on the rural economy.

## **EXTENSION SERVICE**

Across the country, counties partner with state and federal governments to fund the Extension Service. Extension works with a wide range of issues of importance to counties including:

- Agriculture, especially supporting future farmers and ranchers;
- Rural-urban interdependence;
- Civic engagement and education for both youth through 4-H and adults including nurturing and promoting public service leadership;
- Special support for rural counties;

- Food systems and safety;
- Healthy living, nutrition, and combating obesity, particularly among young people;
- The blurring of county boundaries and impacts on service delivery and regional collaboration; and
- The future of economic development in general and through agriculture.

NACo reaffirms the importance of the work of the Extension Service and calls upon state and federal partners to maintain their support. NACo also calls upon the Extension Service to ensure that services adapt regularly to the needs of counties and create a formal process to ensure that counties play a partnership role in selecting extension staff and the topical focus of local agents.

NACo supports the mission of the National Institute of Food and Agriculture (NIFA) and encourages it to focus on expanding the competitiveness of American agriculture and supporting rural businesses and industries that enhance rural development and quality of life in rural communities.

Research and extension activities that address the constantly changing economic and technical changes in agriculture are strongly supported by NACo. That includes placing a higher priority on research regarding alternative uses of agricultural products and identification of potential new uses including specialty markets that provide opportunities for agricultural entrepreneurs.

NACo calls on Congress to provide needed support to NIFA so that it may explore innovative approaches for building community capacity and introduce additional economic enhancement opportunities to rural businesses.

## **FOOD SAFETY**

NACo supports the food safety inspection system for meat processing plants. This new system replaces a sight and smell technique with scientific methods and should help other processing plants better target and reduce harmful bacteria on their products. Protecting the welfare of all American consumers, especially our children, is the responsibility of public officials. Maintaining confidence in our nation's food supply benefits agricultural producers and food manufacturers located throughout our nation. NACo urges USDA to not exempt any particular type of processing method from rigorous inspection.

NACo urges expanded funding for research on the uses of biotechnology.

The U.S. Department of Health and Human Services, the EPA, and other federal organizations place controls on the legal use of certain pesticides and chemicals in the United States, however in many countries the use of pesticides and other chemicals, which have not been approved or have been banned in the United States, is a common practice. Unfortunately, many of these same foodstuffs are routinely shipped to the United States.

Congress included mandatory country-of-origin labeling (COOL) provisions in the 2002 and 2008 farm bills. NACo urges the Administration to implement this important provision. NACo feels the consumer has a right to know the country of origin of the fruit and vegetables they eat if such foodstuffs are not grown in the United States. NACo strongly urges the federal government to require that all fruits, vegetables, meats and other foodstuffs entering the United States be legibly and indelibly labeled in such manner as to indicate to the consumer the country of origin.

Additionally, NACo supports the establishment of a national animal identification system that provides financial assistance to producers to comply with the system. Furthermore, NACo urges the USDA to mandate that all countries that wish to import livestock to the United States must meet or exceed U.S. standards of care regarding Bovine Spongiform Encephalopathy (BSE) and foot and mouth disease.

NACo urges the USDA to continue the ban on importation of livestock from countries with confirmed cases of BSE and/or foot and mouth disease and strengthen enforcement standards in order to guarantee safe food for our nation. USDA should conduct inspections at the site of production of all food products that are exported to the United States financed by the producer.

NACo also supports the promotion of healthy diets for all residents, including strengthening incentives and infrastructure to encourage more fruit/vegetable production, better access to fresh foods and investment programs promoting healthy food, expansion of programs that help communities' invest in retail markets, food-based businesses and increasing access to farmers markets and farm-to-cafeteria programs that bring the freshest locally grown food into school lunch programs.

### **METHAMPHETAMINE EPIDEMIC**

NACo supports adequate funding for the fight against the devastating methamphetamine epidemic. NACo supports increased funding for methamphetamine research, enforcement, treatment, and education of users and their families, and cleanup of contaminated sites.

Over the last decade, a devastating and highly-addictive drug has spread across the country, especially in rural counties. Methamphetamine, commonly called “meth”, is a homemade amphetamine made from common, easily accessible materials: antifreeze, white gas, ether, starting fluids, freon, lye, paint thinner, acetone, and ephedrine or cold pills. Mixing these chemicals to make meth can occur in a variety of locations from homes to inside vehicles.

The harmful long-term effects of meth include bone loss, malnutrition, liver, kidney and lung damage, and psychiatric problems. Yet, the effects of meth not only exist for users. Individuals, especially children, who are exposed to the toxic chemicals can also develop severe respiratory, neural and other health problems.

Investigating and busting meth labs, corrections, court costs, treatment and clean-up are all direct costs to county governments as a result of the skyrocketing use and manufacturing of meth. However, there are many societal effects that also must be considered. National statistics suggest that in at least seventy percent of all meth arrests, there is a child living in the home. These children many times suffer from neglect and abuse.

Meth labs also pose a significant danger in the community as they contain highly flammable and explosive materials. Additionally, for each pound of meth produced, five to seven pounds of toxic waste remain, which is often introduced into the environment via streams, septic systems and surface water run-off. NACo urges Congress and the administration to commit more resources to fight this harmful epidemic.

Specifically, NACo supports implementation of H.R.365, the Methamphetamine Remediation Research Act of 2007, which became public law 110-43 in December 2007 and provides a research program for remediation of closed methamphetamine production laboratories. NACo also supports grant programs to facilitate the creation of methamphetamine precursor electronic logbook systems.

### **STATEMENT OF COMMITTEE PURPOSE**

In addition to studying agriculture and rural development issues and recommending NACo policy positions, the Agriculture and Rural Affairs Steering Committee has an oversight role with other policy committees on issues affecting rural counties. This committee will recommend issues to be studied, indicate the impact of policies on rural counties, and seek input into policy Resolutions drafted by other policy committees.

Adopted July 22, 2013

## **AGRICULTURE AND RURAL AFFAIRS RESOLUTIONS**

### **Resolution Supporting Technical Assistance for Local Foods Producers**

**Issue:** Food Safety and Local Foods

**Adopted Policy:** NACo supports local food producers that sell directly to consumers and calls on the U.S. Department of Agriculture (USDA) and the Food and Drug Administration (FDA) to provide increased outreach and technical assistance to these producers to ensure that they are implementing best practices in food safety.

Adopted July 22, 2013

## **Resolution Supporting Local Food Systems in the Farm Bill**

**Issue:** Supporting local food systems

**Adopted Policy:** NACo supports county development and expansion of local food systems by incorporating into the Farm Bill preference for locally grown and produced foods.

Adopted July 22, 2013

## **Resolution Opposing Cuts to USDA Rural Development Programs in FY2013**

**Issue:** Proposed cuts to the U.S. Department of Agriculture (USDA) Rural Development Programs

**Adopted Policy:** NACo strongly supports USDA Rural Development programs and urges Congress and the Administration to oppose further cuts to these programs in FY2013.

Adopted July 22, 2013

## **Resolution Supporting the Regional Innovation Initiative**

**Issue:** Support growth and job creation in rural counties.

**Adopted Policy:** NACo supports the U. S. Department of Agriculture's Regional Innovation Initiative.

Adopted July 22, 2013

## **Resolution Supporting Reauthorization of the Farm Bill and Priority for Rural Development Programs**

**Issue:** NACo Priorities for the 2013 Farm Bill Reauthorization.

**Adopted Policy:** NACo supports full funding of all titles in the 2013 reauthorization of the Farm Bill and calls on Congress and the Administration to place particular emphasis on crafting a Farm Bill that provides enhanced resources to rural development programs and strategies that promote rural prosperity.

NACo supports four key priorities in the Farm Bill reauthorization that will help rural counties revitalize their economies and quality of life.

- 1) NACo supports an enhanced commitment to USDA Rural Development programs in the next farm bill, especially key infrastructure and business development programs that support the agricultural sector and the retention and creation of businesses.
- 2) NACo supports rural development strategies which focus on making USDA's investments more efficient and effective by rewarding strategic regional approaches to rural development that allow counties and their regional partners to focus on their local economic assets, priorities and goals.
- 3) NACo supports enhanced funding for renewable energy development, especially programs that assist local governments in their efforts to develop renewable energy and increase energy efficiency.
- 4) NACo recognizes the need to enhance opportunities for young people to be involved in agricultural enterprises and therefore supports a title in the next Farm Bill that assists in developing these opportunities.
- 5) NACo supports Farm Bill conservation programs, especially easement programs that assist counties in the preservation of natural areas and working lands.

Adopted July 22, 2013

## **Resolution Supporting the White House Rural Council**

**Issue:** Improvement of Rural Policy.

**Adopted Policy:** NACo supports the intent of the White House Rural Council and pledges to work with Council Chairman Tom Vilsack, U.S. Secretary of Agriculture, to bring forward the perspectives of rural counties to the council.

Adopted July 22, 2013

## **Resolution Supporting the Local Farms, Food, and Jobs Act**

**Issue:** Support of local and regional farm and food systems.

**Adopted Policy:** NACo supports the Local Farms, Food and Jobs Act (S.1773 and H.R. 3286).

Adopted July 22, 2013

## **Resolution Supporting Enhanced Export Opportunities for Agriculture and Related Businesses**

**Issue:** Improving agricultural export opportunities

**Adopted Policy:** NACo supports federal efforts to partner with local governments, producers, and businesses to expand agricultural export opportunities for U.S. producers and businesses. The U.S. Department of Agriculture's Foreign Agriculture Service (FAS), through its programs such as the Market Access Program, is one of the key federal agencies that enhances export opportunities and global food security. NACo encourages FAS to partner with counties to expand links between county governments, their agriculture-related businesses and foreign markets through trade missions and direct support and technical assistance for local businesses.

Adopted July 22, 2013

## **Resolution Opposing Efforts to Cut USDA Rural Development's Salaries and Expenses**

**Issue:** Maintaining rural development services and technical assistance for rural counties

**Adopted Policy:** NACo opposes efforts to cut the U.S. Department of Agriculture's (USDA) Rural Development's salaries and expenses. The agency's staff plays a critical role as partners, funders, and technical assistance providers in county-led economic development and infrastructure efforts.

Adopted July 22, 2013

# COMMUNITY AND ECONOMIC DEVELOPMENT

## STATEMENT OF BASIC PHILOSOPHY

The National Association of Counties (NACo) recognizes the critical role of county governments in the overall economic vitality of our nation through the development of viable urban, suburban and rural communities. To exercise this role, county officials must implement local policies and intergovernmental initiatives that comprehensively address such issues as affordable housing, economic development, land use planning, commercial development, job retention and creation, employment centers, and infrastructure capacity.

County governments should ensure that community and economic development resources are accessible to all socioeconomic groups. Moreover, a broad range of resources and responsibilities make county governments the natural political entity to provide leadership in administering programs and delivering services. County governments play a vital role in coordination and planning efforts because many federal and state programs emphasize regional approaches to community and economic development planning. Since counties have limited resources and capacity, state and federal programs should allow for more flexible and cost-effective administration that will result in more efficient local management to meet the goals and objectives of state and federal programs.

## COMMUNITY DEVELOPMENT

**A. The Federal Role in Community Development:** In order to address the community development social and economic needs in urban, suburban and rural counties, federal programs must be funded at levels commensurate with national needs. Federal agencies such as the Department of Housing and Urban Development (HUD), Economic Development Administration (EDA), Small Business Administration (SBA), Appalachian Regional Commission, Tennessee Valley Authority, Delta Regional Authority, USDA Rural Development, and Department of Labor are critical for stimulating local economies and leveraging private sector resources.

**B. Community Development Block Grant:** NACo strongly supports the Community Development Block Grant (CDBG) program established in the Housing and Community Development Act of 1974. The CDBG program provides increased opportunities for elected county officials to plan, implement, and evaluate local community development and housing assistance programs.

Under the Act, county officials, and particularly those whose counties receive urban county designation, are afforded additional resources to address long-range physical, social, housing and economic development needs in their jurisdictions in a comprehensive manner. Counties commit CDBG funds to projects that are determined to meet local priorities in addressing development, housing, economic infrastructure and low income needs.

Recognizing that federal funds and local capacity to administer this program are a limited resource, NACo supports the flexible use of CDBG funds to address certain immediate and unanticipated national priorities in line with the following principles:

- That national priorities not diminish local priorities and commitments;
- Additional funding must be provided for any new initiatives or responsibilities to be under-taken with CDBG funds;
- Any new initiatives that are proposed to be funded with CDBG funds must further the original purposes of the Act or be funded under a new title with separate funding; and
- More flexible and streamlined administration of federal and state mandates to allow cost-effective methods of compliance and administration.

NACo endorses the linkage provided in the Act between community development and housing assistance programs. Counties are required to submit consolidated plans. This provision gives counties increased leverage in addressing not only the housing needs of those residing, or expected to reside, in their jurisdictions, but also in determining housing location and evaluating the growth implications of such development.

In order for the potential of the CDBG program be fully realized, it must be fully funded and properly administered. NACo urges the Congress, HUD, and the Office of Management and Budget to comprehensively review the adequacy of present and future program levels, so that all counties, not just those that receive a direct entitlement, can participate in this important program area.

Finally, NACo recommends that Congress stop the proliferation of set-asides within the CDBG and HOME programs.

**C. Empowerment Zones and Enterprise Communities:** NACo supports federally designated empowerment zones and enterprise communities that respect local regulations and local contributions to the success of the zone and are distributed equitably throughout the nation and between urban and rural counties. Local governments should undertake a voluntary review of local provisions that might impede economic development.

Federal waivers should not override state and local laws or regulations. Any local, state or federal incentives to establish zones should emphasize the retention and expansion of small businesses that create the majority of new jobs.

The program should provide for local government input in developing and implementing comprehensive plans, so that counties' critical role in delivering and coordinating a vast array of social services is maintained. Where feasible, employment aspects of zones should be coordinated with job training services.

**D. The Community Reinvestment Act:** NACo strongly supports the Community Reinvestment Act (CRA) and opposes any effort to weaken the Act, because continuing disparities in mortgage lending adversely impact low-income, distressed, and minority communities. Since its passage in 1977, the CRA has been responsible for many loans and investments to traditionally underserved inner-city and rural communities nationwide.

By assisting local governments expand private investment in these neighborhoods, the CRA has helped strengthen the tax base and thus improve the fiscal condition of many communities. Investment in housing and small business development made possible by the CRA has created jobs, expanded homeownership opportunities, and improved neighborhood stability.

## **HOUSING**

**A. The Need for Affordable, Workforce and Entry Level Housing:** County governments have a responsibility to help assure decent housing for all segments of their population. Counties should continue to identify and meet the needs of very low-, low-, and moderate-income households, including those with special housing needs. Whenever possible, counties should take steps to remove all discrimination in the housing market, including prohibiting exclusionary zoning practices. All levels of government should ensure enforcement of Title VIII of the Civil Rights Act of 1968 through expeditious resolution of allegations of fair housing violations.

Concentrations of assisted housing for very low-, low- and moderate-income families in one geographic area should be avoided and mixed-income housing encouraged. Federal and state governments as well as counties should be aware of the interrelationship of social issues and housing and provide appropriate supportive services and facilities.

Counties should encourage innovations in housing technology, design, approval, and construction in order to lower the cost of decent, safe, and sanitary shelter. National performance criteria and minimum standards for building materials and practices should be developed along with expanded research on building construction that take into account energy conservation. To the greatest extent possible, housing should be constructed with energy efficiency in mind to reduce increasing housing costs and resource consumption.

The federal government should prepare a model building code that includes separate building codes for modular, mobile, and other forms of factory built housing.



Counties and states also should assess the impact of local land use policies on housing costs. Federal, state, and local agencies should periodically review their off-site and on-site development standards, as well as their methods and procedures as to zoning, subdivision controls, and environmental standards, to ensure that they reflect the state-of-the-art and that their standards are not excessive. When appropriate, employer housing should be planned to allow homeowners to live close to work in order to reduce commuting costs and use of energy. The federal government should not make housing and community development funding contingent upon HUD approval of a jurisdiction's local regulations affecting housing affordability and availability.

**B. State and Local Roles in Housing:** States and local governments should collaborate on their respective roles in reducing housing costs and increasing the supply of affordable units, including establishment of state and local housing finance agencies. This analysis might consider ways to seek uniformity in tax assessment practices.

State governments also should adopt legislation clarifying the respective rights of owners/occupants, and landlords/tenants. Moreover, NACo urges industry groups and government at all levels to implement programs and take legislative/regulatory action necessary to eliminate predatory lending practices.

**C. The Federal Role in Housing:** The federal government should follow a national housing policy that embodies clear annual housing goals, provides adequate and predictable funding levels, offers incentives for energy efficient buildings and builds on partnerships with state and local governments and the private and nonprofit sectors in support of new construction and rehabilitation for rental and homeownership properties, particularly for low- and moderate-income persons.

Federal policy should allow for voluntary adoption of fair share housing programs on a metropolitan area basis, address the housing needs of rural America, expand the federal government's role in credit enhancement, and preserve the Federal Housing Administration's single and multifamily housing insurance programs.

NACo supports legislation that makes funding available to state and local governments to address affordable and workforce housing needs.

The lack of affordable housing at the state and local level is a national crisis. Over the years, housing has become more and more unaffordable. Homeowners are forced to either live beyond their financial resources and/or live long distances from the communities in which they work. This commute creates transit and social issues that put demands on counties.

**1. The HOME Investment Partnerships Program:** The Cranston-Gonzalez National Affordable Housing Act is landmark legislation that reestablishes a major federal commitment to housing. The HOME Investment Partnerships program, which is the centerpiece of this Act, builds upon the significant capacity and experience of county and other local and state governments to design and implement affordable housing programs for low- and moderate-income persons. In order to maximize the program's effectiveness, county governments must be allowed considerable flexibility in their use of HOME funds to address identified local needs.

Sixty percent of HOME funds are allocated to urban counties and metropolitan cities and the balance to the states. Awarding the bulk of funds to local governments reduces bureaucracies at the state level that impede local flexibility.

NACo urges Congress to pass legislation authorizing a federal housing production program within the HOME program.

**2. Federally Owned Residential Property:** The federal government, due to foreclosures and abandonment of federally insured houses, owns thousands of residential properties throughout the country. These properties are not only a tax burden for local government, but also contribute to rapid neighborhood

deterioration and decline. Most are vacant and subject to vandalism, becoming breeding grounds for crime and delinquent behavior.

NACo strongly believes that the federal government, in cooperation with local governments, should provide mechanisms for returning these homes to sound condition. All local efforts to rehabilitate and occupy these properties should be supported. Counties should cooperate with the federal government in rehabilitating and returning these properties to the housing market. In no case, however, should the federal government ignore its responsibility for the condition of these homes and shift the burden for reclaiming these properties to state, county, or city government.

**3. Preservation of the Low-Income Housing Stock:** Many low-income rental housing units receive federal assistance, and many are insured through the Federal Housing Administration (FHA).

In the absence of a preservation strategy, many of these units are likely to be lost from the low-income rental inventory through defaults on mortgages, and others could be lost if owners prepay mortgages and convert properties to market-rent. NACo supports strategies that preserve the supply of low-income rental housing stock.

NACo generally supports legislation that provides a tax credit to help offset the negative tax liability for owners of federally assisted housing to encourage transfer of their property to a preservation entity that agrees to keep it affordable for a period of at least thirty years.

Such efforts will minimize the risk of property deterioration and loss of economic value of affordable housing units.

**4. Restructuring the FHA Portfolio:** NACo supports refining the FHA portfolio. The FHA multifamily portfolio must address federal budgetary concerns and ease federal regulatory burdens that have increased the cost of operating Section 8 housing for owners and the cost of subsidizing such housing to HUD.

**5. Preserving Section 8 Housing:** NACo supports preserving Section 8 housing and preventing the displacement of the tenants. NACo urges the administration and Congress to take the necessary steps to preserve local communities' stock of affordable housing by adopting tax policies that encourage the transfer of properties outside of CDBG, HOME, and other HUD programs.

NACo urges Congress to pass legislation amending the Housing Choice Voucher Program to improve its use in the development and preservation of housing for low- and moderate-income families. Specifically, NACo calls on Congress to:

- Expand the limit for project-based vouchers from twenty to 35 percent of a locality's allocation;
- Consistent with current performance standards, require HUD to reallocate unused vouchers to other jurisdictions in a specified time period annually;
- Modify the targeting requirements to allow sixty percent of the vouchers to be made available for households at or below thirty percent of median income and up to forty to fifty percent of median income; and
- Restore the fifty percentile of the fair market rent standard to promote the deconcentration of families in poverty.

**6. Use of Tax Code for Multifamily Rental Housing:** NACo supports incentives in the tax code to stimulate investment in affordable housing, including continuing the ability of counties to issue tax-exempt single and multifamily housing bonds and allocate Low-Income Housing Tax Credits. NACo supports legislation amending Section 149(b) of the Internal Revenue Code to permanently add Federal Home Loan Banks to the list of entities permitted to credit enhance tax exempt bonds.

NACo also supports removing the penalty that lowers the value of the tax credit from nine percent to four percent when used in conjunction with tax-exempt financing for multifamily housing.

**7. The Low-Income Housing Tax Credit:** NACo supports permanent status of the Low-Income Housing Tax Credit. The credit accounts for many of the new apartments constructed in the United States, and virtually all of the apartments constructed or rehabilitated for low-income renters. Permanent status of this tax credit must be maintained so that potential investors will not be discouraged from making investments and housing providers can make appropriate planning and administrative decisions.

NACo is very concerned that any future proposal to eliminate the double taxation of corporate dividends through an “excludable dividend amount” would have an adverse impact on tax-exempt bonds and Low-Income Housing Tax Credits.

**8. Commercial Revitalization Tax Credit:** NACo supports the Commercial Revitalization Tax Credit (CRTC) to provide business growth in distressed areas. The CRTC can be an important and worthwhile incentive for business investment in specially-designated revitalization areas to bring communities back to life. Private business investment in these revitalization areas will help boost the economic vitality of these communities, and provide opportunities for new job growth. New business construction and business rehabilitation can enhance the physical environment of distressed areas in communities around the nation, while improving their social and economic conditions.

**9. Single-Family Homeownership Tax Credit:** NACo endorses the concept of a homeownership tax credit designed to provide homeownership opportunities for low- and moderate-income families. Homeownership gives families a stake in their communities and increases the stability and vitality of neighborhoods. Local elected officials support legislative efforts towards the creation of an investor-based tax credit that would encourage the development of single-family affordable housing.

**10. Government Sponsored Enterprises (GSEs):** NACo strongly supports the continuation of Fannie Mae’s and Freddie Mac’s role of serving as the secondary market for the Nation’s mortgage system. Fannie Mae and Freddie Mac are chartered by Congress as GSEs to provide stability in the secondary market for residential mortgages, respond appropriately to the capital markets, and promote access to mortgage credit throughout the nation. In that role, they provide liquidity to the market by buying and packaging mortgages into mortgage-backed securities that are sold to investors. This process is essential to maintaining a flow of capital to the mortgage market. Fannie Mae and Freddie Mac are key partners with county governments in expanding affordable housing opportunities for first-time and other homebuyers.

Fannie Mae and Freddie Mac have been leaders in the creation of innovative lending programs to finance affordable housing. The GSEs’ mission assures that mortgage capital will be focused on the development of tools that create mainstream products and services tailored to the affordable housing marketplace. The GSEs work through national and local lenders and county governments to innovate and take prudent risks in providing mortgage capital to develop and sustain strong communities. The GSEs also have been essential investors in tax-exempt single family and multifamily housing bonds and Low-Income Housing Tax Credits, essential tools used by counties to expand affordable housing opportunities.

**11. Lead-Based Paint:** NACo supports additional funding to offset the substantial increase in the cost to rehabilitate housing units using CDBG and HOME funds due to the presence of lead-based paint hazards.

Many communities have experienced a substantial increase in the cost of their CDBG and HOME funded rehabilitation and homeownership programs to implement lead-based paint mitigation strategies, without a source of funds to pay for the increased cost.

NACo also requests that waivers be provided to communities where there is a lack of certified lead-based paint professionals.

This regulation was issued under sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992, and covers all housing assisted through CDBG and HOME, including housing where no children under the age of six are present. It has been documented that there is a lack of a sufficient number of trained and certified lead-based paint professionals, such as risk assessors, inspectors, abatement contractors, and laboratories to implement the regulation in all communities. In addition, this regulation will impact the timely expenditure of CDBG and HOME funds. NACo supports federal support of additional resources to help local governments implement the requirements of this federally mandated regulation.

NACo supports revision of the National Manufactured Housing and Construction and Safety Standards Act of 1974 to make and keep current; and address concerns with the construction and safety standard of manufactured homes. NACo supports the modernization of the Act by establishing a process for the development, revision, and interpretation of federal construction and safety standards for manufactured homes.

**12. Homeless Assistance:** NACo supports full funding of federal homeless assistance programs. NACo supports efforts to convert categorical housing programs for the homeless into a block grant program. The programs should give localities sufficient flexibility to address identified local priorities and needs. Localities should be provided with sufficient funds for program administration and capacity building of local service providers. Caps should not apply to supportive services. Finally, urban, suburban, and rural counties should be able to form consortia to effectively implement continuum of care plans.

NACo strongly recommends that Congress and the Administration enact legislation that provides dedicated full funding for existing Shelter Plus Care programs that are separate from the HUD McKinney Act Supportive Housing Program, while maintaining current Shelter Plus Care regulations and consistency with the successful Continuum of Care approach.

NACo also calls for an end to the practice of discharging large numbers of people into homelessness from hospitals, mental health and chemical dependency treatment facilities, jails and prisons without adequate community support systems. NACo commits to urging Congress to make investments in additional affordable and supportive housing alternatives from mainstream systems, so that supportive housing is available to those who are homeless or would be homeless without it.

NACo supports legislation to provide additional federal resources to develop housing with supportive services, including mental health services, to help the reintegration of “public safety” ex-offenders into the community and the housing market. These additional federal resources must not be at the expense of existing HUD programs, Low-Income Housing Tax Credits, or any other federally funded domestic program.

NACo endorses the Administration’s national goal of ending chronic homelessness in ten years. NACo supports the ten-year planning process of the Interagency Council on Homelessness, which recognizes that the abolition of chronic homelessness require collaboration and coordination of resources in performance-based strategies at all levels of government, together with community institutions, businesses, and faith-based organizations. NACo encourages counties to develop Ten-Year Plans incorporating the latest research on effective engagement, housing, and services strategies to prevent and end chronic homelessness.

### **13. Special Needs Housing:**

**a. Housing Options for an Aging Population:** NACo supports the development of local housing options that assist older persons to continue living in their dwellings. These options may include home equity conversion, home maintenance, accessory apartments or other secondary units and shared/group residences. When older persons are no longer able to live in their existing dwellings, their options should

include congregate housing, continuing care retirement communities, assisted living and other appropriately designed multi-family or group living complexes.

In appropriate circumstances, family caregivers who wish to alter their homes to provide needed non-institutional support for older parents should not be penalized by zoning regulations and higher property taxes from adopting their residences for this purpose. Efforts should be made to support older persons living in their own dwellings or in congregate housing through the integrated delivery of social services in the community.

**b. Housing Opportunities for Persons with AIDS:** There is an urgent need for communities to provide appropriate and affordable housing for persons and families living with the acquired immunodeficiency syndrome and human immunodeficiency virus (AIDS) who are at greater risk of illness and possible homelessness.

In order to better coordinate the delivery of health care and housing services, counties as well as cities should be eligible to be allocating agencies for metropolitan areas under the Housing Opportunities for People with AIDS (HOPWA) program. Counties and cities throughout the country have demonstrated that they will develop fair allocation and implementation procedures that meet the needs of entire communities.

**14. Refining the Mortgage Revenue Bond Program:** NACo supports the Mortgage Revenue Bond program and the increased purchase price limits due to the recent economic downturn.

NACo urges Congress to pass legislation to preserve Qualified Veterans Mortgage Bonds (QVMB), bonding authority for states and remove the prohibition of lending QVMB monies to Post-76 Veterans.

**15. Employer Assisted Housing:** NACo supports legislation that would encourage employers, counties, and municipalities to invest in employer-assisted housing programs by providing a tax credit to partially offset the costs of such programs.

**16. Foreclosures:** NACo supports programs that reduce the number of foreclosures, encourage refinancing/restructuring mortgages that allow families to retain their homes, and lower the inventory of vacant and abandoned homes to eliminate blight and revitalize the housing market.

## **COUNTY ROLE IN HOUSING**

**A. Planning:** Local elected officials, after appropriate citizen input, should develop guidelines for areas of development opportunity (where growth should be encouraged and facilitated) based on explicit standards to protect critical areas. Any state and/or regional review of local plans should only be for consistency with these guidelines and standards. Local land use plans should be based, among other things, upon demographic and marketing trends and upon local capital improvement projects which provide the infrastructure for growth.

Natural resource inventories (as opposed to environmental impact statements) should be undertaken on a metropolitan area basis to identify hazardous areas where no development can take place, areas of critical concern, such as productive agricultural land, where limited development can take place, and areas where no impediments exist. Federal standards for programs necessary for growth (such as water and sewer funding) should be based on the growth needs of each area.

NACo supports county planning and land use policy that contemplates growth and development patterns occurring within a county and the surrounding region. Recognizing that land use decisions are inherently local in nature, NACo strongly supports county government decision-making that appropriately reflects the county's needs in accommodating growth, as well as the will of county residents.

**B. Housing Element in the Local Plan:** Counties should prepare and adopt housing elements as part of their comprehensive plans. This housing component should include projections of present and future housing needs, and take into account land zoned for different types of lot sizes, types of housing (including manufactured housing), and different income levels. In addition, it should set realistic annual goals for the number of units or persons to receive housing assistance and make provision for the public facilities. The housing element should be coordinated with all other related plans supportive to the housing element such as utilities, human services programs, open space, recreation, trails, schools, churches, commercial areas, agriculture, transportation, and other community services and facilities.

**C. Local Land Use Policies and Procedures:** Zoning, subdivision regulations, timing of development, and permitting procedures have a direct, although not the major, impact on the cost of housing. Recognizing, therefore, that county government can contribute, at least in part, to stemming increases in housing costs, NACo recommends the following policies:

**1. Inclusionary Zoning:** Incentives such as inclusionary zoning and density bonuses should be enacted to expand affordable housing.

**2. Permitting Processes:** Legislation enacted by states or local governments involving zoning, subdivision regulation, or environmental protection, and their implementing regulations, should be reviewed regularly for consistency to reduce duplication, achieve simplicity (including those areas where regional qualification and criteria are necessary), and clarity.

The number of permits required for development should be reduced through consolidation of overlapping regulations. Intra-governmental and intergovernmental consolidation of hearings and interchange ability of approvals (or at least interchangeability of information requirements) can reduce delay while maintaining opportunities for public involvement.

Local governments should require that on-site improvements exclusively benefiting the home buyer be included as part of development costs. On and off-site improvements benefiting a population larger than the development should be shared between the developer and the community.

Counties should prepare housing and building permit registries which describe requirements, procedures, and regulations in specific terms. Application forms should be consolidated and/or standardized. Criteria for determination of application completeness should be developed and published. Preliminary conferences should be held with developers (particularly small or inexperienced ones) to assure that requirements, procedures, and regulations are clearly understood, and an early determination of application completeness should be made. Local governments should consider using a zoning hearing examiner as a way of reducing development processing time.

NACo commends the Department on its commitment to reducing regulatory barriers. However, it must be noted that zoning and land use decision making is an inherently local process, subject to a range of influences including market forces, citizen input and political realities. Moreover, there is a concern that some communities without the capacity to undertake technical or personnel changes necessary to implement practices that streamline permitting and zoning processes may lose important federal resources. Regardless, local governments are deeply committed to increasing the supply of affordable housing, and agrees that steps can be taken to reduce regulatory barriers.

## **ECONOMIC DEVELOPMENT**

**A. County Role in Economic Development:** County officials should exercise strong leadership in creating a supportive environment for business investment by promoting diversified economies, creating, rehabilitating and maintaining support infrastructure, providing quality education and training and involving the non-profit and private sectors. Economic development efforts benefit counties through the retention and creation of jobs, the broadening of county tax bases, and improvement of the overall quality of life. States should develop policies

supporting new business development, business retention, and expansion. They should implement coordinated processes that involve county governments in providing infrastructure and financial incentives promoting both business retention and initial business relocation decisions that promote positive county competition in attracting firms.

**1. Economic Development Planning and Resource Development:** County governments should adopt economic development as a high priority. These efforts should support public education and vocational and on-the-job training; develop programs that focus on welfare recipients, displaced workers, the unemployed and underemployed, disadvantaged youth, minority populations; veterans; and appropriately involve neighborhood groups and other special purpose organizations.

Counties should design and implement comprehensive economic development plans that are responsive to local needs. These long-range plans should guide county growth, development, and redevelopment. Counties should encourage the participation of city governments, public agencies, utilities, and the private sector in the formulation of economic development plans. County economic development plans should generate innovative financial strategies that leverage private investment through public-private partnerships.

**2. Land Use:** Locally adopted land use and zoning plans should serve as the basis for determining the best locations for economic development and redevelopment activities. These policies and plans should be sensitive to the needs for balanced growth. Plans and policies should strive to maintain the variety and quality of residential, commercial, and industrial uses, and preserve the environment and areas of historic significance.

**3. Small and Medium Business Development:** Counties must work with the SBA, and state and local financial institutions to develop and provide other sources of capital (grants/loans) to assure the availability of funds for small- and medium-size businesses. Whether the need be legal, financial, or marketing expertise, counties should disseminate information, and aggressively market services that are available and evaluate the effectiveness of these services. As a component of these efforts, counties should work with the private sector in facilitating the creation and expansion of minority- and women-owned business enterprises; and promote the development of small and medium size businesses.

To encourage the commercialization of technologies developed by small businesses, county governments should work closely with universities, business groups and the federal, state and city governments. Counties should strive to identify firms which export products and services to national and/or international markets.

**4. Commemorative Projects:** NACo supports county projects such as the National Underground Railroad Freedom Center, which will foster an open, continuous dialogue on the subject of freedom and commemorate the cooperation, courage, and extraordinary heroism of enslaved Americans who sought freedom and those who assisted them during the pursuit of that goal. NACo encourages counties to recognize and commemorate the commitment of individuals whose acts exemplify the American spirit of liberty and justice for all.

**5. New and Small Business Development:** New and Small Business Development: Counties should work with entrepreneurs and small businesses to foster innovation and take advantage of new and untapped business opportunities in their local communities. This support would include hosting and participating in local conferences, working with other entities to provide access to business planning resources, mentors and adviser networks, and financing opportunities. NACo encourages state and federal governments to provide incentives that support entrepreneurs and small business growth.

Counties should work to bolster the development of entrepreneurial and business talent within their communities and emphasize the expansion and retention of local businesses.

**B. The Federal Role in Economic Development:** NACo supports federal programs including EDA, SBA, and USDA Rural Development that recognize the importance of a federal role in state and local economic

development and provide funding resources, bonds, information, and technical assistance to further this important role.

**1. Clean Up and Redevelopment of Brownfields:** The federal government should remove barriers and provide incentives for counties to identify and remediate contaminated abandoned or substantially underutilized industrial and commercial land (brownfields) as a catalyst for redevelopment of economically distressed areas.

NACo supports legislation to authorize a federal brownfields program that includes enhanced funding for counties. NACo urges that a portion of EPA funds be used for revolving loans for cleanup activities as well as for site assessments. Funds out of HUD and EDA should be used for planning projected uses and redevelopment of sites. However, local governments should be given flexibility in determining appropriate uses. HUD money for brownfields should be freestanding, and not a set-aside out of CDBG. NACo supports the use of Superfund Trust Fund monies by EPA, with funds – preferably grants rather than loans – allocated directly to local governments for site assessments and cleanups of brownfield sites.

NACo supports voluntary cleanup programs operated by the states for brownfield sites, but urges that state programs be required to operate in conformity with existing minimum federal standards and guidelines. Counties should have the authority to request that EPA list a brownfield site on the Superfund national priorities list if, in the process of assessing a site, the county determines that it is more toxic than originally believed.

Brownfields are abandoned or underutilized commercial/industrial sites that often have environmental contamination related to their previous use, but are potential resources for community economic revitalization. Counties must be protected from potential future environmental problems related to inadequately cleaned-up brownfields. Redevelopment of these sites, in rural as well as urban counties, is one component of county government's broader interest in achieving sustainable development on a regional basis and reducing urban sprawl.

Many brownfield sites remain underutilized because funds are available neither to assess the presence and extent of contamination nor to clean up environmental hazards. Federal resources are essential for assessment and remediation, as well as to provide incentives for private investment. Flexibility in the types of federal assistance is critical because brownfield sites vary in their marketability, the magnitude of redevelopment activities necessary to attract investors, the type of private investment, and the projected rate of return to the investor.

Brownfields exist in rural as well and urban and suburban counties. Redevelopment of these abandoned or underutilized sites can stimulate economic revitalization in the surrounding areas, and preserve green space by providing an alternative to unchecked urban sprawl.

**2. Superfund Program:** NACo opposes the reduction of funding to the Superfund program, which provides for the assessment and cleanup of hazardous waste at contaminated and abandoned industrial sites. NACo supports full funding of federal programs that provide for the assessment, cleanup and redevelopment of brownfields sites. The adaptive reuse of brownfields sites will help revitalize distressed areas in communities. NACo opposes a reduction of funding for the Superfund program that would limit or diminish the effectiveness of federal, state or local efforts towards the revitalization of brownfields sites.

**3. Sustainable Communities:** NACo supports legislation that would encourage agencies at the federal and regional level to integrate housing, transportation, energy, and environmental planning to support sustainable development that makes the most efficient use of existing transportation and other infrastructure. It promotes future transportation and infrastructure, including water, sewer, and housing development, to maximize economic growth and the quality of life in a region while minimizing traffic congestion, environmental impacts, and energy use in urban, suburban, and rural areas.



**4. Emerging Markets:** Congress has passed emerging markets/renewal communities legislation. NACo supports efforts to open new markets in underserved areas where the economic boom has not reached, and supports promoting private sector investment in untapped markets. Investments should especially be focused on emerging minority businesses in order to address real growth in both the geographic and commercial potentials of underserved markets and the businesses serving those markets.

Certain sectors have not been targeted in promoting increased marketing and availability for business expansion despite having the necessary population and skilled workforce. Improving access to capital for low-income households, including minorities and traditionally underserved borrowers, by bringing private enterprise into underserved neighborhoods and communities should be encouraged.

**5. Infrastructure and Public Works:** Counties must provide and support sufficient infrastructure and support services to generate increased economic activity. To sustain and increase economic activity in counties, federal, state, and city governments must assist in the rehabilitation and expansion of physical infrastructure and support services, including multimodal transportation, power utilities, broadband, water treatment and waste management systems, and other essential services. Changes in federal regulations have significantly affected the cost of providing infrastructure capacity. Counties must work to ensure balanced regulations that protect the environment, but do not unreasonably increase costs. NACo strongly supports:

- a national commitment, shared by all levels of government and the private sector, to increase capital spending;
- more flexible administration of federal and state mandates to allow cost-effective methods of compliance;
- accelerated spending of the federal highway, transit, aviation, and waterways trust funds;
- prioritization of rehabilitation and improvement of aging infrastructure that has a disproportionate effect on business retention and attraction in older regions and communities;
- removal of unwarranted limits on the ability of state and local governments to help themselves through tax-exempt financing and incentives, such as empowerment zones;
- a rational capital budgeting process at all levels of government; and funding the Resource Conservation and Development Program (RC and D) within the Agriculture Appropriations bill at \$54 million.

**6. The New Homestead Economic Opportunity Act:** NACo urges Congress to pass the New Homestead Act to strengthen rural counties suffering from high rates of outmigration.

**7. Middle Market Companies:** NACo supports sound policies that enhance access to capital and reduce redundant regulations to allow middle market companies to thrive and support economic recovery across the U.S.

**8. Challenges and Local Impacts of Base Closure:** The adverse economic impacts of military base closures and realignments are devastating for small or rural communities and metropolitan areas. Immediate effects include a loss of civilian and military jobs, an erosion of the tax base, increased local government costs in providing services to the base, the presence of substandard buildings and infrastructure that may not meet local codes, a decline in real estate values which can trigger a drop in property tax revenue, and adverse impacts on banks when homeowners are unable to pay their mortgages.

- a. Federal Oversight of Base Closures:** Efficient conversion of closed bases to productive civilian uses requires the coordinated efforts of several departments of the federal government. Conflicting missions within the Department of Defense (DoD) and among other federal departments and agencies have slowed the base reuse process and added to the difficulties communities face.

- Congress and DoD have made unrealistic estimates of the profits that the federal government will receive from reuse of closed installations. As a result, the conversion process is delayed, because base commanders are often forced to make economically unrealistic demands in the sale or lease of base facilities or commanders do not exercise their interim leasing authority, but instead turn this over to the disposal of leasing agencies.
- An Assistant Secretary of Defense should be appointed whose primary responsibilities are to ensure rapid conversion of facilities and economic development. This senior official must have the authority and responsibility to administer base closure activities for the three branches of the military and coordinate actions taken by federal departments and agencies which impact conversions. This official should engage in continuing dialogue with affected communities and provide a forum for communities to bring grievances, resolve disputes, and assure consistency in the interpretation and implementation of the same law. This office also would serve as a vital clearinghouse of best practices in the event that more base closures are authorized in the future.
- The Secretary of Defense should provide clear orders through the service secretaries to all commanders of installations designated for closure that their primary mission is to facilitate swift civilian reuse of the installation while minimizing adverse impacts on the community. Base commanders should be encouraged to enter into leases as they are authorized to do.

**b. Economic Adjustment Assistance:** To maximize the fiscal benefit of base closure, the federal government must assist in the rehabilitation of substandard base facilities and provide creative financing terms to purchasers or developers of closed bases. Economic Adjustment Assistance, from the Office of Economic Adjustment or the President's Economic Adjustment Committee, is absolutely necessary. Such funding should not be limited to reuse planning, but should also be available for special projects on a discretionary basis and for preparing strategic marketing plans, including development, printing, and distribution of marketing materials.

"Bridge funding" to enable communities to assume responsibility for large airfields and other military facilities with civilian uses should continue for several years after closure, until the facilities can begin to generate revenue. To preserve taxpayers' investment in these assets, facilities should be maintained, and equipment that is essential for their functioning should remain intact for long-term economic development following conversion.

To assist with economic stimulus, the federal government (and state governments) should enter into joint marketing agreements with local governments to promote development of these properties.

Continued support for projects related to base closure through EDA remains important. Affected local governments should be eligible for federal dollars which can be used for local priorities, including making loans or grants to businesses that utilize former bases. Any loan repayments should go into a revolving loan fund for use by local governments in financing additional conversion activities.

DoD must explore alternative methods to finance the transfer of bases out of federal ownership and the development of new, productive uses on the property. Financing often can be provided without expense to the federal government merely by extending the time period during which an installment purchase of a facility must be paid.

Coordinating the disposition and reuse plans with funding available through other federal departments, such as Labor and Transportation, will allow the federal government to obtain a greater overall, long-term value for closed bases while mitigating adverse local impacts.

The introduction of Economic Development Conveyances (EDCs) in recent years has been an innovative and important step in facilitating quicker redevelopment. No-cost EDCs have been of particular importance to rural communities that do not have the resources to buy base property for redevelopment. The further step in 1999 to both expand no-cost EDCs to all communities and to allow communities

experiencing changed economic circumstances to renegotiate earlier EDC agreements has been integral in many reuse projects moving forward. DoD must continue to develop creative strategies such as this to help communities cope with base closure.

- Allow local reuse authorities to issue tax-exempt industrial development bonds, to serve as business incentives and provide financial support to local closure authorities during the conversion phase.
- Closing military bases should be made foreign trade zones and federal empowerment zones with the associated tax advantages and investment credits to enable them to attract private investment.
- Any national infrastructure financing program, such as MAP-21, should set aside funds for infrastructure improvements on former military installations.

**c. Property Transfer:** It is imperative to design and implement a review and transfer process that is consistent among the operating branches within DoD. This needs to be responsive to community reuse objectives and provide prompt transfer of property to accomplish early economic recovery.

- Interim leases should be longer than one year so that the local governing entity is better positioned to recruit private businesses and should be processed within sixty days as the law requires.
- DoD should act swiftly to implement P.L. 102-426. This law requires prompt identification, parcelization, and transfer of uncontaminated parcels of base property.
- Negotiated sales of base property should require congressional review only if valued at \$1 million or more. Current law requires congressional review for sales worth \$100,000 or more.
- In developing reuse plans, communities should take into consideration the needs of all citizens, including the homeless residing in the vicinity, in deciding the most appropriate use of the property. However, initiation of planning should not be delayed by a federal preference for use of the base by homeless providers. Instead, local redevelopment authorities should assist interested groups in evaluating property at the base, consult with representatives of homeless people, and take their proposed uses into account in developing a reuse plan.
- Key “personal property” items such as machinery, equipment, and rolling stock should also be made available to assist in local economic recovery.
- DoD should reexamine the policy which precludes the demolition of buildings prior to transferring bases. Many buildings are unusable because, for example, they contain asbestos, or do not comply with the Americans with Disabilities Act and state and local building codes.
- Interim agreements should give local governments preference in exercising police powers and rendering caretaker services. The federal government should reimburse local governments for maintenance costs.

**d. Environmental Cleanup:** Environmental contamination on bases must be cleaned to a standard that not only protects human health, but also permits reuse of the facility in accordance with locally generated, legally defensible land use plans without the local agencies or private sector having to incur additional cleanup costs in order to reuse the facility.

Local jurisdictions must have the opportunity to be active participants in all phases of environmental cleanup, including evaluation of site conditions and selection and implementation of remediation programs. The timetable for environmental impact statements, parcelization, and prioritization should be coordinated with civilian reuse plans.

A federal finance bank could be authorized to purchase federally guaranteed bonds to be issued by communities for local acquisition of closing base facilities and upgrade the property with minimal down payments and at low interest rates.

**e. Job Retraining:** The Dislocated Workers and Trade Adjustment Assistance Act administered under the Workforce Investment Act (WIA) currently serves displaced workers including those displaced due to defense downsizing.

WIA programs should continue to be utilized as the framework of any new comprehensive retraining program for dislocated workers.

**f. Support for Non-Base Federal Installations:** Appropriate support should be made available to communities impacted by the closure or significant downsizing of other non-base federal installations such as national laboratories, enrichment facilities and other DoD and Department of Energy facilities.

**9. Trade Agreements:** NACo is a strong supporter of free trade activities that enhance the economic base of local governments and promote county participation in the global economy. However, NACo opposes the adjudication of disputes arising out of trade agreements in a manner that preempts local government authority, circumvents domestic judicial processes, and grants greater rights to foreign investors than those guaranteed to U.S. citizens by federal, state, and local law.

NACo urges Congress to immediately review and create a report card on existing and new Free Trade Agreements to determine their effect on U.S. manufacturing industries, workers, and agriculture, and send the report back to NACo.

