

NATIONAL ASSOCIATION OF COUNTIES



**Los Angeles County**

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# Proposed Policy Resolutions and Platform Changes

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National Association of Counties (NACo)

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# AGRICULTURE AND RURAL AFFAIRS

## PROPOSED PLATFORM CHANGES

### Proposed Platform Change on Food Safety

#### Under FOOD SAFETY:

Protecting the welfare of all American consumers 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 supports the food safety inspection system for meat processing plants and ~~-.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.

NACo urges Congress to support voluntary country-of-origin labeling (COOL) provisions in any agricultural authorizing or appropriation bills. We urge changes in the world trade agreement that authorize the identification of fruits, vegetables, meats and other foodstuffs whose origin is the United States. NACo strongly urges the federal government to encourage 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. NACo supports the definition of COOL as meaning born, raised, slaughtered and packaged in the United States.

~~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 wishing 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 and 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.

NACo supports local food producers that sell direct to consumers and calls on USDA and FDA to provide increased outreach and technical assistance to these producers to ensure that they are implementing best practices in food safety.

**Sponsor(s):** Maureen Davey, Stillwater County, Mont.

## **Proposed Platform Change on Food Safety**

### **Under 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.~~

- Processing Plant Inspections: NACo urges USDA not to exempt any particular type of processing method from rigorous inspection. 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.
- Use of Pesticides on Imported Products: 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, it is common practice in many foreign countries to however in many countries the use of pesticides and other chemicals which that 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. Food products treated with these pesticides and chemicals are routinely imported to the United States; therefore, NACo urges Congress to support programs that allow for voluntary labeling of American-made products in an effort to differentiate American products from imported products.

~~NACo urges Congress to support country of origin labeling (COOL) provisions in any agricultural authorizing or appropriation bills. NACo strongly urges the federal government to encourage 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.~~

National Animal Identification System: 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~~ wishing 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.



- Healthy Food Access: NACo ~~also~~ supports the promotion of healthy diets ~~for all residents~~, including strengthening incentives and infrastructure to encourage more fruit/vegetable production. Incentives and infrastructure include better access to fresh foods, ~~and~~ investment programs promoting healthy food, expansion of programs that help communities invest in retail markets, and food-based businesses, and increasing access to farmers markets. NACo also supports ~~and~~ farm-to-cafeteria school programs that bring ~~the freshest~~ fresh locally grown food into school lunch programs.
- Locally Grown Initiatives: NACo supports local food producers that sell direct to consumers and calls on USDA and FDA to ~~provide increased~~ continue providing outreach and technical assistance to these producers to ensure that they are implementing best practices in food safety.

**Sponsor(s):** Melissa McKinlay, Commissioner, Palm Beach County, Fla.

### **Proposed Platform Change to Include Opioid Language**

Under METHAMPHETAMINE EPIDEMIC, add:

#### **METHAMPHETAMINE & OPIOID/PRESCRIPTION DRUG ABUSE 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 drugs ~~has~~ have spread across the country, especially in rural counties, most notably methamphetamine and opioids, as a result of the fight against prescription drug abuse. NACo supports appropriate funding for research, enforcement, treatment and education of users and their families dealing with these epidemics.

~~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, Investigation and subsequent arrests, 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 and opioids, prescription drug abuse and the manufacturing of meth. These costs extend beyond the user and dealer. Additionally, 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. Many times the families and young children living with them are in need of social services, further exacerbating county governments' limited resources.~~

NACo urges Congress and the administration to commit more resources to fight ~~this~~ these harmful epidemics. Specifically, NACo supports the Methamphetamine Remediation Research Act of 2007, P.L. 110-43, which 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 and programs that fund training for healthcare providers on appropriate opioid and painkiller prescribing. Furthermore, NACo supports accreditation efforts for recovery programs, both residential and out-patient.

**Sponsor(s):** Melissa McKinlay, Commissioner, Palm Beach County, Fla.

## Proposed Platform Change to Update Demographic Data

### 1. 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 and counties with significant rural communities threatened by urban and suburban development. Approximately fifteen ~~17~~ percent of the nation's population lives in 2,050 ~~2,051~~ counties deemed 'non-metropolitan,' or rural, - accounting for over 72 percent of the nation's total land area - according to the U.S. Census Bureau.*

### 2. RURAL DEVELOPMENT

#### B. Rural Poverty

*According to the USDA and the U.S. Census Bureau, there are 301 ~~340~~ persistently poor rural counties throughout the nation, roughly ten ~~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~~) (measured by the 1980, 1990, and 2000 decennial censuses and the 2007-11 American Community Survey).*

### 3. RURAL DEVELOPMENT

#### C. Outmigration

*Outmigration poses a significant threat to rural counties across the United States. Nearly half of the Nation's 2,050 nonmetropolitan counties lost population through net outmigration between 1988 and 2008; for over 700 counties, this loss exceeded 10 percent. ~~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.~~*

### 4. RURAL INFRASTRUCTURE

#### 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.*

*Many rural counties with broad-band service, however, may only have one provider - compared to typically multiple providers in urban areas. Competition for broadband is especially important with regards to quality, costs, and speeds of service. Having little or no choice in broadband providers can cause rural users to settle for inferior/no service.*

*~~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.~~ 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 in rural America.*

**Background:** This proposed platform change helps make the Agriculture and Rural Affairs platform a timeless policy statement and updates various Census and other demographic data to properly reflect current population levels and utility deployment.