**10. State Role in Economic Growth:** The states are urged to involve counties and other local governments as full partners in planning and implementing statewide economic development strategies. Where authorized by law, states should work with county governments in the allocation of tax exempt bond authority and Low-Income Housing Tax Credits in order to achieve equitable distribution of these tools throughout the state. States should consider appropriate legislation which would provide a sound method for acquiring land for future public urban, suburban and rural development uses.

**11. Regional Economic Development Commissions:** NACo supports the concept of regional economic development commissions, which would facilitate comprehensive approaches to economic and infrastructure development in severely distressed counties, provided that funding for such commissions is not at the expense of funding for traditional economic development programs, such as Economic Development Districts.

**12. Trade Assistance:** NACo supports the concept of trade adjustment assistance for local governments. Many communities may experience a negative change in the local economy as the U.S. marketplace becomes more global. NACo believes that federal resources should be allocated to help alleviate the negative impacts of expanded trade practices, and help communities devise strategies for future economic viability.

Adopted July 22, 2013

## **COMMUNITY AND ECONOMIC DEVELOPMENT RESOLUTIONS**

### **Resolution on International Economic Development and Offshore Manufacturing**

**Issue:** Economic Development is a key issue for many counties across the nation and with high unemployment still in existence, jobs are a priority. However, too many companies are moving from one state to another without a net increase to the overall U.S. economy.

**Adopted Policy:** NACo would like the federal government to encourage businesses to move manufacturing back to the states from offshore. This can be done through a variety of incentives. NACo is open to working with the federal and county governments to find the right way to incentivize this initiative.

Adopted July 22, 2013

### **Resolution Supporting Reauthorization and Appropriations for the U.S. Department of Commerce's Economic Development Administration**

**Issue:** Appropriations and reauthorization legislation for the U.S. Department of Commerce’s Economic Development Administration (EDA).

**Adopted Policy:** NACo urges Congress to support reauthorization and appropriations for the Department of Commerce’s EDA to keep communities strong and economically viable at a time when our nation needs it the most.

Adopted July 22, 2013

### **Resolution on FY2014 Appropriations for the U.S. Department of Housing and Urban Development**

**Issue:** Support FY 2014 Appropriations for the U.S. Department of Housing and Urban Development (HUD).

**Adopted Policy:** NACo urges Congress to support the following levels of funding for core Department of Housing and Urban Development in the FY2014 appropriations bills: no less than \$3.3 billion in Community Development Block Grant (CDBG) formula funding; no less than \$1.6 billion in formula funding for the HOME Investment Partnerships Program (HOME); \$1.9 billion for Homeless Housing Assistance grants, including an amount to fully fund expiring supportive housing and Shelter Plus Care rent subsidy contracts; full funding for existing Section 8 project-based and tenant-based contracts; funding for homebuyer education; and \$275 million in Section 108 Loan Guarantee authority.

In addition, NACo does not support the imposition of a funding threshold to receive CDBG formula funds directly or elimination of “grandfathering” provisions which allow cities and counties to maintain their entitlement status. NACo also does not support diverting CDBG formula funds to other categorical grant programs.

Adopted July 22, 2013

### **Resolution Supporting the Section 8 Housing Choice Voucher Program**

**Issue:** Support changes to the Section 8 Housing Choice Voucher Program

**Policy:** NACo supports full funding for, and changes to, the Section 8 Housing Choice Voucher program.

Adopted July 22, 2013

### **Resolution Supporting the Responsible Homeowner Refinancing Act**

**Issue:** Supporting the Responsible Homeowner Refinancing Act of 2013

**Policy:** NACo urges Congress to pass the Responsible Homeowner Refinancing Act.

Adopted July 22, 2013

### **Resolution Urging Congress to Protect the Tax-Exemption for Single-Family and Multifamily Housing Tax Credits and New Markets Tax Credits**

**Issue:** Protecting tax-exempt single-family and multifamily housing bonds, and the authority to allocate Low-Income Housing Tax Credits (LIHTCs) and New Markets Tax Credits (NMTCs).

**Adopted Policy:** NACo urges Congress to protect the tax-exemption for municipal bonds, including those that help finance single-family and multifamily housing, and to maintain the authority to allocate LIHTCs and NMTCs.

Adopted July 22, 2013

# **ENVIRONMENT, ENERGY AND LAND USE**

## **STATEMENT OF BASIC PHILOSOPHY**

The National Association of Counties (NACo) believes protection of the environment and wise development of our nation's resources are obligations shared by citizens, private enterprise, and all levels of government.

The counties of this nation are highly diverse communities with immense variation in natural resources, social and political systems, cultural, economic and structural circumstances, and public health and environmental concerns. Counties are the primary service providers and have a responsibility to protect the health, welfare and safety of its citizens, and to maintain and improve their quality of life.

Encouraging responsible energy development, conserving existing energy resources, addressing environmental protection, and protecting our natural resources in an atmosphere of limited governmental resources will be achieved by building effective partnerships between all levels of government, citizens, and the private sector.

## **UNFUNDED MANDATES AND PREEMPTIONS**

NACo opposes any legislation, regulation, or policy proposal which mandates programs and responsibilities on states and local governments without full federal funding. To fully understand the impact of any mandate on local governments, a fiscal note or statement of estimated costs of implementation must be provided prior to formulation or passage of legislation or regulations.

NACo opposes any federal attempts to preempt state and local planning policies, processes, and decisions.

## **INTERGOVERNMENTAL COOPERATION**

Implementing environmentally sensitive and cost-efficient strategies can only be accomplished by planning for the appropriate use of natural resources. Therefore, counties must be involved as a significant partner in the formative stages of developing standards, policies, and guidance and have the ability to develop specific standards, where appropriate.

State governments should act as coordinators, providers of technical and financial assistance, and developers of general standards, which recognize the need for flexibility and regional differences. The federal government should be responsible for conducting research, setting general standards, developing policies, and providing guidance and financial and technical assistance, which recognize the need for flexibility and regional differences.

NACo believes the federal government should provide financial and other incentives to support the most cost-effective planning and management programs to meet federal goals.

## **PRIORITIZATION AND PERFORMANCE-BASED STANDARD SETTING**

NACo supports national and state policies that are tailored to meet the needs of local communities with performance standards and goals being set to accomplish outcomes and give local governments the flexibility to select among alternative means to achieve them.

Flexibility should allow local governments to prioritize implementation of federal environmental laws and regulations based on actual needs and include the ability to weigh the environmental, social, energy, and economic costs and benefits of alternative strategies with local plans and priorities.

Financial resources must be allocated to address environmental problems before they escalate to a cost-prohibitive level.

## **INCENTIVE-BASED SOLUTIONS**

NACo supports federal government incentives to protect the environment and natural resources. NACo supports the repeal of programs and policies that distort the pricing or development of products in a manner that

encourages the exploitation of resources, discourages recycling and conservation, and provides inducements for greater pollution.

## **SOUND SCIENCE AND TECHNICAL ASSISTANCE**

NACo calls upon the federal government to authorize, adequately fund, and require federal departments and agencies to provide fair, peer reviewed, scientifically sound and consistent assessments of health, safety or environmental risks, prior to requiring any actions by local governments.

NACo supports a coordinated and expanded environmental research effort that is open to input from state and local governments and private industry. Local governments need information to address environmental mandates and evaluate the success of compliance programs. Research should focus on all impacts of pollution and recognize and accommodate technology advancements.

## **PUBLIC EDUCATION AND COMMUNICATION**

NACo supports federal assistance and increased funding to assist local governments, schools, colleges, and technical and vocational institutions in developing curriculum, furnishing laboratories, training staff, teaching students in environmental educational programs, increasing public awareness, and facilitating and enhancing environmental air and water quality education within and among county governments. These programs help educate the public about the environmental, social, and financial impacts of implementing national and state environmental, energy, and land use policies.

## **WATER QUALITY**

NACo recognizes that the availability of an adequate supply of clean water is vital to our nation. Water quality degradation can impose human health risks through contaminated drinking water supplies, diseased fish, and unsafe or polluted water bodies used for recreation, and can lead to the loss of valuable wildlife habitat.

NACo supports integrated and cooperative programs for protecting water quality that place responsibility on each level of government. Because the elimination of water pollution is a long-term process limited by economic and social costs, a reasonable relationship between costs and benefits should be a key consideration toward reaching the goal of improved water quality throughout the nation.

The use of loans or grants should be tailored to the specific needs and capacity of each county, including the county's ability to pay. More restrictive federal clean water requirements and new mandates should not be imposed on counties unless the federal government provides additional funding.

**A. Clean Water Act:** NACo supports federal funding to meet all Clean Water Act (CWA) mandates imposed on counties. NACo believes the CWA is instrumental in successfully managing water pollution from point and non-point sources by keeping toxic substances out of our nation's waterways, thus ensuring that surface waters are safe for sport and recreational purposes. NACo endorses enforcement measures for compliance with the CWA, which includes effective monitoring.

**1. Research:** NACo supports an increase to the federal government's research and development programs to aid the efforts of local and state governments in the control of non-point sources of water pollution and contaminated sediments. The Environmental Protection Agency (EPA) should also support research on programs such as combined sewer overflows, land application of sewage sludge, and source reduction.

**2. Stormwater Runoff:** NACo supports revisions to the CWA and development of a federal stormwater program, which would achieve the following outcomes:

- Incorporate public, state and local governments comments and/or suggestions into promulgation and/or expansion of existing federal stormwater rules;

- Flexibility for local governments to consider the site-specific nature of stormwater (including geographically-specific information) and determine the most cost-effective and technologically feasible means of reducing pollutants to meet CWA objectives;
- Consolidation of Phase I (over 100,000 population) and Phase II (under 100,000 population) stormwater regulatory programs for local governments into a simplified, workable and effective program;
- Development by local governments of local stormwater management programs consistent with state stormwater program goals and EPA guidance;
- Federal funding of a comprehensive stormwater research program to determine the impact of stormwater on overall water quality. This study should also include a comprehensive cost benefit analysis;
- An exemption from regulation for local governments that do not contribute to stormwater pollution problems or have implemented stormwater management programs that are shown to be successful in addressing local water quality concerns; and
- Logging roads should be excluded as a “point source” under CWA rules and regulations (pertaining to stormwater discharges).

**3. Sewer Overflows:** NACo supports a Combined Sewer Overflow (CSO) program which is based on cost-benefit analyses and allows for a variety of control techniques. EPA's CSO policy should accommodate water quality standards that encompass stormwater discharges and their impact in CSO systems.

NACo believes that a significant national environmental or public health problem requiring federal regulation from Sanitary Sewer Overflows (SSO) has not been demonstrated. NACo calls on the EPA to review SSO regulations to ensure flexibility for local communities to adequately address this challenge.

**4. Good Samaritans for Abandoned Mine Sites:** NACo supports legislation and/or policy that will immediately limit liability for "Good Samaritans" performing voluntary, cooperative mitigation efforts on water discharging from abandoned mine sites which measurably improves water quality that has been impacted by mining activity where there is no financially responsible party.

**B. Clean Water/Drinking Water:** NACo supports the goal of the Safe Drinking Water Act (SDWA) to provide safe drinking water.

NACo believes the federal government should adopt clear federal policies and regulations that allow flexibility to state and local governments to implement programs that will protect public health balanced with environmental and economic impacts.

NACo supports federal funding for existing or new federal mandates. NACo supports the State Revolving Loan Fund (SRF) programs, the Clean Water State Revolving Loan Fund (CWSRF), and the Drinking Water State Revolving Loan Fund, as supplements to, not a substitute for, federal grants program. Grants and technical assistance should be made available to those small, rural, disadvantaged communities that are unable to meet their needs solely with loans. States should provide adequate funds to match federal grants to the SRF program, and assure flexibility in the administration of such loans.

Additionally, NACo urges Congress to establish a water trust fund that provides, on an annual basis, matching grants and other assistance to advance the achievement of national clean water goals at the local, statewide and national levels. Any water trust fund must be financed through a dedicated revenue stream that is long-term, reliable, sustainable, fair, equitable, and raised from the national economy based on low rate fees.

**1. Standard Setting:** NACo supports a federal policy that prescribes realistic maximum limits for contaminants, with standards tailored to the particular contaminants used in the watershed. Regulations should be based on a peer-reviewed scientific basis.

**2. Monitoring:** NACo supports minimum guidelines for monitoring, site selection, and construction of public water systems.



**3. Research:** NACo supports additional federal research into the effects of various pollutants and carcinogens in the drinking water supplies. Such research should have a special emphasis on the protection of sole source aquifers and other water supplies.

**4. Small Water Systems:** NACo supports effective and adequate federal funding to small, rural communities for drinking water treatment facilities. If consolidation of small water systems is required to receive federal loan or grant assistance, county governments should be federally authorized to participate in the planning, management and development of programs.

**C. Watershed and Wetlands Management:** NACo believes management of watersheds, wetland areas, and coastal watersheds are approaches used to address public health, environmental protection, and restoration issues within hydrologically-defined geographic areas. Local governments make critical front-line land use decisions to achieve sustainable economies and must be involved in all aspects of planning and management.

NACo supports expanded federal funding and increased flexibility for planning and implementation of watershed management at the local level and for the restoration of wetlands, repair of habitat, coordination of stormwater management programs with comprehensive watershed management efforts, and establishment of native vegetation on lands vital to water quality.

NACo urges continued federal funding of the Coastal Zone Management Act (CZMA) and the Coastal Impact Assistance Program, CWA programs such as the National Estuary Program Comprehensive Conservation and Management Plans, State and Local Wetlands Grants and Wetlands Conservation Plans, the Non-Point Source Grants Program, and the Small Watershed Program for small agricultural watersheds under the Food Security Act.

NACo supports flexible and voluntary water quality trading policies that control and reduce watershed non-point pollution. Costly controls should not be required when less costly controls are appropriate and effective.

NACo supports federal government efforts to discourage residential, commercial, or industrial development in floodplain wetlands, when feasible, because wetlands are of great natural productivity, hydrological utility, and environmental diversity, and provide natural flood control, improved water quality, recharged aquifers, and flow stabilization of streams and rivers. Flood risk analysis should be performed for development activities in high flood watersheds.

**D. Wetlands Permitting and Navigable Waters:** NACo supports the national policy goal of net gain/no net loss of wetlands and encourages a management approach that avoids wetlands, minimizes wetland loss, and mitigates as the final alternative. NACo supports additional federal funding for local governments to implement the national policy goal.

NACo supports a requirement to offset unavoidable wetland loss by mitigating, restoring through enhancement of existing wetlands, or creating new wetlands, when public need requires that public facilities, utilities, or improvements be developed over sensitive ecological areas.

NACo supports clarification of federal law to permit the proper maintenance of drainage systems according to the original intent and design of the law and to federal and state regulations established prior to 1985. Land designated as agricultural land prior to 1985 should not require restoration to conditions prior to agricultural use.

NACo supports keeping the terms navigable and/or navigable waters in the Clean Water Act to protect intrastate waters, including wetland habitats, rivers, and streams within the United States and to protect the basic, fundamental principles of local land use control in accordance with the goals of the CWA. NACo will oppose any effort to remove the term “navigable” from the CWA.

NACo calls on the federal government to clarify that local streets, gutters, and human-made ditches are excluded from the definition of "waters of the United States." Further, NACo urges the federal government to recognize that the flow volume of stormwater from development and regulation of impervious surfaces are local land use issues, and are not subject to federal regulation.

NACo supports using pesticides in accordance with the instructions on the label, and supports strong penalties for those who misuse pesticides in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). NACo opposes any legislation that expands the Environmental Protection Agency's (EPA) jurisdiction in regard to pesticide use in (and around) county-owned and operated streets, gutters, and ditches.

**E. Funding and Security for Water Infrastructure:** NACo recognizes the threat posed to the health and safety of our nation as it faces a crucial time of aging and crumbling water and wastewater infrastructure and an increased risk for both natural and human-made disasters. NACo calls for a reliable, long-term, and substantially increased federal investment in water infrastructure, watershed protection, and the protection of water resources and facilities from physical and chemical security threats. The broad range of local needs to achieve national clean water goals and objectives that would be funded by this investment include the construction, repair and replacement of treatment works, collection and distribution systems, compliance with federal regulatory mandates, investments in decentralized wastewater systems, voluntary non-point source pollution abatement, source water protection, and improvements in the security of water resources and facilities, consistent with local land-use plans.

NACo recognizes the critical role dams and levees play in local flood control, and that failure of unsafe or deficient dams and levees can lead to significant property destruction and immeasurable loss of human life. Like other critical infrastructure, these man-made structures deteriorate and ongoing investment is necessary to ensure the safety of such structures. NACo supports increased federal commitment to fund the repair and rehabilitation of America's non-federal, publicly-owned dams and levees, including those constructed through agreements between counties and the National Resource Conservation Service, with priority funding given to structures presenting the highest risk of failure and which present the highest risk to homes, schools, businesses or important infrastructure in the event of failure. Federal funding should be made available through grants, loans, and federal cost-share programs designed to assure that unsafe or deficient dams and levees are brought into compliance with national minimum safety standards and to assure that necessary maintenance and upgrades can be conducted to meet these standards on an ongoing basis. Moreover, NACo urges federal and state governments to consult with, and include, counties in the decision-making process when undertaking the rehabilitation of unsafe or deficient dams and levees located within the jurisdiction of the county.

**F. Water Resources Development Act:** NACo supports preserving and maintaining current federal law that provides for federal participation through the U.S. Army Corps of Engineers in a long-standing partnership with state and local governments for funding, implementing, and maintaining essential and environmentally sound navigation, harbor, beach management, and flow control projects across this nation.

NACo supports federal matching funds for local governments to plan for reducing flood damage risks under the Water Resources Development Act. NACo asks that the federal share of water resource projects not be shifted to state and local governments because most state and local governments do not have the fiscal resources to assume the federal share.

NACo requests that counties be consulted before the federal or state government undertakes water resource projects within the jurisdiction of the county.

NACo supports the federal government providing state and local governments with a major voice in the decision-making process, which includes the authority to assume full responsibility for planning and implementing flood control projects and determining the necessity or advisability of flood control projects by the federal government.

**G. Water Conservation:** NACo supports federal water conservation strategies that provide federal financial and technical assistance to state and local governments to design, implement, and evaluate appropriate water conservation measures including the rehabilitation of water supply systems. Water conservation should be given priority in water projects planning and evaluation where there are limited sources of supply. Federal research and grant programs should focus on water reclamation, recycling, reuse, and desalination.

NACo supports qualification and adjudication of federal reserved water rights being determined in state courts and administered subject to local and state water conservation and development plans.

**H. Oceans and Coastal:** NACo supports federal funding for continued education and scientific study of ocean acidification.

NACo supports focused dialogue and collaboration between counties and the U.S. military to continue to improve maritime practices and to mitigate sonar impacts to marine mammals, fisheries, local economies, and natural resources.

**I. Oil Pollution Act:** NACo supports federal legislation and policies to strengthen local government involvement under the Oil Pollution Act (OPA). NACo supports requiring federal agencies who oversee OPA to consult and coordinate with local governments in environmental protection, oil spill contingency planning, training and implementation of OPA processes.

NACo supports sharing CWA penalty oil spill fines with impacted communities. NACo supports using the 2012 RESTORE Act (Resources and Ecosystems Sustainability, Tourism Opportunities and Revived Economy of the Gulf Coast Act) provisions as a model for future pollution incidents throughout the country.

## **AIR QUALITY**

NACo recognizes the need for on-going and sustained action regarding air quality involving all stakeholders at the international, federal, state, and local levels of government. The transport of air pollutants is a national and international problem and knows no political boundaries.

Air pollutants can have significant impacts on human health, the economic vitality of communities, natural resources and recreation areas, quality of life, and the ecological balance of the world.

### **A. Roles and Responsibilities**

**1. Federal Role:** NACo supports the goals of the Clean Air Act Amendments of 1990, which balances the need to ensure the highest level of environmental protection with the need to maintain economically viable and sustainable communities.

NACo supports federal leadership that ensures open communication and an objective process when deciding on an acceptable level of risk to human health while still protecting the environment.

NACo recommends an increase in federal technical and financial assistance to states and local governments for the development and administration of local air pollution control programs, which includes expansion of federal air pollution research programs for development and local implementation of strategies designed to reduce air pollutants.

NACo supports requiring the federal government to work cooperatively with state and local governments to help formulate guideline and technical assistance programs for the administration, implementation, maintenance, and enforcement of plans that affect local land use and resource allocation decisions.

**2. State and Local Government Responsibility:** NACo believes individual counties or groups of counties should have the right to control their air pollution problems within one state or on an interstate basis in accordance with their needs, while ensuring adequate representation of county governments in these entities.

**B. National Ambient Air Quality Standards:** NACo believes that national air quality standards should be set using well-founded, peer-reviewed scientific evidence. Public review of standards is essential and should include the range of health effects associated with the pollutant, the levels of pollution as they relate to the effects on health, the characteristics and number of people affected, and the compounded effects when multiple pollutants are present.

State and local governments must have the option of adopting secondary standards which are more stringent than the national goals in order to protect localized environmental, property, and human values. In addition, states and local governments should be allowed to select among alternative means to achieve air quality standards.

EPA standards should be flexible enough to consider regional conditions.

NACo supports increased funding for the local Particulate Matter (PM) monitoring program and asks the EPA to assist counties in determining the true source of particulate matter.

**C. The State Implementation Plan (SIP) Process:** NACo believes that limited federal oversight of state and local air quality programs is necessary when air quality management practices have been proven effective.

NACo urges federal revision of the SIP review process, including:

- Continuation by the EPA of timely guidance for developing state pollution control plans and programs, reviewing state plans and programs on a fixed periodic basis, and ensuring states do not undertake pollution control activities unless authorized by a joint determination of state and local elected officials;
- Authority by the EPA to revoke a state's authority to administer federal clean air programs if, during a periodic audit, it determines the state has taken actions inconsistent with its own plan or that its programs and plans are no longer adequate and the state did not correct this inadequacy. This provision should apply to the local government, if authority is delegated by the state;
- Allowing state and local governments to grant or alter Title V permits without the need for federal approval if consistent with EPA-approved generic permit rules;
- Ability of local governments to obtain EPA review of any state permitting decision or other minor SIP revision not otherwise needing EPA approval; and
- Allowing counties to establish fees for operating permits to cover the cost of implementation and enforcement in counties that have the responsibility for issuing permits and enforcing the requirements of the Clean Air Act and state air quality laws.

NACo supports the goals of the Clean Air Act and any subsequent transportation reauthorization bill that aims to encourage environmentally sound transportation projects.

NACo also supports legislation that would codify the EPA's grandfathering provision of the 1997 transportation conformity regulation which keeps a project eligible for federal funding once it has satisfied environmental requirements and is consistent with the state approved clean air plan.

**D. Clean Air Act Deadlines:** NACo supports changes to the Clean Air Act to establish a sensible, orderly long-range strategy for air quality improvement and attainment of federal primary and secondary air quality standards.

NACo believes the EPA should vigorously enforce the Clean Air Act and that enforceable deadlines are necessary to promote progress toward cleaner air.

NACo supports providing EPA with flexible authority to grant case-by-case extensions where controls are as stringent as those in attainment areas and demonstrate progress toward attainment.

NACo believes that EPA should continue to have the power to levy funding sanctions and restrictions on new source permitting for areas not acting in good faith to comply with the Clean Air Act. Sanctions should not be imposed on funding that is aimed at alleviating air pollution problems. If an uncontrollable natural condition or occurrence causes air pollution, the federal and state governments are urged to work with the jurisdiction affected rather than subject the jurisdiction to sanctions.

## **E. Vehicle and Vessel Emissions**

**1. Motor Vehicle Emissions:** NACo urges the federal government to set stricter standards to help reduce motor vehicle emission levels across the United States.

NACo supports programs to enhance transportation alternatives, including, but not limited to, low-pollutant emission vehicles, an increase in mass transit, rail, and carpools.

NACo believes that improved vehicle certification and inspection maintenance programs can reduce hydrocarbons, carbon monoxide and other pollutant emissions from vehicles in use. Certification requirements should cover the full useful life of the vehicles and be based on real-life driving conditions, such as cold start temperatures.

NACo believes the EPA should establish guidance procedures for enhanced vehicle Inspection and Maintenance programs and work cooperatively with state and local governments for implementation.

NACo calls on Congress and the President to fully fund and reauthorize the Diesel Emissions Reduction Act (DERA) to help counties reduce particulate matter pollution, which is a factor in nonattainment.

**2. Air Quality Ocean Going Marine Vessel Emissions:** NACo urges Congress to support legislation to reduce emissions from ocean-going marine vessels through economic incentives, including funding for research and development on retrofit emissions controls and new technology to reduce emissions from marine vessels.

**F. Interstate/International Transport of Air Pollution:** NACo recognizes that air pollution is transitory in nature and does not respect state or other geographic borders, particularly in the case of ozone.

NACo supports the creation of multi-jurisdictional ozone transport regions and interstate commissions to provide for regional planning, conflict resolution, and implementation of area-wide strategies, as ozone may contribute to or cause non-attainment of the National Ambient Air Quality Standards (NAAQS). When the EPA determines that state or local jurisdictions are in compliance and do not significantly contribute to ozone transport problems, that area should be exempted from further regulatory requirements. Counties or air basins within a state should be allowed to subtract the effect of pollutants transported from other parts of a state, as well as from other states, when calculating their own area's clean air compliance attainment.

**G. International Transport of Air Pollution:** NACo supports efforts by federal, state, and local governments in cooperation with U.S. and Mexican officials to recognize that preserving, protecting, and improving the natural environment, as well as public health and safety, is a major priority. NACo urges these entities to work together with U.S. counties to develop strategies that are proactive, while protecting and improving both the public health and the environment.

NACo also urges, supports, and will assist the entities in efforts to formulate agreements in establishing common air, water, waste standards, and requirements for the U.S./Mexico border region in order to preserve, protect, and improve the natural environment and public health of residents living in the region.

**H. Prevention of Significant Deterioration:** NACo recognizes there are areas where special air quality is essential, such as wilderness areas, national parks, watersheds, and viewsheds. Therefore, NACo supports the ability of all levels of government to implement control strategies consistent with the use, needs, and desires of the area.

**I. Multi-Emissions/New Source Review:** NACo believes that any changes to address multi-emissions pollution sources should support, not supplant, current Clean Air Act provisions and protect the ability of state and local governments to adopt more stringent regulations. Each state should be allowed to achieve the specified levels of emissions reductions through the most efficient, cost-effective and appropriate technology method.

NACo supports a reduction of emissions for sulfur dioxide, nitrogen oxides, and mercury from power generators. NACo also supports significant reductions from other major sources.

NACo supports increased federal funding for research and development of new, less expensive technologies for reducing sulfur and nitrogen oxides.

NACo urges EPA review and, when appropriate, strengthening of its New Source Review program to ensure it fully protects public health and welfare.

NACo believes any required retrofitting, based on the new source review standards, should be limited to addressing significant pollution problems of the region. The EPA should work cooperatively with state and local governments and allow for site-specific variations for existing facilities. Reasonable timeframes for retrofitting and achievable emission control requirements should be established, based on federal, state, and local standards.

NACo believes states and sources should be allowed to trade emissions reductions as long as specific credited sources do not increase their emissions.

**J. Greenhouse Gases:** NACo urges Congress to address global warming/climate change. NACo urges Congress to aggressively pursue national and international programs to develop carbon-neutral energy sources and reduce greenhouse gas emissions utilizing sensible and cost effective technologies. NACo opposes a cap and trade system or carbon tax that would pass on direct and indirect costs and/or taxes onto counties and local economies.

NACo supports immediate and long-range efforts by the federal government to involve all levels of stakeholders to mitigate possible sources of climate change/global warming now through a series of practical incentives and through more federal funding for all means of emissions reduction. This includes economic incentives to reduce greenhouse gas emissions through innovation technology awards and research and development. Federal funding of sensible and cost-effective technologies to reduce greenhouse gases should be continued.

NACo urges Congress to provide financial and technical assistance to local governments to help develop and implement local climate change adaption and mitigation plans and projects, including smart growth initiatives, mass transit development, renewable energy deployment, acquisition of high efficiency fleet vehicles and protection of water supplies.

NACo supports active county participation in climate legislative initiatives. These initiatives must be balanced and equitable, and benefit counties by providing revenue to communities for creating economic growth, sustainable businesses, community development, energy efficiency, conserving parks and open spaces, and develop natural resources that increase quality jobs, business productivity, and competitiveness.

**K. Indoor Air Quality:** NACo supports legislation to increase federal indoor air quality funding for research and grants, and for technical assistance to county governments. Increased funding will be used to promote

awareness of indoor air quality issues, testing, and mitigation of radon in homes to help reduce the concentration of indoor air pollution.

## **SOLID AND HAZARDOUS WASTE MANAGEMENT**

NACo recognizes that improper management of solid and hazardous waste is a national problem, which endangers public health by contributing to air, water, and land pollution. Local governments are integral to waste management, especially through establishing waste reduction and recycling programs.

NACo supports a national integrated waste management system incorporating the following elements:

- Waste Reduction;
- Recycling;
- Waste Recycling; and
- Waste Disposal.

NACo supports a waste management system that allows counties to select among a variety of options to protect the environment, cost-effectively meet local needs, and avoid undue financial hardship on counties. NACo supports favorable tax policies, including financing for solid waste management facilities.

**A. Waste Reduction and Product Stewardship:** NACo encourages federal, state, and local governments to support public education designed to promote participation in activities that reduce the volume and toxicity of municipal solid waste (MSW). NACo supports an Extended Producer Responsibility Framework Approach, which creates effective producer-led reduction, reuse and recycling programs, to address a product's lifecycle impacts from design through end of life management, without relying solely on state and local governments.

NACo encourages federal legislation in support of environmentally preferable purchasing that takes into consideration environmental impacts, cost effectiveness and flexibility and eliminates disincentive for reusable products by government.

NACo supports federal research and incentive programs for product stewardship efforts that will work with manufacturers and packagers of retail and wholesale goods to minimize or eliminate heavy metals or other toxic substances in household products and packaging and disposable or "throw-away" products.

**B. Recycling:** NACo supports federal legislation that encourages businesses to minimize or reuse packaging. NACo encourages federal, state, and local government support of voluntary programs that increase recycling of waste.

NACo also encourages federal, state, and local governments to create incentives for the development of strong, stable private markets for recyclable commodities. To support market development, specifications must be developed that favor purchasing products containing recycled materials. Any government requirements for recycling of specific products must include end market development of such products.

NACo supports maximizing the recycling and reuse of electronic waste – including computers, televisions, and other electronic devices – that has reached the end of its useful life through an internalized electronics industry financing mechanism that covers the cost of collection, transportation, and recycling, and does not rely on state and local government funding. This policy encompasses (but is not limited to) other waste materials, such as mercury-containing fluorescent lamps, paint recycling and reuse, and safe disposal of pharmaceuticals.

**C. Waste Recovery:** NACo recognizes that resource recovery/waste-to-energy facilities remove recyclable materials and substances potentially harmful to air quality from the waste stream. Therefore, NACo encourages federal financial and technical support of energy conservation efforts and county waste recovery programs, with incineration of waste being a domestic energy source and a form of recycling, including, but not limited to:

- Construction grants;
- Incentives for resource recovery projects;
- Restoring tax incentives for greater private sector participation in resource recovery projects and electricity generation facilities;
- Consistent permitting processes to avoid costly reconstruction or retrofitting of previously approved projects;
- Incentives for innovative uses of ash and other resource recovery by-products; and
- Utilizing environmental monitoring techniques relevant to resource recovery facilities.

NACo supports legislation that provides direct grants to local governments and tax incentives for the construction of methane-to-CNG production and fuel delivery systems, as well as conversion and production of CNG fleet vehicles.

**D. Waste Disposal:** NACo recognizes that landfilling is the predominant method for managing MSW even though costs have increased for transportation and substandard landfill sites have been closed under the federal Resource Conservation and Recovery Act (RCRA) Subtitle D.

NACo supports federal legislation to protect the environment and our natural resources, particularly water supplies, that includes, but is not limited to:

- Uniform landfill standards that are performance-based, to the extent possible, and allow the establishment of regulatory programs by states to meet federal requirements;
- Federal technical assistance to states and counties for the safe closure of landfills; and
- Voluntary recovery of methane from landfills as an energy source.

NACo supports federal legislation or regulations for county solid waste arid landfills that allow for differential groundwater monitoring requirements. RCRA Subtitle D does not provide such discretion for states, even when conventional ground water monitoring methods at arid landfills are not effective and effective alternatives, such as monitoring of the vadose zone or low-cost moisture detection devices, are available.

**E. Interstate/International Issues for Solid Waste:** NACo urges the development of a national policy on interstate transportation of MSW by the federal government.

NACo supports local governments' legal authority to control the flow of MSW generated within their jurisdiction.

NACo supports federal legislation that recognizes the decision-making role and responsibilities of county and other local governments in land use and MSW disposal and empowers them to make decisions which will assure environmentally and fiscally sound, RCRA consistent, solid waste management practices. MSW management should be a primary responsibility of state, county and other local governments.

NACo urges Congress to support bi-national projects between private, state, federal, tribal, and public organizations, which develop and implement programs to educate, prevent and clean up illegal dumping along the U.S./Mexican border.

**F. Hazardous Waste Management:** NACo supports a national hazardous waste management program that includes, but is not limited to:

- Federal research, development and promotion of technologies and strategies, such as encouraging changes in manufacturing processes and products, neutralization, recovery, or destruction, to prevent pollution and reduce landfilling of hazardous waste; and
- Assistance regarding hazardous waste landfill regulations through:
  - o Federal financial and technical assistance to state and local governments to evaluate potential new sites for hazardous waste disposal facilities;



- o Federal assurance that there is no degradation of the environment or danger to public health as a result of new hazardous waste disposal facilities. This can be accomplished by developing and implementing prompt and responsible emergency or long-term procedures in case of spills or leakage at the site or in transporting hazardous materials to and from the site;
- o Requirement of permits, as if they were new facilities, for major expansion or additions beyond the previously permitted capacity or limitations for existing hazardous waste disposal facilities; and
- o Federal financing through a tax on hazardous waste generators to establish and cover the costs of a continuing inspection process for hazardous waste disposal sites permitted under RCRA, which will assure owners and operators of hazardous waste facilities of the ability to obtain adequate insurance for emergency response and cover any liability.

**G. Transportation of Hazardous Materials:** NACo generally supports the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA) which responded to public concern about state or local ordinances or regulations on transporting hazardous materials and requiring the use of Department of Transportation (DOT) standards when designating highway routes for such materials.

NACo strongly opposes any efforts to further expand the preemptive powers of the federal government in the area of hazardous materials transportation.

**H. Nuclear Waste Management:** NACo is concerned that the federal nuclear waste repository program through the Department of Energy (DOE) is seriously behind schedule. NACo supports federal legislation to assure DOE meets its statutory responsibilities regarding present and future stockpiles of nuclear wastes which pose a serious threat to the natural environment and to the public's health and welfare.

NACo supports construction of a permanent nuclear waste repository and the use of an interim central storage facility until the permanent site is completed.

NACo supports federal development of a transportation system from nuclear power plants to the interim or permanent site that includes assessing community impacts, intensive consultation, participation, and control in siting and transportation decisions with affected states and local governments, and consulting with and providing appropriate benefits to counties directly affected by the interim or permanent nuclear waste facility.

NACo supports research and development of spent nuclear fuel storage technologies.

NACo supports DOE oversight, which includes participation by emergency management officials, of state and regional plans to assure seamless responses to accidental or intentional discharge of nuclear waste.

NACo supports federal funding to fully cover emergency management and public safety costs associated with the transport of nuclear waste, including, but not limited to training for emergency personnel, technical assistance, equipment and communication needs, preparedness and response costs, and monitoring of radiation emissions along transportation routes.

NACo supports a funding mechanism that requires payments by ratepayers to the Nuclear Waste Fund, which will only be used for management of spent nuclear fuel.

NACo supports the community right-to-know emergency planning, federal funding of state and local emergency programs, technical assistance, and training programs to local governments, provisions of the Superfund Amendments Reauthorization Act (SARA) Title III.

**I. Disposal of Nerve Gas:** NACo supports regulation of the transportation and disposal of military nerve agents as a hazardous substance by the EPA.

**J. Superfund Sites:** NACo supports reauthorization of the Superfund program to continue identification, evaluation and control of existing hazardous waste disposal sites with the primary source of cleanup funds continuing to be the parties responsible for the disposal of toxic wastes.

NACo supports the Superfund provisions for retroactive strict, joint, and several liability designs that are used to finance most costs of cleaning up hazardous waste, and acknowledges that a partial elimination of retroactive liability for some Superfund sites may be a reasonable alternative to the current liability arrangement.

NACo supports increased federal funding of the Hazardous Substance Response Trust Fund (HSRTF) to assure adequate funding to clean up current and new sites added to the National Priority List (NPL), even if federal changes are made to the funding mechanism for Superfund.

NACo supports federal HSRTF funding to cover at least half the costs of long-term operation and maintenance at federal cleanup sites, including those owned and operated by local governments.

NACo supports routine use of the administrative settlement tools in Superfund by EPA.

NACo supports federal legislation that ensures counties will not assume full financial responsibility for cleanup costs or be held legally responsible for such cleanup by limiting local government liability and prohibiting private parties from bringing contribution actions against local governments for the generation, transportation, regulation, or disposal of MSW and providing expedited settlements for local governments involved in Superfund sites.

NACo supports strengthening the role of local and state governments in Superfund activities by:

- Granting greater decision-making responsibility to local and state governments, including options to fully assume responsibility for planning and implementing Superfund response actions and flexibility in financing or providing matching funds for cleanup efforts;
- Having Superfund regulations and guidance focusing more on the desired results of cleanup actions and less on the process for determining such results; and
- Assuring the EPA works in close cooperation with state and local governments to develop criteria or guidelines for the level of remediation sufficient to protect the environment and public health.

## **ENERGY**

**A. National Energy Policy:** NACo seeks a comprehensive and integrated approach to a national energy policy that:

- Balances increased domestic oil and gas production on public and privately-owned lands;
- Provides states and counties, which support and encourage oil and gas production off their shores, with a share of revenues proportionate to the royalties generated;
- Accelerates development, research and incentives for alternative and renewable energy, clean energy, energy efficient programs, and clean coal technologies;
- Gives local governments a central role in formulating local environment, energy and land use policies;
- Supports environmental equity issues;
- Continues energy conservation programs that reduce consumption, encourage efficient energy use, and improve end use efficiencies;
- Preserves and protects ecologically unique areas;
- Provides a comprehensive approach to addressing the problems of communities affected by new energy resource facility development, and direct participation by local governments in all strategy development for mitigating any adverse consequences of a new energy resource facility;
- Provides federal funding through grants, payments, low-interest loans, and loan guarantees, to counties and other local governments to help fund the planning and development of public facilities, and services, required as the result of new or expanded energy resource and facility development; and

- Provides funding for Native American energy resource development.

**B. Energy Research and Education:** NACo supports federal funding and other incentives to promote research, explore the interrelationships among energy, capital, labor, and materials, and the technological problems of energy systems. Federal research efforts should be broad-based, unbiased, and equitable among the various energy technologies, with the results of the research being disseminated by all levels of government and the private sector through a variety of public education technologies.

**C. Energy Conservation:** NACo supports federal funding and other incentives to promote nationwide energy conservation efforts. To facilitate decentralized energy conservation activities, the federal government should seek input from local government on implementation and continue to adequately fund all conservation and fuel assistance programs, such as: the State Energy Conservation Program; Energy Extension Service; Institutional Conservation Program; Weatherization Assistance Program; Low-Income Housing Energy Assistance Program; and the Energy STAR Program. NACo believes the federal government should work with local governments in the research, development, and implementation of energy efficient building standards.

NACo believes the federal government should encourage local governments to develop partnerships with utilities and private industry to develop energy efficiency and conservation programs which will result in cost savings for local businesses and a stronger local economy.

NACo supports full funding for the Energy Efficiency and Conservation Block Grant (EECBG) Program in FY2010 and thereafter. Additionally, NACo supports including city populations in the overall county population numbers and urges the DOE to allow all “eligible” counties in all states to apply for the direct formula funding.

NACo supports funding for Property Assessed Clean Energy (PACE) programs and supports their treatment by federal regulators as a traditional tax assessment program with priority lien status.

**D. Nuclear Energy:** NACo supports nuclear power as a component of a comprehensive energy program. NACo encourages the continued research, improvement and development of nuclear power and related technologies that add to its safety and efficiency.

**E. Renewable/Alternative Energy:** NACo supports increased federal resources for researching and developing renewable energy technologies, including wind, solar, geothermal, biomass, electricity from landfill gas, and other forms of waste-to-energy which will achieve the objective of clean and safe forms of energy.

NACo supports increased and multifaceted federal efforts to increase renewable energy sources and consumption, including consumption incentives to all levels of government to encourage purchase of renewable energy, industry tax incentives, such as R&D credits, encouragement to co-ops to replace wired electricity delivered to remote rural areas that are not cost-effective, and further public and private partnerships.

NACo supports federal legislation and policies that enables funding mechanisms, including grant programs, for Community Renewable Energy Projects.

NACo supports expanding the definition of governmental purpose in the Internal Revenue Code (IRC) to include energy efficiency, renewable energy improvements, and water conservation and efficiency projects.

NACo supports legislation that encourages research and development of energy storage technology.

**F. Energy Program Evaluation:** NACo believes all energy programs should be periodically reviewed and analyzed for efficiency and effectiveness in achieving their goals. Programs that are found to be ineffective or inefficient should be reengineered in collaboration with county, state, and other local governments.

**G. Alternative Fuel Vehicles:** NACo supports a national policy promoting lower pollution vehicles, such as Alternative Fuel Vehicles (AFVs), Hybrids and High Efficiency Vehicles (HEVs), and Advanced Technology Vehicles.

NACo supports a national strategy, including tax incentives, rebates, and promotions, to increase the purchase of lower pollution vehicles by private businesses and all levels of government. However, federal policy must be established to ensure the availability of a refueling infrastructure and of competitively priced, reliable alternative fuel and alternative fuel vehicles, and should consider its impact on gas tax revenues and the highway trust fund before requiring conversion of motor vehicle fleets.

NACo supports an increase in fueling infrastructure stations to support the promotion of AFVs.

NACo supports the DOE's efforts to decrease reliance on oil by focusing on alternative fuels such as ethanol, methanol, compressed natural gas, electricity, and biodiesel, among other agents. The ethanol used in E-85 is a renewable fuel that provides benefits to American farmers and rural areas of the country.

NACo supports increased fuel economy standards for trucks and cars to reduce fuel costs and air pollution.

**H. Electric Utility Restructuring:** NACo supports the following principles of reliability, equitable benefits, social and environmental impacts, and stranded costs in any attempts to restructure the delivery of electricity:

- The federal government should work in partnership with state and local governments if it plans to restructure the nation's electric industry;
- Whether or not restructuring is pursued, the foremost consideration is to develop and enforce a common goal and supporting policies that maintain and improve the system, including upgrading and replacing aging and outdated infrastructure with particular attention to our older communities and regions, incorporating newest technologies and anticipating technological improvements, and ensuring reliability and affordability of service with particular attention to resilience in the face of natural and other hazards.
- Any transition to a competitive generation market should provide sufficient time, in line with the magnitude of the change, for counties to adapt to the new structure, avoid disruption of service to the public, and adjust to potential changes in tax revenues;
- Any restructuring must acknowledge and not abridge the existing power and authority of counties to operate county utilities or the ability of counties to form such utilities in the future, providing the utilities do not result in a cost-shifting to other counties;
- Under any restructuring, counties, either individually or on a regional basis, should have the opportunity to consider combining the electric loads of various users and negotiate the purchase of electricity on behalf of those consumers;
- Any restructuring should include a transition period during which legitimate stranded costs can be recovered in a just and reasonable manner as determined by state law;
- Counties should continue to have the authority to issue franchises and/or taxes and no federal or state action should preempt or interfere with county revenue authority;
- Counties should retain full authority over its own right-of-ways and recovery costs for their use;
- Customers should be allowed to choose their own electric power supplier as determined by state legislation, not federal law, and be given a written disclosure prior to selecting a provider on the overall cost of service;
- Recognition of electrical, geographic and institutional differences such as the western and eastern electrical grids having different features and challenges; and
- DOE and state utility commissions continuing their important role in ensuring that all consumers can count on the long-term integrity, safety, and reliability of their electricity service.

**I. Pipeline Safety:** NACo supports efforts to strengthen federal pipeline safety legislation and regulations which are necessary to improve the safety of natural gas and hazardous liquid pipeline operation, maintenance, and public reporting, including:

- Federal certification of operator training and qualification;
- Flexibility for state and local governments to impose stringent requirements for installation of effective leak and defect detection, and increased inspections for pipeline corrosion and defects as pipelines continue to age;
- Expanded public awareness and notification programs by pipeline operators and federal regulators to help prevent third-party damage;
- Required disclosure to state and local governments of all inspection results and corrective measures for pipelines in their jurisdictions;
- Enhanced federal funding for grants to state and local pipeline safety authorities, for funds to federal pipeline regulatory agencies, and for pipeline safety research and development; and
- Achievement of these and other improvements should acknowledge the vital role that state and local governments have in protecting the public and environment from preventable pipeline accidents.

**J. Underground Storage Tanks:** NACo supports full funding for the leaking underground storage tank (LUST) program, which should only be used for its intended purpose of remediating and preventing further contamination caused from underground storage tanks (UST).

**K. Regulating Natural Gas Drilling:** NACo calls upon Bureau of Land Management (BLM), other Federal Land managers and impacted states to encourage the use of state of the art technology for natural gas development as proper practices can lessen the surface impacts of roads, pads and pipelines. NACo encourages land managers to routinely monitor these drilling areas to ensure compliance with existing regulations and assist in determining the impacts to air, water, public health and wildlife.

## **LAND USE**

NACo recognizes that comprehensive land use planning and growth management are central to our social and economic stability. How we use our land directly affects our ability to accommodate development, protect valuable natural resources, minimize pollution, preserve the cultural and historical character of our community, conserve energy, provide community facilities and services, and maintain a high quality of life for current and future residents.

Sustainable development principles should include providing protection for the integrity and health of our natural resources, enhancements for economic vitality of a region, environmental protection for counties to protect open space, farmland, national landscapes, watersheds, and critical environmental areas, and social equity for all. These principles assume that the benefits derived from smart growth are available to all of its citizens. Counties must retain the authority to plan and manage growth with federal and state laws being respectful of local initiatives, and provide a variety of transportation choices that link transportation decision-making to sustainable land use planning to increase safety, reduce traffic congestion, and improve air quality.

**A. Intergovernmental Roles and Relationships:** NACo urges federal, state and local coordination through the comprehensive planning process. Because land use control should take place at the local level, federal and state objectives should reflect the needs and conditions of local governments.

NACo supports federal and state land use planning and management actions being consistent with local land use policies. Activities involving federal agencies under the National Environmental Policy Act (NEPA) should not exclude local governments on interdisciplinary teams because of the provisions of the Federal Advisory Committee Act (FACA).

NACo encourages federal and state governments to allow local government authority for impact fees to help fund infrastructure costs for new development.

**B. Federal Planning and Funding:** NACo calls for significant federal funding for research and demonstration projects to encourage local governments to develop fiscally sensible, efficient land use planning and infrastructure design practices that will produce better physical activity and health outcomes. Federal grant programs earmarked

for the development of community facilities, environmental protection programs, and transportation, should set aside a percentage of grant funds for local planning. Planning funds should supplement the basic grant and be utilized to maximize effectiveness and minimize undesirable impacts.

NACo supports federal policies, legislation, and funding that makes accurate land parcel data available to all levels of government.

NACo urges Congress to support the Digital Coast Initiative through the National Oceanic and Atmospheric Administration (NOAA), consistent with NACo's support for other similar type federal initiatives that use data and technological tools to improve local land use decisions.

**C. Resource Conservation:** NACo supports the option by local government to implement Historical Building tax credits and conservation easement programs for historical preservation or to foster economic development, providing it is approved through local land use plans.

NACo supports all levels of government developing techniques to reduce water and air pollution, generation of solid waste, inefficient and non-sustainable consumption of natural resources, promotion of historic and cultural resource preservation, energy resource conservation, full utilization of human resources, and sustainable uses of natural resources and space.

NACo supports continuation of the enhanced federal tax deduction for donations of conservation and trail easements to facilitate their use by counties, special districts and other units of local government as a land planning, conservation, and management tool.

**D. Redevelopment of Abandoned Industrial Areas (“Brownfields”):** NACo encourages the federal support for economic revitalization and environmental restoration programs in coordination with local governments.

NACo supports redevelopment of abandoned or under-utilized industrial and commercial sites, which are frequently contaminated due to past practices, through programs designed to allow these sites to once again be economically viable. NACo also supports federal funding for environmental cleanup of these areas. Clean-up standards should be based on the level and type of contamination, and the intended reuse purpose.

NACo believes there is an appropriate and increasing role for county public health departments in brownfields clean-up. Federal funding for providing these services should increase as duties expand.

**E. Federal Installations, Military Testing and Training Ranges:**

1. NACo urges federal recognition that funding to cleanup former and existing federal military and other federal complexes is a federal responsibility. To protect human health and the environment, NACo believes the federal government should:
  - Approve full federal funding for environmental cleanup activities at existing and former military, nuclear weapons, and other federal complexes;
  - Make a commitment to complete environmental cleanup at its facilities within a reasonable and justifiable timeframe;
  - Strive to not only comply with environmental laws, but also be a leader in the field of environmental cleanup to address public health concerns, ecological restoration, and waste management; and
  - Consult with local governments regarding transportation and timing of cleanup materials.
2. NACo supports continued funding and commitment for Department of Defense’s (DOD) Readiness and Environmental Protection Initiative (REPI). The REPI program enables DOD to enter into cost-sharing partnerships, authorized by Congress, with private conservation groups, local and state governments to protect military test and training capabilities and conserve land. These partnerships acquire easements or

other interests in land from willing sellers to preserve compatible land uses and sustain wildlife habitat near installations and ranges where the military operates, tests, and trains.

**F. Siting Issues (Eminent Domain):** NACo supports federal efforts to ensure that counties are empowered and included in the decision-making process when siting of infrastructure, including, but not limited to, power grids, pipelines, or energy-related corridors, and facilities, such as liquefied natural gas terminals and refineries, are being considered.

NACo recognizes that land use controls, including the siting of facilities that may have an adverse effect on environmental quality, are traditionally a state and local prerogative.

NACo supports strengthening the role of counties in the process and opposes any federal effort to preempt state and local land use authorities.

**G. Environmental Equity:** NACo supports federal funding of research to scientifically evaluate cumulative environmental and health risks to all people, regardless of race or economic status, who live close to facilities that emit pollutants, and providing the results to local elected officials.

NACo urges federal and state financial assistance to local governments to implement and enforce environmental laws in a non-discriminatory manner to protect all citizens from environmental harm.

#### **H. Parks and Recreation**

NACo believes the federal government has a role in the financing of local parks and recreation programs, and an obligation to acquire, develop, and maintain national parks and similar facilities of historic value.

NACo supports full funding for the U.S. Forest Service's Urban and Community Forestry program (U&CF), at a level that will help counties become more sustainable and viable, as counties can aid in meeting the challenge of increased leisure time by providing well-planned parks, open space, quality recreational opportunities, and public education about the use of these facilities.

NACo supports continued funding of the Land and Water Conservation Fund (LWCF), with funding priority given to those areas in greatest need of open space protection. NACo supports establishing and funding of federal initiatives and programs to assist counties with preserving open space and farmlands, as deemed appropriate by the county.

NACo supports annual allocation of adequate "stateside" funding in the federal LWCF to provide matching grants to counties, special park, forest preserve and conservation districts, and other local governments for purchase of park lands and other open space, and development of trails and other outdoor recreation amenities.

NACo supports federal programs that make surplus federal real and personal property available at no or reduced costs to local governments for parks and recreational purposes.

NACo opposes legislation to limit the ability of counties to utilize reasonable user fees, as long as they do not deny persons with modest incomes access, to help defray some of the operational and maintenance costs for public parks and recreation programs.

NACo encourages the creation of partnerships between the public and private sectors, such as the "adopt-a-park" program, to supplement government's ability to develop and deliver recreational services and facilities.

**I. Noise Pollution:** NACo believes counties should have authority over noise regulations in their communities. However, when federal jurisdiction supersedes local authority, there should be a fair, just, and meaningful appeals process.

NACo supports continued federal noise emission standards, periodic review of the standards for trucks, buses, and motorcycles, and reserving the authority of state and local governments to develop and enforce stricter standards.

NACo supports federal funding and support for public/private noise-related research and development.

NACo is opposed to shifting the burden from noise caused by federal facilities and federal actions to counties without adequate financial and technical resources.

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Adopted July 22, 2013

## **ENVIRONMENT, ENERGY AND LAND USE RESOLUTIONS**

### **Resolution on U.S. Army Corps of Engineers' Levee Vegetation Removal Policy**

**Issue:** U.S. Army Corps of Engineers' (Corps) levee vegetation management policy

**Adopted Policy:** NACo supports modifying the U.S. Army Corps of Engineers' levee vegetation policy to address significant local government implementation challenges, including H.R. 399, the *Levee Vegetation Review Act* of 2013 and Section 2020 of S. 601, the *Water Resources Development Act (WRDA)* of 2013.

Adopted July 22, 2013

### **Resolution on U.S. Army Corps of Engineers Section 404 Permit Program**

**Issue:** Administration of Clean Water Act (CWA) §404 Permit Program for routine maintenance.

**Adopted Policy:** NACo urges the federal government to improve the CWA §404 permit process by the U.S. Army Corps of Engineers (Corps); remove routine maintenance of human-made public flood protection facilities from the §404 permit process when no endangered species habitat present; and extend the (CWA) general permit term for routine maintenance from five to ten years.

This proposal does not apply when endangered species are present in the maintenance area.

Adopted July 22, 2013

### **Resolution on the Reduction and Cleanup of Marine Debris**

**Issue:** Encourage clean-up of marine debris.

**Adopted Policy:** To address the exponentially increasing problem of marine debris, NACo:

- Supports continued reauthorization of the Marine Debris Research, Prevention, and Reduction Act (MDRPRA) and/or similar legislation;
- Supports increased funding to the National Oceanic and Atmospheric Administration (NOAA) to provide additional resources for:
  - Grants to coastal counties for beach cleanup efforts;
  - Funding for derelict fishing gear removal;
  - Research on the effectiveness of off-shore clean-up methods; and
  - Federal policies that encourage states and localities to educate small business communities and consumers about the significant environmental harm of single-use plastic bags/bottles and the benefits of associated county-wide bans and additionally encouraging reuse/recycle policies at the local level.



Adopted July 22, 2013

### **Resolution on Exempting Renewable Biomass Emissions from the EPA's Tailoring Rule**

**Issue:** Renewable Biomass Emissions and the Greenhouse Gas Tailoring Rule

**Adopted Policy:** NACo supports the permanent exemption of emissions from renewable biomass combustion from the Environmental Protection Agency's (EPA) "Greenhouse Gas Tailoring Rule" and supports policy that recognizes the full carbon benefits of biomass combustion for energy consistent with established and well-supported science.

Adopted July 22, 2013

### **Resolution on the Keystone XL Pipeline**

**Issue:** Allowing construction of the Keystone XL Pipeline

**Adopted Policy:** NACo urges the Department of State and the Administration to expedite the comprehensive review and submission for the approval process, the Presidential Permit for the Keystone XL Pipeline and other petroleum pipeline projects.

Adopted July 22, 2013

### **Resolution Opposing Delay in Issuance of Oil and Gas Drilling Permits**

**Issue:** Issuance of drilling permits

**Adopted Policy:** NACo strongly supports domestic energy production and recognizes that U.S. independence from foreign oil also requires expanded alternative and renewable resources. NACo urges the Administration to safely and thoughtfully review and make a final decision on oil and gas drilling permits in a timely fashion.

Adopted July 22, 2013

# FINANCE AND INTERGOVERNMENTAL AFFAIRS

## STATEMENT OF BASIC PHILOSOPHY

Counties, as political subdivisions of the sovereign states have a right and a responsibility to raise the necessary revenues to finance critical basic public services of a wide variety, many of which are federally mandated.

## TENTH AMENDMENT

NACo affirms the Tenth Amendment to the Constitution of the United States as the operational force governing and balancing the respective powers of the states and local governments and federal government.

## PARTNERSHIP AND THE NEED FOR STRONG COUNTY GOVERNMENT

Counties are more than just local branches of the state or federal government. As representatives of the local government that reaches all the people, county officials pledge themselves to strengthen and improve county government. The federal government should recognize the inalienable right of state and local governments to participate in the decision-making process of a federal system. It should further recognize that because local government is the closest to the citizenry it is often best equipped to deliver services and administer programs. Strong county government is an essential component and partner in the effective operation of national-state-local government activities.

## INTERGOVERNMENTAL IMMUNITY FROM TAXATION

It has been long established, under the Constitutional doctrine of intergovernmental immunity that the federal government and state governments, and their political subdivisions, may not by taxation interfere with the legitimate functions of another. Furthermore, the Constitution, by requiring that the federal government guarantee a republican form of government to the states, requires that state and local governments should have the power to finance their legitimate functions free from federal interference. NACo insists that the federal tax system should acknowledge the direct and indirect linkages between federal and local tax systems. The federal government should not tax county governments or their respective functions, just as local governments cannot tax the federal government. Nor can federal tax policies be allowed to dictate states' revenue sources.

## ASSESSMENT AND TAX ADMINISTRATION

**A. GASB Activities Related to Performance Measurement:** NACo opposes issuance by the Governmental Accounting Standards Board (GASB) of any standard or any other official guidance, such as a statement of recommended practice, on performance measurement for the following reasons:

- Accounting is not synonymous with accountability;
- Decisions about performance measurements depend on the specific goals, objectives and strategies pursued by a local government and inherently not simply an accounting decision but a part of the policy and budget process;
- Even a voluntary action by GASB, an authoritative standard-setting body, will be perceived as mandatory; and
- Standards will discourage, rather than foster, innovation in performance measurement.

**B. Tax Exemption for Municipal Bonds:** NACo supports the right of counties to issue governmental debt for essential public services by marketing bonds to investors with interest on such bonds remaining totally exempt from federal taxation. Just as federal debt is exempt from local taxes, county governments vigorously oppose any action in the context of tax reform or deficit reduction that would directly or indirectly tax, under the federal income tax, interest on state or local government municipal bonds, or would place these bonds in an inferior competitive position with federal debt instruments and corporate securities. NACo asserts that tax-exempt bonds are a critical tool for budgeting and financing of long-range investments in the infrastructure and facilities necessary to meet public demand for government services. NACo opposes restrictions that would drive up the cost of issuing tax-exempt bonds. NACo endorses simplifications that would ease existing burdensome restrictions on tax-exempt financing.

NACo supports the use of direct subsidy bonds (e.g. Build America Bonds and Recovery Zone Bonds) as additional financing options for county governments but not as a replacement for traditional tax-exempt municipal bonds.

**C. Public Purpose:** Counties should have the right to determine the public purposes to be financed by their bonds. The tax-exempt nature of tax-exempt bonds should be safeguarded when they meet a public purpose that benefits the community as a whole, not merely as individuals, regardless of ownership. Ownership or the employing power of those who operate a facility should not be the criteria by which public purpose is defined. However, eligibility for tax-exempt bonds should rest on a test of public purpose, defined in the following manner. A public purpose should be met:

- When a general purpose state or local government's general revenues have been used to finance a purpose or service over an historic period prior to issuance of a bond for a project determined to be necessary to the provision of such a purpose or service, or
- When local governments carry out a public service as directed by a federal mandate, e.g., jail overcrowding, clean air or water, or
- Where a bond issue is proposed by the local government and meets state and/or local requirements for bond approval. This process should not be used to override Congress' acts that certain facilities should not be eligible for tax-exempt financing.

**D. Delinquent Tax Bonds:** Counties should be allowed to issue tax exempt bonds to cover the cost of uncollected and delinquent real property tax bills.

## **CATEGORIES OF TAX-EXEMPT BONDS**

Tax-exempt bonds fall into three major categories:

- **Governmental Bonds:** Governmental bonds should meet at least one of the above three public purpose tests and their ultimate credit should be pledged from the general revenues of the local government that is the issuer of the bond.
- **Partnership/Private Activity Bonds:** Tax-exempt bonds that fall into this category are treated differently from governmental bonds in that they are subject to state-by-state volume limitations based on the population of the state. Partnership bonds are issued on behalf of a governmental body for public purposes that meet one or more of the above three tests. However, they differ from governmental bonds because they have no claim on the general tax revenues and are largely financed through the revenues generated by the project itself. Furthermore, the bond proceeds benefit a larger percentage of the private sector than the proceeds of governmental bonds. Examples of projects that may generally fall into this category are moderate to low income single family housing and small scale highly targeted economic development.
- **Special Exceptions:** Special exceptions should be made for multifamily housing, solid waste facilities, renewable energy improvements, energy efficiency, water conservation and efficiency projects, and they should not be subject to volume caps.

## **501(c)(3) NON-PROFIT ORGANIZATION BONDS**

These are bonds that are issued by authorities created by a government on behalf of organizations that qualify for tax-exempt status under the federal tax code and Internal Revenue Service regulations. They are tax-exempt because they are deemed to perform a charitable service and help government to address the burdens of public service in a progressive manner. Therefore, these organizations should be eligible to use tax-exempt bonds as a capital financing tool as long as they meet certain public service requirements. These bonds are subject to the following restrictions and requirements that distinguish them from purely governmental bonds:

- **Non-Profit Hospitals:** Section 501(c)(3) non-profit hospitals should be required to meet appropriate Medicaid/charity care tests in return for the benefit received from using tax-exempt bonds. As long as they

provide an appropriate percentage of their services to the uninsured or underinsured their bonds should not be subject to penalties or to the volume cap for all other 501(c)(3) institutions currently authorized under the Tax Reform Act of 1986.

- **Non-Profit Long-Term Care Facilities:** Section 501(c)(3) non-profit long-term care facilities for the elderly, disabled, or terminally ill patient (e.g., AIDS), should continue to be subject to the current volume cap unless, on a case by case basis, they meet appropriate Medicaid/charity care tests.

### **EXEMPTION FROM THE ALTERNATIVE MINIMUM TAX**

Interest earned on tax-exempt bonds should be exempt from the federal Alternative Minimum Tax (AMT). This exclusion should also apply to ‘excess’ corporate book income, to the extent that it includes interest earned on tax-exempt bonds.

### **REFUNDING**

NACo opposes restrictions on counties’ ability to refinance their bonds at lower interest rates, which can save taxpayers millions of dollars.

### **ACCESS TO THE TAX-EXEMPT MARKET**

When considering any legislation which would have an impact on the municipal bond market, Congress should ensure that access of state and local governments to the existing tax-exempt market should not be impaired. NACo supports legislative and regulatory efforts to assist state and local governments in accessing the municipal bond market during times of crises.

### **DISCLOSURE OF INFORMATION BY MUNICIPAL BOND ISSUERS**

NACo recognizes the need for full disclosure of all relevant information concerning a county’s financial condition to potential investors, citizens, and other parties interested in municipal bonds. NACo opposes federally imposed standards for county financial accounting and reporting and supports those principles put forth by the GASB.

NACo supports disclosure guidelines developed by the Government Finance Officers Association and the GASB in cooperation with public interest groups and urges county governments to adhere to these guidelines.

### **ARBITRAGE RATES**

NACo opposes requirements that non-abusive arbitrage earnings from investments of bond proceeds in higher yielding securities be rebated to the United States Treasury. The federal government should amend the U.S. tax code to provide simpler and more flexible criteria to determine whether arbitrage has been earned in using tax-exempt bond proceeds.

### **SIMPLIFICATION OF TAX-EXEMPT BOND STATUTES**

NACo urges Congress to simplify current tax-exempt bond statutes and that the legislation includes provisions to:

- Raise the small-issuer arbitrage rebate;
- Establish an arbitrage rebate safe harbor with a three-year spend out for construction projects;
- Raise the small-issuer bank interest deduction exception; and
- Repeal the five percent unrelated or disproportionate use rule.

### **MANDATED INFRASTRUCTURE FACILITY BONDS**

NACo urges Congress to create a new category of bonds called Mandated Infrastructure Facility Bonds to assist states, counties, and cities in financing federal infrastructure mandates. The bonds would not be subject to arbitrage requirements, state-wide volume caps or limitations on advance refunding.

### **CREDIT ASSISTANCE**

Any credit assistance program should be automatically applicable to all legitimate state and local borrowing and should not be subject to elaborate administrative procedures.

## EQUALIZATION IN FEDERAL GRANTS

The distribution of federal grants should reflect relative inequalities among recipient governments in program needs and in the fiscal capabilities to meet these needs with the following:

- **Appropriateness and Feasibility:** Appropriate agencies of the federal government should be required to examine those grant programs that distribute funds directly to local governments or support local projects, in order to assess the extent to which variations in local fiscal capabilities should be recognized in their distribution and appraise the feasibility of administering effective and equitable equalization provisions in such grants;
- **Periodic Review of Need Indices:** The departments and agencies responsible for administering federal grant programs should be required to review periodically the adequacy of the need indices employed in the respective grant programs and the appropriateness of their equalization provisions;
- **Recognizing Disparities:** States should be required to recognize disparities in fiscal needs and resources among local governments in the redistribution of federal grant funds; and
- **Serving Incorporated Areas:** All federal grant programs should include equitable criteria that recognize that county governments serve all citizens within their boundaries, including areas within incorporated municipalities. The distribution of federal assistance funds should be based on total county population when determining prime sponsorship or entitlement.

## BLOCK GRANTS

NACo urges Congress and the Administration to consider the following principles in developing block grant legislation:

- Emphasis should be on reducing expenses and not on shifting costs from the federal government to local taxpayers;
- Federal block grant legislation should be developed in close consultation with county officials;
- States should be required to jointly plan, review, accept, and publish comments from county officials on all expenditures of federal funds;
- Federal block grant funds for health, social services, employment, community and economic development, and criminal justice should be allocated to general purpose local governments where existing service delivery systems are in place;
- Reasonable transition time should be allowed to move from categorical to block grants and counties should be given sufficient time to adjust their own laws, budgets and administrative procedures to comply with changes in federal policy;
- Local flexibility should be permitted to address identifiable needs within the context of meeting broad national objectives;
- Block grant proposals should require political accountability for the expenditure of public funds at the county level;
- Accountability for the use of funds should be demonstrated through outcome measurements;
- State administration costs should be capped to what is reasonable and justifiable on the basis of current administrative costs; and
- If a federal mandate is eliminated or waived for a state it should be eliminated for local governments.

## GENERAL SERVICES ADMINISTRATION SCHEDULE CONTRACTS

Access to General Services Administration schedule contracts provides volume pricing and reduces unnecessary duplication of effort by multiple federal, state and local government contract managers to make public sector procurement more cost-effective. NACo supports total access for local governments to GSA schedule contracts, including access to “green” schedules.

## CONSULTATION IN FEDERAL DECISION-MAKING

The federal government should encourage early and meaningful involvement of elected public officials and their representative organizations in all aspects of national decision-making. The federal government should discern the difference between the partnership role of public elected officials and their representative groups and the advisory role of public interest groups representing non-elected officials.

### **RECOGNITION OF FISCAL IMPACTS**

The national government should protect the integrity of its state and local government partners by establishing an expanded fiscal impact policy. This policy should inform state and local governments of all anticipated regulatory and fiscal impacts of proposed policies on state and local budgets.

### **MANDATE FUNDING**

The federal government should fund local government for all costs associated with complying with mandates.

### **PREEMPTION**

Preemption of local authority is a growing concern of the nation's counties. Federal efforts to dictate implementation of traditional county responsibilities and functions undermine the concept of federalism and are contrary to the constitutional framework underlying federal/state/local relations. Therefore, NACo opposes any effort by the federal and state governments, or international agreement, to preempt local authorities. Federal preemption of local authority should not be initiated unless there is an overriding national issue and the fiscal impact on local government of such action has been evaluated closely.

Additionally, NACo opposes any federal legislative or regulatory initiatives that would preempt state and local taxing authority.

### **DEDUCTIBILITY OF STATE AND LOCAL TAXES**

The federal tax code should retain the deductibility of all state and local taxes, particularly the property tax, and it should reinstate the deductibility of sales taxes. NACo opposes any requirements that place the burden of responsibility on counties to determine and specify on real property tax bills the deductibility of those taxes and also opposes any requirement to report to the Internal Revenue Service the amount of taxes paid by each taxpayer.

### **QUASI-GOVERNMENT INSTRUMENTALITIES**

The federal government should not deprive counties of their effective power to tax through creation of quasi-governmental instrumentalities that are exempted from state and local taxes.

### **VALUATION AND ASSESSMENT DECISIONS**

NACo opposes federal legislation that intrudes into state and local government valuation and assessment decisions.

### **AD VALOREM TAXES**

NACo opposes federal legislation that attempts to usurp state jurisdiction over ad valorem taxes.

### **REFORM OF PROPERTY TAXES**

The property tax should be regarded as a necessary part of an overall tax system because it raises a substantial amount of money and is, in fact, the largest single source of local tax revenue. However, property tax revenues are no longer sufficient to support all functions of local government, and the property tax is no longer the best measure of a person's ability to pay. Counties should have the ability to employ additional means of financing county government. NACo recommends the following policies to relieve and reform the property tax:

- **Maintenance of Federal and State Funding:** Federal and state financing of public assistance and income-maintenance programs should be maintained by federal and state governments.

- **Reimbursement:** Legislation should be enacted by the federal government or the states to reimburse counties for any loss in property tax revenues caused by legislation or by administrative action which reduces or exempts property from taxation, such as the holding of lands in trust for the benefit of Native Americans.

## **INTERCEPT OF FEDERAL TAX REFUNDS**

NACo supports federal legislation to permit the offset of federal tax refunds for state and local tax debts and outstanding court-ordered obligations in criminal and juvenile justice proceedings.

## **FEDERAL TAX REFORM**

NACo supports tax reform and simplification, and encourages Congress and the Administration to make it a priority.

## **COUNTY AND TRIBAL GOVERNMENT RELATIONS**

The policy of NACo is to support government-to-government relations that recognize the role and unique interests of tribes, states, counties, and other local governments to protect all members of their communities and to provide governmental services and infrastructure beneficial to all – Indian and non-Indian alike.

NACo recognizes and respects the tribal right of self-governance to provide for tribal members and to preserve traditional tribal culture and heritage. In similar fashion, NACo recognizes and promotes self-governance by counties to provide for the health, safety, and general welfare of all members of their communities. To that end, NACo supports active participation by counties on issues and activities that have an impact on counties.

NACo supports the reaching of enforceable agreements between tribes and local governments concerning the mitigation of impacts of gaming or other development. NACo opposes any federal limitation on the ability of tribes, states, counties and other local governments to reach mutually acceptable and enforceable agreements or on the ability of these governments to fulfill the purposes for which they have self-governance.

Nothing in federal law should interfere with the provision of public health, safety, welfare, or environmental services by local government. It is the policy of NACo to support legislation and regulation that preserves – and does not impair – the ability of counties to provide these services to the community.

## **LANDS IN TRUST**

NACo supports the improvement of the process by which lands are considered to be taken into trust, including revision of the Indian Reorganization Act of 1934, to require:

- adequate advance notice of applications,
- actual meaningful consultation (including providing counties 120 days to respond to applications and requiring the Department of the Interior/Bureau of Indian Affairs to respond within 90 days, in writing, to such comments explaining the rationale for acceptance or rejection of those comments), and
- to the extent constitutionally permissible, the consent of the affected counties.

NACo opposes administrative action or a legislative “quick fix” to overturn the United States Supreme Court decision in the case of *Carciere v. Salazar*, 555 U.S., 129 S. Ct. 1058 (2009), which held that the Secretary of the Department of the Interior (DOI) lacks authority to take land into trust for tribes that were not “under federal jurisdiction” upon enactment of the Indian Reorganization Act (IRA) in 1934. NACo calls on Congress to address any *Carciere* issues as part of a comprehensive examination and congressionally enacted reform of the fee land into trust process. *This reform is necessary as the current federal fee to trust process as exercised under the IRA and as used under the “restored lands” exception to the Indian Gaming Regulatory Act (IGRA) is contrary to the original legislative intent; is without clear and enforceable standards; does not take into account county interests; and, at times, interferes with county ability to provide essential services to the community.* NACo supports legislative changes to the trust process that also include full compensation to counties for lost tax revenue resulting from taking lands into federal jurisdiction.

## **GAMING**

NACo supports the revision of the IGRA to require consultation with and mitigation of identified impacts on affected local governments and the implementation of accountability procedures.

## **ELECTIONS**

Counties have traditionally administered and financed elections in the United States, an arrangement that acknowledges the differences in size and requirements of various jurisdictions. NACo opposes legislation that imposes specific and impractical requirements regarding equipment, procedures, and personnel responsibilities under the guise of federal election reform when said regulations directly impact the conduct of state and local elections. NACo additionally opposes unfunded mandates and insufficient deadlines with regard to federal election reform. Counties administer the nation's elections and should be included in any meaningful reform of our election process. NACo further asserts that counties should not be held liable for state failures to comply with election requirements imposed by the federal government.

## **TOOLS FOR MINORITY LANGUAGE OUTREACH UNDER THE VOTING RIGHTS ACT**

NACo expresses concern that the federal government does not provide the essential resources needed for voters who require assistance to participate in our democracy. Many counties lack essential tools required to comply with Section 203 of the Voting Rights Act and serve the needs of voters who are limited English-proficient.

NACo encourages full funding for the Census Bureau and additional funding for the Department of Justice and/or the Census Bureau to notify affected jurisdictions upon publication in the Federal Register of any coverage determination under Section 203 of the Voting Rights Act. Such notice should specify the basis for the coverage determination and should include a data supplement for use in targeting outreach required under Section 203. This supplement should disaggregate the demographic data used to determine coverage by census tract or other smallest level appropriate.

## **DISCOUNTED POSTAGE RATE**

NACo supports the establishment of a discounted Presort First-Class postage rate, similar to that enjoyed by federal agencies such as the Internal Revenue Service, for specified local government mailings mandated by federal or state law, such as voter registrations, election ballot mailings, property tax statements, summonses, and jury duty pay.

## **REPEAL OF THE REAL ID ACT**

NACo urges repeal of the Real ID Act of 2005. It places an unfair burden on the motoring public, threatens privacy, and leaves citizens vulnerable to identity theft. The Act fails to accomplish its mission of improving security. NACo urges the federal government to ensure that Homeland Security should start at home by allowing driver's license renewal services to remain at home.

## **AMERICAN COMMUNITY SURVEY**

NACo supports nationwide implementation of the American Community Survey to improve the utility of census data and permit more frequent releases of data to demonstrate emerging local and regional trends.

## **SALES AND USE TAXES**

NACo encourages efforts to reduce the complexity of state and local sales and use tax laws and urges Congress to pass legislation codifying the Streamlined Sales and Use Tax Agreement. NACo also supports granting counties with the authority to enforce the collection of already existing sales and use taxes from remote sellers. These efforts, however, should not be used by the federal government as a means to undermine county government taxing authority and revenue streams.

Adopted July 22, 2013



## **FINANCE AND INTERGOVERNMENTAL AFFAIRS RESOLUTIONS**

### **Resolution on the Marketplace Fairness Act**

**Issue:** Marketplace Fairness Act

**Adopted Policy:** The National Association of Counties (NACo) encourages and supports efforts to permit the collection of sales and use taxes from remote sellers and endorses the Marketplace Fairness Act to provide states with the ability to enforce their existing state and local sales and use tax laws.

Adopted July 22, 2013

### **Resolution on the Single Audit Requirements**

**Issue:** Federal single audit requirements

**Adopted Policy:** NACo supports efforts to increase the basic minimum requirements on local governments receiving federal assistance, with an additional exception for when federal disaster assistance is the reason that an entity exceeds the threshold.

Adopted July 22, 2013

### **Resolution Supporting Uniform Rating System for All Securities**

**Issue:** Federal legislation ensuring uniform and accurate credit ratings of municipal bonds.

**Adopted Policy:** NACo supports legislation that requires nationally recognized statistical rating organizations to establish, maintain, and enforce written policies and procedures designed to apply rating symbols in a consistent manner for all types of securities and money market instruments.

Adopted July 22, 2013

# HEALTH

## STATEMENT OF BASIC PHILOSOPHY

County governments are integral to America's current health care system and will be crucial partners in achieving any successful reform. At the most basic level, county officials are elected to protect the health and welfare of their constituents. County governments set the local ordinances and policies which govern the built environment, establishing the physical context for healthy, sustainable communities. County public health officials work to promote healthy lifestyles and to prevent injuries and disease. Counties provide the local health care safety net infrastructure, financing and operating hospitals, clinics and health centers. County governments also often serve as the payer of last resort for the medically indigent. County jails must offer their inmates health care as required by the U.S. Supreme Court. Counties operate nursing homes for low-income seniors. County behavioral health authorities help people with serious mental health, developmental disability, and substance abuse problems that would have nowhere else to turn. And as employers, county governments provide health insurance to the nearly three million county workers nationwide. Clearly, county tax payers contribute billions of dollars to the American health care system every year and their elected representatives must be at the table as full partners in order to achieve the goal of one hundred percent access and zero disparities.

## HEALTH SYSTEM REFORM

**A. Health Care Delivery Systems:** Prevention and access to health care services are the cornerstones of an effective health delivery system. The National Association of Counties (NACo) supports:

- One hundred percent access to necessary health services and zero disparities;
- Collaboration among local, state and federal governments and private businesses and organizations;
- Coordination of services by primary health care providers to ensure efficient, accessible and cost-effective care;
- Enhanced access to preventive health and emergency care for underserved populations;
- Universal access to basic care that is not dependent upon the resources generated by the local economy;
- Universal health insurance coverage;
- A comprehensive system of care including physical, oral, and behavioral health services; and
- Efforts that address the shortage of nurses and other health care professionals in the country.

## MEDICAL LIABILITY REFORM

NACo supports medical liability reform that:

- Is a means to prevent a patient's loss of access to needed medical care;
- Requires pre-trial professional review of cases to discourage frivolous lawsuits without obstructing the rights of citizens to due process;
- Requires medical liability insurance carriers to justify rate increases that exceed the established state rate; and
- Subjects providers of inadequate medical care to professional discipline.

NACo opposes medical liability reform that imposes mandates or usurps state authority.

## HEALTH CARE FINANCING

NACo supports:

- Federal and state governments' efforts to appropriately and adequately fund essential health services;
- Providing adequate funding to local governments to carry out essential health and administrative functions;
- The use of intergovernmental transfers (IGTs) as an essential means for maximizing the utilization of public funding from all three levels of government;
- An emphasis on primary prevention and health education services as the best tools to contain costs;

- National reporting on health trends or activities that recognize and include the services provided by county government;
- Proposals that enhance federal assistance and increase funding to counties for health services;
- Requiring individuals to pay for their public program coverage on an ability to pay, sliding fee scale basis;
- Providing county public hospitals, participating in the 340B program, with the same discount for inpatient prescription drugs they receive for outpatient prescription drugs. The 340B program should be expanded to include county behavioral health authorities;
- Encouraging case managers and managed health care entities to recognize and use county and other public providers and reimburse them for care provided to Medicaid managed care patients;
- Using alternative delivery methods and treatment settings to reduce costs;
- Redesigning federal and state reimbursement systems to reflect the unique responsibilities of county run health care facilities;
- Ensuring that county health programs are eligible for the same federal reimbursements available to federally funded entities;
- Public reimbursement for services provided to the uninsured and special populations by any provider or profession licensed or authorized by the state to provide health services; and
- A variety of strategies which assist in cost containment for prescription drugs.

NACo opposes:

- Capping federal health care entitlement programs;
- Measures that shift costs to counties; and
- Activities that hamper counties' ability to negotiate the best possible prices for prescription drugs.

## **PUBLIC HEALTH**

**A. Infrastructure:** Each county should be served by a strong local public health agency. The elements of a strong infrastructure include a skilled workforce, integrated electronic information and communication systems and effective organization and management. NACo supports:

- The concepts and standards for local public health departments as outlined in the voluntary Public Health Accreditation Standards and Measures;
- Active partnerships among the county's health care community and other public and private organizations concerned with health;
- Sustained federal support for building and maintaining a local public health infrastructure that is linked with state and federal public health systems; and
- Federal scholarships, loan repayment programs, and direct support for training of all public health professionals particularly those in shortage areas.

**B. Preparedness:** Local governments and local public health departments are the first responders to public health emergencies. Every county must be protected by a fully prepared governmental public health system. NACo supports:

- Sustained and ample federal funding for public health preparedness;
- Full integration of the public health response to emergencies into each county's emergency management plan; and
- Federal requirements that allocate a substantial proportion of federal funds to localities.

**C. Chronic Disease Prevention:** Successful chronic disease prevention requires a combination of individual responsibility for health behaviors and community support for healthy living. NACo supports:

- Collective action at the federal, state, and county levels to create programs, policies, and practices that encourage and facilitate healthy living and appropriate behavioral change;

- Systematic integration of local public health considerations into land use planning and community design processes;
- Policies and programs to improve wellness;
- FDA regulation of tobacco without preemption of stronger local laws and regulations; and
- Federal and state governments and the private sector to collaborate with counties in reducing health care costs associated with preventable disease and disability by creating and supporting programs and actions that promote healthy behavior and the early detection and treatment of preventable diseases.

**D. Infectious Disease Control:** County public health is responsible for the control of communicable diseases.

**1. Immunizations:** NACo supports:

- Increased federal appropriations for immunization programs to provide vaccines to under/uninsured children and other at-risk populations; to build sustainable infrastructure for immunization assessments and immunization outreach and coverage. Immunization programs should include public health departments and public health nurses as access points for vaccines; and
- Federal purchase and distribution of influenza vaccine during pandemic seasons to address problems of vaccine shortages, delays in deliveries and vaccine availability.

**2. HIV/AIDS:** NACo supports:

- Policies that facilitate local flexibility in the use of funds for HIV/AIDS prevention;
- Full funding and reauthorization for the Ryan White CARE Act;
- Uniform federal requirements for reporting of HIV testing and a national voluntary partner notification program; and
- Continuous training on infection control techniques for all health care workers.

**3. Tuberculosis Control:** NACo supports:

- Federal funding for local public health departments to provide effective community based TB control services, including supervised therapy; and
- Federal immigration policies that support TB assessment and control before immigrants enter the United States.

**E. Environmental Health:** Public health departments at the county level work to prevent diseases caused by environmental factors such as unsafe food, housing, and waste management. NACo supports:

- The formation of a federal/state/local partnership in the establishment, delivery and funding of environmental health protective services;
- The early and continuous involvement of county officials, as the lead contact, and public health authorities in steps taken under the Environmental Protection Agency's (EPA) Superfund statute to assess hazardous waste and disaster sites, place them on the National Priorities List, and establish and implement appropriate cleanup plans. EPA's involvement with local authorities should include immediate notification of site discovery;
- Appropriate testing for lead poisoning according to the Centers for Disease Control and Prevention guidelines, providing appropriate medical and environmental follow-up incentives based on financial need to help finance solutions to lead related hazards and the reporting of cases of lead poisoning to state and local health departments; and
- Establishment of a national collaborative science-based food safety system that will integrate and fund food safety activities, provide support for county authorities who have primary front-line responsibility for the inspection and compliance of food service establishments and address consumers' behavior related to safe food handling practices.

**F. Injury Prevention:** Injuries and resulting deaths, particularly those from intentional and unintentional violence, including those from the use of firearms and other weapons, are critical public health and safety concerns. NACo supports:

- Enhanced federal assistance and increased funding for public health science, programs, and services to prevent injuries;
- Collaboration among public safety, law enforcement, and public health departments; and
- Promotion of all strategies to reduce injury-caused disability and death.

**G. Clinical Preventive Services and Health Education:** Public health departments at the county level provide clinical preventive services and health education through such programs as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), family planning clinics, and health and sexuality education programs for adolescents. NACo supports:

- The WIC program and other vital child nutrition programs and urges continued funding for them;
- Comprehensive sexuality education for adolescents, including education about abstinence, resisting peer pressure, pregnancy, sexually transmitted diseases, and HIV/AIDS; and
- Family planning programs that provide information on a wide range of family planning methods with sensitivity to the religious beliefs of the client or recipient. Physician-patient communications should not be dictated, defined or restricted by laws or regulations that restrict a patient's right to medical information and legal medical procedures.

## **RURAL HEALTH**

NACo supports:

- Elimination of the urban-rural difference in Medicare payments for hospitals;
- Full funding of the geographic blend for Medicare+Choice;
- Tax relief for National Health Service Corps scholarships;
- Tax incentives for health professionals practicing in rural/underserved areas;
- The Rural Hospital Flexibility Grant program for facilities examining their service and financial role in the community;
- Reforms to the Graduate Medical Education program to produce more primary care providers;
- The J-1 visa program which allows foreign medical graduates to practice in underserved areas of the United States;
- Extended Medicare reimbursement for telemedicine to all rural areas and expanded coverage;
- Health Services Outreach grants to enhance services to vulnerable populations;
- Initiatives to enhance rural health research, farm safety, and health and state rural health clearinghouses;
- Initiatives that encourage the assignment of dental students' participation in the oral health of underserved communities; and
- Initiatives that integrate the efforts of multiple health disciplines in an approach to promote total health and well-being.

## **INDIAN HEALTH SERVICE**

NACo supports requiring the U.S. Department of Health and Human Services' Indian Health Service to pay for the full cost of health care for enrolled tribal members who live on Indian trust lands, including reimbursement for care given at county facilities.

## **LONG-TERM CARE**

County governments provide and purchase long-term health care. Federal policies and funding must recognize the role and responsibilities of county governments as safety net providers, in assuring necessary and effective services for the elderly and disabled, including community-based and long-term care services. NACo supports:

- Services provided in the least restrictive environment;
- Additional administrative flexibility in federal health financing programs to encourage and enable the expansion of community-based care as a means of avoiding unnecessary institutional care;

- A continuum of home, community-based or institutional care services, including room and board, for persons needing assistance with activities of daily living (ADL);
- The availability of Supplemental Security Income (SSI) and Medicaid to persons residing in community-based and home-based services;
- The availability of long-term care tax credits; and
- Incentives and support for informal caregivers.

**A. Medicare Reimbursement for Skilled Nursing Facilities (SNFs):** SNFs provide needed rehabilitation and skilled nursing for their residents. To ensure access and quality care, NACo supports reimbursement formulas that account for high cost, medically complex patients and that reflect annual changes in the prices of SNF outputs.

**B. Survey and Certification:** NACo supports:

- The use of benchmarking and outcome measurement systems to determine quality of long-term care services. Those systems should provide objective results that can be easily compared with other providers;
- Collaboration between providers and regulators to fix problems and empower staff to improve quality;
- Clear distinctions between serious offenses and minor offenses;
- Reinvesting fines collected from providers to improve care;
- Devoting more survey resources to poor performing providers; and
- Recognition of providers that are outstanding performers.

**C. Staffing Requirements:** Staff turnover is a major obstacle to continuity and quality of care. NACo supports:

- Staff empowerment rather than mandated staff ratios to achieve quality care and retention;
- Medicaid and Medicare funding which recognizes the cost and importance of adequate staff; and
- The ability to hire and train more staff of varying skill levels to help provide long-term care services.

## **BEHAVIORAL HEALTH**

Counties plan, operate and finance community-based services for persons with mental illness, substance abuse disorders and/or developmental disabilities (behavioral health). NACo supports:

- Community-based care and services enabling individuals to live in the least restrictive environment;
- Federal government support and development of behavioral health information, services and research; particularly into causes and cures and the promotion of those findings;
- Parity in coverage and availability of behavioral health services with other health services, regardless of payer source;
- The removal of Employee Retirement Income Security Act (ERISA) exemption of self-insured plans from state insurance regulation, including extending federal behavioral health parity requirements to such plans;
- Behavioral health parity within Medicare, including eliminating the fifty percent co-pay for mental health services;
- Cost controls allowing the availability of the most effective medications at the lowest cost;
- The National Institute of Mental Health's efforts to promote systems that finance and deliver care in community settings including reducing federal categorical restrictions;
- Private and public insurance coverage of behavioral health services, including non-medical interventions;
- Evidence-based prevention services;
- Medicaid waivers for behavioral health carve-outs;
- States' managed care waiver requests which offer sole source provisions for providing behavioral health services;
- Full funding and reauthorization for the Substance Abuse and Mental Health Services Administration (SAMHSA);

- Federal funding and legislation to divert non-violent persons with mental illness from county jails and into appropriate care;
- Increased federal funding for school-based behavioral health services targeted to at-risk youth;
- State flexibility in determining the length of participation in mental health or substance abuse treatment that would count toward Temporary Assistance for Needy Families (TANF) work requirements;
- Amending Medicaid's Institutions for Mental Disease (IMD) exclusion to promote better access to services;
- Efforts to increase the number of public sector behavioral health professionals and paraprofessionals;
- State and local flexibility in using substance abuse and mental health block grants to address local problems, including services for persons with co-occurring disorders;
- State flexibility for integrated and concurrent treatment programs for persons with co-occurring disorders; and
- Federal policies that support the development and funding of long-term mental health support services to counties which experience major natural and manmade disasters.

NACo opposes:

- Federal regulations that may exempt state licensing and certification standards or regulations;
- Federal mandates that require states to have a competitive bidding process for when counties are acting as purchasers on behalf of the state; and
- Federal categorical restrictions that limit needed services available to persons with mental illness, substance abuse disorders, and/or developmental disabilities.

## **MEDICAID AND INDIGENT CARE**

The current Medicaid program reflects four decades of national consensus that the federal government bears primary responsibility for providing health care to the country's most vulnerable citizens. This consensus and the unique federal, state and county partnerships in administering and financing Medicaid services should inform all changes to the system. Such reforms must require state Medicaid agencies to include county officials in state decisions regarding the design and administration of the Medicaid program in each state. NACo supports:

- Fiscal relief to state and local governments to protect the Medicaid program;
- An increase in the federal medical assistance percentage (FMAP):
  - Any proposal for an increase in the FMAP should protect current eligibility for Medicaid and have a memorandum of understanding (MOU) that current Medicaid eligibility within a state will be sustained;
  - To the greatest extent possible, any proposal for an increase in the FMAP should be exclusively in the form of an increase in the state's FMAP and not in the form of a block grant; and
  - Any FMAP increase must be passed through to counties commensurate with their financial contributions to the program.
- The state option to use provider taxes to raise a portion of their non-federal share for Medicaid as long as that mechanism increases the resources going to health care;
- Medicaid coverage of all legal immigrants and HIV infected individuals, while maintaining traditional preventive and case management services by local public health programs;
- Swift action to help counties serve the growing population of patients seeking uncompensated care in the nation's county emergency rooms and hospitals;
- Expanding Medicaid eligibility and enrollment education for women and children, as well as providing greater flexibility to states in using the State Children's Health Insurance Program (SCHIP) funds, including increasing the length of time that individual states have to spend their unexpended federal allotment and increasing federal funds for outreach;
- Allow redistribution of fifty percent of unspent SCHIP funds to states that spent all their allotment while allowing the other unspent funds to be retained by states three years after enactment of such legislation extending use of the funds;
- Fund efforts to reach qualified but unenrolled children and expand SCHIP to cover the parents of SCHIP qualified children;
- Legislation to restore Medicaid and SCHIP eligibility to all legal immigrants;

- A stronger disproportionate share hospital (DSH) program that assists systems serving large numbers of the medically uninsured and Medicaid recipients;
- Keep DSH funds separate from other Medicaid funds and strengthen and protect the DSH program in any Medicaid reform proposal;
- Increase allotments for low DSH states in future legislation, but not at the expense of other states;
- Any federal programmatic changes to explicitly address and support the dual, interrelated roles of counties in providing personal and public health services to the uninsured, the underinsured and entire communities;
- Comprehensive reform of the Medicaid waiver requirements and process to enable counties and states to implement clinically efficient and cost-effective health services;
- Legislation that would create a state option to create a Medicaid buy-in to expand Medicaid coverage to children with disabilities up to age 21, who would be eligible for SSI disability benefits but for their income or resources;
- Legislation to create a new Medicaid option for states to finance an array of intensive community-based services for adults with severe and persistent mental illnesses and children with serious mental and emotional disturbances;
- All Early Periodic Screening, Diagnosis, and Treatment (EPSDT) Program services will continue to be available regardless of enrollment in any benefit package; and
- Continued utilization of Home and Community Based waivers as a service model for the future with a county government voice and influence in how those waiver programs are designed and implemented in states where counties are responsible for administering them or for paying all or part of the non-federal share of the waivers.

NACo opposes:

- Cuts to all Medicaid programs;
- Capping the amount of the federal contribution to Medicaid or Medicare;
- Any action to restrict the definition of allowable services under the Rehabilitation Option;
- Citizenship and identity documentation requirements for Medicaid eligibility that delay service delivery;
- Administrative approval of state benefit packages that exempt services under a State Medicaid plan or require “contracts” between the beneficiary and the plan; and
- A definition of third party liability that shifts financial responsibility to county governments.

## **HEALTH FACILITIES CONSTRUCTION AND CAPITAL FINANCING**

NACo supports:

- Funding of health and hospital construction grant programs;
- Financing and taxing mechanisms for health facilities and providers that incorporate attention to the provision of indigent care;
- Expansion or construction of all health care facilities, the acquisition of equipment and allocation of health care resources to be carefully managed through a local planning process;
- Maintenance of the county-based infrastructure for assuring delivery of care;
- Priority to be given to new construction projects for public health care facilities and to modernization and renovation projects for existing public facilities;
- Priority to be given to purchasing and equipping mobile, clinical or health service outreach facilities; and
- Enforcement of regulations prohibiting refusal of care for financial reasons or transfer of patients for financial reasons.