**Fiscal/Urban/Rural Impact:** No impact.

**Sponsor:** Supervisor Harrison Moody, Dinwiddie County, Va.

### **Proposed Platform Change to Organize Platform Sections**

**Proposed Policy:** [Apply roman numerals to Section Headers]

I. STATEMENT OF BASIC PHILOSOPHY; II. RURAL DEVELOPMENT; III. RURAL INFRASTRUCTURE; IV. AGRICULTURE; V. FOOD SAFETY; VI. METHAMPHETAMINE EPIDEMIC; VII. STATEMENT OF COMMITTEE PURPOSE

**Background:** This proposed platform change will help organize the platform making it easier to reference specific language within the document.

**Fiscal/Urban/Rural Impact:** No impact.

**Sponsor(s):** Supervisor Harrison Moody, Dinwiddie County, Va.

### **Proposed Platform Change on Rural Development**

#### **1. AGRICULTURE**

J. Outreach Partnerships: Across the country, counties partner with federal, state, local and tribal governments; public and private sector interests; non-profit organizations; and colleges and universities to fund community outreach and educational initiatives

NACo reaffirms the importance of the work of the outreach programs and calls on federal, state, local and tribal governments; public and private sector interests; non-profit organizations; and colleges and universities 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 USDA 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 USDA so that it may explore innovative approaches for building community capacity and introduce additional economic enhancement opportunities to rural businesses.~~

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

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

**Sponsor(s):** Kurt Gibbs, Supervisor, Marathon County, Wis.

#### **Proposed Platform Change to Edit Environment Subsection Header**

**Proposed Policy:** *to change subsection title from “Environment” to “Land and Water Conservation”*

#### **AGRICULTURE**

**C. ~~Environment~~ Land and Water Conservation:** NACo recognizes the need to protect our nation's most environmentally sensitive lands and waters...

**Sponsor(s):** Maureen Davie, Commissioner, Stillwater County, Mont.

### **PROPOSED RESOLUTIONS**

#### **Proposed Resolution in Support of GIPSA Ruling that Insures a Fair and Competitive Market for all Grain and Livestock Producers**

**Issue:** Large corporate influence on Ag policy.

**Proposed Policy:** The National Association of Counties (NACo) supports a GIPSA ruling that insures a fair, competitive market for all grain and livestock producers.

**Background:** The Packers and Stockyards Act is the primary law governing livestock and poultry markets. The goal of the Packers and Stockyards Act — which became law way back in 1921 — is to make livestock and poultry markets open, transparent, and competitive and to protect farmers and ranchers from fraudulent, deceptive and abusive practices in their dealings with the meat industry.

USDA issued the proposed rules in 2010. To date, however, only a very few of those proposed rules have been finalized. The delay, in large part, has been due to the riders attached to the annual appropriations bills ever since

the proposed rules came out. In essence, the big meat and poultry companies have used the backdoor approach of annual riders on the appropriations bills to reverse the decision made in the 2008 Farm Bill.

The Appropriations Committees do not have jurisdiction over policy, but only over spending. Hence, their job is to determine the annual funding level for GIPSA and its Packers and Stockyards Program, but not to determine what the policies are. Policy is the responsibility of the Agriculture Committees.

**Fiscal/Urban/Rural Impact:** Without a fair market in which to work, rural livestock producers could lose or go into bankruptcy. Also, the price of meat at the grocery counter could be dictated by a few large meat companies.

**Sponsor(s):** Melvyn Houser, Supervisor, Pottawattamie County, Iowa

### **Proposed Resolution Opposing Inconsistent GMO Regulation**

**Issue:** Lack of standardization of GMO regulations causing a checkerboard effect to localities causing different requirements

**Proposed Policy:** The National Association of Counties (NACo) supports a comprehensive plan to address the cohabitation of genetically engineered and non-genetically engineered crops to provide a strong and robust agriculturally-based economy. NACo supports policies provided by the U.S. Department of Agriculture that standardize or unify regulation of genetically engineered crops which alleviate the need for county or municipal governing bodies to regulate, investigate or enforce regulation of related ordinances or laws.

**Background:** Counties and rural counties especially depend heavily on the economics of the farming communities in their counties. Keeping our agricultural community vibrant is important. GMO regulations need to be standardized nationally so agriculturally based economies will not be unfairly treated nationwide.

It is very important to serve our citizens and that includes the farming community. The economy of a rural locality depends heavily on agriculture from farmer to agribusiness to banking and the commercial sector. A fair and balanced regulation of GMOs at the federal level will keep all counties on a level playing field in that aspect.