## **FEDERAL ROLE**

The federal government should be responsible for assuring that all citizens have access to adequate and appropriate health care services, and that persons with disabilities can retain health benefits upon returning to work. NACo supports:



- Federal research into serious diseases that affect a large part of the population;
- Adequate funding of federal health care programs so that they do not increase the burden on the local tax base;
- Efforts to control the rate of growth of health care expenditures;
- Reforms to the Medicare and Medicaid systems that will insure optimal benefits to beneficiaries and full reimbursement to county providers;
- Federal health insurance programs as the primary payer of benefits and services provided to all eligible beneficiaries, particularly those who are dually eligible;
- Reimbursement to counties for providing preventive services, prenatal health care, treatment and testing of communicable diseases, dialysis, and chemotherapy treatments to all immigrants;
- U.S. Citizenship and Immigration Services (USCIS) reimbursement to counties for the care provided to injured or sick undocumented immigrants that Border Patrol officers apprehend;
- Federal government reimbursement to counties for the care provided to humanitarian parolees;
- The ability of states and counties to use their own funds to provide health care services to immigrants regardless of their status, without a reduction of federal financial responsibility for those services;
- The federal government to require states, in consultation with county governments, to set Medicaid reimbursement rates at levels that do not discourage providers from accepting Medicaid patients;
- Measures to reform these programs in the context of the entire system of financing health care, including costs to deliver services and utilization of a wage index formula that does not unfairly perpetuate low wages and geographic wage inequities;
- Efforts by the federal government to develop a single claims form and development of electronic billing as a means to reduce administrative costs in consultation with state and county governments, insurers and providers;
- Changes in the current federal policy that will allow a person receiving federal benefits who has been charged with a crime but not convicted to continue to be eligible for such entitlements including, but not limited to, Medicare, Medicaid, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Veterans, and Children's Health Insurance Program (CHIP) benefits until such time as they may be convicted and sentenced to an institution;
- Protecting the privacy of individual medical records in a way that does not impede the flow of information necessary to coordinate care among multiple providers efficiently and cost-effectively;
- The importation of Food and Drug Administration (FDA) approved prescription drugs manufactured in FDA approved facilities to increase access to safe, affordable prescription drugs; and
- Fully funding veterans' services especially those that support community treatment for mental illness and that allow for reimbursement to community agencies for services provided to veterans.

NACo opposes the imposition of restrictions upon reimbursement monies.

Adopted July 22, 2013

## **HEALTH RESOLUTIONS**

### **Resolution Supporting Development and Expansion of Parity for Mental Health and Substance Use Disorders under the Affordable Care Act**

**Issue:** Parity for mental health medical coverage for newly-insured populations under the Affordable Care Act (ACA).

**Adopted Policy:** NACo supports implementation of the ACA so as to ensure access to the highest quality mental health and substance use disorder services for newly-insured and existing Medicaid populations.

Adopted July 22, 2013

### **Resolution on the National Conversation on Mental Health**

**Issue:** County role in the National Conversation on Mental Health.

**Adopted Policy:** NACo supports the goals of the Administration's effort to launch a national conversation to increase understanding and awareness about mental health and to identify ways to reduce stigma, and to expand coverage and improve access to mental health services, especially for young people and veterans. NACo calls on the Administration to recognize counties as essential partners in these efforts and for counties to be engaged and invited to the table as national and local conversations are developed and implemented.

Adopted July 22, 2013

### **Resolution Supporting Provisions of the Affordable Care Act that Help County Safety Net and Behavioral Health Programs**

**Issue:** Essential need to implement key features of the Patient Protection and Affordable Care Act of 2010 (ACA)

**Adopted Policy:** NACo supports full funding for, and implementation of, the provisions of the ACA that help counties meet the service needs of low income and disabled populations. Specifically, NACo supports maintaining and expanding affordable health coverage and benefits to uninsured and underinsured residents who rely on county health care delivery systems – including the Medicaid maintenance of effort (MOE) requirements and the scheduled Medicaid expansion. NACo also supports the ACA's provisions to improve care coordination to ensure that everyone has a medical/health home for efficient, accessible and cost-effective care; to improve access to preventive care and health promotion for underserved populations; and to promote the use of peer supports and counselors, together with effective care coordination that spans health and social support services.

Adopted July 22, 2013

### **Resolution on Responding to the Behavioral Health Needs of Our Returning Veterans**

**Issue:** Behavioral health needs of returning veterans

**Adopted Policy:** NACo will undertake steps to assure that:

- U.S. Department of Veterans Affairs (VA) funds are made available to reimburse counties for the services provided to veterans eligible for VA services and for services provided to veterans awaiting determination of eligibility.
- VA funds are made available to reimburse services provided to veterans eligible for VA services by public and private providers under contract with the VA.
- U.S. Department of Defense (DOD) funds are made available to reimburse counties for the services provided to veterans eligible for DOD services.
- Appropriate county level data are available so that counties know how many veterans are returning to their local areas.
- Appropriate legislation and guidance from the Administration are available to correct gaps and deficiencies in the DOD and VA service delivery systems.

Adopted July 22, 2013

### **Resolution on Essential Support for Services for Persons with Behavioral Health and Developmental Disabilities**

**Issue:** Close coordination across health and social service programs

**Adopted Policy:** Care coordination across federal programs that serve persons with disabilities should be fully maintained for current beneficiaries and expanded appropriately to serve the disability population newly insured through the Affordable Care Act (ACA). Social service programs, particularly affordable housing and job training, should be expanded so that persons with disabilities can become and remain fully independent in their home communities.

Adopted July 22, 2013

### **Resolution on Nurse Home Visitation Programs**

**Issue:** Nurse home visitation programs

**Adopted Policy:** NACo recognizes the importance of evidence-based nurse home visitation programs that serve low-income parents, pregnant women and young children. NACo supports the premise that parents need access to public health resources to promote a healthy environment for their families. NACo supports adequate funding, including Medicaid funding, for all nurse home visitation programs that benefit families.

Adopted July 22, 2013

### **Resolution Supporting Efforts in the Prevention and Treatment of Obesity and Overweight**

**Issue:** Reduce obesity and overweight and improve wellness.

**Adopted Policy:** NACo recognizes obesity and overweight as conditions that can persist from childhood to adulthood, that are associated with chronic disease, and that cause preventable and premature deaths in adults, adolescents and children. NACo supports local public health department leadership in obesity and overweight prevention.

Adopted July 22, 2013

### **Resolution on Pandemic and All-Hazards Preparedness**

**Issue:** Local health departments play a vital role in promoting and maintaining the nation's health and security. They have legal authorities and perform preparedness functions and duties to ensure the safety and well-being of counties in the face of potential public health emergencies.

**Adopted Policy:** To ensure the public's health and safety, NACo urges the Administration and Congress to provide adequate funding through the reauthorization of the Pandemic and All-Hazards Preparedness Act (PAHPA) to build and sustain local infrastructure for public health emergency preparedness.

Adopted July 22, 2013

### **Resolution Endorsing the Vision and Goals of the National Prevention Strategy**

**Issue:** Support for the National Prevention Strategy

**Adopted Policy:** NACo endorses the overarching vision and goals of the National Prevention Strategy and will support actions and promote policies that support its effective implementation across all levels of government and in communities.

Adopted July 22, 2013

### **Resolution on Changing Nursing Home Oversight to Support and Promote Culture Change**

**Issue:** Regulatory barriers to improving nursing home culture

**Adopted Policy:** NACo urges the Centers for Medicare and Medicaid Services (CMS) to remove barriers and regulations that hinder providers from making transformative environmental, administrative and care practice changes that promote positive outcomes to resident and family satisfaction and improved quality of care and quality of life.

Adopted July 22, 2013

### **Resolution on Persistent Health Disparities**

**Issue:** Persistent health disparities

**Adopted Policy:** NACo supports legislation to reduce health disparities and address the social determinants of health, increase the diversity and cultural and linguistic competencies of the health workforce, and improve environmental justice. This must include significant direct federal funding for counties to implement programs designed to reduce disparities, by direct service delivery and in partnership with providers.

Adopted July 22, 2013

## **Resolution Supporting Repealing and Replacing the Medicare DMEPOS Competitive Bidding Program**

**Issue:** The Medicare Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Competitive Bidding Program threatens small, rural home medical equipment supplier businesses and access to home care for beneficiaries in rural counties.

**Adopted Policy:** NACo opposes the DMEPOS Competitive Bidding Program and calls for repeal of the program. NACo supports the alternative Market Pricing Program (MPP), an improved bidding system developed by the medical equipment industry and supported by economists. The MPP will cut Medicare rates for home medical equipment to a responsible level and allow all providers to participate at those rates regardless of the bidding process.

Adopted July 22, 2013

## **Resolution on Health System Reform**

**Issue:** Health system reform

**Adopted Policy:** NACo supports implementing and improving the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act – collectively known as the Affordable Care Act (ACA) – through regulation and additional legislation in such a way as to restore the partnership between the federal government and counties as outlined in the health chapter of NACo's American County Platform and Proposed Resolutions and as summarized in the white paper, "Restoring the Partnership for American Health: Counties in a 21st Century Health System."

Adopted July 22, 2013

## **Resolution Supporting Ongoing Federal Support for Local Safety Net Providers**

**Issue:** Need to maintain strong health care safety net system as the Affordable Care Act (ACA) is implemented

**Adopted Policy:** NACo urges the federal government to ensure the availability of adequate and sustainable funding for safety net providers as they continue to care for the uninsured.

Adopted July 22, 2013

## **Resolution Supporting Charity Care Requirements for Non-Profit Health Care Facilities**

**Issue:** Charity care requirements for non-profit and tax-exempt health care facilities.

**Adopted Policy:** NACo supports imposing charity care requirements on non-profit and tax-exempt health care facilities, including standards that measure facilities' access to and utilization of tax-exempt capital, to objectively determine the amount of actual health care providers tender to those in need against the value of tax exemptions that the facilities receive.

Adopted July 22, 2013

## **Resolution on County Organized Health Systems**

**Issue:** Local administration of Medicaid and expanded public programs via "County Organized Health Systems"

**Adopted Policy:** NACo urges Congress and the Administration to remove current statutory prohibitions that prevent the establishment of additional County Organized Health Systems (federally defined as "Health Insuring Organizations"). NACo also urges the Centers for Medicare and Medicaid Services (CMS) to adopt a policy of encouraging the formation of County Organized Health Systems as a means to more effectively deliver Medicaid benefits at the local level.

Adopted July 22, 2013

# HUMAN SERVICES AND EDUCATION

## STATEMENT OF BASIC PHILOSOPHY

The National Association of Counties (NACo) recognizes the responsibility of county governments to protect and enhance the lives of citizens. Counties have been at the forefront in the implementation of a comprehensive, integrated children and families system. While the role of county governments varies widely among states, almost every county administers and pays part of the cost of some portion of the federal/state/county network of programs collectively known as welfare and social services. Human services and health expenditures are among the largest costs to county governments.

NACo recognizes the role of the federal and state governments, as well as that of county government, in strengthening community and family structures. In recognizing and building upon existing social foundations, state and local governments serve as the links between federal policies and the delivery of critical services in ways that maintain and foster self-sufficiency in communities, families, and individuals.

NACo supports a comprehensive continuum of services for families and children that facilitates coordination of parent education and support services, early childhood development, social services, public health, preventive services to children and youth and correctional services. Federal policy should promote and facilitate preventive and early intervention services to limit the need for excessive social and correctional services in the future.

Poverty is a national problem requiring a national solution. Federal efforts to reform public assistance must recognize that poverty is influenced by national economic factors not within the control of local or state governments. Providing income maintenance benefits in the context of work programs is the way to break the cycle of welfare dependency and to improve welfare programs.

Employment rather than public assistance should serve as the mainstay for employable individuals. The goal of work programs should be to provide employment opportunities at adequate wages. They should be coordinated with economic development activities and should provide a full range of employment services. They should offer job development and job creation services, skills training and work experience, and upgrading opportunities.

In some areas of the country, such as the inner city and rural communities, there may not be enough private sector jobs to meet the demands of those individuals who are trying to make the transition to work. In these cases, government may have to be the employer of last resort. NACo therefore supports a flexible federal job development program that would allow counties to provide public sector employment if necessary.

To become self-sufficient or to sustain independence, many welfare families need support services such as education and training, child development, child care, Medicaid, mental health and substance abuse services, transportation, and case management. Local governments are uniquely able to respond to the needs of their communities provided they are given the flexibility and the resources. Work programs, income security, support services and other social services should be carefully coordinated at the federal, state and local levels in order to provide a seamless range of services.

Any programs mandated by the federal government should be fully federally funded. Counties should have adequate time to implement major changes to federally assisted programs to prevent disruptions in program delivery. Administrative changes in federal program policy and practice should be done through the federal regulatory process and should allow for formal public review and comment with appropriate and mandatory federal consideration of public comments.

New federal programs should be integrated with an appropriate, existing administrative delivery system. Congress should encourage coordination with state and local governments when seeking citizen input, such as advisory committees to oversee program development, so that these groups do not duplicate existing state and local coordinating efforts.

NACo urges the federal government to base decisions about federal laws and regulations pertaining to human services and education on data and measurable outcomes. Scrutinizing existing and proposed mandates using these two standards will help all levels of government reduce unnecessary and unfunded mandates, streamline government, and use limited resources more efficiently to the benefit of clients and constituents alike. NACo urges the federal government to ask the following key questions when considering legislation, rules or regulations:

- Was comprehensive data used to define the problem and desired outcome?
- Were experts who administer the affected programs engaged?
- Will it streamline or add layers of bureaucracy?
- Is it redundant or inefficient?
- Are current staffing levels sufficient to comply with additional requirements?
- Are there measureable outcomes to be achieved by this change?
- Is there adequate federal funding to pay for all direct local costs?
- Are there models in existence that may provide better outcomes?
- Have local elected officials been consulted?
- Has there been collaboration between federal, state, and local agencies?
- Does it limit local and state flexibility to be responsive to community needs?

As the front-line providers of basic social services, counties seek to achieve an appropriate blend of local administrative flexibility and federal and state standards to provide a basic level of assistance for children and families. Counties must be partners in the design and reform of human service systems. Finding the appropriate balance of basic standards and local flexibility is indeed a daunting task. NACo proposes the following principles:

- The federal government must maintain its responsibility to ensure a level of assistance and support services to children and families and equitable program administration.
- Beyond the basic level of federal protection for children, families, and individuals with physical and mental disabilities, the federal government must provide state and local governments with additional flexibility to tailor programs to meet local needs.
- The federal, state, and county governments, in exercising their mutual responsibility to support children and families, must collaborate in planning and implementing service programs which meet the particular needs of local communities.

## **PUBLIC ASSISTANCE**

The original nature and intent of income maintenance programs is to provide adequately for individuals who cannot work and those our society has determined should not be required to work. This intent must be preserved. It is the government's responsibility to assure that all who need social services receive them.

**A. Block Grants for Entitlement Programs:** NACo believes that the federal government should be responsible for adequately funding its entitlement programs. NACo opposes mandatory block grants and funding caps for federal assistance programs such as SNAP, Medicaid, and Foster Care. Capped block grants in these programs would shift the full cost of program growth and inflation to states and counties. NACo also opposes reductions in administrative funding for these programs that would result in unfunded mandates to counties and states.

**B. Block Grants for Categorical Programs:** NACo recognizes strong county government as an essential component and partner in the effective operation of national-state-local human services programs. Local governments are often best equipped to administer human services programs, and therefore must be assured an effective role in the development and implementation of federal programs.

NACo supports consolidating existing categorical grant programs in order to reduce complexity and improve flexibility and program delivery at the local level. Human services block grants must follow the following principles:

- Programs should be controlled by elected county officials responsible directly to the taxpayers.
- Federal block grant proposals must be developed in close consultation with county officials.
- Federal block grant funds for health and social services programs should be allocated directly to counties where an existing service delivery system is in place.
- States must be required to plan jointly with county officials and to publish program plans for review and comments.
- Where direct funding is not available, states must be required to pass through maximum dollars to counties.
- Reasonable transition time should be allowed to move from categorical grants to block grants, including sufficient time to adjust county and state laws, budgets, and administrative procedures.
- There must be an absolute reduction in federal mandates and regulations, and increased flexibility and simplicity in program administration.
- No matching funds should be required of local governments.
- No maintenance of effort should be required. State and local government laws and procedures governing spending should apply to block grants.

**C. Temporary Assistance for Needy Families (TANF):** The success of TANF depends on counties' flexibility to target local needs and support participants' work activities. Without that flexibility and the funding to implement it, the working families who are struggling toward self-sufficiency will lose supportive services and many will fall back on cash assistance. Welfare reform is an ongoing process of supporting working families in gaining self-sufficiency, not a one-time removal of families from the welfare rolls.

Many TANF participants who find work continue to need assistance with job retention, transportation, counseling and other support services such as child care and health care. Additionally, TANF funding must be able to react quickly to economic downturns and other emerging issues by having unallocated reserves that states can tap quickly.

**1. Funding:** TANF should have an annual inflation increase, including the supplemental grants for high-growth states. The TANF state entitlement block grant structure should be maintained without carve-outs or set-asides. The funding level for the TANF Contingency Fund should be increased. NACo supports new funding for research and dissemination of information on family formation.

**2. Flexibility:** States, counties, and Native American tribes should be permitted to spend carryover funds on any allowable use of TANF. This would include transferring funds to the CCDBG and SSBG.

**3. Participation Requirements and Work Activities:** NACo opposes arbitrary and counterproductive work and participation requirements and supports a strong county role in mutually negotiated outcome measures in which states are judged by their progress toward achieving these goals. NACo supports greater flexibility in the TANF work requirements in order to allow counties and states to meet the individual needs of their caseloads. These include, but are not limited to, the following:

- A 50 percent work participation rate for two-parent and single parent families;
- Thirty hours of work a week for two-parent and single parent families;
- At the very least, the 12 activities included in the original TANF law;
- Allowing individuals who are participating in substance abuse or mental health treatment, and domestic violence services to count those activities as work;
- Continuing to exclude victims of domestic abuse and mothers with young children from the participation requirement;
- At least twelve weeks a year for job search and job readiness activities;
- Twenty-four months for vocational education to a higher percentage of the caseload;
- Allowing more than 10 hours a week of basic skills and education training to count as work activities and allowing these hours to count toward work participation rates;

- Removing teen parents from the 20 percent vocational education limit;
- Exempting relatives who are caring for a child who would otherwise be in foster care from the work requirements and the time limit;
- Allowing vocational education and GED education to count towards the work participation rates;
- Exempting adults who are the primary caregivers of a disabled family member from the work requirements; and
- Allowing a parent providing child care in a two-parent family to count toward the work requirement.

**4. Time Limits:** For time-limited assistance to be successful, it must be accompanied by adequate federal and state funding for a wide continuum of supportive services that will help families move toward self-sufficiency. NACo supports preserving and increasing state flexibility in administering the federal time limits. This includes allowing states to discount months in which the recipient participates in work and/or specific work activities, including substance abuse treatment, mental health and domestic violence services in compliance with their employability plan; and eliminating child care, transportation, and housing from the definition of assistance.

NACo supports the twenty percent hardship exemption and the family violence exemption from the five-year time limit. Victims of sexual assault should be added to this exemption. States should be allowed to lift the lifetime ban on TANF eligibility for individual family members with drug felony convictions.

**5. Maintenance of Effort:** Current law is unclear on the ability of states to supplant existing funding with federal TANF funds, and under what circumstances a state may use federal funds to increase existing state-funded programs. Once a state or county spends its Maintenance of Effort (MoE) for a given fiscal year, it should be able to draw down its full allocation of federal TANF dollars for that year at any time. Unspent funds should not be applied against future allocations. Obligated funds should be treated and reported as spent. The supplantation provisions must be clarified so that replacement of state dollars with federal dollars is strictly prohibited, but allow using federal dollars to increase the coverage or availability of a state program above current state spending levels.

**6. Teen Parents:** Teen parents in particular are at great risk of long-term welfare dependence. Teen parents should be required to pursue their high school education or GED. Alternative education should be provided when needed and waivers should be developed for special circumstances. The education system should make the necessary provisions to provide needed child care, counseling and other supportive services for teen parents. NACo supports alternatives that would encourage teenage parents to live with their parents or other responsible adults, and fund enhanced case management and independent living arrangements.

**7. Program Coordination:** An integrated workforce development system should be encouraged by giving counties greater flexibility to coordinate programs and blend funds.

**8. Family Promotion:** TANF already has the flexibility for states to promote marriage and family formation. Any new incentive programs aimed at marriage promotion must be funded with new money, and should not be carved out of TANF. NACo opposes penalties associated with marriage promotion outcomes. NACo supports funding and disseminating further research on these subjects.

**D. Supplemental Nutrition Assistance Program (SNAP):** The 2008 Farm bill made significant improvements to the Food Stamp program (now called the Supplemental Nutrition Assistance Program). These include raising and indexing the minimum standard deduction; indexing asset limits for inflation; increasing the minimum allotment for one and two-person families; and lifting the dependent care cap. However, the new law did not change the administratively cumbersome time limit for able bodied single adults or the lifetime ban on eligibility for individual family members with drug felony convictions. NACo supports greater state and local flexibility to address these two issues.



**E. Supplemental Security Income (SSI):** SSI benefits and resource limits have not kept pace with inflation. A significant number of persons, including the homeless, who are potentially eligible for the program, do not participate. The 1996 welfare reform law removed large numbers of previously eligible individuals, particularly disabled children and individuals with substance abuse problems from SSI. As a result, locally funded General Assistance programs assumed the burden of aiding these individuals. The federal government should:

- Provide sufficient income maintenance benefits, including a nutrition supplement, so that state supplementation is unnecessary;
- Provide benefits to disabled, elderly, and indigents who receive care in county-owned mental, medical, and residential facilities, including nursing homes and assisted living facilities;
- Reevaluate payment levels to ensure SSI recipients are provided with an adequate standard of living;
- Reevaluate the asset limit to reflect growth for inflation;
- Extend the interim assistance program indefinitely;
- Determine eligibility within thirty days for aged and within sixty days for blind and disabled;
- Provide 100 percent of the Medicaid costs of the disabled, blind, and persons over sixty-five;
- Establish common application forms for SSI and Medicaid;
- Create a new category of SSI eligibility called “Specially Disadvantaged Individual.” This category would include those persons who are unable to qualify for SSI as aged or disabled but who are unable to work due to a combination of factors including but not limited to age and work history, functional disabilities, or drug and alcohol abuse;
- Fully fund and expand SSI outreach and advocacy programs; and
- Make the process easily accessible to all applicants and include ample opportunities for applicants to provide additional information.

**F. Earned Income Tax Credit:** The Earned Income Tax Credit (EITC) has significantly boosted the incomes of low-income working families. According to Census Bureau data, the EITC helps move more children out of poverty than any other program. NACo supports changes to the EITC structure that increase the number of eligible families and provide higher benefit amounts. EITC expansions should be funded through the tax system and should not be offset by TANF funds. The Internal Revenue Service public awareness campaign should be expanded to ensure that all families that are eligible for the EITC receive the credit. EITC eligibility should be extended to non-custodial parents who pay their full share of child support. The EITC marriage penalty should be eliminated.

## **CHILDREN’S SERVICES**

**A. Early Childhood Education and Development:** Research has demonstrated the importance of the early years in child development. Quality prenatal services, health care, nutrition, and pre-school education are essential to the healthy development of a child. Numerous advantages have been realized from early intervention and prevention programs, particularly home visitation programs. Children who participate in early childhood development programs record outstanding developmental progress and greater success in the future. Other advantages include early detection of health and learning problems, higher educational achievement, preventing juvenile delinquency, lower crime rates, greater parental involvement in school programs, and reduced teen pregnancy rates.

Finally, investment in early childhood development programs can reduce future expenditures in chronic health care services, child welfare, the juvenile justice system, and welfare. NACo supports federal initiatives to help counties develop these voluntary early childhood and parent education programs.

Congress should provide adequate funding for comprehensive programs such as Head Start, to ensure that needed educational, nutritional, and social services are available to disadvantaged pre-school children, including children with disabilities. Emphasis should be given to expanding the Early Head Start program for infants and toddlers so that they can take advantage of the program's continuum of services at an earlier age.

NACo supports strengthened coordination of pre-school programs, and other federal and state pre-school programs with county agencies that provide related services to children and their families. NACo further supports coordination between child care programs and Head Start to allow for full-day, continuous care at a single location. Better coordination and follow-up with schools are needed to ensure that the gains made by Head Start are not lost in future years.

Adequate nutrition not only prevents serious health problems, but also helps children improve their ability to learn. The Supplemental Feeding Program for Women, Infants, and Children (WIC) is a valuable component of the continuum of services needed to ensure children's physical and mental development. NACo therefore supports continued expansion of the WIC program.

**B. Child Welfare Services:** The child's natural family has the primary right and responsibility to provide each child a safe and nurturing environment. Society must provide the necessary services and supports to safeguard and enhance the ability of all families to fulfill this essential role. Failing this, it becomes society's responsibility to provide for expeditious, alternative arrangements that are permanent and meet the child's physical, mental, and emotional needs.

In many states child welfare, substance abuse treatment, and children's mental health services are county responsibilities, yet these systems often operate independently of each other. Children whose parents abuse drugs and alcohol are more likely to be abused and neglected than children of parents who are not substance abusers. Many children in the child welfare and juvenile protection systems come from families with substance abuse. Additionally, many of these children have substance abuse and mental health problems. Unfortunately, states and counties are able to provide treatment to only a fraction of these parents and children. NACo supports funding for new partnerships among federal, state, and local child welfare and substance abuse agencies; including funding for mental health programs in schools. Counties must be involved in the planning and implementation process and must be eligible for direct funding.

NACo believes that it is possible to construct a system for the protection of abused and neglected children that retains the categorical eligibility for out-of-home care for children who cannot remain safely in their homes while at the same time increasing the flexibility of local governments to design prevention and reunification systems that meet the unique needs of communities.

**1. Foster Care, Kinship Care, Guardianship and Adoption Assistance:** A variety of foster care situations should be available and sufficiently funded to provide for the differing needs of children. NACo strongly opposes block grants and/or funding caps in the federal Foster Care program. NACo strongly supports the following:

- De-linking federal foster care eligibility from the 1996 Aid to Families with Dependent Children (AFDC) income eligibility standards and developing a financing system that responds to a child's imminent risk of abuse or neglect;
- Enhancing state flexibility to provide supportive services for children and their families, including preventing unnecessary removal from the home and enhancing outcomes for children;
- Using Title IV-E funds for subsidized kinship guardianship and kinship post guardianship services both prospectively and retroactively;
- Allowing Medicaid to cover more than life threatening care for dependent, abused, and neglected undocumented children in state custody. At a minimum, rehabilitation associated with abused or neglected children, and medical care required by federal policy pertaining to foster children should be covered;
- Allowing states to include reunification services within the definition of IV-E Foster Care maintenance payments;
- Allowing IV-E Adoption Assistance funds to be used for post-adoption services for adopted children as well as subsidies;

- Government owned/operated residential treatment programs of more than 25 beds in size should be treated on an equal basis as similar not-for-profit and for-profit facilities, and should be eligible for Title IV-E reimbursement;
- Allowing states and counties to use IV-E funds to provide services for children placed in non-IV-E settings that prevent children from being placed in foster care;
- Allowing states and counties to use IV-E funds to provide prevention, pre-placement and early intervention services for children who are determined to be candidates for foster care;
- Allowing states and counties to apply specially designed standards and/or procedures for related foster parents who meet the state's criteria for basic health and safety;
- Clarifying the law to permit the use of TANF funds to provide support services, including child care, to kinship caregivers of TANF-eligible children, without regard to income; and
- Allowing states to provide child care funds and Medicaid to relative caregivers up to 200 percent of the federal poverty level.
- Save administrative funds by allowing child welfare agencies to send Indian Child Welfare Act notices via certified mail instead of registered mail with receipt requested.

NACo strongly opposes block grants and/or funding caps in the federal Foster Care program because they would undermine counties' ability to ensure the health and safety of our most vulnerable children. If Congress adopts a capped allocation rather than continue to operate under an open-ended entitlement, NACo recommends the following basic principles:

- There must be adequate funding available through the duration of the grant;
- Training and welfare information systems must remain separate from the flexibility proposal;
- States should be required to maintain their current level of effort in child welfare;
- Emergency funds should be flexible and broad enough to allow access by sub-state regions with sudden caseload increases;
- Foster care children must remain categorically eligible for Medicaid;
- States that opt to receive the capped allocation must be allowed to opt back into the open-ended entitlement at any time;
- States should be able to negotiate the funding baseline for a block grant with the federal government;
- States should be allowed to retain the current flexibility to negotiate waivers for localities; and
- State associations of counties, in states where counties operate child welfare systems, must be consulted and state legislatures must have the right to approve a state's request to opt into the capped allocation system.

**2. Foster Youth:** Research shows that children aging out of foster care generally have poor outcomes. NACo calls for a national "call to action" to raise awareness to the issues faced by children aging out of the foster care system. Additionally, NACo supports the following measures to improve outcomes for children aging out of foster care:

- Change federal law to enable disabled youth receiving federal foster care payments to immediately receive SSI benefits when leaving the foster care system;
- Enhance federal funding for workforce development, housing, health care, independent living programs, mental health, substance abuse services, and transitional services; and
- Coordinate and align resources between human services and workforce development to ensure completion of secondary education, gainful sustainable employment and/or post-secondary occupational training.

**3. Training and Administration of Foster Care, Kinship Care, Guardianship and Adoption Assistance:** Proper administrative support for these programs is essential to ensure children's continued well-being. NACo opposes any attempt to cap the Title IV-E administrative reimbursement for foster homes and social worker case management costs as a warranted cost shift to counties and states. States and counties also

need to be given adequate time and resources to implement new requirements such as more frequent case reviews and computerization.

Staff training should be reimbursed at 75 percent regardless of the proportion of children in a state who are eligible for federal IV-E Foster Care maintenance and Adoption Assistance program payments. Additionally, states should have the flexibility to use IV-E funds for cross-agency training of child welfare staff and other public and private agencies that work with these children, including substance abuse, mental health, education, juvenile justice, probation, and welfare agencies. Training funds should also be provided for foster parents, kinship care and guardianship care providers, and adoptive parents.

Court Appointed Special Advocates (CASA) are trained community volunteers appointed by courts to advocate for the best interests of children who are involved in the juvenile and family court system. CASA advocacy is cost-effective, because it is an organization of volunteers. NACo supports annual appropriations increases until the program reaches its fully-authorized level.

**4. Child Protective Services:** Federal policy and local program design must ensure capacity for immediate response to reports of child abuse and a coordinated, comprehensive services system designed to protect children and restore family functioning. NACo supports the development of an outcomes-based child protection system through a series of benchmarks developed at the local level that will monitor a community's progress based on its socio-economic needs and priorities.

**5. Mental Health and Substance Abuse Services for Children:** Most children in need of mental health or substance abuse services do not have access to adequate services. Children in the child welfare and juvenile justice systems have a disproportionately high need for mental health and substance abuse services. In-patient and children's health treatment beds are scarce, resulting in worsening problems, including violence. NACo supports increased federal funding for school-based mental health services and for mental health and substance abuse services targeted at at-risk children, especially children who are in the child welfare or juvenile justice system.

**C. Child Care:** Adequate, quality, and age appropriate child care services are needed to ensure that we meet the developmental needs of children. Child care policies must recognize that the majority of mothers with young children are employed at least during a portion of the child's early years. Federal support for child care should be available to all welfare recipients who need it while participating in employment, education, or training. Funding for the Child Care and Development Block Grant must be increased to meet the needs of eligible families, while maintaining the funding and flexibility in TANF.

Federally funded day care should be available to working parents as they leave public assistance and should continue to be available on a fee scale based on their ability to pay. States should be allowed to offer 12 months of transitional child care coverage for families leaving TANF. At the very least there should be enough federal child care funds to ensure that quality services are available to families with incomes of up to 225 percent of the federal poverty level and for families that leave TANF. Financial support should be made available for infant care, child care for children with special needs, children in foster care, and child care during non-traditional hours when needed.

Public child care resources such as licensing and monitoring of providers, information and referral, and assistance in selecting appropriate care, should be available to all, without regard to income or resources. State and local licensing laws should be carefully monitored to ensure adequacy of facilities and caretakers.

Employers should be given increased financial incentives to provide child care for their employees on site or as a benefit. The Dependent and Child Care Tax Credit should be made refundable.

**D. Child Support:** It is the right of every child to be supported by his or her parents. NACo supports the federal Title IV-D Child Support Enforcement program as a cost-effective means of ensuring that right and of

reducing welfare costs. NACo supports providing incentives to states to pass-through a higher percentage of child support collections to families on welfare by reimbursing the state child support enforcement program dollar-for-dollar. Any pass-through program must be optional and not carved-out of existing funding. NACo urges Congress to permanently restore the ability to draw federal match dollars from the reinvestment of child support incentive payments. County-administered child support programs should be allowed to retain the full application fee for cases where the custodial parent is not receiving cash assistance by identifying it as an administrative cost rather than as program income.

The cap on the Child Support Incentive Fund must be removed. The 66 percent reimbursement rate for administrative costs and the 90 percent rate for genetic testing must be maintained. NACo supports programs that assist non-custodial parents to be appropriately involved in the lives of their children financially and emotionally. Any new child support enforcement mandates must be accompanied by enhanced federal reimbursement.

Support payments should be allowed to be made and distributed locally, with local accountability; with the option to encourage electronic funds transfer to provide a “single-payment plan” for employers and other payers. NACo is concerned about ensuring privacy; therefore opposes private sector access to child support data and enforcement tools.

NACo supports legislation that creates a corrective action plan for states that have been unable to implement federal child support requirements; restricts penalties to corrective action plan non-compliance; and allows alternative systems configurations that allow expanded local flexibility for automated child support payments.

## **SERVICES TO OLDER AMERICANS**

Between 2011 and 2030 the 78 million individuals who were born between 1946 and 1964 will reach the age of 65. This means that the number of older adults in the U.S. will more than double. Not only will there be significantly higher numbers of the elderly, they will also be living longer. Individuals over the age of 85 are already the fastest growing sector of the population. At the same time, the number of working age people is only increasing by 20 percent and there will be fewer workers to support the retired population.

NACo supports a continuum of care for the elderly that provides supportive services to assist older persons remain active, productive and independent. These services would include adult day care, transportation, respite care, housing alternatives, caregiver training, support groups, in-home support services, family counseling, daily money management, public conservatorship and guardianship services, as well as chore services, personal care, skilled nursing care, and long-term care.

NACo supports federal policies that recognize the role and responsibilities of county government in assuring necessary and effective services for the elderly, including community-based and long-term care services. Federal policy should recognize that these costs have increased, and should support, facilitate and provide adequate federal funding for county implementation of these ever increasing costs and responsibilities.

**A. Older Americans Act:** NACo supports the Older Americans Act’s goal of developing a coordinated program of services and opportunities for our older citizens. The Act should provide maximum flexibility for county governments to target resources to address the needs of the elderly in their community. Congress should fully fund the programs authorized under this legislation. Congress should expand and improve access to daily nutrition and meal services, respite care, home care services, adult day care, services to family caregivers, information and referral services, and research.

The changes in the aging population require better planning and targeting of health and human services programs. NACo urges the federal government to assist states and counties by funding in-depth needs assessments to determine the real needs of the elderly in their community and the adequacy of existing services and gaps in delivery.

**B. Long-Term Care:** County government has a long, established role as a provider, purchaser, administrator and/or contractor for long-term health care. Services should be provided in the least restrictive environment meeting the individual's needs.

Additional flexibility should be provided in Medicare, Medicaid, Veterans' Services, and other federal programs to encourage and enable the expansion of community-based care and assisted living facilities as a means of avoiding unnecessary institutional care.

Informal caregivers should be given support and provided incentives to encourage them to continue to provide support for those in need of services. The continuity of care between formal and informal settings should be met through periodic assessments that can be measured by those who are providing necessary long-term care services.

Rural counties have a higher percentage of senior citizens than urban counties, but they are less likely than their urban counterparts to have access to in-home and community-based services. Inter-disciplinary models such as the Programs for All-inclusive Care for the Elderly (PACE) are designed to provide services at home and in the community and maximize senior citizen's independence. NACo supports efforts to expand these programs in rural areas.

**C. Adult Protective Services:** A National Institute of Justice study estimates that almost 11 percent of people ages 60 and older (5.7 million) faced some form of elder abuse in the past year. Additionally, a 2009 report by the MetLife Mature Market Institute and the National Committee for the Prevention of Elder Abuse estimates that seniors lose a minimum of \$2.5 billion each year to financial abuse. The Elder Justice Act (EJA) is the first federal program designed to combat abuse, neglect and exploitation of older adults. The program was authorized at \$777 million over four years but has yet to be funded. Counties in many states are responsible for adult protective services. NACo therefore supports full funding for the EJA.

**D. Social Security:** As the providers of last resort for health and social services, counties have an interest in preserving the benefits received by the nation's most vulnerable populations. Social Security benefits prevent poverty for people of all ages. NACo urges Congress, as it reforms Social Security, to protect the financial security of current and future Social Security beneficiaries, especially low-income individuals, the disabled and surviving spouses and children.

## **SOCIAL SERVICES**

There must be a human services program designed to achieve the full objectives of encouraging self-support, self-reliance, strengthening of family life, and the protection of children and adults. The broad range of supportive social services needed to strengthen the community and family structure should emerge at the local level from a federal-state-county partnership that provides for maximum flexibility at the county level.

These services should be administered at the local level and adequately funded at the federal and state levels. For programs established and funded by the federal government and operated by counties, states should be required to pass through to counties the majority of the state's share of federal funds. To ensure this pass-through, a limit should be placed on the amount states can retain for administrative or other purposes. Further, to assure equitable distribution of funds among the counties within the states, the federal government should monitor the fiscal formulas by which states distribute federal social services funds to counties.

**A. Social Services Block Grant (Title XX):** Title XX is used by many counties for a variety of programs, such as adult protection, child care for children with special needs, child welfare, and child abuse prevention. In some cases, such as adult protection, this is the only source of fund for this type of services.

NACo supports restoration of Title XX Social Services Block Grant funding to a minimum statutory level of \$3.1 billion prior to the 1981 block grant reductions, and opposes consolidation of other programs into the block grant. Further consolidation of programs within the block grant would not result in savings but would shift costs to county social services budgets in addition to those caused by the federal block grant funding reductions.

Additionally, NACo strongly supports continued flexibility in the Title XX program and maintaining the authority to transfer up to ten percent of TANF funds to Title XX. This flexibility enables states and counties to use the program to meet their specific local needs and goals.

**B. Services to Individuals with Disabilities:** Counties recognize that the objectives of encouraging self-support, self-reliance, strengthening of family life, and protective services apply equally to the physically, mentally, and developmentally disabled. NACo supports federal action that will promote these objectives by removing categorical restrictions that inhibit comprehensive planning and delivery of services to the disabled.

NACo supports federal action that increases incentives for deinstitutionalization and encourages and funds the expansion of community-based services, including the necessary individual and program financial support, to prevent reinstitutionalization. NACo supports equal opportunity for individuals with disabilities in all aspects of American life. Federal funding is necessary to supplement local efforts to achieve program and facility accessibility and equal employment opportunity.

**C. Community Action Agencies:** Through its boards involving the public sector, the private sector, and the community, the Community Services Block Grant (CSBG) represents a unique and effective partnership with counties, states, federal government, and community organizations. NACo strongly supports full funding for CSBG.

**D. Domestic Violence:** Domestic violence is a major social problem not only because of its high incidence, but also because of its pervasive and self-perpetuating nature. The problem affects individuals in a wide range of living arrangements, including children, senior citizens, and those with developmental problems, as well as spouses.

Children living in violent homes, whether victims or witnesses, frequently become abusive parents and/or mates themselves. Domestic violence is often associated with the development of other social and emotional problems. Treatment of the problem often involves temporary respite and permanent community resources to shelter victims. However, federal funding is insufficient.

The federal government should fund domestic violence programs that permit counties and communities to develop resources and services to protect family members and prevent family violence, improve staff training, and link programs in the health, mental health, welfare, criminal justice, law enforcement, and social service systems for effective treatment and prevention of domestic violence.

**E. Energy Assistance for Low Income Persons:** NACo recognizes the need for a comprehensive energy assistance, weatherization, and conservation program with sufficient federal funding and incentives so that the cost burden does not fall on county government. Assistance to pay energy costs should not be a separate, additional category or welfare program, but should be integrated with an appropriate existing administrative delivery system.

Eligibility criteria should include renters. It should not discriminate against single-person households and should not be limited to persons eligible for other federal programs.

**F. Assistance for the Homeless:** NACo recognizes the need for a comprehensive national policy to end homelessness and poverty. A significant federal commitment is necessary to meet the growing need for services, including housing, mental health services, and substance abuse treatment to ensure that the burden for providing care and assistance to the homeless does not fall disproportionately upon counties. NACo endorses the federal strategic plan to prevent and end homelessness; especially the commitment for greater cooperation among federal agencies and the special attention being paid to veterans, families, and youth. NACo endorses the targeting of federal resources to housing first, and rapid re-housing strategies and other innovations in ten-year plans that have

demonstrated results towards reducing and ending homelessness. NACo supports additional federal funding for ten-year plans without unfunded mandates.

**G. Veterans' Services:** NACo strongly supports full funding to qualified veterans for educational, housing, and medical costs. NACo endorses increased investments in solutions to veteran homelessness, and encourages both the Administration and Congress to continue to increase the resources targeted to end homelessness among veterans. NACo supports a process that is responsive to the needs of veterans and their families, provides appropriate information, and facilitates administrative services.

**H. Substance Abuse:** NACo strongly supports enhancing and expanding prenatal and treatment programs, education, prevention programs and funding solutions to eliminate crack cocaine, and its devastating consequences on the well-being of America's families.

## **LEGAL IMMIGRANTS, MIGRANTS, REFUGEES, AND UNDOCUMENTED INDIVIDUALS**

Legal immigrants, refugees, undocumented individuals, and others enter and remain in this country as a result of federal action or inaction. The heavy fiscal burden that is placed upon local governments is the direct result of national immigration policies or the lack of enforcement of immigration policies. Congress and the administration should establish an on-going consultation process on immigration issues with NACo and other national organizations representing state and local governments.

**A. Services:** Counties traditionally provide health, welfare, and social services to persons residing within their boundaries, regardless of their legal status. Since immigration is a federal responsibility, NACo believes that the full cost, including administrative costs, of any services or assistance to non-citizens should be paid by the federal government rather than by county and state governments.

The 1996 welfare reform law limited access to federal means-tested programs such as Medicaid and TANF by prohibiting newly-arrived legal immigrants from receiving benefits for the first five years in the country. NACo supports legislation that would permit states to provide these federal programs to legal immigrant children and pregnant women from their date of entry. Additionally, the law limited refugee eligibility for SSI to seven years. NACo strongly supports restoring full SSI eligibility to refugees.

In addition to reimbursing county governments for costs incurred in assisting legal immigrants, refugees, undocumented individuals, and others, the federal government should strengthen its enforcement efforts to control illegal immigration. However, we oppose the creation of a national worker identification system, which could be a potential threat to civil liberties.

**B. Refugee Program:** Refugees should be resettled in a manner that minimizes their concentration into a few counties. When making decisions to admit new refugees into the country, the U.S. State Department should give advance notice of those decisions to the states and counties that are most likely to be affected by the refugee resettlement.

There should be a permanent federal refugee program with uniform policies for all refugee groups and with sufficient federal funds to provide assistance during the first 36 months that a refugee is in the U.S. Federal funding should continue at the 100 percent reimbursement level for financial assistance, medical care, social services, employment services, and education until refugees reach a reasonable level of self-sufficiency.

Funding should follow refugees. It is therefore critical that funding formulas respond not just to the challenges that state and local governments face at the point of initial resettlement. The new normal of secondary migration needs to be addressed through accurate data and funding that follows the refugee.

The federal government should develop contingency plans, in consultation with state and local elected officials, for handling mass asylum situations in which the U.S. is a country of first asylum. The legal status and rights of applicants for asylum and their eligibility for federal assistance must be clarified.



The federal government needs to increase its dialogue with and accountability to state and local governments. NACo opposes any proposal that would transfer funds needed by states and counties for refugee assistance to resettlement agencies without proper state and county consultation and agreement. States and counties should be allowed to use refugee employment services fund for refugees on public assistance who have been in the U.S. more than five years.

## **EDUCATION**

The health of our economy and the quality of life in our communities is directly related to the caliber of education in our schools. Local education systems affect all segments of the community and are critical to the success of many programs operated by counties. Regardless of the specific funding arrangements between counties and school districts, they share a common tax base and are both faced with limited resources. In the interest of educational quality and protection of the tax dollar, county governments and school districts are encouraged to work closely together to minimize duplication of services and promote maximum coordination in the use of facilities and the delivery of services.

Although the primary responsibility for education is with the states, quality of education and equal access for all children to excellence in education are appropriate national concerns. NACo believes that the long-term prospects for initiatives such as welfare reform hinge upon our ability to create conditions whereby every child has an opportunity to achieve productive citizenship. Education is the key to that success.

**A. Elementary and Secondary Education:** Education is in the national interest and merits continued federal financial support. NACo urges Congress to substantially amend the No Child Left Behind Act to grant greater local flexibility in the use of student achievement measures, the design of interventions for schools not making Adequate Yearly Progress, and to address the individual needs of students with disabilities and students of English as a Second Language. NACo strongly urges Congress to fully fund the law so that states and local education districts can implement all aspects of the law. Congress should provide increased funding to assist local communities in meeting regulations designed to eliminate discrimination.

NACo supports the current method of disbursement of funds to local Boards of Education, and does not support the use of vouchers and policies such as tuition tax credits that would provide an unfair competitive advantage to private schools, and erode support for public schools.

Bullying and harassment interfere with students' ability to achieve higher academic standards and can lead to even greater school safety problems. NACo urges the federal government provide school districts with the tools and resources they need to ensure that all students feel safe within their schools.

**1. Health Services in Schools:** The Medicaid program should reimburse states, local governments, and school districts for health, mental health, and health-related activities provided in schools. This reimbursement should include direct services such as medical appointments and therapies and administrative services such as outreach and care coordination activities.

**2. Impacted Areas:** NACo urges Congress to continue to recognize the additional burdens placed on local communities having a large number of federal employees and facilities, and to continue to provide federal aid to impacted areas to meet these extra costs involved in educating children of federal employees.

**3. Education for Children with Disabilities:** NACo supports the goal of available free public education to all children with disabilities. The federal government should keep its commitment to ensure full funding to local governments so they can meet the requirements of the law. Timetables and other regulations should be coordinated with state and federal fiscal policy in order that children with disabilities receive optimal benefits from expanded educational opportunities.

**4. After School Programs:** County governments run a variety of programs such as after school day care, mentoring/tutoring, and recreational programs. Programs such as the 21<sup>st</sup> Century Community Learning Centers should be available directly to counties.

**5. School Construction:** NACo supports efforts to establish federal incentives that will help state and local governments finance school repair, renovation, modernization, and construction projects and facilitate the development of community services for children and families in school buildings.

**B. Vocational, Technical, and Adult Education:** The federal government should place increased emphasis on the promotion of vocational and technical programs across the secondary and post-secondary educational spectrum. Vocational programs should be responsive to the growth industries of the economy and should be coordinated with local welfare reform and job training programs. Congress should provide adequate funding of adult education, including English as a Second Language programs.

**C. Federal Aid to College Students:** NACo deems the continuation of federally backed student loan programs to be a vital necessity if this nation is to preserve equal educational opportunity and receive the benefit of the fully developed talents of the younger generation. Loans and grants should be based on economic need and require reasonable levels of self-help.

**D. Education Research and Data:** The Department of Education should provide information and research data to the states, including appropriate student performance data which can assist school boards, local governments and other agencies in the monitoring and evaluation of programs.

**E. National and Community Service:** Community service instills in young people a sense of responsibility. NACo supports full funding for the Corporation for National and Community Service, which operates programs in more than 350 separate locations, with more than 20,000 participants.  
Adopted July 22, 2013

## **HUMAN SERVICES AND EDUCATION RESOLUTIONS**

### **Resolution on Reauthorizing the Temporary Assistance for Needy Families Block Grant**

**Issue:** The Temporary Assistance for Needy Families Block Grant (TANF) program expires at the end of the fiscal year.

**Adopted Policy:** NACo urges Congress to revise the current TANF program to provide greater state and county flexibility to create and provide services that support families and help move them off welfare. NACo supports allowing more state flexibility in TANF program design such as allowing higher education to count as work; realistic time limits on education; and allowing states to use TANF funds to support post-secondary educational expenses. NACo urges Congress to, at a minimum, retain and enhance state flexibility to use TANF funds for subsidized employment. NACo urges Congress to reauthorize all programs within TANF and restore the TANF Supplemental Grants. NACo urges Congress to ensure that reauthorization includes the provision that the TANF block grant is increased annually in an amount commensurate with the rate of inflation.

Adopted July 22, 2013

### **Resolution on Comprehensive Immigration Reform**

**Issue:** Congressional action needed to fix our broken immigration system

**Adopted Policy:** NACo urges Congress and the President to enact comprehensive immigration reform this year that:

- Provides for uniform enforcement of all existing laws;
- Secures our borders;
- Includes a national strategy for coordination among federal, state, local and tribal authorities;
- Establishes a sensible and orderly guest worker program;
- Imposes no unfunded mandates on state and local governments;
- Includes no mandates on counties to enforce immigration laws;

- Preserves the eligibility of legal non-citizens for federally-funded health benefits and provides a sustainable funding stream to counties for their cost of providing health services to legal non-citizens who are denied federally-funded health benefits;
- Establishes an earned path to citizenship that includes registering, background checks, demonstrating employment, learning English and civics, paying back taxes and fees that may be required;
- Improves and simplifies the current legal immigration system; and

Provides green cards for science, technology, engineering and mathematics students who have received a graduate degree from American universities.

Adopted July 22, 2013

### **Resolution on the DREAM Act**

**Issue:** Support for the Development, Relief, and Education for Alien Minors (DREAM) Act

**Adopted Policy:** NACo calls upon Congress and the President to promptly enact the DREAM Act.

Adopted July 22, 2013

### **Resolution on the Community Services Block Grant**

**Issue:** The Community Services Block Grant (CSBG) has been targeted for serious cuts and program changes.

**Adopted Policy:** NACo supports full funding for CSBG as well as the program's formula grant structure.

Adopted July 22, 2013

### **Resolution on the Social Services Block Grant**

**Issue:** The Social Services Block Grant (SSBG) remains vulnerable to cuts in the context of entitlement reform and deficit reduction.

**Adopted Policy:** NACo strongly supports the SSBG and opposes any efforts to eliminate or reduce its funding.

Adopted July 22, 2013

### **Resolution on the Reauthorization of the Older Americans Act**

**Issue:** Aging population growth is increasing demand for services to older Americans.

**Adopted Policy:** NACo urges the strengthening, through additional funding, of the Older Americans Act (OAA) in these key areas: home delivered nutrition services, case management, information and assistance services, Senior Community Service Employment Program (SCSEP), Supportive Services (including Long-Term Care), Ombudsman Program, and Health Promotion and Disease Prevention. NACo further urges Congress to reauthorize the OAA, expand program flexibility to distribute funds between nutrition programs (Title III C), as well as between Title III C and Supportive Services (Title III B). NACo further supports the local service delivery structure for OAA programs.

Adopted July 22, 2013

### **Resolution on Strengthening the Supplemental Nutrition Assistance Program**

**Issue:** The Supplemental Nutrition Assistance Program (SNAP) is up for reauthorization in the 2013 Farm Bill.

**Adopted Policy:** NACo urges Congress to strengthen the SNAP program by:

- Restoring the federal share of state and county administrative costs so that every state is guaranteed a 50 percent reimbursement;
- Allowing all states to operate the Supplemental Security Income (SSI) Combined Application Program (CAP);
- Continuing to simplify the SNAP application process;
- Extending the SNAP benefit increase that is scheduled to sunset in 2013;

- Increasing the minimum benefit; and
- Continuing the state option to make households that receive benefits under the Temporary Assistance for Needy Families Block Grant (TANF) categorically eligible for SNAP.

Adopted July 22, 2013

### **Resolution Supporting the Recognition of Prostituted Children and Youth as Victims of Sexual Exploitation**

**Issue:** Recognizing youth who are victims of sexual exploitation as children in need of protective services

**Adopted Policy:** NACo urges state and local governments to change their approach to dealing with juveniles who are engaged in prostitution, by shifting focus away from treating them as offenders to instead recognizing them as children in need of protective services. Further, NACo urges Congress to provide grants to states and counties to support these important protective services.

Adopted July 22, 2013

### **Resolution on the Reauthorization of the Child Care and Development Block Grant**

**Issue:** The Child Care and Development Block Grant expires at the end of the fiscal year.

**Adopted Policy:** NACo supports a reauthorization of the Child Care and Development Block Grant (CCDBG), which includes enhanced program flexibility, and s increased access to quality and safe child care.

Adopted July 22, 2013

### **Resolution on the International Collection of Child Support Obligations**

**Issue:** Congress is considering legislation to streamline and make more uniform the process for collecting child support obligations from non-custodial parents living outside the United States.

**Adopted Policy:** NACo urges Congress to enact legislation implementing the 2007 Hague Treaty Convention, which contains procedures that ratifying countries must follow to process international child support cases in a uniform, simple, efficient, and accessible manner that is cost-free to U.S. citizens seeking support in other countries.

Adopted July 22, 2013

# JUSTICE AND PUBLIC SAFETY

## STATEMENT OF BASIC PHILOSOPHY

It is only through a county partnership with the other levels of government in the American system of federalism that a full-scale comprehensive approach may be taken to crime and public safety problems. Counties must increasingly look to the federal government for substantial amounts of financial assistance; to the states for coordination of state crime and public safety programs with those of local areas, and for appropriate statutory authorizations and a measure of financial assistance; and to their sister municipal governments and regional agencies for cooperative and coordinated local approaches to these problems. The need for comprehensive planning in order to bring about a more rational approach to problem solving in both enforcement and crime prevention is evident. Counties must exercise a strong leadership role in this regard.

## CRIMINAL JUSTICE SYSTEM

County governments are geographically best suited to coordinate local criminal justice activities, since all major criminal justice agencies are usually included within county boundaries and since county governments allocate local tax dollars to these agencies. However, the triple threat of increasing costs, rising standards imposed by courts and state legislatures, and the inherent autonomy of criminal justice agencies places on county officials unique planning and coordination requirements.

**A. Criminal Justice Planning and Coordination:** Due to the nature of the local criminal justice “system,” elected county policy makers should develop a criminal justice planning and evaluation capacity. A criminal justice planning staff should do research, manage feasibility studies, recommend alternative options to the policy makers who make budget decisions, and provide technical assistance to operating criminal justice agencies. NACo encourages the use of state and federal funds to establish a planning capacity that can develop programs and priorities for county-financed operations as well as for federally-funded projects.

**1. Location:** The criminal justice planning staff should be tied closely to the county budgeting process in order to assist county officials in making a rational allocation of scarce resources. Coordinating staff should be located at the county level in urban areas and within standard multi-county planning regions in rural areas, with staff located in the areas they serve.

**2. Form:** Policy boards composed of representatives of local agencies, private organizations, and general purpose units of local government should be formed to develop policy options for legislative or executive action. NACo supports majority representation by officials from general purpose units of local government on policy boards.

**B. Law Enforcement and Crime Prevention:** The control of crime and the improvement of criminal justice are basically local concerns, and, as such, all efforts to alleviate and prevent crime must begin at the local level.

Sheriffs and other law enforcement officials should have written policy, sanctioned by legislation, which specifies the objectives and priorities that will guide the agency’s delivery of police services. These policies should include the role of police in the protection of constitutional guarantees, the enforcement of the law, as well as the provision of services necessary to reduce crime, maintain public order, and respond to the needs of the community.

**1. Diversion:** Criminal justice officials are encouraged, where permitted by law, to divert from the criminal and juvenile justice system those individuals or cases for whom the criminal and juvenile justice system would not be appropriate, or in such instances where other resources would be more effective. All diversion policies should be written to ensure fairness and uniformity.

**2. Citation Release:** Counties are encouraged to promote the use of citation release by law enforcement officers. This form of release should be utilized in misdemeanor cases where allowable by law. Police

agencies should have written procedures to aid officers in making the decision whether to release or detain an arrested individual.

**3. Team Policing:** Team policing is encouraged where research and testing in that jurisdiction indicate that such a system would enable it to use its resources more efficiently and improve crime control through better community relations.

**4. Quality of Personnel:** Counties should improve the strength and caliber of law enforcement personnel through a revision of personnel practices, requiring minimum standards, and by raising education and training. Training should include the needs of victims and witnesses of crime. The Department of Justice (DOJ) should provide assistance programs to train and educate local law enforcement personnel.

**5. Recruitment:** Recruitment should be directed toward attracting the best qualified candidates to fill vacancies. Efforts to fill these vacancies with capable personnel should be made without regard to race, creed, sex, or national origin.

**6. Interjurisdictional Contracts and Coordination of Police Services:** Municipalities should be encouraged to contract with counties for those police services that can be delivered more effectively at the county level. States should provide authority and financial incentives to encourage multi-jurisdictional cooperation.

**7. Coordination between Police and Other Criminal Justice Agencies:** County police agencies should cooperate with other criminal justice agencies, especially in developing programs to apprehend career and white-collar criminals. Cooperation with qualified private security personnel is essential for complete protection of local communities.

**8. Neighborhood Police:** County police agencies are encouraged to develop neighborhood police programs that emphasize community involvement and crime prevention.

**9. Assault Penalties:** Adequate penalties for assault upon law enforcement officers in the performance of their duties should be provided.

**10. Hot Pursuit:** County police agencies are encouraged to develop objective, written guidelines concerning hot pursuit, as well as policies as to when hot pursuit should be abandoned. Police agencies should also provide adequate training for police officers who might engage in high-speed chases.

**11. FBI Training of Coroners and Medical Examiners:** The Federal Bureau of Investigation (FBI) should provide advanced training for coroners and medical examiners. Such training should include organization and management issues, effective techniques for delivering medical legal investigations, methods for enhancing the pooling of resources, and the coordination of activities between county coroner/medical examiner offices and other law enforcement agencies.

**12. Forfeiture:** The assistance of state and local criminal justice agencies is essential to federal efforts to control crime. All components of state and local systems – law enforcement, courts, and corrections – provide manpower and other resources to federal law enforcement agencies who are conducting investigations in their jurisdiction.

Therefore, proceeds from property subject to criminal forfeiture as a result of joint federal and local law enforcement activities should revert to state and local governments. DOJ should be required by statute to establish equitable procedures for distributing to state and local governments any proceeds generated from forfeited property. Funds accrued through this system can be used as reimbursement for costs incurred as a result of the forfeiture or to supplement the existing resources of state and local justice programs.

**13. Commission on Accreditation for Law Enforcement Agencies:** The National Association of Counties (NACo) shares with and approves the mission of the Commission on Accreditation for Law Enforcement Agencies to promote excellence, efficiency and professionalism in our nation's law enforcement agencies through its voluntary accreditation program.

The Commission and its board have completed a well-conceived and tested process for accreditation and have already begun to accredit county law enforcement agencies. The Commission was formed through the active partnership of the nation's leading law enforcement associations and contains elected county policymakers, representing general purpose local government on its board.

NACo encourages its member counties to voluntarily seek to be part of this accreditation process in furtherance of professionalism and excellence.

**14. Community Policing:** NACo enthusiastically supports community policing as a crime fighting strategy that encourages law enforcement to work in partnership with the community to prevent and seek solutions to problems in the criminal justice system with systems integration principles and goals. A fundamental shift from traditional, reactive policing, community policing stresses the prevention of crime before it occurs. Core components of community policing include partnering with the community; problem solving; and transforming policing agencies to support and empower frontline officers, decentralize command, and encourage innovative problem solving.

**15. Public Safety Radio/Telecommunications Spectrum Access:** The Radio/Telecommunications Spectrum is a finite resource critical to the ability of police, fire, emergency rescue, and disaster agencies to communicate in the event of a natural disaster, a crime, a fire or bombing, or any other serious incident jeopardizing lives and property. In many instances, counties throughout America have no current spectrum available for advanced interoperability.

The willingness of the FCC and Congress to enact stronger regulations that require the vacation of channels 60-69, will allow public safety in all its aspects to begin deployment of truly interoperative infrastructure.

**16. Racial Profiling:** NACo strongly opposes racial profiling and supports incentive funding for counties to promote best practices to prevent its occurrence.

Incentive funds could be used to support activities such as:

- a. Development and implementation of training to prevent racial profiling and to encourage more respectful interaction with the public.
- b. Acquisition and use of technology to facilitate the collection of data regarding routine investigatory activities in order to determine if law enforcement agents are engaged in racial profiling.
- c. Acquisition and use of technology to verify the accuracy of data collection, including in-car video cameras and portable computer systems.
- d. Development and acquisition of early warning systems and other feedback systems that help identify officers or units of officers engaged in or at risk of racial profiling or other misconduct, including the technology to support such systems.
- e. Establishment or improvement of systems and procedures for receiving, investigating, and responding meaningfully to complaints alleging racial or ethnic bias by law enforcement agents.
- f. Establishment or improvement of management systems to ensure that supervisors are held accountable for the conduct of their subordinates.

Racial profiling damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in law enforcement officials, the courts, and the criminal law. This practice continues to harm individuals subjected to it because they experience fear, anxiety, humiliation, anger, resentment, and cynicism when they are unjustifiably treated as criminal suspects.

**C. Courts:** A number of important reforms are necessary to enable state and local courts to operate with effectiveness. Substantial changes in the processing of criminal cases and increased utilization of qualified judges and county court clerks are essential to more effective and efficient administration of justice.

To improve state and local courts, NACo supports the following:

**1. Coordinated and Simplified State/County Court System:** Establish and provide necessary funding mechanisms for a coordinated and simplified state/county court system to enable the consistent, fair, and expeditious administration of justice. The control of the counties' justice systems shall rest with local government.

**2. Judicial Quality:** States shall adopt better procedures for judicial qualifications, selection, training, discipline, and tenure.

**3. Prosecution:** States shall consolidate local prosecutorial functions, where appropriate, in order to provide fulltime prosecutors.

**4. Defense Counsel for the Indigent:** Recognizing the constitutional requirement for the assistance of counsel for persons accused of crimes; recognizing the justice system requires the furnishing of counsel to indigent persons who have a substantial likelihood of confinement and otherwise could not afford the assistance of counsel; and recognizing the significant role that counties perform in maintaining programs of legal services to indigent defendants, NACo supports adequate multi-government funding and training to guarantee the continuation of this essential component of our criminal justice system. States shall participate in the funding of a system for defense of the proven indigent. Stricter standards should be established for determination of indigency.

**a. Indigent Defense in Rural America:** Rural counties are urged to implement multi-county public defender systems that would enable a full time public defender to ride a multi-county circuit similar to multi-county district attorney offices. A full time public defender should be an active participant in the local criminal justice system.

**5. Intake and Assessment:** Counties should ensure that every individual who is booked into the county jail have a thorough intake interview conducted. This interview should include screening and assessment for the presence of substance abuse and mental illness. The information provided by the arrestee should be investigated prior to the pretrial release decision.

**6. Pretrial Release:** Counties should establish written policies that ensure:

- The interview and assessment of all arrestees booked into county jails;
- The investigation of information provided in order to provide a report to the judiciary for use during the pretrial release or detention decision; and
- The use of release methods that are in compliance with state bail statutes which call for the least restrictive conditions during the pretrial stage that can protect the community and assure the appearance of the arrestee at all court events. These include release on recognizance, non-financial supervised release, and preventive detention.

**7. Mediation/Arbitration of Minor Disputes:** To help relieve overcrowded court dockets for both criminal and civil charges, increase citizen participation, reduce the costs in processing minor disputes, and guarantee a full presentation of the issues, counties are encouraged to establish mediation and arbitration programs, or a combination thereof, which rely on discussion and compromise rather than criminal prosecution or civil litigation. The definition of minor disputes can be determined by the courts, the prosecutor's office, and/or the legislature.



**8. Linking Sentencing Guidelines to Community Corrections:** In order to reduce sentencing disparity, eliminate unnecessary confinement, establish more rational and appropriate sentencing policies, and, in general, better manage limited correctional resources – including jails and prisons – NACo supports the development and enactment of rational and uniform statewide sentencing guidelines. These should be tied to comprehensive community corrections legislation and legislatively predetermined jail and prison population maximums at both the state and local level. Such sentencing recommendations should set fixed presumptive terms for felony and serious misdemeanor populations, indicating who should go to jail or prison, and who should be placed in alternative community programs and for how long.

The guidelines should be based on an appropriate combination of offense and offender characteristics and allow judges to depart from the sentencing guidelines only in exceptional cases, when they can provide written reasons explaining why the sentence chosen is more appropriate or more equitable than that provided in the guidelines. A very thorough and rigorous monitoring system should be established.

**9. Drug Courts:** NACo enthusiastically supports the concept of drug courts. Drug courts are special courts given the responsibility to handle cases involving drug-using offenders through comprehensive supervision, drug testing, treatment services and immediate sanctions and incentives. Exceeding the constraints on offenders under standard probation or pretrial supervision, drug courts ensure close and intensive offender supervision.

The first drug court was established in Dade County, Florida in 1989, and there are now over 1,500 courts in existence, with many more being planned in the United States. The Government Accounting Office (GAO) has reported that 71 percent of all offenders entering drug courts have either successfully completed their drug court program or are actively participating in the program.

Additionally, Columbia University's National Center of Addiction and Substance Abuse concluded that drug courts provide the most effective control of drug using offenders' criminality and drug usage while under the court's jurisdiction. Drug courts also save money. Program costs average about \$2,500 per offender, while the cost of incarcerating that same offender is between \$20,000 and \$50,000.

**D. Corrections:** It is the primary responsibility of the counties to ensure public safety and at the same time protect the constitutional rights of pretrial and convicted persons. Most individuals in the local criminal justice system eventually return to their own communities. Counties are the best suited in providing to the individual basic social and physical environments which can help him/her to take a more productive place in the community. Counties alone cannot assume the full financial burden of providing comprehensive correctional programs and therefore need to make maximum use of intergovernmental arrangements to develop the capability of assessing the risk of an individual to the community.

**1. State-County Partnership Programs for Community Corrections:** NACo supports state-county partnership programs that foster local comprehensive planning and provide a range of community alternatives to incarceration for less serious felony and misdemeanor populations. State governments should assist counties in this process by providing a stable source of financial and technical assistance.

Partnership programs should emphasize, wherever feasible, the systematic sharing of resources on a multi-county basis. Inherent in the practice of community corrections is the recognition that the community is the best place to deal with the behavior of less serious offenders and that county governments are uniquely able to coordinate, collaborate, and provide administrative leadership and oversight in developing programs suited for their communities.

**2. Community-Based Corrections:** States and counties should place increased emphasis on correctional programs within local communities. Counties should locally determine and assess their needs in developing flexible treatment programs according to the available resources within their communities.

**3. Intake Services:** County governments are urged to establish an intake screening process for the purpose of determining the overall needs of persons charged and assessing risks, in order to select persons charged for release on recognizance (ROR) and pretrial services programs. These programs should provide regular reports on outputs, outcomes, and needs for community-based services to the county governing board, courts, and other community agencies.

**4. Alternatives to Incarceration:** Counties are urged to minimize the cost of inappropriate incarceration by maximizing the use of existing community services. Counties should identify gaps in services and develop a systematic plan for implementing a range of alternatives to incarceration. Such programs might include ROR, work release, halfway houses, substance abuse and mental illness programs, vocational training, educational programs, and restitution.

**5. Confinement of Mentally and Developmentally Disabled:** The federal government should reduce its budgetary emphasis on reimbursement for institutionalized care and provide increased resources for community-based programs. NACo supports the goal that the mentally and developmentally disabled should not be incarcerated in local jails, and that programs to provide alternative institutional or community-based residential facilities and services should be developed.

**6. Institutional Services:** Correctional institutions of any jurisdiction – federal, state, or county – should provide humane living conditions and rehabilitation programs, as well as providing services for their offenders’ well-being, i.e., medical care, recreation, counseling, etc.

**7. Multi-County Correctional Systems:** States should authorize and encourage county governments, through financial incentives and technical assistance, to contract with other counties or with other units of government for the joint establishment of multi-county correctional systems. Such systems should encompass a full range of services and sanctions in the community and provide various levels of security for those who require confinement. A systems approach must be based on comprehensive planning and should generate new opportunities for dividing or sharing responsibilities among participating jurisdictions.

**8. Quality of Personnel:** State and county governments should improve recruitment, compensation, and specialized training to attract and provide sufficient numbers of high-quality personnel to the corrections system. Minimum standards of qualification and training should be established and greater use made of paraprofessional and volunteer aides.

**9. Establishment of Standards:** States and counties should jointly plan and develop state standards for adult and juvenile detention services, personnel, and facilities. Technical assistance and financial incentives shall be provided by the state in order to assist counties to meet standards.

While NACo applauds the important work of the National Prison Rape Elimination Commission, longstanding NACo policy calls for state standards for jails and other local correctional and detention facilities developed in partnership with county government. State government should be given a reasonable time limit to develop standards for preventing rape in jails, detention centers, and prisons. However, if a state fails to take appropriate action or fails to make a good faith effort, then minimum federal standards should be implemented. NACo recognizes that the rights of all Americans are protected by both the state and federal constitutions. Therefore, if a state fails to act, NACo would support federal standards.

**10. Private Industry in County Correctional Programming:** Counties are encouraged where economically feasible to jointly develop with private industry and organized labor productive work experiences for inmates that teach marketable skills, good work habits, and provide real wages. Inmates should be judged on their productivity. Congress should, with the support of organized labor, remove restrictions prohibiting inmate-made goods from being sold in interstate commerce. The salaries from such ventures can help defray the costs of incarceration, help offenders support their families, and pay taxes and restitution.

**11. Federal Corrections Assistance:** The federal government should provide financial and technical assistance to counties to develop local strategies to reduce jail populations and to develop humane correctional facilities and services.

Counties lack the financial resources both to improve substandard correctional and detention facilities and services and to provide comprehensive community alternatives to secure detention for those inappropriately confined, since federal courts increasingly have mandated improvements in local correctional facilities and programs.

It is essential that greater emphasis be placed on local comprehensive planning and the sharing of facilities, programs, and services, wherever feasible, on a multi-county basis. Any standards promulgated to implement such a program should provide for effective input by local elected and appointed officials.

Existing federal programs designed to provide health and mental health services, social services, educational and vocational training, and employment services should be made available to local correctional and detention facilities.

**12. Nondiscrimination:** All corrections employment opportunities, as well as corrections programs and services, should be available without regard to race, creed, sex, national origin, or handicap.

**13. Creating State Commissions:** NACo urges that states, where lacking, establish state correctional commissions with local as well as state members to develop comprehensive state and local correctional policies.

**14. Women in Jail:** The majority of women in jail are confined for nonviolent misdemeanor offenses, and almost half have one or more children. Because of limited space and separation requirements many women are often housed in isolated circumstances, or under more restrictive conditions than their male counterparts.

NACo urges that counties consider the principle of parity in new sentencing and corrections practices for women that will provide equity of treatment and alternatives to isolation that will access the services necessary to help female offenders succeed, thereby breaking the jail cycle for themselves and their children.

**15. The Police Lockup:** NACo supports the consolidation or transfer of the police lockup function to county correctional agencies as part of a comprehensive strategy for system-wide correctional reform at the local level. In most jurisdictions such change will require intergovernmental agreements on the sharing of costs and responsibilities; and improved population controls through the expanded use of release mechanisms (citation release, release on personal recognizance, supervised release, etc.), home detention, and other alternatives to incarceration for persons charged with non-dangerous offenses. State governments should play a supportive role in furthering these goals by intergovernmental cooperation; providing financial assistance, and where necessary, providing appropriate enabling legislation. Careful planning and the involvement of all affected agencies is essential to successful implementation.

**16. Use of Federal Facilities for Correctional and Other Alternative Purposes:** NACo favors the use of federal facilities for jail purposes on the condition that the county in question has taken all reasonable measures to develop alternative programs prior to seeking the use of such facilities.

NACo supports a special intensive technical assistance program administered by the National Institute of Corrections to assist counties utilizing federal facilities for correctional purposes; and supports the full utilization of federal facilities to reflect the priorities established by Congress and the Executive Branch and local governments in addressing policy on homelessness, drugs, education, corrections, and other areas of national concern.

**17. The Commission on Accreditation for Corrections:** This Commission performs a valuable service to the counties in advocating humane standards for local correctional institutions. Its standards are directed toward achieving improved administration, conditions, and services in said institutions.

NACo realizes the inherent value of standards and has advocated state standards developed and designed in partnership with local government and tied to state financial and technical assistance to achieve the stated goals. NACo values the work of the Commission and its Revised Standards for Adult Local Detention Facilities as an important collateral resource for improving local correctional institutions.

NACo acknowledges the important work of the Commission on Accreditation for Corrections and pledges its support in achieving closer cooperation between our respective organizations. The Commission's standards should include in its detailed commentary alternative methods for treating in the community persons inappropriately confined (e.g. public inebriates, mentally ill, etc.).

**18. Loss of Federal Entitlement Benefits for Pretrial Defendants:** Currently, a person incarcerated in a county jail or juvenile detention center in nearly all states is ineligible to retain Medicare and Medicaid benefits or Social Security Disability Insurance (SSDI) once they enter the facility. U.S. Code of Federal Regulations, Title 42, Part 435.1009 states that Federal Financial Participation (FFP) is not available for services provided to individuals who are inmates of public institutions. As a consequence, the cost of medical care for these inmates becomes a non-federal responsibility (typically borne by county governments) upon arrest and detention. The cost to counties for persons who would otherwise be receiving federal entitlement payments is significant based on county estimates. The vast majority of states are unable to provide the non-federal cost of providing medical services to FFP eligible persons and tend to terminate or sometimes suspend eligibility.

If the individual has been terminated from these programs, it may take months for these federal benefits to be restored once they leave the institution. What is clear is that the immediate cessation of benefits occurs prior to the issuance of formal charges or conviction when the individual is presumed innocent.

Many people charged with crimes and awaiting trial are released upon posting of bond, released on their own recognizance, released under house arrest, or other alternative means of detention. These accused people (who have not been convicted of a covered crime) continue to be eligible for benefits under Medicare, Medicaid, or SSDI while awaiting trial. Some individuals who are charged with crimes and incarcerated in county jails are ultimately acquitted of the crime or the charges may be dropped and the individual released.

Therefore, NACo supports changes in current federal policy that will allow a person receiving federal benefits who has been charged with a crime but not convicted to continue to be eligible for such entitlements including, but not limited to Medicare, Medicaid, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Veterans, and Children's Health Insurance Program (CHIP) benefits until such time as they may be convicted and sentenced to an institution.

**19. Bail Practices and Release Options:** NACo recommends that to ease the financial burden of bail on poor defendants, all states enact defendant-based percentage bail laws. NACo also recommends that states and localities make greater use of such non-financial pretrial release options such as citation release and release on recognizance where there is a reasonable expectation that public safety will not be threatened.

Further, NACo recommends, where not already incorporated in state statutes, enacting legislation requiring the court to consider danger to community safety in judicial determinations of bail or other pretrial options, and providing for the preventive detention of those shown to be incorrigible, repeat violent crime offenders.

NACo recommends that all counties establish a written set of policies and procedures aligned with state statute, national professional standards, and best practices on the pretrial release decision. This includes screening of all arrestees booked into county correctional facilities; the investigation of arrestees' background

information in order to provide a complete and accurate report to the judiciary for use during the pretrial release decision; and the option for the court of placing arrestees on supervised release to be monitored until disposition of case.

**20. Federal-State-County Partnership Programs for Community Corrections:** NACo supports state-county partnership programs that foster local comprehensive planning and provide a range of community alternatives to incarceration for less serious felony and misdemeanor populations. The federal government should provide incentive funds to assist states and counties in developing or enhancing Community Corrections Acts. State governments should assist counties in this process by providing a stable source of ongoing financial and technical assistance. Partnership programs should emphasize the role of the private sector and encourage, wherever feasible, the systematic sharing of resources on a multi-county basis. Inherent in the practice of community corrections is the recognition that the community is the best place to deal with the behavior of less serious offenders and that county governments are uniquely able to coordinate, collaborate, and provide administrative leadership and oversight in developing programs suited for their communities.

**21. In Support of the National Commission on Correctional Health Care:** NACo encourages the nation's jails to seek voluntary accreditation through the use of the National Commission on Correctional Health Care's (NCCHC) Standards for Health Services in juvenile and adult confinement facilities and encourages all correctional health professionals to maintain their professional credentials and seek recognition through NCCHC's Certified Correctional Health Professional Program.

**22. Federal Incentives to Promote Comprehensive State-County Partnership Programs in Corrections:** For many years NACo has called for new alliances between counties and state governments to better manage jail and prison populations and community corrections/detention programs.

At the time when county correctional expenditures account for about one-third of total state and local outlays, Congress has eliminated language, under Title II of the 1994 Crime Act, that made it mandatory for states to consult with counties and to share funds with them for certain purposes in accordance with a "comprehensive" state plan certified by the Attorney General of the U.S.

Consequently, NACo calls on Congress to require a mandatory pass through of Title II funds to counties to be used in support of state-county partnership programs, including the implementation of statewide sentencing guidelines, community corrections acts, and other local programs or detention facilities set forth in a statewide plan. State associations of counties should be intimately involved in the design and development of such programs.

**23. Appointment of Statewide Task Forces and Use of Neutral Facilitation to Resolve Statewide Correctional Disputes:** NACo strongly supports the appointment of state task forces made up of senior representatives of key constituent organizations including the state associations of counties, the state municipal league, the state sheriffs' association, the governor, chief judge, among other key local and state organizations and individuals. A neutral board-certified facilitator should assist the parties in designing and implementing "win-win" solutions for safely lowering jail as well as prison populations.

## **COMMUNITY CRIME PREVENTION**

Criminal justice professionals readily admit that without citizen involvement in crime prevention activities the traditional criminal justice agencies cannot control crime. Although swift apprehension and certainty of punishment can be a crime deterrent, and more research, coordination, and resources are badly needed by the county criminal justice system, the involvement of citizens in helping the public agencies apprehend and adjudicate offenders is also essential.

Beyond helping public agencies become more effective, citizens have two additional roles:

- reduce the opportunities for crime among potential victims through public education and target hardening; and
- alleviate social and economic problems associated with crime.

Federal and state agencies should aid counties in assisting citizen groups with crime prevention activities. Citizen groups should have a role in designing crime prevention programs, and they should receive grants to implement crime prevention activities. County officials, in conjunction with criminal justice agency heads, should develop criteria for selecting citizen groups that are representative of their communities and are accountable for resources provided them. Such programs should be initiated and implemented only after consultation and participation by elected county officials.

## **CONTROL OF FIREARMS**

NACo supports the enactment of appropriate federal, state, and local legislation that would strengthen criminal sanctions relating to the illegal possession or sale of firearms.

NACo further supports legislation providing for mandatory prison sentences for the use of dangerous weapons in the commission of a felony.

NACo also supports the provisions of the 1968 Gun Control Act and the Omnibus Crime Control and Safe Streets Act, which are directed at preventing possession of handguns by proscribed groups of people.

These Acts stipulate that the following individuals are ineligible to receive firearms: fugitives from justice; persons under federal or state felony indictment; persons convicted of a federal or state felony; persons ineligible by state or local law to possess a firearm; minors (under eighteen for rifles and shotguns, and under twenty-one for handguns); adjudicated mental defectives or persons committed to a mental institution; unlawful users of or addicts to any depressant, stimulants, or narcotic drug; felons; persons dishonorably discharged from the U.S. Armed Forces; mental incompetents; former U.S. citizens; and illegal aliens.

In order for the intent of these laws to be fulfilled, an effective method is needed to verify a purchaser's eligibility. NACo supports the requirement of a reasonable waiting period for the purchase of a handgun to allow for a records check, where possible, to ensure that the purchaser is not ineligible under existing federal law to possess a handgun.

**A. Reducing the Supply of Illegal Guns to Criminals and Juveniles:** NACo recognizes that many guns used in crime are purchased from gun dealers by illegal gun traffickers who distribute them to juveniles and criminals, both in the same state and through illegal interstate gun trafficking to those in other states, and through international gun trafficking to international criminals, drug dealers, and terrorists.

The tracing of all recovered firearms with ATF's National Tracing Center leads to the disruption of illegal gun trafficking by enabling law enforcement to identify and incarcerate illegal traffickers, and by enabling municipalities, counties, and states to identify local, regional, and national patterns in the illegal gun supply.

Moreover, many jurisdictions are instituting comprehensive crime gun tracing to assist in reducing illegal gun trafficking, especially since tracing all recovered firearms need not cost any additional money or manpower because it can be done through existing communications systems such as NLETS; and the states of Connecticut and Illinois have enacted statewide tracing legislation.

NACo encourages counties to adopt as a countywide strategy the tracing of all firearms that have been seized or confiscated in order to identify the illegal sources of firearms that supply criminals and juveniles in our nation's counties, and also endorses state and federal legislation and state and federal funding to facilitate statewide tracing measures.

**B. National Child Safety Lock Up:** Recognizing that an estimated 1.2 million latchkey children have access to loaded and unlocked firearms, NACo endorses National Child Safety Lock legislation.

**C. Safe Ownership of Firearms:** NACo recommends that counties actively promote firearm safety programs of proven effectiveness as part of a comprehensive strategy to deal with the use of firearms.

## **FEDERAL SUPPORT FOR FORENSIC SCIENCES – DNA INITIATIVE**

Recognizing that in a number of states and counties death investigations are being performed by individuals who lack sufficient training and expertise to determine the cause and manner of death, NACo calls for the creation of a national research and technical assistance project to create or enhance statewide training and certification programs.

NACo fully supports and strongly encourages the implementation and full funding of the National Forensic Sciences Improvement Act, which will provide grants to existing local and state forensic laboratories to improve productivity, quality measures, and overall operation, and achieve professional certification based on generally accepted forensic science performance standards, common definitions and protocols.

NACo supports and encourages the implementation and funding of the Administration’s DNA initiative as part of the funding for state and local forensic sciences under the Paul Coverdell National Forensic Science Improvement Act.

DNA testing is one of several problems facing state and local crime labs in their efforts to support public safety. These problem areas vary from region to region and include backlogs in narcotics cases, fingerprint examinations, firearms evidence, forensic toxicology evidence and trace evidence. In order to fully realize the tremendous potential that crime labs offer to the criminal justice system to identify the guilty and free the innocent, federal funds for forensic science support are better invested through the Paul Coverdell National Forensic Science Improvement Act. This act permits local agencies to define their particular priority, whether it is DNA or any other forensic science area, including the medical examiner-coroner office.

## **FEDERAL REIMBURSEMENT PROGRAMS**

**A. SCAAP:** NACo supports full federal reimbursement of state and local costs of incarcerating undocumented criminal aliens. SCAAP provides partial reimbursement to states and counties for the costs associated with the detention and incarceration of undocumented criminal aliens. Although it is the federal government’s responsibility to protect and secure our nation’s borders, counties incur millions of dollars in un-reimbursed expenses each year as a result of housing undocumented individuals who violate state or local laws. It should be noted that counties are responsible for processing and prosecuting illegal aliens, and, in many cases, must provide medical care and other services to these individuals. Counties bear a disproportionate share of the criminal justice-related costs associated with illegal immigration. As a result of having to house pre-trial and convicted aliens, our counties are forced to divert funds from other important local programs in areas such as healthcare, social services, and key public safety-related programs. Counties are concerned that while SCAAP-related costs to local jurisdictions have been rising, the level of reimbursement provided by the federal government remains grossly inadequate.

## **ORGANIZED CRIME**

NACo recognizes that any success in combating organized crime will require a greater commitment of resources and imagination at all levels of government. Coordination at the local level with the necessary legal tools for gathering evidence and the power to grant witness immunity is essential. Investigations must be carried out with a broader focus than merely the prosecution of individual cases.

**A. Investigation:** Special grand juries should be impaneled by the appropriate U.S. District Court for the sole purpose of investigating organized crime within its jurisdiction.

**B. Witness Immunity:** Federal and state statutes that grant general witness immunity should be enacted.

**C. Organized Units:** State or regional organized crime intelligence units should be established and their activities coordinated.

## **JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

**A. General Recommendations:** Federal justice grant funds should go directly to counties, with the following requirement: leadership from all entities working to prevent, reduce and control juvenile crime must collaborate in the preparation of a comprehensive plan. Elements of such a plan shall include, but not be limited to:

- strategies, programs, services, and supports designed to prevent delinquency through provision of resiliency factors which offset risk factors;
- strategies, programs, services, and supports designed to intervene early and effectively when delinquent behavior is encountered utilizing the least restrictive approach; and
- strategies, programs, services, and supports which protect the community, hold offenders accountable to individual victims and the community, and which remedy the skill and competency deficits of offenders.

Since 1974, the Juvenile Justice and Delinquency Prevention Act has been a major catalyst in producing positive change in the juvenile justice system and in creating preventive and interventive approaches for youth. Societal change has heightened concern for a community's ability to address the rise in violent juvenile crime at increasingly younger ages. In light of this trend, NACo proposes that the Juvenile Justice and Delinquency Prevention Act promote the following essential principles:

- collaborative planning and authority at the local level;
- all federal monies coming to local communities shall be distributed through the collaborative planning process at adequate and sustaining levels of support;
- core requirements in the Act shall be preserved;
- violent and repeat offenders need to be identified in order to provide appropriate interventions; and
- encouragement of prevention, education and treatment strategies for juveniles involved with illegal substances.

**B. Countywide Collaboration:** The primary responsibility for ensuring the comprehensive delivery of services to control and prevent juvenile delinquency resides with local government. The unique role of county government in this process – as the primary provider at the local level in health, social services, juvenile corrections – provides the organizational framework for constructing a comprehensive strategy to provide for community protection, offender accountability to victims, and the supports and services necessary to positively change offender behavior. Programs and services must seek to combine early problem identification and assessment with appropriate and timely interventions.

Program planning, development, and implementation should involve a wide variety of organizations and individuals, including public, private, and voluntary sectors to achieve the goals of a comprehensive plan, and to ensure access by youth to available services. The Juvenile Justice and Delinquency Prevention Act of 1974 and, especially, its 1992 Title V Amendment funding prevention at the local government level provides vital financial and technical assistance to state and local governments to strengthen the juvenile justice system through collaborative efforts to prevent and control delinquent behavior. The funds and processes of the Act, when combined with other federal and state resources and mechanisms, can assist in the development of programs and services to assist troubled youth.

**1. Government Responsibility for Juvenile Programs:** The executive and legislative branches of local government share primary responsibility for the overall planning, regulation, and administration of juvenile programs, delinquency prevention, and youth development services for the community.

**2. Organizational and Planning Capacity:** Counties should develop an organizational planning capacity to develop and coordinate a full spectrum of youth development and delinquency prevention services and to ensure accountability for service delivery in their communities. Whole communities – including a wide



variety of public, private, and volunteer organizations and individuals – should be mobilized to be involved in planning and implementing national strategies to prevent delinquency and to ensure access to services.

Counties should take the lead in structuring interagency partnerships, involving all strata of government, business, education, and the community, to develop comprehensive community based services for at risk children and families. Counties should use their budgetary powers to leverage cooperation and collaboration.

The organizational structure should accommodate strong local control and should reflect the unique characteristics of each community. The organizational structure should provide flexibility to local units of government and service providers to plan and prioritize services based on the needs of the individual or family.

**3. Planning and Implementing a Comprehensive Strategy:** The process of planning and implementing a comprehensive strategy is crucial to the prevention and control of juvenile delinquency. Counties should take a leadership role in assuring that the following essential elements are included:

- Take a community-wide approach;
- Create ownership;
- Reach the diverse groups in the community;
- Include key elected officials and grassroots community leaders;
- Give priority to protective factors that are most promising in addressing risk; and
- Gain the commitment of all stakeholders to a long term, sustained effort of rebuilding the community's social infrastructure.

The most effective approach is one that increases resiliency by protecting youth from health and future jeopardizing risks in all areas that affect youths' lives from the time of birth, including the family, school peer group, and community.

**4. Juvenile Justice System:** The traditional role of the juvenile and family court is to treat and rehabilitate the dependent or wayward minor, using an individualized approach and tailoring its response to the particular needs of the child and family, with goals of responding to the needs of the troubled youth and their families; providing due process while recognizing the rights of the victim; rehabilitating the juvenile offender; and protecting both the juvenile and the public. Juvenile justice systems must develop a better balance among individual treatment, accountability to victims and community protections if they are to effectively address serious, violent, and chronic juvenile crime; and keeping youth from deeper penetration into the juvenile justice system where appropriate.

**5. Juvenile Court Jurisdiction:** The jurisdiction of the juvenile court should be limited to those acts that if committed by an adult would constitute a crime, and to dependent and neglect cases.

**6. Continuum of Interventions:** An effective juvenile justice system is one that provides a continuum of services and interventions combining accountability and sanctions with increasingly intensive treatment and rehabilitation. This continuum must be wide-ranging to fit the offense and include both intervention and a secure corrections component. The intervention components include the use of immediate response, intermediate sanctions such as victim-offender mediation and victim restitution, community service, intensive supervision, probation and competency development within the least restrictive environment. The secure corrections components may include but not be limited to community confinement, state training schools, ranches and camps.

**7. County Strategy for Front End Investment to Prevent Crime:** A decade of cuts in domestic spending has reduced or eliminated many of the services that have traditionally protected America's at-risk children and families.

A decade of massive increases in the construction of jails and prisons at the state and local level has not resulted in any significant decrease in the level of crime. In fact, during this same time, we have witnessed a dramatic increase in the incidence of violent juvenile crime. A number of quantitative studies document the theory that front-end investment in youth development is the most effective means to prevent crime.

NACo, therefore, calls for a National Front-End Youth Investment Policy. We urge Congress and the Administration to work with state and local government in designing and funding effective prevention and early intervention strategies for children and families. These include health, shelter, education and employment.

Counties must develop partnerships with business and industry, education, private sector, volunteer, and human services agencies, and all strata of government to plan and deliver a broad range of supports and services for at-risk children and families that address the needs of the whole person.

Relevant research on human brain development and its linkage to the growing threat of violence perpetuated by children shows that through abuse, neglect, and a general lack of nurturing, many youthful offenders have sustained lasting neurological damage that interferes with their ability to reason, to feel, and to regulate their emotions and behavior.

Moreover, the factors that put children at risk for developing violent personalities also often relate to prenatal care and development (including malnutrition, parental addictions, and physical and psychological trauma) and the lack of “bonding” and development with strong, positive adult models.

This research has caused a number of counties to reassess their strategies for preventing crime. NACo recommends flexibility and federally funded programs, including crime prevention, Temporary Assistance for Needy Families (TANF), education and others to allow counties to design and implement comprehensive countywide strategies to provide a full continuum of services for families and children with special focus on early prevention prenatal to age three.

**8. Exploited and Missing Children:** No one determinant of juvenile crime can be identified, however, research does point to a relationship between child physical and sexual abuse and neglect and future emotional and behavioral problems, including criminal involvement.

NACo supports the Missing Children Act as amended which established the National Center for Missing & Exploited Children® (NCMEC).

NCMEC operates a toll-free, 24-hour telephone hotline for reporting cases of missing children; maintains the CyberTipline®, a resource for the public to report occurrences of child sexual exploitation; and provides assistance to law-enforcement and the public in the location, recovery, and prevention of missing and sexually exploited children. NCMEC has developed programs designed to reach into communities to prevent occurrences of child abduction and sexual exploitation. Counties are urged to make use of its resources.

NACo supports sex offender laws requiring convicted sex offenders to register their addresses with law enforcement. Recognizing the ambiguity in sex offender registration and community notification laws and increased mobility between jurisdictions, NACo further supports county and statewide efforts for increased funding of sophisticated measures of tracking sex offenders, specifically the satellite tracking of convicted sex offenders. Counties should adopt a nationally uniform system to prioritize sex offenders according to dangerousness as well as a nationally uniform reporting system.

**9. Juvenile Court Jurisdiction:** The jurisdiction of the juvenile court should be limited to those acts which, if committed by an adult, would constitute a crime and to dependent and neglect cases.

**10. Transfer of Juveniles to Adult Court:** Current research confirms that the portion of the brain that controls and suppresses impulses, and is critical to good judgment and decision-making, is not fully developed in youth under age 18. Youth have difficulty thinking of consequences under stress and managing powerful impulses without adult help. Therefore, they should not be viewed as acting with the level of moral culpability that characterizes adult criminal conduct. Further, 75 percent of youth under the age of 18 sent to adult facilities will be released by the age of 22. They likely will have not been held fully accountable for their actions. These youth will have been denied adequate education, mental health, drug treatment, and employment skills training. In light of these facts, NACo opposes trying and sentencing youth in adult criminal court, except in the case of a chronic and violent offender, and then only at the discretion of a juvenile court judge.

It is harmful to public safety, as well as young offenders, to confine youth in adult jails, where they are eight times more likely to commit suicide, five times more likely to be sexually assaulted, and, upon release, much more likely to re-offend than youth in juvenile detention. NACo supports the reform of state laws that inappropriately send far too many youth under the age of 18, including first-time and non-violent offenders into the adult criminal justice system.

NACo supports that the decision to transfer a juvenile to adult court should be made by a juvenile court judge or jury.

**11. Unaddressed Mental Health Needs:** NACo believes that children suffering from mental disease require effective assessment, diagnosis, and treatment. NACo advocates for non-institutional, community and family-based treatment for children with mental illnesses. The juvenile court system is largely ineffective at identifying – much less treating – mental health problems. Yet, fifty to seventy-five percent of kids in juvenile detention facilities have diagnosable mental illnesses. Juvenile court professionals must use culturally sensitive and comprehensive assessments, and, whenever viable, family and community-based treatment interventions to recognize and treat symptoms of mental illnesses. NACo also supports continued eligibility of federally funded health benefits of juveniles arrested and held in pre-trial detention.

**12. Sexual Abuse and Domestic Violence:** Research indicates that sexual abuse of a child is a risk factor for later offending by that child. NACo supports efforts to eliminate both physical and psychological abuse of children. Juvenile crime places an enormous financial and social burden on counties. Efforts must be placed on the prevention of child abuse and neglect, interrupting the cycle of violence. Elected county officials should use their budgetary powers to leverage interagency cooperation and coordination. Criminal justice, juvenile justice, public health and social service agencies should be encouraged to design and implement programs that will better protect children. Coordinated responses are also necessary to improve measures to deal with children who have already been victimized.

**13. Gang Violence:** The prevention and control of crime, including gang violence, is at its roots a community issue. While social disorganization and the presence of crime and drugs in the neighborhood pose a small risk of violence when measured on an individual level, both of these risk factors have a substantially greater effect on the neighborhood (and community) level. Therefore, NACo supports efforts that strengthen local governments in implementing a comprehensive approach to the prevention and control of gang violence.

**14. Racial Disparities:** From the point of arrest to sentencing and confinement, minority youth receive harsher sanctions than their white counterparts. African American youth are six times more likely to be sentenced to a juvenile facility and nine times more likely to be sentenced to an adult facility for violent offenses, as compared with white youth charged with the same crimes. Latinos are also over represented of the youth population sentenced to adult prisons.

Clearly no single policy will result in the eradication of racism, poverty, and other powerful forces that contribute to the current racial composition of detention centers. Detention reform, however, should seek to eliminate systemic bias so that the juvenile justice system does not exacerbate or contribute to the impact of

those forces. Detention reform that effectively addresses over-representation of minorities in secure facilities should accomplish at least two measurable changes: the rate at which minority youth are detained should decline and the number of minority youth in detention should decline over time. In order to achieve these changes juvenile justice professionals should consider the following strategies:

- Develop objective admission screening instruments;
- Create new or enhanced alternatives-to-detention programs;
- Expedite case processing to reduce lengths of stay; and
- Develop new policies and practices for probation violations, warrants and “awaiting placement” cases.

Financial assistance to develop these programs and policies may be available from state juvenile justice advisory committee formula grant funds. NACo believes that children deserve to be treated fairly, regardless of race and/or ethnicity. NACo urges policy makers to craft solutions that educate police, officers of the court, and correctional/rehabilitative service providers to remove racial inequalities from the juvenile justice system.

**15. Limit Use of Secure Detention:** Despite a continual decline in juvenile offending over the past decade, the population of youth confined in pre-trial secure detention has steadily grown. Today, an alarmingly high number of youth with serious emotional, behavioral and substance abuse issues, and a disproportionately high number of youth of color, are behind locked doors awaiting court hearings.

On an average day, more than 27,000 youth are estimated to reside in locked detention centers – a number that has grown 72 percent since the early 1990s. It is also estimated that 300,000 to 600,000 children and teens cycle through secure detention facilities each year in the U.S. These numbers are especially poignant when you realize that most are young, nonviolent, relatively minor offenders – some of whom will be acquitted of all charges – most of whom do not need to be there at all. NACo calls upon state and local policy makers, through funding and legislation, to support the philosophy that youth should be placed in the least restrictive, appropriate environment and be removed from secure detention as quickly as possible, taking public safety into account. NACo also supports continued eligibility of federally funded health benefits of juveniles arrested and held in pre-trial detention.

**16. Prevention of Victimization:** Programs should be developed which identify victims and potential victims; educate parents about the importance of maintaining up-to-date records of their children; teach children the difference between nurturing contact and exploitative contact and ways to protect themselves; teach parents about the threat of exploitation; and educate children about the skills they need as a future parent to create an environment to protect their own children.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) should develop crime prevention materials specifically directed at child abduction, abuse and sexual exploitation.

**17. Juvenile Detention Facilities and Community Confinement:** Juvenile offenders whose presenting offense is sufficiently serious or who fail or respond to intermediate sanctions as evidenced by continued re-offending may be appropriate for community confinement in a juvenile detention facility. Offenders at this level represent the more serious and violent offenders among the juvenile justice system correctional population.

The concept of community confinement provides secure confinement in small community-based facilities that offer intensive treatment and rehabilitation services. These services include individual and group counseling, educational programs, medical services, and intensive staff supervision.

Proximity to the community enables direct and regular family involvement with the treatment process as well as a phased reentry into the community that draws upon community resources and services. Counties are urged to remove juveniles from correctional facilities which detain accused or adjudicated adults.

**18. Detention Pending Court Disposition:** Detention pending court disposition shall be based on clearly enunciated standards compatible with this section of the platform and reduced to a minimum.

**19. Law Enforcement Training:** County law enforcement agencies should provide intensive specialized preparation and training for their personnel in working with juveniles, as far as possible.

**20. State Subsidies:** States should establish subsidy programs to assist counties in establishing a broad range of community-based youth development and diversion programs. Such subsidy programs should be developed jointly by counties and states.

**21. Education:** Education is a vital part of any youth's attempt to develop as a contributing member of society. The education system has a responsibility to assist the community in the prevention and control of juvenile delinquency and to provide educational opportunities for young people who become involved in the juvenile justice system. These approaches include:

- a. **Community Education:** School authorities, in collaboration with local government, should make school facilities available year-round as well as during and after regular hours, to provide a central location for youth development activities, the delivery of health and social services by local agencies, as well as opportunities for recreational and cultural activities.
- b. **Education During Detention:** Continued educational services should be provided for juveniles during detention. Local school districts should assume financial responsibility for the education of the youth detained or otherwise under the authority of the juvenile justice system.
- c. **Education of the Handicapped:** Consistent with PL 94-142, the juvenile justice system and programs, services, and facilities that provide assistance to the youth under the authority of the juvenile justice system should develop and implement procedures that meet the individual needs of the handicapped.
- d. **Alternative Education:** School agencies and districts are encouraged to develop and implement policies and programs which keep delinquents and other youth in elementary or secondary schools or in alternative training situations. School agencies and districts should promote policies that avoid dropouts and unwarranted and arbitrary suspensions and expulsions, and develop in-house suspension systems.

**22. Adult Responsibility:** In so far as adults are responsible for the actions of juveniles, adults will be held answerable for the illegal actions of for juveniles.

**23. Intergenerational Programs:** Working with youth, the elderly have an opportunity to remain vital and productive, to mentor, to share their knowledge and wisdom, to expose hidden talents and to overcome limitations. Participation in cost-effective intergenerational service programs allows our youth to learn confidence, decision making skills, a sense of history, and a sense of understanding change, and respect.

Intergenerational service programs promote mutual support across generations and meet essential individual and community needs that are increasingly lacking. Intergenerational programs are successful prevention devices for fostering the independence of the elderly and the positive development of youth.

NACo recognizes the importance of incorporating intergenerational programming in human services planning and recommends that this concept be woven into all appropriate federal, state, and local initiatives that provide services to children, youth, and the elderly.

**24. National Children's Memorial Day:** NACo urges Congress to support the goals and ideas of National Children's Memorial Day as a way of remembering children who die by violence and committing to end preventable deaths of children. America has lost too many children in violent and preventable deaths. We as a nation need to heighten awareness, acknowledge needless violence, and do whatever we can to end preventable deaths of children.

## **ALCOHOL AND DRUG ABUSE**

A broadly based attack must be carried out by counties to combat the problems of alcoholism and, to an even greater extent, that of drug abuse, both of which are mounting at an alarming rate. Programs emphasizing rehabilitation together with punitive measures for violators of the criminal codes are needed.

**A. Alcohol Treatment:** Counties should increase present efforts to find alternatives to the treatment of alcoholism within the criminal justice system. Criminal treatment of drunkenness when not accompanied by unlawful conduct should be eliminated. Counties should investigate the possibility of conducting detoxification therapy for short-term detention. Aftercare services, including psychiatric care and halfway houses, should be established, to which referral could be made after diagnosis at a detoxification center.

Since alcohol and drug-dependent persons are recognized as handicapped under Section 504 of the Rehabilitation Act of 1973, as amended, no such person should be denied admission to, or treatment by, any program or service, such as emergency medical treatment, when under the influence of alcohol or drugs.

**B. Alcohol Abuse Prevention:** Increased federal funding shall be provided for adequate alcohol prevention and rehabilitation programs on the state and county level.

**C. State Legislation:** States are encouraged to adopt uniform alcoholic treatment legislation to remove alcoholics from the criminal justice system and place them in the social and mental health care system of state and local governments.

**D. Narcotics and Drug Abuse:** The growing problem of narcotics and drug abuse must be attacked by strengthening all approaches – law enforcement, rehabilitation, and treatment of users, and public education of the dangers involved.

**E. Federal Assistance:** The federal government shall give special assistance to counties for the purpose of halting the flow of dangerous drugs and for programs dealing with drug and narcotic addiction, prevention, treatment, and crimes related to the use of drugs and narcotics.

**F. Federal Responsibility for Drug Control:** Narcotics and dangerous drug traffic transcend state lines and international borders; therefore, regulation and control are major federal responsibilities.

**G. Control of Drug Manufacturers:** The federal government is encouraged to exercise its legal power to strengthen and enforce regulations and controls over manufacturers and distributors of dangerous drugs and narcotics.

**H. Manpower for Drug Abuse Control:** The federal government is hereby petitioned to provide sufficient manpower to control the traffic in narcotics and dangerous drugs, particularly at international border crossings.

**I. Substance Abuse and Treatment in Jail:** A report issued by the National Center on Addiction and Substance Abuse (CASA) at Columbia University, entitled *Behind Bars: Substance Abuse and America's Prison Population*, found that drug and alcohol abuse and addiction are implicated in the crimes and incarceration of 80 percent of the inmates in local jails. According to the report, most substance abuse involved offenders in county jails do not receive adequate substance abuse treatment and related services. Treatment has been demonstrated to be a cost-effective intervention for substance involved offenders:

- NACo calls on the federal government to provide funds to counties in both urban and rural areas to develop assessment and treatment programs for offenders whose substance use and abuse is linked to their criminal offense.
- The federal government should provide funds to encourage counties to develop and implement treatment-based alternatives to local incarceration for nonviolent offenders whose core problem is substance abuse and addiction.

- The federal government should provide funds to encourage counties to develop and provide a range of services to substance-involved inmates, including education and literacy, vocational training, HIV prevention, medical and mental health services, and aftercare services.
- The federal government should provide funds to encourage counties to develop training programs for judges, prosecutors, probation officers, corrections officers, and other county criminal justice personnel to educate them about substance abuse, addiction and treatment.

## **METHAMPHETAMINE EPIDEMIC**

NACo supports adequate funding for the fight against the devastating methamphetamine epidemic. NACo supports increased funding for methamphetamine research, enforcement, treatment, and education of users and their families, and cleanup of contaminated sites.

Over the last decade, a devastating and highly-addictive drug has spread across the country, especially in rural counties. Methamphetamine, commonly called “meth”, is a homemade amphetamine made from common, easily accessible materials: antifreeze, white gas, ether, starting fluids, Freon, lye, paint thinner, acetone, and ephedrine or cold pills. Mixing these chemicals to make meth can occur in a variety of locations from homes to inside vehicles. The harmful long-term effects of meth include bone loss; malnutrition; liver, kidney, and lung damage; and psychiatric problems. Yet, the effects of meth not only exist for users. Individuals, especially children, who are exposed to the toxic chemicals, can also develop severe respiratory, neural, and other health problems.

Investigating and busting meth labs, corrections, courts, treatment, and clean-up are all direct costs to county governments as a result of the skyrocketing use and manufacturing of meth. However, there are many societal effects that also must be considered. National statistics suggest that in at least 70 percent of all meth arrests, there is a child living in the home. These children many times suffer from neglect and abuse.

Meth labs also pose a significant danger in the community as they contain highly flammable and explosive materials. Additionally, for each pound of meth produced, five to seven pounds of toxic waste remain, which is often introduced into the environment via streams, septic systems, and surface water run-off. NACo urges Congress and the administration to commit more resources to fight this harmful epidemic.

Specifically, NACo supports implementation of the Methamphetamine Remediation Research Act of 2007, which became public law in December 2007, and provides a research program for remediation of closed methamphetamine production laboratories. NACo also supports the Methamphetamine Production Prevention Act of 2007, which would establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

## **COMPREHENSIVE EMERGENCY MANAGEMENT**

The goal of comprehensive emergency management is to coordinate all of the resources available to meet all potential emergencies.

**A. Building a Sustainable Future:** NACo recognizes that to ensure the safety of people and the livability of communities, significant resources for disaster planning, mitigation and recovery should be provided. These resources should provide for education and encourage the use of innovative approaches that result in positive changes and adhere to the following principles:

- **Sustainability:** Disaster mitigation and recovery resources should be invested to improve the quality of life in the areas of public health and safety, environmental stewardship, and social and economic security.
- **Planning and Incentives:** Plans designed to reduce the impact of disasters and to encourage recovery should provide incentives to individuals, the private sector, and government to pursue sustainable development and redevelopment.
- **Partnerships:** Individual citizens, the private sector, local, state, and the federal government should act as partners with shared goals and values to further the capacity of our communities to be self-sufficient.

**B. Locally Driven Process:** Decisions should be driven by a consensus based, inclusive process that stakeholders use and trust. The process should identify local sustainability priorities, leading to the investment of pre- and post-disaster resources that will meet those needs, emphasizing the need for local responsibility and self-sufficiency. State and local governments should be consulted in policy decisions and initiatives related to preparedness, response, recovery and mitigation early in the process and rationale should be given when suggestions are not included. Process should support state and local advisory councils, task forces, and other relevant groups.

Comprehensive emergency management enables a county to meet its responsibility in emergencies and disasters by coordinating public and private programs not only through preparedness planning and immediate response, but also through prevention and long-term recovery activities. Emergencies can be categorized into five basic types:

- **Technological and Human:** caused nuclear accidents, hazardous materials accidents, utility failures, epidemics, crashes, explosions, and structural fires;
- **Natural Disasters:** earthquakes, floods, tornadoes, major storms, drought, range infestations, and forest and brush fires;
- **Internal Disturbances/Terrorism:** civil disorders, violent demonstrations, strikes leading to violence, and acts of terrorism (as defined by the applicable Presidential Directive);
- **Energy and Material Shortages:** natural resource shortages or human-caused shortages resulting from price wars or labor disputes; and
- **Attacks:** nuclear, conventional, chemical, or biological warfare.

**C. Emergency Management Coordination:** Emergencies arising from man-made or natural disasters can provide drastic psychological, social, and economic consequences at all levels of government. County government is often the first line of public responsibility in the local, state, federal system of emergency management. Counties should develop, in cooperation with local, state, and federal governments, comprehensive emergency management systems that include preparedness, response, mitigation, and long-term recovery activities in order to minimize the destructive impact of all types of disasters.

Federal and state governments should continue to provide leadership in the development of a local, state, federal coordinated system. Such a system should be a robust, sustained and consistent process for soliciting local, state, tribal, territorial, and private sector engagement, including un-filtered input to key federal decision makers, on the full breadth of homeland security issues. This process must ensure stakeholders are included in all aspects of national policy development as successful collaboration requires a partnership with state and local governments, the private sector and non-governmental organizations. This process must improve the capability for federal agencies and legislative committees to communicate and work together to ensure a coordinated and unified national approach to homeland security, and consistent messages to non-federal stakeholders. The process must establish clear cross-cutting direction to federal agencies and requires that their individual implementation of homeland security initiatives be fully coordinated within the federal inter-agency in a manner that promotes a unified national effort. The process must ensure that federal agency offices responsible for maintaining on-going policy-level liaison with non-federal government officials and private sector executive leaders, report directly to the head of their respective federal agency. This system should also convene a broad ranging discussion with relevant stakeholder organizations to formally establish consistent processes and expectations about how collaboration will occur in the future and improve coordination of legislatively directed deadlines imposed on federal agencies that subsequently create corresponding requirements for state, local, tribal, territorial and/or private sector input, to minimize redundant and conflicting demands for information from non-federal stakeholders.

Federal and state governments should recognize the first-line responsibility of county government by providing aid to counties in the preparation and response to emergencies and more expeditious, practical, and substantial aid to citizens who suffer from disasters. Emergency management functions should be fire-walled and protected in legislation similar to the Secret Service and Coast Guard treatment in the Homeland Security Act of 2002. A firewall will prevent funding, personnel and resources from being used for other function.



**D. FEMA Leadership:** Regardless of where located in the federal government, the FEMA Administrator must have a direct reporting relationship to the President during periods of Presidential disaster and emergency declarations, similar to the Joint Chiefs of Staff relationship in military engagement. Congress should require that criteria be developed for the FEMA Administrator to ensure competent leadership and provide for a direct reporting relationship with the President. Congress should allow stakeholders to have input in the vetting process for nominees. Reductions should be made to the number of political appointments within federal emergency management functions and fill positions of authority with individuals who have requisite experience. Federal emergency management leadership should be the lead for the National Response Plan (NRP) as outlined in the Homeland Security Act of 2002.

**E. Role of the Military:** The role of the military should continue to be in support of civilian authorities. Procedures should be refined for requesting assistance from the Department of Defense (DoD) in those rare and catastrophic events when assets are needed that only DoD can provide. Congress must protect the constitutional role of states with regard to control of their National Guard forces and clarify the circumstances as well as the command, control and coordination procedures under which federal active duty forces are to be employed in operations within the homeland. Congress is also encouraged to ensure that the National Guard remains under the command and control of the nation's Governors for all homeland security operations purposes. The appropriate federal entity is also encouraged to develop an on-going monitoring process to ensure that during periods when the National Guard is called to federal service, Governors will retain sufficient manpower and resources in their states for homeland security, disaster and emergency response missions; establish clear joint force command protocols to assure federal active duty forces engaged in domestic operations within states can be placed under the supervision or the command and control of the Governor and the State Adjutant General; adequately define and resource the National Guard for its domestic support/protection and war-fighting missions; and create clear policy for the Chief of the National Guard Bureau in consultation with Adjutants General to set National Guard operational requirements for inter-state domestic disaster relief and homeland security missions, without requiring Combatant Commander approvals.

**F. FEMA Regional Offices and Staffing:** FEMA Regional offices should be strengthened through adequate staffing and resources. FEMA must be fully staffed and have the capability to establish and maintain stockpiles and pre-position resources and equipment, as well as establish trained cadres of personnel to provide surge capacity in large disasters.

**G. Intelligence and Information Sharing:** The Department of Homeland Security (DHS), DOJ, and other relevant federal agencies must preserve progress to date and continue to expand/ implement efforts to ensure timely and effective sharing of information. Recent national information sharing strategies affirm the importance of these principles, but implementation remains inconsistent. The appropriate federal agency and/or Congress must fix federal guidelines that inhibit the granting of security clearances to local, state, and private sector partners and address the continuing inconsistency of recognizing clearances granted by different federal agencies; promote through policy and resources the inclusion of the private sector and non-governmental organizations with local, state, and federal information sharing; sustain federal funding for state and local information sharing and make it predictable and not limited to a single threat or hazard; actively engage non-federal stakeholders in the development of federal program guidance and related budget creation, essential tools for implementing national information sharing policies; integrate national databases and ensure the capability for local, state, tribal, territorial and private access where needed; and regularly assess the capability and progress for fusing and sharing information vertically and horizontally within government and between the public and private sectors to ensure that vital information is constantly provided to those responsible for protecting the homeland.

**H. Integrated Emergency Management:** Preparedness functions must be linked both statutorily and operationally with response and recovery functions within federal emergency management. Integrated planning, training, and exercise are a requirement for effective disaster response. Preparedness cannot be a separate function from disaster readiness, response and recovery. Unity of effort is a pre-requisite for effective disaster response. Relationships must be established and communications networks in place prior to events. DHS should establish a field presence that interacts with state and local partners on a day-to-day basis. Federal emergency

management must provide additional focus on its ability to effectively implement recovery programs for local governments, individuals, families, and businesses. Governors must remain the lead in disaster response within their states in support of and in consultations with local officials.

**I. National Response Plan/Incident Command System:** County governments support the Incident Command System (ICS) model for emergency management. ICS provides a management structure and system for conducting on-site operations. It is applicable to small scale daily operational activities as well as major mobilizations. ICS provides command center and operational staff with a standardized operational structure and common terminology. Because of this, ICS provides a useful and flexible management system that is particularly adaptable to incidents involving multi-jurisdictional or multi-disciplinary responses. ICS provides the flexibility needed to rapidly activate and establish an organizational format around the functions that need to be performed. This model should be adopted by all county emergency management and public safety agencies.

Building on the model of the ICS system, DHS unveiled the National Response Framework (NRF) in late 2007. The NRF presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies. It establishes a comprehensive, national, all-hazards approach to domestic incident response. The National Response Plan was replaced by the NRF effective March 22, 2008. A federal/state/local working group of experienced professionals should be convened to periodically review the NRF and make adjustments based on lessons learned from previous responses to disasters. A periodic review of the NRF is necessary and must include state and local stakeholders. Furthermore, the “Incident of National Significance” should be clarified, and the Principal Federal Official position is not needed and repetitive, as the Stafford Act gives the Federal Coordinating Officers (FCOs) those responsibilities. FCOs should be given decision-making authority and access to all DHS assets to respond to and recover from disasters.

The development of a national credentialing system is a fundamental component of the National Incident Management System (NIMS). The NIMS states that “credentialing involves providing documentation that can authenticate and verify the certification and identity of designated incident managers and emergency responders” to ensure that response personnel “possess a minimum common level of training, currency, experience, physical and medical fitness, and capability” for the respective role that they are tasked to fill. NACo supports accelerating the FEMA’s NIMS Integration Center’s establishment of qualifications and credentialing for people who serve in public safety disciplines. Past catastrophic events in 2005 demonstrated that qualified and credentialed field, supervisory, and management personnel would have ensured greater competence in responding to and recovering from past events. There must be qualified people in field, supervisory, and management positions that are qualified and competent to order, use, and manage resources.

**J. Catastrophic Disasters:** Major changes are not needed to refine the Stafford Act. The law served Congress well with flexibility in response to Hurricane Katrina and a separate system should not be developed for catastrophic disasters, as Congress has the ability to consider each disaster’s needs on a case by case basis. Any changes to the Stafford Act must fix some issues related to the last overhaul in 2000, and must be fully vetted with state and local governments. The Catastrophic Disaster Preparedness Program should be authorized and appropriately funded to include planning, training, exercise, and action plans to implement lessons learned. State and local governments must be partners in catastrophic disaster planning.

**K. Recovering Emergency Management Costs for Private and Common Carrier Transportation Accidents:** County emergency response personnel routinely responds to airline, railway, and other private and common carrier transportation accidents. Fire, police, road crews, medical and mental health personnel, medical examiner/coroner, environmental, emergency medical service personnel, emergency management personnel, and a host of private businesses frequently join together in massive recovery and cleanup operations.

The cost of recovery and cleanup operations are substantial, but the refusal for reimbursement from private insurance carriers may require counties to prepare itself for a legal battle that could cost hundred of thousands of dollars and years to resolve. Past history demonstrates that in addition to the personal loss of families, local governments have suffered financial losses regarding recovery and cleanup operations; including airline accidents

which resulted in financial loss to local governments in Dade County, Florida (Value Jet), Suffolk County, New York (TWA 800), and Monroe County, Michigan (COMAIR Flight 3272).

NACo maintains that the ultimate financial responsibility for recovery and cleanup should be placed on the transportation carrier and/or its insurance provider, not that of local, state or federal government, and that it could be in itself disastrous to the financial stability of local governments. NACo supports federal legislation that would provide financial relief from transportation carriers for all costs incurred by local government during and after a private and common carrier transportation accident.

**L. Fire Prevention and Control:** The fact that U.S. casualties and losses per fire are below average compared to other countries is a tribute to the capability of our local fire suppression services. However, the high incidence of fires and the high cost of suppression indicate a need for more fire prevention programs, fire protection planning, and public education to prevent this large number of fires from occurring.

NACo strongly opposes federal efforts to decrease funding to DHS' Assistance to Firefighters Grant Program, and urges the federal government to fully fund this grant program.

The National Commission of Fire Prevention and Control has indicated that fire prevention could have an impact on reducing fire losses and recommended that national leadership be provided to assist local governments in reallocating resources to fire prevention activities. The Fire Prevention and Control Act of 1974 created the U.S. Fire Administration to provide public education on fire prevention, technology development, and fire protection planning assistance, and to establish a National Academy for Fire Prevention and Control and a National Fire Data Center. Congress should continue to appropriate funds to DHS for these activities, with continued assistance to state and local governments for combating the nation's fire problem.

**M. County Government's Responsibilities:** Municipal governments traditionally have had the major responsibility at the local level for fire suppression efforts. With the growth of suburban areas and the increasing need for fire prevention through fire code enforcement, early detection and suppression, education, and fire protection planning, the role of counties has greatly increased. Considering the limited revenues of local communities, it is important that county governments help identify both the acceptable level of risk and the level of service that are commensurate with the needs and resources of the responsible community. The level of service must include not only suppression activities, but prevention, education, inspection, and administrative activities as well.

Most county governments support fire suppression activities and related support services, such as communications, emergency medical services, investigation, code enforcement, and training. However, the fragmentation of fire prevention and control and related functions among many fire services and districts within the county creates severe problems in financing and administering the fire services that are needed to reduce fire losses to an acceptable risk level for all areas of the county.

Local governments should enter into mutual aid and other intergovernmental agreements with counties to consolidate and coordinate fire services whenever feasible. Rural communities are especially in need of multi-jurisdictional agreements to provide adequate training, purchase, and maintenance of equipment, code adoption and review, public education, communications, and emergency medical services. The Rural Communities Fire Protection Program in the U.S. Department of Agriculture should be expanded to assist rural areas.

Research and development and technology transfer can improve public fire protection and should be supported by the U.S. Fire Administration in coordination with DHS' Science and Technology Division, the President's Office of Science and Technology Policy, the National Science Foundation, the National Academy of Sciences, and other research organizations. County officials should have input into the development of federally supported technology research and development priorities, and they should participate in the dissemination of fire protection and control information.

**N. Arson:** Arson is a serious criminal problem that can involve networks of fraud and conspiracy that cuts across insurance, housing, banking, and commercial industries, and penetrates local public and private organizations. It is essential that a comprehensive strategy be devised to combat this crime.

Federal agencies should coordinate and give high priority to identifying and analyzing factors that contribute to arson and then identify, encourage, and fund programs that will help counties reduce arson. Training in arson prevention, investigation, and prosecution should be provided, and national arson criminal files should be established for use by state and local investigators, fire marshals, prosecutors, and law enforcement officials. County governments should adopt policies that encourage local public and private organizations to cooperate in the investigation, prosecution, and prevention of arson.

**O. Civil Disturbances/Acts of Terrorism:** County programs should be developed in advance for the effective handling of civil disturbances and acts of terrorism, recognizing that law and order must be preserved and also balanced with individual constitutional rights of speech and assembly.

To accomplish this, counties are encouraged to establish appropriate training programs, appropriate emergency laws, and mutual aid pacts with surrounding jurisdictions. The federal government and the states should provide financial assistance to counties to pay the costs resulting from such disturbances. Regional agreements and working relationships between counties to promote efficiency and economy through existing regional structures in each state should be encouraged.

Furthermore, counties are encouraged to become familiar with the Emergency Management Assistance Compact (EMAC), and we urge Congress and the Administration to work with states to improve and strengthen EMAC as the primary vehicle for delivering interstate mutual aid. States are encouraged to establish and continue formal and effective mechanisms for identifying and deploying local assets as an integral part of the EMAC process. Congress should adopt an annual \$4 million appropriation for EMAC.

**P. Emergency Management/Homeland Security Funding:** Recognizing that local governments, despite their diversity, perform comparable emergency functions; and that local jurisdictions may face multiple risks:

- Recent disasters have proven that effective local emergency management is a key element in a viable disaster response and recovery.
- Local jurisdictions have resource shortfalls in personnel, equipment, training, and funding for emergency management, emergency services, disaster response, and recovery.
- The vast majority of disasters in the U.S. are not federally declared, but are the sole responsibility of state and local governments.
- Effective emergency management results directly in fewer human fatalities and injuries, reduced property damages, and more rapid restoration of public services.

NACo favors rapid federal response and reimbursement at rates authorized in the original language of the Stafford Act; and encourages DHS to apply all regulations and policies on a consistent basis in all presidential declared emergencies and disasters around the country. NACo encourages DHS to apply all regulations and/or policy changes on a prospective basis based on the declaration date of the emergency or disaster; and supports DHS' leadership in reducing excessive paperwork and overly restrictive and bureaucratic regulations.

NACo supports federal legislation or requirements that would improve homeland security grant programs by streamlining application and planning requirements, promote flexibility, and provide first responders and county governments with additional resources in an expedited fashion. Priority funding decisions should be based on a regional and/or a multi-jurisdictional planning and collaborative effort between state and all levels of local governments.

Congress should exempt Office of Grants and Training homeland security grants from the Cash Management Act of 1990 to allow funds to be provided to state and local governments in advance of expenditure for up to 120

days. Concurrently, states and communities should revise appropriate regulations to allow notice of federal grant awards under these programs to serve as the basis for procurement and spending commitments absent the “cash in the bank” and to institute a process for by-passing some administrative processed in matters relating to national security and the expenditure of these funds.

State governments, in coordination with county, municipal, and tribal governments, should establish equipment acquisition services and/or purchase critical homeland security-related equipment in bulk and distribute same to county, municipal, and tribal communities in a manner consistent with the State and Urban Area Homeland Security Strategies.

DHS, in coordination with state, county, municipal and tribal governments should establish national standards for the management of grant funding and develop an automated grant tracking system that would allow for the real time tracking of the distribution and use of homeland security-related funds.

DHS, in coordination with state, county, municipal and tribal governments should identify, collect and distribute [homeland security] best practices.

Recognizing that state, county, municipal, and tribal governments of all sizes and resource levels are eligible to receive funding, DHS in coordination with representatives of state, county, municipal, and tribal governments should develop minimum staffing recommendations for grant and program management personnel – this may require increasing the DHS’ Office of Grants and Training three percent allocation cap on management and administrative expenses.

DHS should continue to expand and enhance the level of training and technical assistance provided to state, county, municipal, and tribal officials involved in the management of homeland security-related grants.

Congress should establish deadlines for the obligating of grants, when applicable from one level of local government to another level of local government.

Congress should expand the approval of State Homeland Security Grant Program (SHSGP) funds so as to allow state, county, municipal, and tribal entities to better address short-term issues attributed to terrorist threats. For instance, counties should be able to use funds provided through SHSGP to offset incremental operational cost including overtime and other personnel costs incurred as a result of threat specific security operations of pre-defined duration.

DHS should work closely with all levels of government to establish a comprehensive risk assessment methodology to support the identification of high-risk, high consequence critical infrastructure and major events.

The federal government must provide adequate funds for local governments to meet federal seaport security mandates, without impacting traditional seaport funding sources for capacity and other critical projects, including eligibility to use homeland security funds for operational costs.

DHS, the Department of Defense, Congress, and other relevant federal agencies must reassess our total national homeland security effort to ensure strategy and execution are targeted to provide for the highest return on investment and provide the broadest set of capabilities to address the full range of national risk – natural, human-caused, and technological; review and update the Defense Production Act to improve its usefulness in supporting national efforts to address 21<sup>st</sup> Century asymmetric threats, including how it can transition to support non-military government organizations that provide critical direct services for defending and protecting the homeland; ensure an immediate collaborative baseline review of target capabilities to identify needed adjustments based on lessons from actual events, advancements in capabilities or changes to our understanding of threats and establish a firm timetable to provide the necessary resources to support advancement; rapidly implement a nationwide credentialing process involving all relevant federal, state, and local government and private sector organizations to enhance the ability for inter-state mutual aid, and where possible, to reduce reliance on direct federal personnel

support in some areas; provide technical and financial support to identify, resource type and package local, state, non-profit and private sector assets for rapid and sustained deployment (e.g. nationally credentialed recovery teams that include expertise in fields such as public works, local government management, law enforcement, EMS, fire, health, and information technology); and establish a cross cutting logistics and surge management capability that unites local, state, federal, and private sector coordination and support to impacted local communities.

NACo urges Congress to provide maximum funding for the Emergency Management Performance Grant Program (EMPG) and to maintain the program's all-hazards focus. EMPG is the only federal all-hazards emergency management preparedness program in support of capacity building at the local level. As a result, NACo urges Congress to maintain EMPG as a separate account in the DHS budget, and to maintain the current 50-50 match structure of the EMPG formula for all-hazards preparedness. The EMPG formula should not be linked to any other homeland security grant reform package, and all permitted use policies and the flexibility of the program must be retained. Voluntary performance metrics-based systems (such as the Emergency Management Accreditation Program) should be used to measure the capacity being built by EMPG, rather than homeland security-specific measurables.

Since many of the states are on bi-annual program and budget cycles and all states require time to adjust to change funding formulas if they are determined to be appropriate, NACo urges that a transition period of not less than two full fiscal years be provided for the states to accommodate to agreed changes. NACo urges the Secretary of DHS to take aggressive action to ensure states maintain, at previous levels, the percentage of EMPG funds which are passed through to local governments and to ensure that maximum flexibility be maintained regarding eligibility, particularly with respect to use of funds for personnel.

NACo supports the establishment in every state of an Emergency Preparedness, Mitigation Preparedness, Mitigation Response, and Recovery Trust Fund. Proceeds from such trust funds in each state could represent significant funding at the local level for a wide range of emergency management and emergency services projects.

NACo encourages the Secretary of DHS to recommend to the President that the federal government reward states that take the initiative to pass such trust funds to improve their emergency management capabilities and infrastructure. Such measures could include adjusting the cost share ratio in disaster assistance for response and recovery when disasters strike. NACo urges the Secretary of DHS to not penalize states which establish a trust fund by counting the trust fund balance against the state in the recommendation to the President concerning a presidential declaration of emergency or disaster.

**Q. National Disaster Insurance System:** The costs related to damages from natural disasters and emergencies such as hurricanes, earthquakes, volcanic eruptions, windstorms, fires, and floods have cost federal, state, and local treasuries tens of billions of dollars in recent years. In some natural disaster-prone, high risk areas in the U.S., insurance companies have established restrictions on or have ceased selling homeowners and fire insurance coverage because of their financial inability to absorb additional losses. As a result, this has limited or stopped property transfers in some real estate markets. Implementing effective pre-disaster risk reduction measures to both new buildings and existing buildings that will reduce losses from natural hazards is a major county priority. A system to reduce complete reliance on federally subsidized disaster relief by augmenting with a new private insurance system must be carefully analyzed.

NACo calls on Congress to support sustained funding for the Flood Map Modernization Fund, FEMA's efforts to modernize flood plain mapping through digitalization, FEMA's efforts to promote community involvement and ownership in the mapping process, FEMA's efforts to enter into a relationship with "Cooperating Technical Communities" as a new partnered approach to flood plain mapping, and direct FEMA to share digitized flood plain mapping data with counties for GIS purposes.

NACo supports incentives to states and local governments to prioritize and undertake pre- and post- disaster hazard mitigation to diminish future losses. NACo recognizes that state and local governments need to improve

their emergency management planning and their predisaster planning and their first responder capabilities with the help of substantial federal assistance.

In addition, NACo strongly opposes federal efforts to eliminate the Hazard Mitigation Grant Program and urges the federal government to restore the current program formula for HMGP back to 15 percent from the current 7.5 percent of disaster costs as changed in the FY 2003 Omnibus Appropriations Bill.

State and local governments need to adopt and implement risk reduction or mitigation measures related to actual natural disaster risks.

Most states and local governments recognize their responsibility to adopt and implement responsible land use decisions to reduce future property damage and loss from natural disasters and emergencies.

NACo urges Congress and the federal administration to work with the states, local governments, the insurance industry, and other stakeholders:

- to develop universal insurance and reinsurance programs which will make it possible for private insurers and re-insurers to make available affordable natural disaster insurance to cover damage and loss caused by natural and man-made disasters and emergencies;
- to increase funding for research aimed at improving mitigation measures which, if followed, will reduce damage and loss caused by natural and man-made disasters and emergencies;
- to provide incentives and education to encourage responsible pre- and post- disaster mitigation by states, local governments, and individuals;
- to provide incentives to encourage the public and private sectors to construct new structures according to established technical construction standards and consensus safety codes;
- to provide incentives to encourage the public and private sectors to construct and/or retrofit existing structures to reduce future losses from natural and man-made disasters and emergencies;
- to provide financial incentives to encourage state and local government and private property owners to locate new construction outside of high risk areas such as flood plains, coastal areas or on or near earthquake faults; and
- to authorize FEMA to develop pre-disaster mitigation programs; and to fund pre-disaster mitigation.

## **COUNTY COORDINATION OF PRIVATE AGENCY PROGRAMS**

Federal and state financial assistance for such programs as drug abuse and juvenile delinquency prevention to private agencies should be channeled through county governments in order to avoid duplication and to achieve better coordination of local governmental and private programs.

## **ROLE OF THE COUNTY CORONER/MEDICAL EXAMINER**

The county coroner/medical examiner, where appropriate, aside from determining the cause and manner of death has responsibility for protecting the living through the performance of medical-legal investigations and by sharing information and research in traffic safety, environmental health, product safety, occupational safety, and public health. The county coroner/medical examiner, therefore, should be an integral partner in the community planning process and in the development of public health policies.

Recognizing that in a number of states and counties death investigations are being performed by individuals who lack sufficient training and expertise to determine the cause and manner of death, NACo calls for the creation of a national research and technical assistance project to create or enhance statewide training and certification programs.

NACo recommends that the American Bar Association, working in close cooperation with coroners, medical examiners, and organizations representing state and local governments undertake a major national study of medico-legal death investigation in the U.S.

Recognizing that experts at the Center for Disease Control (CDC) have estimated that about 1,700 county coroner's are seriously lacking in medical training to adequately perform the above-stated responsibilities, and that the National Academy of Sciences has called for the elimination of the coroner position (citing the coroners lack of training in forensic pathology), NACo calls on the National Institute of Justice to conduct a pilot study in a minimum of at least 36 counties that have coroners or Medico-legal Death Investigators with advanced training. Such training is necessary to enable the death investigator to alert the forensic pathologist that an autopsy is required. The study should explore opportunities for state certification. It should be noted that a number of states require sheriffs after election, to comply with standards and training as required by state statutes.

## **VICTIM/WITNESS ASSISTANCE**

NACo recognizes that victims of crime have long been the forgotten element in the criminal justice system. The victims/witnesses, upon whom the criminal justice process depends for its effectiveness, often find their problems and needs ignored in the administration of justice. Reform of the criminal justice system must include recognition of the rights, problems, and needs of the victims as well as the offenders.

The victims of domestic violence are as much ignored by the justice system as are victims of other violent crimes. Domestic violence is a widespread problem that concerns not only the families involved but also the community as a whole.

Solutions to this complex problem must involve criminal justice agencies and a variety of governmental and other agencies in a comprehensive approach to assist victims. As providers of a broad range of criminal justice, health, and social services, counties have a unique opportunity to coordinate these existing services to aid the victims of crime. Providing such basic services as counseling, emergency housing, transportation, medical services, and financial assistance, as well as information on court procedures, will ensure both a sense of wellbeing and a belief in justice for the victim. NACo urges federal and state governments to develop programs of assistance that will help counties create a cooperative network between social service providers and criminal justice agencies to meet the needs of victims/witnesses of crime.

## **RESTORATIVE JUSTICE**

NACo supports the immediate, incremental, and eventual systemic shift toward a restorative community justice philosophy that:

- Encourages the utilization of conflict resolution skills to affected citizens and creates conflict resolution mechanisms in its institutions;
- Directly links the offender to the harm caused, holding said offender accountable to right the wrong through restitution, community service, and other appropriate means;
- Provides options, choices, and opportunities for involvement for victims, allowing them to get questions answered and confront the offender in a mediated setting, if they so choose; and
- Offers options for community involvement in the sanction setting and supervision process.

## **VICTIMS OF DOMESTIC VIOLENCE**

The unique role of county government as the primary provider of criminal justice, health care, mental health, and other social services enables local elected officials to promote the coordination of services to best meet the needs of victims of domestic violence.

County governments are urged to develop a broad-based system of response to domestic violence including financial support for shelters, crisis lines, and other programs offering advocacy, support and counseling, public education and prevention activities, and emergency medical services. County officials are also urged to examine the response of various criminal justice agencies to cases of domestic violence. Law enforcement and prosecutorial policies and practices should ensure the protection of the victim and reflect the serious criminal nature of acts of domestic violence.



In conjunction with direct intervention services and prevention activities, county governments are encouraged to provide safe, affordable housing, child care and employment training and job placement for victims of domestic violence. County officials are also encouraged to develop and ensure access to these programs and services through cooperation with existing programs for victims of domestic violence such as shelters and safe home networks.

### **NATIONAL WEATHER SERVICE (NWS)**

Any proposed degradation of NWS services represents a threat to the well-being of county governments, and presents immeasurable challenges to county emergency management, and public safety personnel and operations. Therefore, NACo urges Congress and the Administration to ensure that funds budgeted for NWS operations in support of local communities are protected from reallocation and that the operating hours of local NWS forecast offices, which warn and advise county emergency managers regarding severe weather threats, are maintained at current hours of operation.

### **EMERGENCY MEDICAL SERVICES**

One of the most basic and vital services local governments can provide to its constituents is immediate, life saving care for victims of singular or widespread emergency medical incidents. Federal programs that help develop comprehensive emergency medical service (EMS) systems are administered by the U.S. Department of Health and Human Services, the U.S. Department of Transportation, and the U.S. Fire Administration.

These programs call for countywide or multi-county systems of emergency medical care that address the needs of specific geographical population groups. County governments generally provide the most efficient government format for the delivery of such comprehensive care systems. Counties should examine their current roles regarding federal, state, and local efforts to develop EMS systems and should utilize existing resources to plan for and implement comprehensive countywide and multi-county EMS systems.

NACo urges Congress to continue its support and appropriations for implementation and development of countywide and multi-county EMS systems.

### **CRITICAL INFRASTRUCTURE**

DHS, Congress, and other relevant federal agencies must strengthen efforts to provide funding to state and local governments to protect and make more resilient our national critical infrastructure and subsequently our national economy, as well as accelerate steps to fully integrate the full range of federal efforts with the local, state, and private sectors; assure that the actual protection of critical infrastructure systems remains a primary responsibility of local and state governments with the private sector, and support these requirements with adequate federal resources and policy; improve collaboration between state, local, private, and federal agencies working across all the sectors to enhance the planning, protection, and recovery efforts needed to address the inter-dependent nature of critical infrastructure systems; begin transitioning from the current tactical approach to critical infrastructure protection that favors physical site protection, response, and recovery to one of strategic continuum-based resilient critical infrastructure systems assurance against all threats and natural and man-caused hazards; include all stakeholders as equal partners in all aspects of creating national critical infrastructure protection policy and guidance; and strengthen information sharing initiatives to ensure timely sharing of critical infrastructure protection guidance/intelligence with those who need to have it.

### **PUBLIC HEALTH**

The Department of Health and Human Services (HHS), DHS, Congress, and other relevant federal agencies must improve efforts to enhance the full range of health and medical readiness to address trauma and exposure related injury and disease. HHS, DHS, Congress, and other relevant federal agencies must also sustain funding that supports ongoing public health, medical, and EMS preparedness to build and enhance medical surge capacity, promote training and workforce development, enhance technology for disease prevention, detection, and production of medical countermeasures and mass prophylaxis; review the nation's health care system to assess the impact of hospital diversion, medical and public health surge capacity (including workforce issues) and alternate standards of care on our ability to provide adequate medical care during times of national crisis; focus more

federal preparedness activities on pre-hospital care and the role of public, private, career, and volunteer EMS providers; integrate any new disease surveillance systems into existing state, local, and federal systems; support the registration, credentialing, organization, and deployment of volunteer health professionals through existing state and local systems such as ESAR-VHP, NIMS-EMS credentialing project, Medical Reserve Corps and EMAC; develop with input from non-federal stakeholders an over-arching national policy regarding standards of care for use under extreme conditions, such as with a federal declaration of national emergency, and clarify the roles of federal agencies for leading national efforts to enhance health and medical readiness for disasters and acts of terrorism and specifically assure health and medical information sharing as part of broader information sharing initiatives.

## **PANDEMIC INFLUENZA**

Public health experts predict the occurrence of an influenza pandemic. This may arise if the current avian influenza virus acquires an ability to be transmitted from human to human, or it may arise from another new virus. It cannot be predicted when such an event will occur, but it is important that counties anticipate and prepare for the enormous demands that a pandemic will place on both public and private sectors to respond.

The federal funds now available are insufficient to enable counties to complete all the necessary tasks of preparedness. Moreover, HHS and DHS have not coordinated their pandemic influenza response activities in a way that reflects and supports the strong coordination among first responders, including public health departments, that already occurs at the county level. Federal direction now includes redundancy and contradictions in requirements for planning, exercising of plans, and reporting, and does not uniformly recognize that pandemic influenza response is an element of overall local emergency management planning and cannot occur in isolation from other county emergency and public health preparedness work.

As a result, NACo urges the Administration and Congress to recognize that pandemic influenza response is primarily local in nature, and to provide adequate funding, sound guidance, and support that will enable counties to prepare effectively for pandemic influenza in a manner that is consistent with local emergency management plans and that permits optimally efficient use of local resources. Eighty percent of federal funds granted to states for pandemic influenza preparedness should be designated for use at the local level.

## **PUBLIC SAFETY TELECOMMUNICATIONS**

The objectives of public safety telecommunications are:

- The general public should have access to public safety emergency resources when needed.
- Public safety employees in high-risk activities should have ready access to emergency communications systems in their own communities that are compatible with communications systems in surrounding communities.
- Public safety employees should have access to data necessary for the proper discharge of their duties.

Counties should develop comprehensive telecommunications policies that incorporate these objectives for available media, such as radio and microwave frequencies, cable television, emergency telephone such as 911, and computerized systems.

These policies should also seek to coordinate telecommunications among localities at a county or other appropriate multi-jurisdictional level. States should assist counties in developing comprehensive telecommunications programs through enabling authorities and financial and technical assistance.

The federal government should provide technical and financial assistance to counties for comprehensive programs and provide adequate communications frequencies and channels for public safety at the local level.

## **INTEROPERABILITY**

The development of data standards for the emergency response community will save lives and reduce property damage by decreasing the time it takes our Nation's responders to respond to incidents of all sizes, including man-

made or natural disaster. As a result, NACo supports DHS' Office for Interoperability and Compatibility in its effort to carry out its statutory authority to support the creation of national voluntary consensus standards for interoperable communications. In particular, NACo supports the Office's development of data messaging standards in coordination with state and local representatives. NACo encourages Congress and DHS to adequately fund this critical initiative in order to meet the needs of emergency responders across the nation.

DHS, the Department of Commerce, Congress, and other relevant federal agencies must continue to promote coordinated development of governance, technology, and protocols necessary to enhance minimal capabilities for interoperable communications (voice, video, and data) among all levels of government and the private sector.

DHS, the Department of Commerce, Congress, and other relevant federal agencies must establish incentives for private sector organizations to work with government to develop and maintain public safety communications systems at the local, regional, state, and national levels; continue to promote, through policy and resources, efforts that create local, regional, statewide, and nationwide operability and interoperability; allocate additional radio spectrum for public safety activities to ensure sufficient capacity exists to meet growing voice and data communications needs; clarify the conditions and protocols under which private entities will be required to vacate radio spectrum under their control during federally-declared national emergencies; develop a clear shared definition, vision, and implementation strategy for nationwide communications interoperability.

Adopted July 22, 2013

## **JUSTICE AND PUBLIC SAFETY RESOLUTIONS**

### **Resolution Supporting Legislation to Provide Mitigation Funds for Certain Areas Affected by Wildfires**

**Issue:** Support for Legislation Providing Mitigation Funds for Certain Areas Affected by Wildfires

**Adopted Policy:** NACo supports legislation that provides dedicated mitigation funds by allowing the use of up to 15 percent of the cost of a Fire Mitigation Assistance Grant (FMAG) to support wildfire mitigation projects.

Adopted July 22, 2013

### **Resolution on Biggert-Waters Flood Insurance Reform Act and FEMA Mapping Procedures**

**Issue:** Changes made to the National Flood Insurance Program and the release of inaccurate flood maps are causing dramatic increases in the cost of flood insurance.

**Adopted Policy:** NACo supports a sustainable, fiscally responsible National Flood Insurance Program (NFIP) that protects the businesses and homeowners who built according to code and have followed all applicable laws. NACo urges Congress to amend the Biggert-Waters Act to keep flood insurance rates affordable while balancing the fiscal solvency of the program. NACo urges Congress to reinstate grandfathering of properties (not policies) that were built to code, have maintained insurance or have not repeatedly flooded for example, and to implement rate structures that reflect an economically reasonable rate.

Adopted July 22, 2013

### **Resolution Supporting the Metal Theft Prevention Act of 2013**

**Issue:** The theft of specified metal

**Adopted Policy:** NACo urges Congress to pass legislation supporting action to prohibit the stealing of specified metal, which would affect interstate and foreign commerce.

Adopted July 22, 2013

### **Resolution on Prevention Efforts Related to Community Violence**

**Issue:** Support prevention efforts related to community violence

**Adopted Policy:** The federal government should expand on the recent Presidential Memorandum to engage in public health research on the causes and prevention of community violence, and fully address the many forms of violence that impact community well-being.

Adopted July 22, 2013

### **Resolution Supporting the Stopping Tax Offenders and Prosecuting Identity Theft Act and Similar Legislation**

**Issue:** Misuse of Taxpayer Identity

**Adopted Policy:** NACo urges Congress to pass legislation supporting action to reduce tax crimes and identity theft; encourage the Department of Justice (DOJ) to dedicate additional resources, including the use of investigative task forces, to address tax-return identity theft; focus resources in areas with a high rate of tax-return identity theft; coordinate investigations with state and local law enforcement agencies; protect vulnerable victims, including veterans, seniors and minors; and penalties to help deter this type of crime and protect victims.

Adopted July 22, 2013

### **Resolution Supporting the Emergency Management Performance Grant (EMPG)**

**Issue:** During each of the past two years, the Secretary of Homeland Security has proposed weakening the Emergency Management Performance Grant (EMPG) and including it with terrorism grants

**Adopted Policy:** NACo requests that Congress guarantee that the Emergency Management Performance Grant (EMPG) remain a separate program, separately funded from all other grants that specifically address terrorism or other specific issues (remaining, then, a truly all-hazards program); requiring that a minimum of 70 percent of EMPG funds be passed through to local government with a 50-50 match requirement; and funding it at the highest possible levels, but no less than the FY2012 appropriations.

Adopted July 22, 2013

### **Resolution on an Alternative Restructuring of Homeland Security Grants**

**Issue:** Establishing fiscally sound adjustments to homeland security grant programs that will continue to enhance the nation's capabilities to meet the challenges posed to counties by emergencies and disasters of all types.

**Adopted Policy:** NACo applauds the efforts of the U.S. Secretary of Homeland Security to streamline the grant system and build a more fiscally responsible and sustainable program. However, NACo opposes the Homeland Security Grant Vision put forth by the Secretary in FY2012 and FY2013. NACo proposes an alternative that will better address the needs of all levels of government, and that does not discard the advances created by the past grants. We propose consolidation of the current homeland security grants into two programs:

National Preparedness Program - A compilation of all current homeland security grants from the U.S. Department of Homeland Security (DHS) and the U.S. Department of Health and Human Services (HHS) (except as below), based on realistic risk to each state from all hazards including but not limited to terrorism, grants would be made to each state in order to sustain and enhance resilience and the ability to help other jurisdictions. Prioritization and allocation decisions to be made by the State Administrative Agency in transparent consultation and consent of local governments, and continuing to require that no less than 80 percent of these funds be passed to local government based on their realistic risk.

Urban Area Security Initiative (UASI) - Specific additional funding to the 25 urban areas at greatest risk of disastrous event (of all hazards including terrorism) in light of the significant populations and economic drives located in these areas. Again, the program would be jointly administered by the State Administrative Agency and the existing UASI organizational units and continuing to require that no less than 80 percent of these funds be passed through to the urban areas.

NACo will work with Congress and the other stakeholders to prepare updated legislative language to accomplish these goals.

Adopted July 22, 2013

**Resolution Calling on the FCC to Acknowledge the Difference Between  
Prisons and County Jails**

**Issue:** FCC rulemaking on correctional calling that does not differentiate between prisons and county jails.

**Adopted Policy:** NACo supports the ability of county jails to recover the cost of providing inmate calling systems. NACo also supports providing a cost model that recognizes the difference in prisons and county jails.

Adopted July 22, 2013

# LABOR AND EMPLOYMENT

## STATEMENT OF BASIC PHILOSOPHY

The National Association of Counties (NACo) believes that county governments have a critical role to play in the planning, management and implementation of labor and employment laws, programs that govern county workplaces, and programs designed to prepare people for the world of work. Therefore, NACo supports the following principles.

- **Local Authority:** The federal government should not usurp or undermine the authorities, responsibilities and obligations that are generally reserved to states and localities with respect to labor and employment law.
- **Workforce Development:** The federal, state, and local governments must work together to maintain an effective national workforce development system that addresses the workforce needs of job seekers, incumbent workers, and employers; the appropriate alignment of resources; and is designed, governed, and implemented by a public-private partnership made up of local elected officials and business leaders.
- **Labor-Management Relations:** County governments should continue to pursue positive labor-management relations in order to ensure that counties provide their workers with safe and meaningful employment and county workers contribute to the overall goals and objectives of the county for which they work.
- **Employee Benefits:** County elected officials should strive to develop employee benefit plans that are affordable, responsive to the needs and desires of county employees and reflect the values of the community, such as enhanced health care programs, adequate pension and retirement systems, long-term health care insurance, employee assistance programs, and other services that meet individual employee needs.

## LOCAL AUTHORITY

The Constitution of the U.S. sets out those responsibilities specifically given to the federal government and those retained by the states and the people. County governments are partners with the federal government and states in providing important programs and services to the American people. When appropriate, the federal government should legislate on the labor, employment and workforce development needs of the nation. However, the federal government should refrain from pre-empting those aspects of labor law that remain the responsibility and obligation of states and local governments.

## WORKFORCE DEVELOPMENT

NACo strongly supports efforts to enhance the effectiveness and efficiency of the national workforce development system. NACo believes that workforce programs can be strengthened and better aligned to improve access and service delivery for both workers and employers through a consolidated national workforce development system that is funded by the federal government through a single block grant to states and localities that provides flexibility to local governments to permit adaptation to local needs. The alignment of these resources should be decided by state and local officials and business leaders working through a public-private partnership. A skilled workforce is essential for the economic success of the nation's employers.

Access to workforce development programs should be universal without respect to economic circumstance, gender, race, ethnicity, or national origin. Local governments should have the authority to implement these programs and to determine the range of services provided and the priority populations that should receive these services. Particularly during times of rapidly changing economic conditions, local elected officials must have the authority and flexibility to bring resources together at the local level to increase the efficiency and effectiveness of the workforce system. NACo believes this alignment can only effectively occur with local elected officials at city and county levels.

NACo also encourages the federal government to provide a stable funding mechanism to make available long-term skills training for every worker dislocated due to industry shut downs and businesses that relocate off shore.

Local workforce development areas and states should be granted broad waiver authority to creatively respond to the employment, economic development and welfare issues confronting states and localities. Requests for

waivers should be developed jointly by local elected officials and workforce development boards, should be limited to the delivery of program services and the allocation of funds to different activities and must receive the approval of governors and state workforce boards before they can be enacted. The federal government should not grant new waiver requests or approve state Workforce Investment Act (WIA) plans that do not include the proper input or the process of consultation with local elected officials and local workforce investment boards as required under law. Furthermore, the Department of Labor should not approve any state WIA plan submitted by a governor that circumvents federal laws and consolidates or eliminates any local workforce areas without meaningful input and support from local elected officials. NACo further urges the federal government to uphold a state's current WIA plan in the event a state governor subsequently submits a plan that is contrary to the intent, policy and procedures of the Workforce Investment Act of 1998.

The principal goals of the national workforce development system should be to enhance business and economic development, reduce local unemployment rates, increase local workforce participation rates, enhance incomes, and ensure that all individuals obtain a livable wage.

Workforce development programs should be developed, implemented, and overseen at the city, county or multi-county levels by city or county elected officials and local workforce investment boards. The latter should be appointed by the chief local elected official or officials for the local workforce investment area based upon recommendations from representatives of the business community, and should be comprised mainly of business community representatives. Regardless of population, counties and cities or consortia of counties and cities with histories of effective workforce development activities should be eligible for automatic designation.

County governments should have the flexibility, through their local planning process and in cooperation with local workforce investment boards, to merge Temporary Assistance for Needy Families (TANF) programs and local WIA programs into a single entity.

The national workforce development system should integrate and consolidate the disparate federal, state and local training and employment programs into a single program whose services are delivered through a locally established and governed one-stop delivery system. Workforce development programs and programs included in the one-stop delivery system should contribute to the development and implementation of the national workforce development system through direct contribution, state collected and allocated resources, or direct congressional funding.

The federal and state governments should not operate training and employment programs or provide direct client services, such as those offered under the Wagner-Peyser Act. The federal government should interpret federal law through regulations and when necessary arbitrate disagreements between state and local officials. It should also supply sufficient resources to ensure that states and localities are able to achieve the goals and objectives of the law. Funding across the states and workforce development programs should be equitable and based upon a formula that reflects state and local fiscal needs. The Department of Labor should allocate as much funding as possible to local workforce service areas (including states with strict guidelines for re-allocating funds from states who are under spending. New federal training and employment programs, additional funding or additional program guidance should be done as part of the block grant program, and should retain and utilize existing governance structures to avoid program duplication and confusion.

State governments in partnership with local workforce investment boards, should develop plans and strategies that address the states' broader economic goals and align state resources to support local delivery of programs and services.

Local workforce areas should be given the authority to develop programs that meet the needs of employers and employees alike. This should include the flexibility to develop sector-based, incumbent worker, and other specialized training services that respond to local economic development policies and business needs. Local workforce programs should assist structurally and cyclically unemployed individuals acquire marketable job skills that lead to employment and economic self-sufficiency; young people obtain those skills necessary to make the

transition to work; and business and industry meet their needs for qualified and skilled workers. Local workforce programs should be permitted to provide public sector employment during periods of high unemployment or long-term unemployment.

Local workforce development programs should maintain high standards of accountability and responsibility and rely on “return on investment” and “customer satisfaction” strategies as well as appropriate regression models to determine program benefits and ensure that special populations are adequately served. Local elected officials and local workforce boards should be given the authorities needed to ensure that these programs maintain high standards of accountability and responsibility.

Each local workforce development area should be under the direction of one or more local elected officials and a local workforce development board appointed by local elected officials. At a minimum, local elected officials should:

- Appoint and certify local workforce development boards;
- Participate in the development and approval of local workforce development plans and programs in partnership with local workforce development boards;
- Approve all grant recipients including those designated to provide one-stop system services;
- Oversee and evaluate all workforce development and one-stop system programs in partnership with their workforce development boards; and
- Manage fiscal resources, in cooperation with local workforce development boards.

At a minimum, local workforce development boards should:

- Be comprised primarily of representatives of the private sector and labor;
- Be chaired by a representative of the private sector;
- Involve public partners in an advisory capacity;
- Develop, with elected officials, fiscal management procedures;
- Develop the local workforce development plan and programs in partnership with local elected officials;
- Establish and oversee the one-stop career center system within their workforce development area; and
- Perform oversight, evaluation, and return on investment studies.

States should have a limited, but important role in the delivery of workforce development services. States should:

- Provide local labor market information;
- Provide technical assistance and guidance;
- Develop a statewide workforce development plan that can guide local workforce development areas as they develop their plans;
- Provide capacity building services;
- Develop, operate, and support a statewide information management system; and
- Develop performance standards that may be used as the basis for rewards to or sanctions of local workforce development programs.

## **EMPLOYMENT STANDARDS**

**A. Collective Bargaining:** NACo opposes national legislation that would require states and localities to bargain collectively. Each state legislature should decide this issue based upon local conditions and circumstances. NACo urges all state legislatures to enact labor-management legislation that would:

- Grant public employees the right to organize and freely choose their representatives;
- Require public employers to meet and negotiate with public employees through their bargaining unit;
- Protect the rights of public employers, public employees, and the public at-large;



- Cover all permanent, non-supervisory employees of state and local governments;
- Exclude temporary, supervisory, managerial, confidential and elected employees;
- Grant public employees the right to bargain collectively for wages, hours, fringe benefits, and related conditions of employment;
- Establish procedural mechanisms that ensure that the broadest and most comprehensive bargaining unit is identified through secret ballots, under adequate supervision that can address impasses;
- Prohibit strikes but provides for reasonable means to resolve disputes; and
- Grant localities the right to pass appropriate ordinances in the absence of state laws.

**B. Equal Employment Opportunity:** NACo believes that county governments have a vital and continuing interest in the development, maintenance, and extension of vigorous and effective civil rights policies within the workplace. Therefore, counties are:

- Enforcing and applying all laws that prohibit discrimination on the basis of race, gender, sexual orientation, disability, and age;
- Removing all barriers to the recruitment, selection, hiring, compensation, provision of pensions and benefits, promotion, transfer, or discharge of employees that have no relationship to job requirements;
- Developing and carrying out affirmative action programs for minority groups, disabled persons, and women; and
- Establishing employment programs that benefit disadvantaged county residents.

NACo supports equal pay for equal work and urges all counties to undertake a thorough review of their various job classifications and pay scales to ensure that they are equitable, justifiable, and fairly account for positions historically dominated by women.

**C. Occupational Safety and Health:** NACo supports efforts to establish state and local occupational safety and health standards. However, states should retain the ability to set their own occupational health and safety standards tailored to the needs of their jurisdiction.

**D. Fair Labor Standards Act:** NACo supports future amendments to the Fair Labor Standards Act that would recognize the unique working conditions of all public safety employees, including dual function employees such as firefighter/paramedics employed by a public agency but not connected to a fire department.

**E. Davis-Bacon:** The Davis-Bacon Act was designed to ensure that workers on federally-subsidized construction projects receive the prevailing wage for a specific construction job whether they are part of a union or not. NACo believes that federal implementation of the Davis-Bacon Act has been problematic at the local level, specifically with respect to reporting requirements for sub-contractors working on a federally funded, local construction project.

Therefore, NACo urges Congress to make the following reforms to the Davis-Bacon Act:

- Determination of the prevailing wage should be based upon a 50 percent or majority rule, rather than the current 30 percent rule;
- Allow state and local governments to employ “helpers” in the same ratio used in non-Davis-Bacon Act construction;
- Utilize county boundaries or MSA, generally, when determining local wage rates, and prohibit the use of urban wage data in rural areas, and vice versa;
- Raise the \$2,000 threshold to \$500,000, and index this threshold based upon the consumer price index; and
- Waive Davis-Bacon regulations in states where there are state established labor rates for public construction projects.

## **EMPLOYEE BENEFITS**

**A. Social Security and Medicare:** NACo believes that participation in Social Security and Medicare should be optional for state and local public sector workers and should be based on the efficacy and soundness of state or local public employee retirement systems. Efforts to fund and improve Social Security and Medicare should not rely on the mandatory participation of state and local workers.

Further, NACo believes that there should be no federal restrictions on the maintenance or initiation of separate or supplementary retirement, health or disability systems.

**B. Pension and Retirement Benefits:** NACo believes that all counties should provide all county employees with adequate pension and retirement benefits that are governed by county elected officials and that are exempt from tax and regulatory burdens. County pension plans should be required to fully disclose all plan information.

NACo also believes that counties should implement strong fiduciary standards, prudent investment practices, sound funding procedures, and equitable vesting requirements. NACo supports the continuation of deferred compensation (457) plans for county employees. County employees should be able to utilize these plans to adequately provide for their own retirements.

NACo supports full portability of retirement benefits between all types of retirement plans and opposes any policy that would eliminate or limit the special features of state and local governmental retirement plans.

NACo supports pension reforms that would:

- Simplify county compliance with Section 415 of the Internal Revenue Code;
- Increase IRA limits and catch-up contributions to public sector plans;
- Allow for tax-free withdrawals for charitable purposes;
- Continue employer-sponsored 457 deferred compensation plans for county employees and increase benefit and contribution limits;
- Simplify rollover procedures between all types of plans; and
- Permit the purchase of service credits in governmental defined benefit plans.

**C. Workers' Compensation:** Workers' Compensation laws must remain the prerogative of individual state legislatures.

**D. Employee Assistance Programs:** NACo supports employee assistance programs that are designed to reduce absences from work and increase worker productivity. Employee assistance programs may address, but should not be limited to, alcohol and drug abuse, financial hardship, divorce, dysfunctional family relationships, and dysfunctional employees.

**E. Family and Medical Leave:** NACo strongly supports family and medical leave programs that permit county employees to attend to family and medical matters without the threat of the loss of one's job or the loss of benefits or seniority. NACo also supports leave programs for county and other elected officials so that they may attend to their elected official duties without fear of termination, deductions from existing leave accounts, poor performance ratings or loss of other benefits.

Adopted July 22, 2013

## **LABOR AND EMPLOYMENT RESOLUTIONS**

### **Resolution on Reauthorization of the Workforce Investment Act (WIA)**

**Issue:** Reauthorization of the Workforce Investment Act

**Adopted Policy:** NACo supports a Workforce Investment Act (WIA) that promotes innovation and flexibility at the state and local level, is responsive to local emerging economic realities and business needs, and ensures U.S. workers and businesses have the skills and training needed to compete in the 21st century economy.  
Adopted July 22, 2013

#### **Resolution Supporting the Improvement of the U.S. Department of Labor's Response to Local Workforce Reporting Standards**

**Issue:** Improving the U.S. Department of Labor's (DOL) responsiveness to local workforce issues such as reporting standards.

**Adopted Policy:** NACo urges DOL to simplify and clarify its fiscal reporting system and allow monthly data to be submitted.

Adopted July 22, 2013

#### **Resolution Supporting Infrastructure Funding for Local One-Stop Career Centers**

**Issue:** Dedicated infrastructure funding for local One-Stop Career Centers

**Adopted Policy:** NACo supports providing dedicated infrastructure funding for the facilities and operations of Local One-Stop Career Centers.

Adopted July 22, 2013

#### **Resolution Supporting Healthcare Worker Programs**

**Issue:** Healthcare worker programs

**Adopted Policy:** NACo supports workforce policies and funding priorities for healthcare worker programs, which are responsive to both the supply of healthcare workers and the demand for their skills in urban and rural areas, to ensure that programs are appropriately tailored to the unique configuration of needs and resources in each state and in each local jurisdiction.

Adopted July 22, 2013

#### **Resolution Opposing New Taxes on Health Care Benefits**

**Issue:** The possible application of the excise tax provided in the Affordable Health Care Act (ACA) to health insurance for county employees as well as the expansion of taxation on employer-provided health benefits

**Adopted Policy:** NACo opposes the taxation of health insurance benefits to county employees through the application of the ACA excise tax on health insurance benefits for county employees, the capping of the tax exclusion for employer-based defined contributions made by counties and any new taxes which would apply to the health benefits that counties provide to their employees.

Adopted July 22, 2013

# PUBLIC LANDS

## STATEMENT OF BASIC PHILOSOPHY

NACo, its Western Interstate Region, state associations of counties, and individual county governments have a critical role in policy development, planning, and management of federal land.

The federal government has long recognized and accepted that federal land holdings are a burden on local governments, and that funding is necessary for local governments to provide the types of services needed to access and use those lands.

NACo believes that environmental and socioeconomic values must be balanced and supports a philosophy of management that allows diversity of activities on public lands and local economies. Federal agencies must coordinate their management of public lands consistent with local land use plans or management policies.

## FEDERAL LAND MANAGEMENT

**A. Federal Land Ownership:** Federal real property holdings should be appropriately managed. Congress should provide adequate and appropriate funding to support staffing, maintenance, research, and operational needs of the federal land management agencies. Acquisition of new land by any federal agency should be subject to consultation with the county in which the land is located. Extension of jurisdiction outside established management area boundaries such as integral vistas or buffer zones should meet the same criteria.

Criteria for the transfer, sale or acquisition of public lands shall include consideration of fair market value, consultation with appropriate counties and jurisdictions, and public values.

Counties should be fully involved as affected partners in any process to consider the disposal, transfer or purchase of public lands or acquisition of private lands to become public within a county's jurisdiction, and counties should be given the opportunity to participate in the development of terms and conditions of any such proposal before it is carried out. Additionally, NACo requests that federal land management agencies adopt policies that provide real and substantial consideration of historic uses in project plans and environmental documentation, and commit project developers to providing mitigation for their loss.

**B. Special Use Designations:** Congress and federal agencies shall consult and confer with affected counties as early as possible when considering special land use designations that impact the use and status of public lands. Counties should be fully involved in the drafting and development of any bills pertaining to wilderness designation within any affected county's jurisdiction. Public hearings must be held in the counties affected by the proposed designation. There must be compliance with the requirements of the National Environmental Policy Act (NEPA).

NACo opposes legislative efforts to require inventoried roadless areas (USDA Forest Service) to be managed in accordance with the 2001 Roadless Area Rule (January 12, 2001). NACo opposes federal land management agency actions that limit access and multiple use of lands that otherwise would be available to the public (i.e. defacto wilderness). NACo opposes Executive Branch efforts to designate de facto wilderness, or federal restrictions not explicitly enacted on use of public or private lands in proximity to a designated wilderness or a Wilderness Study Area without congressional approval. NACo also supports amending the Antiquities Act to provide transparency and accountability in the designation of national monuments. Federal consultation with state, county, and tribal government should be required prior to the development and designation of any national monument.

**C. Access:** NACo supports maintaining and enhancing public access to public lands; and opposes road closures, road decommissioning, moratoria against road building and other limiting policies and practices without coordination and consistency with county land use plans or management policies.

NACo recognizes the importance of the system of roads and rights-of-way across federal lands established under R.S. 2477. The current Administration does not have authority to make binding administrative determinations about county R.S. 2477 rights. Instead, the Administration should work cooperatively with local officials to obtain Judicial or Congressional recognition of county 2477 rights-of-way claims on federal land. This road recognition process should be clear and consistent and give high priority to public safety, private property, and public access. We oppose any federal action designed to change or diminish the scope of these rights.

**D. Water:** NACo believes in state primacy in water resources administration, management, and allocation. Before any decision is made to continue drawdowns, removal or breaching of dams, a full review of all the relevant scientific and socioeconomic implications of such actions should be made and affected counties consulted.

NACo supports changes in current federal policy to provide the option to use mechanized equipment for maintenance of dams within designated Wilderness areas and Wilderness Study Areas (WSA).

NACo urges the U.S. government to acknowledge the importance of adopting definitive Arctic policies in order to protect national security and to further U.S. commerce.

**E. Domestic Livestock Grazing:** NACo supports the enhancement of a viable rangeland livestock industry as an essential component of our country's economy and as vital to affected communities. Good grazing practices are beneficial to maintaining rangeland health and assist in reducing potential fire danger by keeping fuel loading to a manageable level.

NACo supports the development and implementation of alternative grazing allotment management procedures including categorical exclusions for "no change of use permit" renewals on transfers to streamline the process and reduce cost to the taxpayer associated with rangeland management decisions.

NACo expresses disapproval of certain civil actions brought against the livestock industry and federal land management agencies that are intended solely to prevent livestock grazing on public lands when final decisions are made by the appropriate federal agency regarding grazing allotments after cooperative efforts to determine best land-use practices have been made.

NACo opposes legislative efforts to allow for the permanent retirement of grazing permits through the buy out of grazing permits by non-ranching third parties.

**F. Wild Horse and Burro Management:** NACo urges support for the Bureau of Land Management (BLM) in its management of wild horse and burro populations to achieve appropriate management levels (AML) as authorized by the Wild Free-Roaming Horses and Burros Act of 1971 (as amended). Further, NACo supports the sale, adoption or humane slaughter of excess animals as viable options to achieve populations consistent with established appropriate management levels.

**G. Mineral, Oil, and Gas Development:** NACo supports comprehensive mineral, gas, and oil development laws that address the needs of the extraction industries, the affected counties, and the environment. NACo recognizes that U.S. independence from foreign oil also requires expanded alternative and renewable resources. Federal agencies shall issue permits for mineral, oil, gas, and alternative/renewable energy development on federal land in a timely fashion.

NACo supports the development and implementation of a comprehensive national energy policy, which includes conservation, efficiency, exploration, and research and provides for the domestic production of traditional and alternative/renewable energy sources. Every effort shall be made by land management agencies to reduce road blocks that require years to get an application to drill, mine or extract minerals from federal land.

**H. Forest and Rangeland Health:** NACo supports forest health initiatives to address the threat of catastrophic events to our public forest and rangeland resources. Federal land management agencies shall utilize an appropriate mix of management practices, and increased private, local, and state contracts and partnerships for pre-fire management, effective fire suppression, and restoration of federal forest and rangelands. As a goal, NACo supports legislation to direct and enable federal forest management agencies to reduce Fire Regime Condition Class (FRCC 3) to a standard of FRCC 1 in all federal forests by the year 2030, and to reduce FRCC 2 to the standard of FRCC 1 in all federal forests by the year 2050, through means of active landscape scale management, fuels reduction, and immediate post-fire restoration.

**I. Noxious Weeds & Invasive Species :**

- a. NACo calls for a well-funded, coordinated, integrated weed management approach to noxious weed control. NACo supports an early detection and rapid response approach by all agencies and an accelerated completion of all required environmental documentation to allow the use of all the tools needed to accomplish integrated weed management, i.e. chemical, mechanical, biological, cultural or prevention.
- b. NACo calls all counties to action to better protect Counties from the devastating impacts of invasive species and to do so in a coordinated manner among multiple levels of government. NACo finds that the environmental resources of each county are exceptionally valuable to all citizens, including hydroelectric power, agriculture, forest, water supplies, commercial and recreational fisheries, aquaculture, and outdoor recreation opportunities. NACo supports state and federal legislation that prohibits the transportation of any state or federally-listed invasive species, as well as efficient and effective agency action that stops other pathways of spread.

**J. Military Installations:** Recognizing the value counties and military installations bring to each other and their complex and sometimes competing needs, NACo supports establishment of open, consistent and long-term joint planning processes to help both communities co-exist and continue to thrive together. Early engagement, close cooperation, and joint coordination of community and military development plans are essential to minimize potential impacts. Affected counties shall be entitled to cooperating agency status for military initiatives under NEPA, while counties shall seek similar input from military installations.

**FEDERAL LAND PAYMENTS**

**A. Payment in Lieu of Taxes (PILT):** NACo supports the full funding of the PILT program at its yearly authorized level and supports legislative and/or administrative efforts to modify the program to make payments to counties on a basis equitable to both the federal and local taxpayer that are non-discriminatory in nature.

Because this program does not compensate counties for military lands that are also exempt from local taxes, a new and separate system of payments-in-lieu-of-taxes should be created for such facilities to compensate the affected counties.

**B. Resource Revenue Sharing Payments:** Counties must share in the benefits of economic activity on public lands through statutory formulas, which guarantee a percentage of all gross receipts to be returned to the counties where the activity occurs. NACo opposes any attempts to lessen the revenue sharing receipts.

NACo supports amending the Federal Mineral Leasing Act so that an additional five percent from the federal portion (50 percent) of mineral lease revenue is returned to the county from where the mineral was extracted, and the historic balance of the 50/50 split is restored.

NACo supports the sharing of federal leasing and rights-of-way revenues from renewable energy development (wind, solar, and geothermal) and federal Stewardship Contracts on federal lands with county governments where that development and contracts occurs. Any revenue sharing program should not negatively impact the PILT program.

**C. Secure Rural Schools and Community Self-Determination Act:** NACo supports the reauthorization and enhancement of the Secure Rural Schools program (PL 110-343). Reauthorization should maintain coupling between payments to counties and active natural resource management; and the connection between sustainable natural resource management and the stability and well-being of forest counties and communities.

**D. Compensation to Counties by Concessionaires Operating on Federal Lands:** NACo supports federal policies that direct federal land management agencies to provide that all concessionaires, or enhanced-use-lease lessees who operate businesses on federally owned land, compensate local taxing jurisdictions equal to the property taxes that are otherwise paid by any other commercial business in the county.

## **FEDERAL LAND USE PLANNING**

**A. Community-Based Land Management:** NACo supports community-based conservation initiatives and calls on the agencies to implement such initiatives. Federal land management agencies should use broad-based vegetation management practices, in conjunction with community-based partnerships for ecosystem management, to enhance the health of the public lands.

**B. Endangered Species Act:** NACo recognizes the importance of the Endangered Species Act (ESA) as an essential safeguard for America's fish, wildlife and plants and therefore supports updating and improving it to better achieve its goals.

NACo supports reforming the ESA to mandate that the federal government treat state and county governments as cooperating agencies with full rights of coordination, consultation, and consistency to decide jointly with appropriate federal agencies when and how to list species, designate habitat, and plan and manage for species recovery and de-listing.

**C. National Environmental Policy Act (NEPA) Improvement:** NACo supports the revision of NEPA to strengthen the involvement of local government in the federal decision-making process, to increase public involvement for local communities, expedite project analysis, and make those decisions in a timely but effective manner. NACo supports requiring federal agencies offer to coordinate with and offer cooperating agency status to local governments, and negotiate mutually agreeable MOUs.

**D. Gateway Communities:** NACo recognizes counties as gateway communities to our nation's federal lands and that the economies and ecologies of county, state, and federal governments in gateway regions are interwoven. NACo believes that diverse recreation and tourism opportunities are critical to counties and their communities. Furthermore, NACo recognizes that federal policies frequently drive significant impacts to gateway communities and the services they provide to visitors to ensure their pleasure, safety and comfort.

**E. Current Future Federal Land Management Agency Land Management Plan Revisions:** Federal Land Management Agencies should coordinate with local government officials and maintain maximum consistency with local plans and policies when undergoing current and future revisions of Resource Management Plans (RMPs) and Forest Management Plans. Counties should be full cooperating agencies in such processes and be provided meaningful opportunity for involvement in the revision process from start to finish. Once land management agency plans are approved management practices or policies, new agency actions should not contradict those plans.

Plans should provide for economic and social sustainability, emphasize multiple use management and commodity production, and require federal decisions be made at the most local level of the federal agency.

Adopted July 22, 2013

## **PUBLIC LANDS RESOLUTIONS**

### **Resolution Supporting Funding for the Payment in Lieu of Taxes Program**



**Issue:** Long-term funding source for the Payment in Lieu of Taxes Program (PILT)

**Adopted Policy:** Except for instances in which acquisition of private land may be necessary to comply with provisions of the Endangered Species Act, or acquisitions are supported by the local government of the affected area. NACo supports designating the use of the Land and Water Conservation Fund as a sustainable source of funding for Payment in Lieu of Taxes, with formula modification that would comply with NACo policy & policy #13 of the Federal Land Management & Policy Act of 1976. NACo further supports full funding of annual LWCF appropriations without reductions to state mineral lease funds, if PILT is fully funded through the LWCF fund.

Adopted July 22, 2013

### **Resolution Supporting Active Federal Forest Management with Bridge Funding**

**Issue:** While counties are deeply grateful for the financial lifeline of the Secure Rural Schools & Community Self-Determination Act (SRS), NACo urges a new direction in management of our federal forests, for the very health of the forests themselves, and for job opportunities and social and economic sustainability. While some form of “bridge funding” to maintain solvency in our counties will be required, particularly given the dominance of federal forest presence in many counties, it must be in concert with a new direction in federal forest management.

**Adopted Policy:** Legislation that provides bridge funding to forested counties and school districts while economic vitality is restored in these communities is vitally important and essential. Also, for economic vitality, Congress must mandate active sustainable forest management to achieve resilient forestlands managed by the United States government.

Adopted July 22, 2013

### **Resolution Supporting Traditional Receipt Sharing with Counties of Stewardship End Result Contracting Project Authority**

**Issue:** The U.S. Forest Service and the Bureau of Land Management are seeking legislative authority to enter into stewardship contracts for management of federal forests and rangelands. Without action the authority will expire in 2013. The proposed reauthorization does not include, however, traditional sharing with counties of revenues generated from these projects.

**Adopted Policy:** NACo supports stewardship end results contracting projects as a tool to manage federal forests and rangelands, but only if it retains the historical receipts sharing with counties. In this context, the sharing should be based on the gross appraised value of the commodity or product harvested or produced under the contract or agreement.

Adopted July 22, 2013

### **Resolution on Utilization of U.S. Timber after a Domestic Declaration of Disaster**

**Issue:** Supporting federal law changes to increase the flow of federal timber for domestic reconstruction purposes (after the declaration of emergency) improves economies and community sustainability.

**Adopted Policy:** The Robert T. Stafford Disaster Relief and Emergency Assistance Act should be amended, specifically sections 307, 315, 316, 323, 421, and 683, to include provisions to require that reconstruction materials originate from U.S. forest lands. When federal dollars are allocated for disaster relief, changes to these sections would benefit schools, roads, and law enforcement in counties with U.S. forest lands.

Adopted July 22, 2013

### **Resolution Urging Congress to Establish Community Forest Trust Pilot Programs**

**Issue:** Revenues for counties with U.S. Forest Service (USFS) land

**Adopted Policy:** NACo supports the creation of a community forest trust pilot program that:



- Designates specific USFS land, or natural resources on specific USFS land, outside of wilderness designations to be managed by the states on behalf of counties and schools according to state land management practices and federal and state laws as they apply to state land;
- Allocates revenues generated from the management of these designated lands to all forest counties with the participating state using a mutually agreed upon formula;
- Establishes a management board of county commissioners submitted by a state association of counties (or comparable), and appointed by the governor for each participating state; and

Allows the USFS to maintain ownership and fire management responsibility of the land.

Adopted July 22, 2013

### **Resolution Supporting Emergency Hazardous Fuels Reduction Projects**

**Issue:** Supporting Emergency Hazardous Fuels Reduction Projects

**Adopted Policy:** NACo supports specific components of HR 818, the "Healthy Forest Management and Wildfire Prevention Act," which gives states the authority to identify areas afflicted by the bark beetle epidemic, drought, deteriorating forest health conditions, and high risk of wildfires and to put in place emergency hazardous fuels reduction projects.

Adopted July 22, 2013

### **Resolution on Hazardous Fuels Emergency**

**Issue:** Accumulation of biomass on federal lands.

**Adopted Policy:** NACo calls on Congress to grant a Governor the authority to declare a state of emergency when the severity of fire danger from fuels on identified federal lands within that state poses a significant threat to public health and safety.

Adopted July 22, 2013

### **Resolution Supporting Reintroduction of the Community Forestry Conservation Act of 2011 and the Use of Community Forestry Bonds**

**Issue:** Authorizing the use of municipal debt (Community Forestry Bonds) as a tool to help keep working forests in communities across the nation.

**Adopted Policy:** NACo supports the reintroduction and passage of *The Community Forestry Conservation Act of 2011*.

Adopted July 22, 2013

### **Resolution Supporting the Full and Immediate Implementation of the Transfer of Public Lands**

**Issue:** Transfer of public lands

**Adopted Policy:** NACo believes all fifty states are equal and that every state should receive everything that was promised to them in their enabling acts, including land transfers, if requested by an individual state with consultation with the affected counties.

Adopted July 22, 2013

### **Resolution Supporting an Amendment to the Antiquities Act to Require Congressional Approval and NEPA Review Before a Presidential National Monument Proclamation Becomes Effective**

**Issue:** National Environmental Policy Act (NEPA) review and congressional approval prior to establishment of a national monument

**Adopted Policy:** NACo supports Congressional revision of the Antiquities Act of 1906 to require that any Presidential National Monument proclamation seek the participation of affected state and local governments, be subject to NEPA review, and obtain Congressional approval.

Adopted July 22, 2013

### **Resolution in Support of Wilderness Legislation with County Input and Support**

**Issue:** Supporting multiple uses on all federal and state public lands so that conservation and development of natural resources is balanced with consideration of local needs. The efficient administration, conservation and development of Colorado's natural resources must be balanced with protection of the environment and consideration of local needs.

**Adopted Policy:** NACo supports special land designations of federal lands that are proposed by local residents and businesses, is consistent with existing land use policies, and is strongly supported by the affected counties and stakeholders within which the designation is proposed. NACo strongly encourages congressional delegations to only consider future wilderness legislation with affected counties' support, as exemplified by S. 341, the San Juan Wilderness Act.

Adopted July 22, 2013

### **Resolution Supporting Uranium Activities**

**Issue:** On January 9, 2012, the Secretary of the Interior, using faulty information, withdrew one million acres of the nation's highest grade uranium ores from mineral entry in Northern Arizona.

**Adopted Policy:** NACo believes that the January 12, 2012 withdrawal for Northern Arizona should be overturned, or revoked, and the lands returned to multiple use status, and under the terms of the 1984 Arizona Wilderness Act, release of lands not suitable for wilderness (except in Coconino County), as long as operators continue to abide by existing state and federal environmental laws, regulations, and standards, including reclamation.

Adopted July 22, 2013

### **Resolution Opposing BLM's 2012 Decision to Reduce Lands Available for Oil Shale and Tar Sands Leasing**

**Issue:** The Bureau of Land Management's (BLM) 2012 Programmatic Environmental Impact Statement (PEIS), which greatly reduced the areas approved by BLM in 2008 for oil shale and tar sands leasing programs in Utah, Wyoming and Colorado

**Adopted Policy:** NACo urges BLM to reverse the 2012 PEIS and approve for oil shale and tar sands leasing all qualifying lands in the Green River Formation.

Adopted July 22, 2013

### **Resolution Opposing BLM's Promulgation of Duplicative Hydraulic Fracturing Regulations**

**Issue:** The Bureau of Land Management's (BLM) intent to adopt duplicative hydraulic fracturing rules

**Adopted Policy:** NACo is opposed to a BLM hydraulic fracturing rule that does not clearly and fully defer regulation of hydraulic fracturing to states that already have in place comprehensive regulations.

Adopted July 22, 2013

### **Resolution to Rescind the BLM's "Master Leasing Plan" Oil and Gas Leasing Reform**

**Issue:** Rescind the Bureau of Land Management's (BLM) Master Leasing Plan Instruction Memorandum and Related Guidance.

**Adopted Policy:** NACo strongly urges the Department of Interior (DOI) Secretary and the BLM Director to immediately rescind BLM Instruction Memorandum No. 2010-117 and all related guidance, because they attempt

to implement so-called "Master Leasing Plan" reforms that unlawfully override duly established BLM Resource Management Plans (RMPs) without local government input.

Adopted July 22, 2013

### **Resolution Urging Congress to Expedite a Commercial Oil Shale Leasing Program**

**Issue:** Oil shale leasing program in the Green River Formation

**Adopted Policy:** NACo urges Congress to address in a timely manner, the regulatory review process in order to facilitate a functioning, environmentally responsible commercial oil shale leasing program in the Green River Formation.

Adopted July 22, 2013

### **Resolution Supporting Funding for Our National Parks**

**Issue:** Federal funding for the National Park Service (NPS)

**Adopted Policy:** NACo calls on Congress to preserve funding for America's national parks. NACo supports maintaining funding for the National Park Service (NPS), recognizing that national parks provide recreation, economic and tourism opportunities for counties, and gateway communities. NACo also urges Congress to increase funding for the NPS to address the dire backlog of maintenance projects, now totaling \$11 billion, which includes critically needed road access and bridge maintenance projects. Potential funding sources include utilizing some eligible, but unfunded off-shore gas and oil lease monies that are dedicated to Land and Water Conservation Fund (LWCF) for support of maintenance and operations for NPS.

Adopted July 22, 2013

### **Resolution Supporting Ongoing Efforts of Western States to Manage and Conserve the Greater Sage Grouse and in Opposition to an ESA Listing of the Greater Sage Grouse at This Time**

**Issue:** Whether the U.S. Fish and Wildlife Service (USFWS) should give deference to the efforts of the western states and local governments to manage and conserve the Greater Sage Grouse and recognize those state efforts as adequate enough to forego any Endangered Species Act (ESA) listing of the Greater Sage Grouse as threatened or endangered.

**Adopted Policy:** Ongoing Greater Sage Grouse management efforts of state and local governments, stakeholder, working groups, and Bureau of Land Management (BLM)/U.S. Forest Service (USFS) Resource Management Plans (RMPs) and Land Use Plans throughout the eleven western states are protecting and restoring Greater Sage Grouse habitats and reviving populations. Therefore, NACo opposes listing the Greater Sage Grouse as a Threatened and Endangered (T&E) species at this time. Furthermore, BLM and USFS should give great deference to adequately crafted state and local sage grouse management plans when adopting any federal land use plan amendments, pursuant to the consistency and coordination requirements under federal law.

Adopted July 22, 2013

### **Resolution Opposing the Listing of the Gunnison Sage Grouse as an Endangered Species, and Opposing the Designation of Critical Habitat without Scientific Basis, such as in Ouray and Hinsdale Counties, Colorado**

**Issue:** The proposed USFWS listing of Gunnison Sage Grouse as an endangered species and designation of critical habitat is premature, unwarranted, and without scientific basis and does not take into consideration successful ongoing voluntary efforts to protect and enhance Gunnison Sage Grouse populations and its actual habitat.

**Adopted Policy:** The proposed listing of the Gunnison Sage Grouse as an endangered species and designation of critical habitat is premature, unwarranted, and without scientific basis. Ongoing voluntary efforts of ten Colorado counties and one Utah county where Gunnison Sage Grouse critical habitat has been proposed by USFWS, are adequate to manage, stabilize and restore Gunnison Sage Grouse populations such that a Threatened and Endangered (T&E) listing of this species is unwarranted.

Adopted July 22, 2013

### **Resolution on U.S. Fish and Wildlife Management of the Utah Prairie Dog**

**Issue:** Utah Prairie Dog Counts

**Adopted Policy:** NACO urges the U.S. Fish and Wildlife Service (USFWS) to modify policies to permit the counting of Utah Prairie Dogs on private land for the purpose species recovery efforts.

Adopted July 22, 2013

### **Resolution on Local Law Enforcement on Public Lands**

**Issue:** Local law enforcement on public lands

**Adopted Policy:** NACo urges all federal land management agencies to recognize and respect sheriffs (or the chief local law enforcement officer) in public land counties as the primary and chief law enforcement officer of the entire county. Federal agencies should execute cooperative agreements with counties to ensure fair and prompt federal payment of compensation for additional local law enforcement activities desired of sheriffs, and federal agencies submit their agents for deputization and accountability under local sheriff authority and control.

Adopted July 22, 2013

### **Resolution Supporting Changing Forest Service Employee Supervision**

**Issue:** Chain of command for U.S. Forest Service (USFS) law enforcement personnel

**Adopted Policy:** NACo supports a change in USFS personnel organization to place law enforcement officers under the direction of Forest Supervisors.

Adopted July 22, 2013

### **Resolution Calling for Membership on Landscape Conservation Cooperatives Steering Committees to Include County Elected Officials**

**Issue:** County membership on Landscape Conservation Cooperatives (LCC)

**Adopted Policy:** NACo supports the expansion of LCC Steering Committees to include at least one elected county official or approved regional official representing local governmental interests on each Steering Committee, and preferably one from each state in those eco-regions which are multi-state.

Adopted July 22, 2013

### **Resolution on Acquisition of Private Land for Wildlife Mitigation Associated with Renewable Energy Development with Subsequent Transfer to Federal Agencies**

**Issue:** Acquisition of private land for wildlife mitigation associated with renewable energy development

**Adopted Policy:** NACo requests the land and wildlife management agencies adopt procedures that provide for project mitigation other than through land transfer from private to public ownership, unless supported by the affected counties. When such transfers are deemed the only appropriate mitigation, and offsetting the Payment in Lieu of Taxes program (PILT) will not occur, then agencies must provide that project developer would continue to pay the property tax on the transferred land, or fees in lieu of taxes, in perpetuity, unless the land is restored to private ownership at a future date.

Adopted July 22, 2013

### **Resolution on Mitigation for Historic and Recognized Federal Land Multiple Uses When Renewable Energy Projects are Developed on Federal Land**

**Issue:** Allowing multiple use activities on federal lands

**Adopted Policy:** NACo requests that the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) adopt policies that provide real and substantial consideration of historic uses in the project plans and environmental documentation, and require project developers to provide mitigation for their loss.  
Adopted July 22, 2013

### **Resolution Supporting Third Party Recreational Concessionaires in Counties Parks on Bureau of Land Management Land**

**Issue:** The Bureau of Land Management (BLM) believes it does not have statutory authority to allow third party concessionaires to provide recreational opportunities such as camp grounds, horseback riding, and golf courses on BLM land leased or patented to counties.

**Adopted Policy:** NACo urges the strengthening of recreational opportunities and the resulting economic benefits through public-private partnerships on all public lands.

Adopted July 22, 2013

### **Resolution Supporting the Government Litigation Savings Act**

**Issue:** Accountability and transparency regarding payments made under the Equal Access to Justice Act (EAJA)

**Adopted Policy:** NACo supports the Government Litigation Savings Act (S.1061/ H.R.1996) as the passage of these bills would:

- Continue to provide a mechanism to assure fair and equal access to public funds for individuals, small businesses and non-profit organizations with limited financial resources to assure their ability to participate in the justice system of these United States;
- Help restore accountability and transparency on how federal funds are being spent by reestablishing a provision for reporting to Congress on expenditures under the EAJA;
- Restrict the amount of EAJA dollars that can be applied for to reimburse successful individual and small entities for legal expenses in actions brought against the federal government;
- Restrict the eligibility to apply for reimbursement of legal expenses for those individuals and entities without the assets necessary to bring legal action against the federal government; and
- Urge Congress to adopt an asset limit for applicants consistent with the congressional intent of the EAJA.

Adopted July 22, 2013

### **Resolution Opposing the U.S. Department of Interior's Secretarial Order 3321, National Blueways System**

**Issue:** The Department of Interior's Use of Secretarial Order 3321, National Blueways System

**Adopted Policy:** NACo opposes the Department of Interior's use of Secretarial Order 3321, National Blueways System, which could usurp state authority and impact private property rights.

Adopted July 22, 2013

# TELECOMMUNICATIONS AND TECHNOLOGY

## STATEMENT OF BASIC PHILOSOPHY

Counties play a major role in the nation's communications system as regulators, service providers, and consumers of communications services. County officials have a responsibility to ensure that the public interest is being served by communications providers, regardless of the delivery platform. The social goals and public good expected from our citizens must be ensured. This includes public educational government access, public and homeland security matters, and protecting the interests of special needs citizens.

Expanding communication has become a critical component of a successful economic development policy as counties work to attract and retain skilled jobs and industries, and counties labor as first responders to homeland security threats and events. Homeland security has required a much wider role for counties in securing the Nation. Adequate communications systems and information access are vital to meet this growing responsibility. It is therefore imperative that county officials play an increasing role in the future of communications policy.

Technology has changed the future of county governance, and the evolving opportunities for counties to utilize technology to provide timely and effective service are immense.

Faster computer networks, wireless internet access, enhanced broadband services, new public safety systems, geospatial information applications and technologies not yet deployed, will make the county of the future more responsive and meaningful to county residents. County officials must be prepared to adapt to this changing environment.

## POLICIES AND PRACTICES

**A. Encouraging Competition and Development of New Technologies:** It is in the counties' interest to encourage competition among communications and technology providers and to support the development of new technologies for government and public use.

**B. Preemption of Local Authority:** Counties need to be concerned about retaining authority as trustees of public property and as protectors of public safety and welfare. The 1996 Telecommunications Act acknowledges the balance among federal, primarily through the Federal Communications Commission (FCC), and state and local authority.

NACo opposes any actions that would undermine this shared responsibility and any federal or state preemption of counties' traditional powers in these areas. NACo opposes efforts to restrict or prohibit, at state and federal levels, county or municipal ownership of communications facilities when such services are unavailable or are made prohibitively expensive by the lack of adequate competition. Counties, however, should not use their economic capacity to unfairly compete with private sector providers.

**C. Financial Assistance for Enhanced Communications Capacity:** Communications play an important role in county government operations and the delivery of services. Counties use advanced telecommunication systems for a full range of public and law enforcement services. Nothing in federal policy should undermine the ability of counties to develop such infrastructure through partnerships with network providers.

NACo believes state and federal governments should provide financial assistance for these initiatives and should encourage efforts to improve coordination across jurisdictions and systems, especially for public safety and homeland security issues. Access charges for completion of calls on the local public switched telephone network need to continue in some form to assure rural counties retain adequate communications services.

**D. Interoperability:** Communications interoperability, for both voice and data, is critical to coordinate the response to disasters and joint law enforcement efforts. This is important among agencies of local government, as well as, the various local, state, and federal agencies. A broad interpretation should be made as to which entities

should be included in an interoperability plan. NACo supports efforts to improve interoperability for public safety purposes, and believes the state and federal governments should assist counties with the costs associated with migrating to viable interoperability standards. Congress should provide funding to local governments, as part of a comprehensive strategy, to improve public safety and emergency management interoperability.

**E. Wireless Communications Facilities Siting:** Counties have a regulatory role regarding the siting of tower and antenna facilities. With the exception of decisions based on the health effects of radio frequency (RF) emissions, local authority is preserved with minimal limitations supporting nondiscriminatory, timely action. Even in the case of RF emissions, the law clearly requires that the facilities operate in compliance with RF emission standards.

NACo believes any disputes between counties and the industry should continue to be resolved in the courts on a case-by-case basis. No federal actions should undermine local government's zoning authority.

Counties have an obligation to their constituents to ensure that, to the extent possible, the public health, safety and welfare are not endangered or otherwise compromised by the construction, modification or installation of broadcast towers. NACo believes nothing should preempt local government authority to reject new tower applications upon finding of adequate existing facilities.

NACo supports policy and/or legislation giving more consideration to public health and safety needs when locating cell towers on public lands in rural areas with little or no service.

**F. Emergency Services Communications, Cross Ownership and Local Services:** Counties' ability to communicate with citizens during a public safety emergency, whether natural or man-caused, is critical. Media consolidation, particularly in the radio sector, has raised serious concerns about the ability of local stations to meet their public safety obligations. The FCC should review the requirements on broadcasters to ensure the needs of local government to contact their citizens are met.

Along with concerns raised by media consolidation for public safety, county officials are concerned about the loss of local content, civic discourse, and advertising opportunities for local business. As a matter of economic development, local media outlets are important vehicles for promoting local opportunities and business. Local media outlets are an important component of the community and as so, should participate in the civic aspects of the community. County officials should work with media outlets to assure ample opportunity for public debate. Congress and the FCC should review limiting media diversity through cross ownership of media outlets including newspapers and their online offerings.

**G. Rights-of-Way:** Counties own substantial amounts of public rights-of-way, which many communication providers use extensively to construct their own communications networks. These are valuable local government real estate assets worth billions of dollars that are held in trust by local governments to benefit the local community.

Federal and state governments must recognize the authority of local governments to protect the public investment, to balance competing demands on this public resource and to require fair and reasonable compensation from communications providers for use of the public rights-of-way on a nondiscriminatory (but not necessarily identical) basis. Rights-of-way disputes between communications companies and local governments should be resolved in local jurisdictions.

In order to use the right-of-way, private communications companies should be required to enter into an agreement with local government that sets the terms and conditions of such use/access. Local governments must be able to require universal services that include nondiscriminatory pricing and equal access to all its citizens as a requirement. Like services should be treated alike.

Because disruption to streets and businesses can have a negative impact on public safety and industry, local governments should have control over allocation of the rights-of-way and be able to ensure that there is neither disruption to other “tenants” or transportation nor any diminution of the useful life of the right-of-way. Local governments must have the right to analyze the legal, financial, and technical qualifications of any communications provider wanting to use the public right-of-way and shall have the right not to issue a franchise to an unqualified applicant.

**H. Video Services:** Counties have come to rely on video services as a vital communication link to constituents. This includes cable, fiber to the home, IPTV and internet services.

Under existing federal law, it is clear that counties may, through the franchising process, monitor the performance of existing cable television operators to ensure that the operators provide quality service to consumers in all sections of a franchise area. The ability of local franchising authorities should be enhanced through action by the Congress and Administration to protect the interest of consumers in quality, yet affordable, video services, and to enact laws which encourage greater competition for the video franchises and in the cable industry, and which encourage the availability of other technologies as rapidly and as widespread as possible.

Video franchising authorities must continue to have the ability to require through the franchise process the following components:

- Explicit approval to transfer a franchise.
- The ability to deny a renewal application for cause, i.e., renewals cannot be considered automatic.
- The right to solicit competitive bids from other video service providers.
- Immunities from monetary damages when local government actions are consistent with the Cable Act of 1984.
- The ability to terminate a video service provider for cause to ensure that it is not more profitable for an operator to violate a franchise agreement than to follow it.
- The ability to require cable operators to carry all local broadcast signals.
- The ability to define reasonable notice to subscribers of rate and service changes.
- The ability to regulate the equipment or any transmission technology such as system capacity, extent of use of fiber optic cable, homes per node, bandwidth for digital carriage, or amplifiers per cascade. While the FCC retains the authority to develop technical standards, Congress retained for local franchise authorities the ability to enforce these standards. Retaining this authority will go a long way to ensure uniform customer service and signal reliability in rural and suburban areas.
- Video service providers must lease cable to whomever wants to offer competitive programming.
- All programming that is available on cable must be available to other technologies such as IPTV, fiber to the home, and satellite.
- The ability to require PEG (Public, Education, and Government) channels as part of the franchise agreement.
- The ability to require universal cable video service. This is particularly important to rural and low-income residents who traditionally have been denied service.

Franchise fees are, in part, the rent cable operators pay for the use of public rights-of-way. Operators should not pass through to basic subscribers those rental expenses associated with non-subscriber services. NACo also strongly opposes the pass through to cable video customers of “non-subscriber” revenue, such as advertising and other commissions, and opposes the itemization of franchise fees stemming from such actions.

**I. Consumer Protection:** Counties have a major role to play in protecting consumer interests, including a strong consumer protection process. Congress should protect consumers from monopoly pricing power in the absence of effective competition. Every effort should be made to promote competition between providers to ensure consumers are receiving an appropriate range of services at the lowest possible cost. Companies wishing to provide communications or video services, including traditional telephone companies or cable operators, must be subject to safeguards to protect consumers against cross subsidies. NACo believes counties have the right to



review mergers and acquisitions when such activity might result in the reduction of competition in the local marketplace.

**J. Broadband Deployment and Adoption:** NACo strongly supports legislation and administrative policies that help counties attract broadband services regardless of population or technology used. This includes supporting legislation that provides tax credits to telecommunications providers that develop broadband in rural and under-served communities, and provides for broadened eligibility and additional federal agency loan authority or extension of credit to telecommunications providers that deploy broadband in rural communities.

In supporting expanded broadband service, NACo shall maintain a neutral position on the differing technologies and policy initiatives promoted by the various elements of the communications industry that are seeking to obtain a competitive advantage in retaining or expanding market share. NACo believes all levels of government should work cooperatively with the private sector, nonprofits, and academia to develop robust awareness, adoption, and use programs for broadband.

**K. Universal Service:** NACo supports the goals of national universal service to assure the affordability of communications service in parts of the country where it would otherwise be more expensive. The FCC and state utility commissions should provide guidance as to what services, including broadband that should be eligible for support from the Universal Service Fund, and the sources of additional funding should Congress find such that an expansion of eligible services is warranted.

NACo opposes any abuse of the Universal Service Fund by any level of government for non-eligible activities or projects. NACo opposes any federal actions to preempt state universal service programs.

**L. Online Privacy and Security:** As counties expand their “e-governance” initiatives, more personal information will be collected, stored, and potentially, made available to the public. Consumers are becoming more aware of the potential uses of personal information for purposes other than those intended, and are becoming more concerned about how counties are going to respond. Because of security compromises in the private sector, constituents expect counties to protect their private information. County privacy policies should be reflective of community values, and should follow best available practices to meet those values.

NACo also supports initiatives and systems to secure personal and county information from “hackers” or other illegitimate uses. While every effort should be made to protect private information, NACo supports reasonable liability limits for counties if information that counties control is compromised. If information is compromised, counties should have procedures and policies for notifying affected individuals.

Third party vendors should be expected to conform to county privacy policies and practices to maximize the security of private information. Franchise and other agreements should allow for contractual requirements for maintaining privacy. At the same time, counties should consider policies that protect the public’s private information from the misuse by public employees. Counties should also consider adopting “Freedom of Information Act” policies that provide for public disclosure without compromising private information.

**M. Taxation:** The Telecommunications Act of 1996 did not change or impair any state or local government authority to tax telecommunications providers. NACo needs to ensure:

- No actions are taken by Congress, the FCC, or the courts to preempt local authority on either fees or taxes or land use authority.
- Any federal action that affects communications fees or taxes must be revenue neutral to the locality generally, between providers, and allow for a growth in tax revenue as the service or industry grows.
- County tax policy should be technology neutral for like services.
- Tax policy must recognize the cost to local government of the use of public property or facilities.
- Use of advanced communications services should not be a means of escaping local taxation.
- There must be recognition of local diversity in the taxation of communications services.

- Tax simplification should not be a vehicle used by the federal government to undermine county government's ability to retain taxing authority and revenue streams.
- Fees for specific uses, such as 911 centers and rights-of-way should not be considered taxes when considering modifications to tax structures.

**N. Geospatial Information Systems:** Geospatial Information Systems (GIS) are critical tools for county officials to make appropriate land use decisions, manage existing infrastructure, and maintain adequate linkages between the county's land base and its government and maximize the use of resources as first responders to homeland security threats and events. NACo encourages member counties, other local governments, states, tribal entities, and the private sector to engage in a coordinated effort that will lead to standardized best practices and land record modernization as well as a solid digital infrastructure, in particular cadastral data.

NACo supports the effort of the federal government to coordinate the collection and dissemination of GIS data (based on common interoperable data standards) by the federal, state, local, and tribal governments through programs. The common data standards should be designed to:

- maximize the degree to which unclassified GIS data from various sources can be made electronically available; and
- promote the use of GIS for better governance due to increased data sources and sharing of geographic data by all levels of government. Congress should provide funding to facilitate this effort.

Adopted July 22, 2013

## **TELECOMMUNICATIONS AND TECHNOLOGY RESOLUTION**

### **Resolution Supporting Deployment of Next Gen 911**

**Issue:** Allowing 911 call centers to receive Global Positioning System (GPS) coordinates along with text messages.

**Adopted Policy:** NACo opposes efforts to impose unfunded mandates on local governments, but supports the voluntary use of text messaging to 911 and encourages the sending of GPS coordinates with text and SMS messaging when using 911.

Adopted July 22, 2013

### **Resolution Supporting Local Authority in Installing Antennas on Public Property**

**Issue:** Limits on local government authorities regarding antennas on public property

**Adopted Policy:** NACo opposes efforts to impose limits on local authorities to determine the installation of antennas on public property.

Adopted July 22, 2013

# TRANSPORTATION

## STATEMENT OF BASIC PHILOSOPHY

Our nation's transportation network is a basic force molding urban and rural development. It is a vital component in sustaining and building local and regional communities and economies. In that development, federal, state, and local governments each share a responsibility in providing a balanced and coordinated transportation system. A balanced and coordinated system encompasses all modes of transportation, including ground, air and marine. It recognizes the interrelationship of services; for example containerized shipping that uses ports, rail, and trucks, or commuter trips that use auto, rail and mass transit. It recognizes the interrelationship of providers; county and municipal road and transit systems interface with state and federally-supported systems. And it recognizes that there are important and emerging strategies that rely on public/private partnerships and the continuing need for increased federal funding.

County elected officials represent all the county's citizens in working toward a balanced transportation system, which includes highways, public transit, airports, waterways, and railroads. To achieve the goal of a coordinated transportation system, county officials should:

- Take the lead in coordinating transportation planning for all units of local government below the state level;
- Be recognized as the single point of contact in the local area in statutes and regulations of state and federal transportation agencies;
- Provide leadership in developing regional councils of government or other regional institutions, with the elected county and municipal officials determining when multicounty planning and coordination are necessary. County representation and responsibilities of regional policy bodies must be weighed to reflect the county's area-wide responsibility; and
- Make joint powers agreements, contractual agreements, or other cooperative arrangements with municipalities (and with other counties when suitable) to provide transportation facilities and services in the most efficient and economical manner.

Responsible local officials should be defined in federal and state law as those local officials who are elected and directly accountable to the public whom they serve and who have jurisdiction over matters relating to highways, transit, airports, railroads, and waterways. Such officials have the capability to raise the required matching money for federal funds. These officials may delegate their authority to act to subordinates or to regional or state associations. Congress and the Administration should review federal bureaucratic red tape and take decisive action to minimize the detailed federal surveillance of transportation improvement projects.

## COMPREHENSIVE PLANNING SUPPORT

To achieve an integrated and coordinated transportation system that meets basic community and statewide goals, all levels of government need to understand the interrelatedness of transportation infrastructure and services and respond with a comprehensive community planning process that is continuous, cooperative, and comprehensive. Often, in our aging regions and communities, these processes will need to begin with a proactive and comprehensive plan for redevelopment and improved maintenance of this core infrastructure.

The elected county official must actively participate in the process, so the plan has official sanction and can promptly be translated into realistic programs. Where such power is lacking, states should provide counties with powers to plan, as well as control, development through such devices as planning and zoning power.

The amount of funds devoted to comprehensive planning should be reasonably related to identifiable beneficial results through a benefit-cost analysis.

The transportation plan is an essential part of the comprehensive plan. It should include continuous evaluation and reevaluation of all transportation facilities and services on county or area highways, public transit, traffic control, parking, airports, and terminal facilities for waterways. The transportation plan should be fitted into

comprehensive county or area-wide development that includes other functional plans, such as land use, water supply, sewers, schools, fire control, and so forth.

The state should work closely with county and municipal officials and citizens in planning primary transportation projects under state control as part of the transportation planning process.

All levels of government should cooperate in setting minimum standards for highway improvements.

The local transportation planning organization, referred to as the Metropolitan Planning Organization (MPO), and other local transportation planning organizations should be made up of a majority of local officials. These local officials should be able to redesignate their local transportation planning organization, in consultation with the state, if such organization is not made up of a majority of local officials. In the arrangement or process of any MPO redesignation, the federal government should be strictly limited to a neutral third-party role.

## **NATIONAL HIGHWAY PROGRAM**

Since the transportation system provides mobility between destinations which may be national, interstate, intrastate, or local, there should be a working partnership among all levels of government in developing a system of highways which will be national in scope. Each level of government has a clear and distinct role to perform. .

**A. Standards for Center and Edge Line Markings:** Congress should repeal mandated standards for center and edge line markings and allow local governments to implement their own policies and procedures.

**B. Federal Role:** The federal government should primarily assist in financing improvement of a mutually agreed upon system of highways determined to be in the public interest. Congress should provide federal highway funding in a consistent, predictable manner to facilitate long-range planning on all levels of government.

**C. State Role:** States, with local governmental review and approval, should develop multiyear plans and programs for highway improvements. The federal review and approval process should be limited to these annual state plans and programs and not extend to review and approval on a project-by-project basis.

**D. Regional Role:** Regional planning organizations, in cooperation with state and local governments, should be limited to planning for services and facilities of regional significance only.

**E. Local Role:** The local government should be permitted to make a distinction between projects that are statewide and local in character, with requirements for the latter projects much less complex.

**F. Increased Local Funding:** To help meet the backlog of needs on the highways owned by local governments, Congress should reduce the amounts authorized for state highways only, in part because the interstate system is virtually completed. Congress should now increase the funds available to the other federal aid systems and “off-systems” in proportion to their needs.

**G. Highway Trust Fund:** Due to the significant impact of the automobile and highways on public health, land usage, air quality, and community environment, the Highway Trust Fund should provide funds for a total public transportation program. It should not be limited to the financing of highways and roads, but grant local determination by locally elected officials for the use of such monies for other modes of transportation purposes. Congress and the Administration should retain the existing budget treatment of the highway and mass transit accounts that are funded through the mandatory spending of funds collected in the Highway Trust Fund.

The Highway Trust Fund should be removed from the unified federal budget and be used solely for transportation.

The federal motor fuel taxes user fee should be increased and the user fee should be indexed, provided that the proceeds of such an increase are used only for highway, bridge and transit purposes.

**H. Other Special Local Needs:** Congress should fund some programs for projects off the federal aid or state aid system, such as:

- Programs that target rehabilitation of critical elements of the transportation system in our aging regions and communities.
- Continue to provide increased funding for the replacement or rehabilitation of critically deficient bridges which may not be on the federal aid system. Particular emphasis shall be given to requiring the states, in cooperation with responsible local officials, to select critically deficient off-system bridges under county control, in connection with the state's overall selection of bridge replacement projects; and
- Authorize a major program to eliminate or grade-separate the most serious hazards among the 165,000 rail-highway grade crossings not on the federal aid or state aid systems.

**I. County Self-Help Program:** States and counties should provide technical assistance and training to upgrade and improve county and local highway management and engineering capability in those counties with greatest need and least resources.

**J. Vehicle Size and Weights:** Adequate federal funds should be provided to upgrade the interstate and local access systems to accommodate the vehicle size, weight, and configuration mandated by Congress.

**K. Highway Resurfacing, Restoration, and Rehabilitation:** To help meet the nation's backlog of highway maintenance requirements and to protect our nation's highway investment, Congress and the President should divert a greater percentage of the Highway Trust Fund receipts into highway resurfacing, restoration, and rehabilitation. Congress should not impose or mandate conversion to metrics for highway-related construction projects and signage.

**L. Intelligent Transportation Systems (ITS):** The complete deployment of basic ITS services for consumers of passenger and freight transportation should be completed across the nation by 2005. As developed and deployed, ITS should be integrated, interoperable, and intermodal. The private sector should take the lead in the development and bringing to market reliable and affordable ITS; the public sector should lead in the deployment of core ITS to meet essential public needs, forming innovative partnerships with the private sector where appropriate.

## **HIGHWAY SAFETY**

Substantial progress must be made toward solving the nation's highway accident problem. Local initiative, channeled through county, municipal, and state governments, can provide leadership in reducing the carnage on our highways.

Augmented by funds available from the federal and state governments, local governments should provide programs in traffic engineering, driver education, traffic law enforcement, spot improvement projects, uniform laws and ordinances, uniform traffic control devices, countywide accident records systems, pedestrian safety programs, and those that foster increased use of safety belts, including safety belt programs for county employees. Eliminating drunk driving, in particular, continues to be a high priority issue that needs to be highlighted by county officials.

The Governor of each state should give strong leadership in developing statewide safety programs, with full consultation and cooperation from local governments. Each state should have an advisory committee of county and municipal officials to assure that the programs are responsive to local needs.

The federal government should continue to require that all trucks have underride protection devices and that the National Highway Traffic Safety Administration periodically review the adequacy of such regulations.

## **PUBLIC TRANSPORTATION**

Many urban and rural areas have generated a need for public transportation, due to congestion of highways, air pollution, environmental concerns, and the mobility needs of the transportation disadvantaged, including the economically disadvantaged, the elderly and handicapped, and those people who cannot or prefer not to drive automobiles. Congress should provide funds, in partnership with state and local governments, to improve existing public transportation systems and to establish new transit systems where needs and benefits have been determined by local elected transportation officials. The federal government and states should more fully recognize the appropriateness of the county as a basic area-wide government for planning and operating public transportation services and coordinating specialized transportation.

An effective public transportation trust fund must be continued. This trust fund should specify that a minimum of 50 percent be used for capital investment purposes. The public transportation trust fund should be apportioned annually on an equitable basis without cutback or delay.

Congress and the Administration should develop a policy to ensure that all eligible projects in the states are reviewed before obligating most of the funds to one project in one state.

**A. Interlocal Cooperation:** States should enact legislation enabling counties and municipalities in metropolitan areas to join together to establish area-wide public transit authorities. Enabling legislation should:

- Specify the authority must be under the control of county and municipal elected officials and should reflect area-wide needs; and
- Permit interstate compacts where metropolitan areas cross state lines.

**B. State Assistance:** States should assume greater financial responsibility assisting counties to meet transit development and operating needs. States and counties should provide financial assistance to maintain and improve existing rail commuter services. States and counties should coordinate joint development of highway and public transit in the same rights of way wherever possible.

**C. Formula Program:** Congress should approve full funding of the urbanized area formula grant at the historical levels for both capital and operating assistance.

**D. Capital Investment Grants:** Congress should approve appropriations for the capital investment grant program funds to support rail modernization, new start system development, and extraordinary bus capital needs at levels fully consistent with income generated in the Mass Transit Account of the Highway Trust Fund.

**E. Operating Assistance:** Congress should stabilize operating assistance support at one-third of total local operating costs. The remaining two-thirds of public transit operating costs should be made up by state and local sources.

**F. Public Transportation:** Congress and the President should continue to strengthen the small urban and rural public transportation program by appropriating increased funding for this program.

**G. Capital Funding Decisions:** Federal decisions for capital funding should be based on a project's cost effectiveness, its responsiveness to community transportation needs, and state and/or local financial support of the operations and/or maintenance of such projects and facilities.

**H. Subsidized Transit Fares:** The tax status of employer subsidized transit fares should be higher than that of employer subsidized parking.

## **AIRPORT DEVELOPMENT**

Increasingly, counties are assuming enlarged responsibility for meeting regional aviation needs not only by providing airports serving U.S. scheduled airlines, but also commuter and general aviation airports. Federal and state governments should more fully recognize the ability of counties, as area-wide governments, to plan and coordinate aviation with other modes of transportation and to control land use for future airport development.

**A. Aviation Trust Fund:** Long-range budget planning and programming are dependent on the steady flow of authorized funds from the airport/aviation trust fund without cutbacks or delays.

- Congress and the Administration should authorize an expanded program for the Airport Improvement Program (AIP) to meet future airport infrastructure development requirements, guarantee and index these funds, and thereafter annually obligate funds from the trust fund without delay.
- States should better synchronize their funds with available federal funds in providing assistance to counties for airport development.
- Congress and the Administration should retain the existing budget treatment of the Airport and Aviation Trust Fund that requires mandatory spending of those funds collected in the trust fund. This was mandated in the Aviation Investment and Reform Act for the 21<sup>st</sup> Century in 2000. This requirement ensures that taxes collected from users of the aviation system are spent for the intended purpose of improving our nation's infrastructure and are not to be used to off-set any budget deficit.

**B. Passenger Facility Charge (PFC):** County and other public airports should continue to be able to levy PFCs of at least \$4.50 with a goal of no less than \$6.00.

**C. AIP and PFC Funds:** Airport sponsors must have the flexibility to invest AIP and PFC funds and local rates and charges for the financing of intermodal transportation facilities, including but not limited to roads, interchanges, public transit, and safety projects that are an integral component to the growth and sustainability of the airport.

**D. Permitting:** A tiered approach relating to the size and scope of a project to environmental permitting should be adopted.

**E. Small Community Air Service Program:** This program must be continued with sufficient and guaranteed funding to meet the needs of small communities to retain, expand and attract air service.

**F. Federal Funding:** Congress should increase the federal share on airport development projects to the greatest extent possible to help local governments with inadequate local revenue sources take greater advantage of available funds.

**G. Local Control:** Federal bureaucratic surveillance over the management and control of airports should be discontinued in the cases where the local governments are capable of operating and maintaining the facility. Subject to requirements for a national airport system plan, public airport sponsors should be given increased flexibility in dedicating available airport grant funds to finance projects determined to be of highest priority by the sponsoring county/community.

**H. Military Airports:** The federal government should work cooperatively with counties in developing joint use of existing military airports. Considerable public savings could result, since military airports usually have established controls over surrounding land use and have developed surface transportation.

**I. Essential Air Service:** The federal government should continue subsidies for assisting airlines serving small communities and fully fund the program from the \$50 million in funds that comes from the international over flight fee and \$150 million in appropriated funds.

**J. Air and Noise Pollution Control:** The federal government should vigorously continue research of air and noise pollution caused by civilian and military aircraft, and enforce existing standards, rules, and regulations.

Regulation by land use should be the last resort in noise pollution control and not be mandated by federal legislation that would diminish county authority in this area. Attention should be directed to the control of noise at its source, which is the aircraft itself, and through safe noise abatement aircraft operating procedures.

**K. Airport Accessibility:** All public airports should be open to all aircraft, except where segregation is necessary for general aviation aircraft with inadequate navigation and communication equipment or pilots with inadequate training and experience and in instances where the local government body has found it necessary to restrict the types of aircraft.

**L. Municipal Bonds:** The tax free status of bonds used in airport development should be continued with no imposition of additional restrictions on arbitrage and advanced refunding of bonds.

**M. Off-Airport User Fees:** Counties and other public airports shall continue to have the authority to set fees, rates, and charges for the use of airport facilities by off-airport businesses, the proceeds of which shall be dedicated to airport development, capital financing, and operations.

**N. Airport Rates and Charges:** Local governments and airport operators should have full authority to impose and enforce rates and charges and dedicate all airport revenue to airport development, capital financing and operations.

**O. Local and Regional Airport Planning:** Local and regional airport planning and local and regional self-determination with respect to scheduled passenger service must be preserved. The Federal Aviation Administration should be encouraged to defer to regional aviation plans whose participants perform the same function as a multi-airport proprietor serving a community or region, particularly with respect to scheduled passenger service at county airports.

**P. Airport Security:** Congress and the Administration should provide sufficient funding to both commercial and general aviation airports to guarantee adequate security and to ensure that no financial burdens as it relates to enhanced security and/or federal security requirements are imposed on local governments or public authorities that operate these facilities.

## **RAILROADS**

Because railroads provide an essential link in the transportation of raw goods, finished products, and passengers, there should be a coordinated federal-state-local effort to return rail service to its appropriate place in a balanced national transportation system, including needed regulatory reform.

In this effort, long-distance passenger service should be expanded and improved, with service to more parts of the country and no abandonment of service in major urban centers.

In dealing with bankrupt freight lines, reorganization, rehabilitation, and modernization must be accomplished with minimal disruption of mainline service; light-density lines should be abandoned only after thorough cost/benefit analyses based on accurate data and appropriate methodologies which consider the social costs to communities affected and the national interest in preserving service, including maintenance of service in areas where energy resources, such as coal, are located.

Specific concerns of counties which must be addressed in the reorganization of bankrupt lines include: the disposition of property taxes owed to counties by railroads in reorganization; the impact on county revenues of possible nationalization or federal ownership of rights-of-way, or of abandonment; the potential social and economic impact from possible abandonment of freight service; and alternative uses of rights-of-way of lines which are abandoned.

Counties and other local governments should have the first option to purchase all abandoned or proposed abandonments of rail rights-of-way to be used for riding and biking trails, bus ways, light rail and to meet other possible transportation needs.



**A. Freight Rail Assistance:** Congress should provide assistance to local governments, states, and railroads for the rehabilitation, preservation, and improvement of rail lines with the goal of maintaining and improving needed freight service.

**B. Amtrak:** Congress should continue to provide subsidies to Amtrak at a level consistent with maintaining a reasonable level of service and to provide necessary capital improvements with appropriate accountability controls. However, none of the transportation trust funds should be used to address Amtrak's financial problems.

**C. Short Line Railroads:** Because the abandonment and deterioration of short line railroads adversely affects the economies of the communities they serve, Congress should enact legislation that would preserve and restore short line railroads in urban and rural communities.

**D. High-Speed Rail:** Efforts should be undertaken to improve and expand regional and national high-speed rail service to serve those counties and regions that would benefit from such service. The demand for faster and better rail service is increasing, the need to get more vehicles off the highways is reaching a critical stage, and current resources allocated to Amtrak are insufficient.

There should be a coordinated federal-state-local effort to return rail service to its appropriate place in a balanced transportation system. However, no funds from the Highway Trust Fund should be used for high-speed rail; there should be no preemption of state and local taxing authority and no negative impact on any current commuter rail funding.

## **WATERWAYS**

Relief is afforded our overland systems by the transportation of millions of tons of materials over inland waterways. These waterways and terminal facilities must be properly developed and maintained to protect one of our great economic resources. All levels of government should include this system in their transportation planning process. County officials should take the lead in developing effective measures for planning, developing, operating, and controlling the terminal facilities. A vibrant waterway transportation system is vital to our economy and provides our nation with the ability to meet the needs of the shipping public. Legislation should be supported that facilitates the revitalization, modernization, and maintenance of port facilities.

**Passenger Vessel Development:** To encourage the promotion and development of a U.S. flag cruise industry, the Passenger Vessel Development Act should be adopted by Congress, including an amendment to encourage owners of new cruise ships to employ a number of U.S. citizens.

**Local Notification and Input Regarding the Foreign Sale of U.S. Ports:** Legislation should be passed ensuring that state and local officials responsible for administration and security at U.S. ports are consulted and given an opportunity to provide input when sales of port facilities in their jurisdiction to foreign state-owned entities are proposed.

## **RESEARCH AND DEVELOPMENT**

The federal government, in cooperation with state and local governments and industry, should undertake more research and development for new transportation modes, by developing new technology, improving coordination of current research and development, providing funds for more demonstration programs, and providing funds for research to better integrate existing and new modes of transportation.

Federal highway research resources must be made available to develop reasonable, safe and cost effective low volume roads.

## **METROPOLITAN CONGESTION**

The federal government should provide additional funding to urban and suburban counties to address congestion, and grant more authority in general over how federal funds can be expended for projects to local officials so that

congestion can be attacked in a systematic manner by officials at the level of government most familiar with the issues and solutions.

Adopted July 22, 2013

## **TRANSPORTATION RESOLUTIONS**

### **Resolution on the Future of the Federal Surface Transportation Program**

**Issue:** MAP-21, the federal surface transportation program and the user fees that support it, expire on September 30, 2014, and must be reauthorized.

#### **Adopted Policy:**

##### **Financing**

- For the next reauthorization, the gas tax should remain a major source of funding.
- There needs to be an immediate increase in the federal gas tax and indexing to address the outstanding needs of the surface transportation systems.
- The interest generated by the trust funds needs to be credited back to the trust fund.
- The federal-local match should remain the same.
- User pay should continue to be the cornerstone of transportation financing.
- There should be no devolution/turn back of current federal gas tax authority to the states.
- The revenue base for federal transportation programs should be broadened to reduce the reliance on the traditional fuel tax and on fossil fuels. The current gasoline tax is not sustainable in the future due in part to increasing fuel efficiency, alternative fuels, and potential lower consumption of fuel due to increasing prices.
- The reauthorization needs to examine alternative sources of funding and should include pilot projects and research to address the future financing needs of the transportation system.
- All fuels should be taxed the same-if a fuel source powers vehicles, it should be taxed equally and deposited into the Highway Trust Fund.
- Additional revenue sources should be available in congested areas, such as congestion pricing.
- The movement of freight should be subject to federal taxes/impact fees that reflect the damage their weight imposes on the infrastructure.
- A national sales tax for transportation should be explored.
- Tolling of interstate capacity should be permitted, including new capacity or converted capacity on existing interstates, such as HOV lanes. Proceeds from tolling may be used for capital or operating costs. County governments should be reimbursed for any diversion of traffic due to tolling.
- Debt financing through a bonding/federal infrastructure financing authority proposal should be included that would complement the existing highway and transit programs and provide an additional source of funding for large projects, particularly those that reduced bottlenecks in the system, expedite the movement of freight and address congestion.
- The Transportation Infrastructure Finance and Innovation Act (TIFIA) should be retained and, if appropriate, be expanded.

##### **Funding**

- Federal funding for highways, bridges and transit needs is currently inadequate and needs to be increased substantially to reflect the future needs of the surface transportation system.
- More funding needs to be directed to county-owned roads, either through a federal sharing formula or as a direct pass through.
- To eliminate delays in project implementation, a funding mechanism needs to be created that would allow projects below a certain funding level to bypass the states and come directly to county government.

##### **Metro Congestion**

- A new federal program should be created to reduce urban and suburban congestion in metropolitan regions.

- A broad-based congestion plan needs to be developed in each metropolitan area.
- Incident management must be considered a priority. An incentive grant program should be created, which funds counties/metropolitan regions that implement a comprehensive incident management plan.
- Innovative approaches, such as short sea shipping, should be developed.
- Each metro area needs to develop a plan to manage trucks, including a priority to segregate freight.
- Intermodal facilities should be developed to facilitate movement of freight by rail to the extent possible.
- The Surface Transportation Board, in making decisions regarding railroad ownership and expansion, must consider impact of grade crossings.
- Congestion pricing should be promoted as a cost-effective way to reduce congestion, more efficiently use existing and new capacity and raise additional revenue.
- A focus on decreasing congestion to reduce emissions should be emphasized.

### **Transit**

- The mass transit program must retain its separate identity.
- The transit program should include the goals of improving metropolitan and rural mobility, reducing congestion, conserving energy resources, reducing greenhouse gases and serving the needs of underserved populations.
- Funding for mass transit should be increased either through its existing share of the Highway Trust Fund or through the general fund.
- More flexibility should be given to the recipients of transit funding as to how the funds should be allocated, including whether funds are spent for operating or capital expenses.
- The Federal Transit Administration should distribute funds within six months of approval.
- Transit benefit subsidy should be equal to the subsidized parking benefit.
- Before a transit system receives funds, at least a five-year strategic plan for that system must be in place.
- The project approval/development process must be simplified.
- Indemnification of shared railroad rights of way-create a national indemnity liability fund for public transit agencies/authorities that wish to operate commuter rail service in freight rail corridors.
- Streamline standards and processes for approving transit projects with the goal of increasing the speed at which projects can be built and decreasing the cost of projects.
- Connectivity should be included as a criterion in approving expenditure of federal funds on transit projects.

### **Bridge Program**

- The federal Highway Bridge Replacement and Rehabilitation Program (HBRRP) must be reinstated to address the backlog of deficient bridges. It should continue to be a separate category with greater funding.
- The set-aside for off-system bridges in the Surface Transportation Program needs to be continued with an increased funding level; however, a waiver should be allowed when counties and their respective states in partnership jointly agree.
- A set-aside for on-system bridges that are not on the National Highway System needs to be established.
- No change to the sufficiency rating system that determines which bridges are eligible for federal funds.
- Enhanced maintenance should be an eligible activity when using federal bridge funds.
- Allocation of bridge funds among the state and local governments within a state should be data driven and reflect the number of deficient bridges for both the on-system and off-system programs.

### **Rural Roads**

- Additional federal highway funds should be available for rural projects on county-owned systems.
- There needs to be a simplified system of project approval on rural and other projects related to the cost, design and complexity of a project.
- The High Risk Rural Road Program should be reinstated with at least \$1 billion annually in funding and an enhanced process developed for county officials to approve funding decisions. Funding for projects

should be targeted toward proven and cost-effective safety improvements. Projects should be restricted to rural major or minor collector or rural local roads.

- Rural Set-Aside: In those states with a county road system, there should be a rural set-aside in the Surface Transportation Program and it should be restricted to county roads functionally classified as arterials or major and minor collectors that are administered by local governments.

### **Surface Transportation Program**

- The Surface Transportation Program (STP) should be continued with the goal of providing maximum funding to county governments with a minimum of interference by state officials concerning spending decisions.
- Division of STP funds within a state should be based on two-thirds population and one-third state discretion.
- The special rule allowing some STP funds to be used on minor collectors should be retained.

### **National Highway System**

- The National Highway System (NHS) program should be continued to provide federal funds to maintain and upgrade the major highway network of the nation.

### **Reservation Road Program**

- Reservation road funding should be continued for the improvement and maintaining of roads that are used to transport children to or from school or Head Start programs on or near reservations.

### **Federal Lands Access Program**

- The Federal Lands Access Program should continue to be available to fund improvements to any road that accesses or passes through federally managed public lands; be amended to no longer require a local match; and continue the requirement of a county or other local official sitting on a state committee that chooses projects.

### **Safety**

- Increase funding for safety projects aimed at reducing fatalities, especially on those rural roads where fatality rates are the highest.
- The Highway Safety and Improvement Program (HSIP) should be continued with more funding. The HSIP program should be targeted to cost-effective safety improvements; there must be a greater access for counties to HSIP funding; clear deadlines for project approval; and the creation in each state of a committee that includes county and other local government officials that will select safety projects of HSIP funding.
- Safety funding must be focused on those highways and roads with the highest incident levels.
- The Rail-Highway Grade Crossing set-aside should be retained with increased federal funding for grade separation improvements.
- Transfer of funds from the HSIP to other federal categories should not be permitted.
- A set-aside for the Safe Routes to School program should be created within the Transportation Alternatives program.
- Additional technology should be used to improve transportation safety.
- Federal policy on truck weight/size shall not preempt local authority to regulate trucks. Federal incentives should be created to reduce speeding and impaired driving.

### **Planning**

- The new legislation must require that state and local governments cooperate in the planning and funding allocation process. Metropolitan areas should retain their independence in planning and allocation of federal funds. A guiding principle should be local discretion with accountability to federal goals and priorities. This process should establish project priorities for both state and local governments and include

recognition of the fiscal capacity of all levels of government to finance improvement to the surface transportation system.

- All federal categorical programs should be allocated through the planning process.
- The planning thresholds of 50,000 and 200,000 populations should not be changed.
- Metropolitan Planning Organizations (MPOs) in areas between 50,000-200,000 should have the same authority as the large urban MPOs.
- Additional funding should be made available to MPOs so they have the capacity to coordinate with state officials and do the necessary planning to address congestion.
- Local elected officials must remain a majority on any MPO. The method of allocation of votes within MPOs should be examined.
- In metropolitan regions, project reviews should reflect the goals of the federal Sustainable Communities partnership with a strong linkage with land use and include climate change impacts and the degree to which transportation projects are integrated with land use.
- Economic development, access to jobs and job creation should be included when a federal, state or regional agency is evaluating a project.
- The rural planning process needs to be upgraded and additional funding should be made available to rural local governments to assist them in the planning process.

### **Research**

- The Local Technical Assistance Program (LTAP) and its 58 centers are the prime source available to counties in training and technical transfer of best practices. Funding should be expanded to \$15 million in FY2010 and gradually be increased to \$20 million by FY2015.
- The Vehicle Infrastructure Integrations (VII) Initiative should be supported with the understanding and assurance that no new federal mandates on local government are imposed.
- Substantial funding from the General Fund needs to be available for research into alternative fuels.

### **Accountability**

- Standard reporting forms must be used by state agencies in reporting to the U.S. Department of Transportation.
- A complete data base on all federal programs should be developed.
- To measure success, performance measures need to be part of all federally funded projects.
- Allocation of federal funds within a state should be needs based using a rating system.

### **Regulatory Process**

- While concerns about the environment should be part of the project decision making, a balance needs to be part of the process.
- There should be a simplified and integrated approach to environmental permitting related to the size and scope of the project and which focuses on saving time and dollars.
- To save time and money, timelines must be established for regulatory permitting review process.
- A "simple project" component must be developed that focuses on funding project improvement directly to local governments and has an outcome based accountability.
- Support the elimination of federal oversight requirement for projects of \$5 million or less consistent with Section 1317 as established in MAP-21.
- Permitting agencies must coordinate and proceed concurrently to minimize delay in project approval.
- To resolve environmental impact statement and permitting issues, there must be a required point of contact within each state and on the federal level.

### **Mandates**

- All new federal mandates in the transportation area should have specific funding streams attached. Current federal mandates attached to highway and transit funding should be reviewed.
- Land use regulation, a major consideration in transportation, should remain the responsibility of county and other local governments.

## **Workforce**

- Some level of local hiring preference should be permitted on highway and transit projects to encourage employment of local workers on projects.

Adopted July 22, 2013

## **Resolution on Railroad Freight Equity**

**Issue:** The Staggers Act of 1980 partially de-regulated the rail freight industry. Due to consolidations of railroads, many shippers are left with no freight rail competition, especially in shipping points where other means of shipping are not viable.

**Adopted Policy:** NACo supports a strong, competitive freight rail system that promotes the economic development of our counties by helping shippers compete in national and global marketplaces. NACo supports an effective, and balanced, regulatory oversight of the nation's freight railroads by the federal Surface Transportation Board to ensure equitable rates, competition between among railroads and among all modes of transportation, and ensures that disputes over rates for shippers are resolved fairly, affordably and expeditiously. NACo strongly encourages the nation's freight railroads and shippers to jointly continue developing independent alternative dispute resolution systems, offering quick and affordable mediation and arbitration of rate disputes.

Adopted July 22, 2013

## **Resolution on Harbor Maintenance Fees**

**Issue:** Need for investment in the maintenance and improvement of coastal and inland port infrastructure to promote economic growth

**Adopted Policy:** NACo urges Congress to enact legislation that supports full expenditure of Harbor Maintenance collections; and to provide equity for deep draft ports that contribute collections to the fund, but do not have significant dredging needs, and should be allowed to access these funds for limited port-related uses.

Adopted July 22, 2013

## **Resolution Endorsing a Towards Zero Deaths Safety Strategy at the National and Local Levels**

**Issue:** Counties have a significant role in reducing highway fatalities and serious injuries.

**Adopted Policy:** NACo endorses a Towards Zero Deaths (TZD) Safety Strategy at the national level and will support actions and promote policies that support its effective implementation across all levels of government and encourage counties to make full use of available tools and funding to reduce fatalities within their jurisdictions.

Adopted July 22, 2013

## **Resolution on High-Speed Intercity Rail for the 21<sup>st</sup> and 22<sup>nd</sup> Centuries**

**Issue:** High-Speed Intercity and Interstate Passenger Rail for the 21<sup>st</sup> and 22<sup>nd</sup> centuries

**Adopted Policy:** NACo supports a national dialogue to establish a new high performance national standard for high speed intercity and interstate passenger rail and a corresponding vision and implementation plan for the 21<sup>st</sup> and 22<sup>nd</sup> centuries.

Adopted July 22, 2013

## **Resolution on Truck Size and Weight**

**Issue:** Truck size and weight

**Adopted Policy:** NACo strongly opposes any legislation that seeks to increase truck size or weight limits beyond those in current federal law because of the enormous highway safety, infrastructure damage, and transportation funding implications of changes in truck size or weight.

Adopted July 22, 2013

## **Resolution on Commuter Rail Trackage and Operating Rights**

**Issue:** Provision of commuter rail service

**Adopted Policy:** NACo supports access for commuter and intercity rail providers to freight rail tracks for the provision of commuter rail service in return for reasonable compensation and terms and recommends the Surface Transportation Board have jurisdiction therein.

Adopted July 22, 2013

## **Resolution on Mitigating the Impact of Rail Mergers and Buyouts on Local Communities**

**Issue:** Impacts on a county or other local government and its residents of a freight rail merger or buyout

**Adopted Policy:** NACo supports a change in federal law requiring the Surface Transportation Board (STB), in a proceeding involving the merge or control of at least one Class I railroad, to consider the effect on the public interest, including the safety and environmental effect of the proposed merger on local communities, intercity rail passenger transportation, and commuter rail passenger transportation; to prohibit the STB from approving mergers if a cost-benefit analysis of their impact on safety, rail service and resulting public investments for infrastructure upgrades on all affected communities outweigh the transportation benefits; and to authorize the STB to impose conditions to mitigate the effect of mergers on local communities.

Adopted July 22, 2013

## **Resolution Supporting Customs Fees Being Used for Port Infrastructure Development**

**Issue:** Inadequate investment in the maintenance and improvement of coastal and inland port infrastructure

**Adopted Policy:** NACo urges Congress to support a policy that would dedicate a percentage of the custom duties attributable to maritime port activity to improve the maintenance and development of coastal and inland ports and waterways.

Adopted July 22, 2013

## **Resolution to Create a National Indemnity Liability Fund for Public Transit Agencies Authorities**

**Issue:** National indemnity liability fund for transit agencies/authorities

**Adopted Policy:** NACo supports the creation of a national indemnity liability fund for public transit agencies/authorities that wish to operate commuter rail services in freight rail corridors. NACo further supports an initial federal appropriation of \$200 million that will be used to establish an initial reserve for this fund that will subsequently be managed and maintained by fund participants through premium payments and a professional risk management program.

Adopted July 22, 2013

## **Resolution on Flexible Transit Funding**

**Issue:** Lack of flexibility denies local transit operators from using federal funds to provide service for special events.

**Adopted Policy:** NACo supports amending Title 49 and revising federal transit regulations to allow more flexibility for transit operators in the spending of federal transit funds, when providing service for local special events.

Adopted July 22, 2013