**Fiscal/Urban/Rural Impact:** Different standards across different counties will give an unfair advantage or disadvantage economically. This in turn will affect the farming community and therefore will have a negative effect on localities.

**Sponsor(s):** Harrison Moody, Supervisor, Dinwiddie County, Va.

### **Proposed Resolution Supporting a National Uniform Genetically Engineered Ingredient Labeling Disclosure**

**Issue:** To provide for a national uniform genetically engineered ingredient labeling disclosure

**Proposed Policy:** The National Association of Counties (NACo) supports a national policy on the disclosure of GE ingredient or content information, which can alleviate the need for state, county or municipal governing bodies to regulate, investigate or enforce regulation of related ordinances or laws. National disclosure policy should recognize the safety of GE ingredients and balance providing interested consumers with means of accessing information about GE foods with unnecessarily stigmatizing the technology. Means of providing information to consumers could include various means such as electronic or digital links, or a QR code.

**Background:** Disclosure of GE ingredient information is being considered by states, counties and local municipalities, potentially creating an unworkable patchwork of differing and sometimes conflicting requirements.

Genetically engineered crops have become a contentious issue for counties during the last couple of years. A national policy on this issue would curtail the need for county involvement in an issue that may cause a patchwork of labeling across the nation. A national policy will also alleviate the need for county staff to expend resources and time on this issue which will have a negative fiscal impact on counties.

**Fiscal/Urban/Rural Impact:** Labeling of genetically engineered products at the county level will cause a patchwork of different labels across the country.

This is an unworkable situation for a subject (GE labeling) that should be handled nationwide. The fiscal impact on counties through staff time and research will have a negative impact on county's budgets. Also rural counties that have agriculture based economies will suffer at different levels based on the labels' effects on the consumers in that region.

**Sponsor(s):** Harrison Moody, Supervisor, Dinwiddie County, Va.

### **Proposed Resolution Urging USDA to Increase the Population Cap for Rural Development Broadband Grant Initiatives**

**Issue:** To increase the population limits for USDA Rural Development Broadband Grant Initiatives

**Proposed Policy:** The National Association of Counties (NACo) encourages the USDA to increase the population cap for Rural Development Broadband Grant Initiatives from 20,000 to 50,000.

**Background:** Broadband and internet access directly impacts the success of a county and the quality of life to its citizens. Lack of this service to citizens limits their access to services provided by businesses, government, NGOs, education, EMS, and health/medical providers and agencies. Today, much of the health industry is transitioning to telemedicine and electronic health records. Without access to reliable broadband internet, wide swaths of rural populations that fall into what has become a broadband donut hole, are without access to these necessary services. In addition to those with a lower income, veterans, the elderly and the disabled within a community find themselves inhibited from being able to engage in those services.

Economic development is stifled as it becomes difficult for entrepreneurs and small businesses to start up as most of them begin out of a home versus a bricks and mortar facility. Recruiting businesses to consider locating into a rural community that is not adequately served by internet becomes far more challenging. Infrastructure for broadband and access to internet service needs to be addressed in the same manner that the electric utility infrastructure was done to electrify communities in rural areas in the early part of the last century.

**Fiscal/Urban/Rural Impact:** Many rural counties are lagging behind with regards to economic development opportunities, health and wellness, education and quality of life due to hindrances as a result of lack of broadband infrastructure. In today's time broadband and internet connectivity is considered a necessary utility for business, healthcare, education and quality of life. Continuing to exclude the nonmetro, noncore counties with populations between 20,000-50,000 from being able to access funds through the USDA Rural Development Broadband Grants places them at a serious disadvantage to their other rural counterparts.

**Sponsor(s):** Ruby Brabo, Supervisor, King George County, Va.

# COMMUNITY, ECONOMIC AND WORKFORCE DEVELOPMENT

## PROPOSED PLATFORM CHANGES

### Proposed Platform Change on the Statement of Basic Philosophy

#### Under 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 creation, business retention ~~and creation~~, employment centers, and infrastructure capacity.

County governments should ensure that community, economic and workforce development resources are accessible to all demographic [age, gender] and 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, economic and workforce 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.

**Sponsor(s):** Renee Price, Commissioner, Orange County, N.C.; Community, Economic and Workforce Development Steering Committee Leadership

### Proposed Platform Change to Include Veterans Language Throughout the Community, Economic and Workforce Development Platform

#### Under STATEMENT OF BASIC PHILOSOPHY add:

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 creation, business retention, employment centers, veterans services and infrastructure capacity.

#### Under HOUSING, add:

#### Under Section C. Federal Role in Housing, add:

- 13. Initiative to End Veteran Homelessness:** NACo supports the goal of ending homelessness among veterans and military families, including using temporary assistance and shelter resources to assist with permanent housing placement. NACo strongly recommends the continued appropriation of resources through the Veterans Affairs Supported Housing (HUD-VASH) vouchers, Supportive Services for Veteran Families (SSVF) grant program, and the Grants and Per Diem program to accomplish this goal.

#### Under WORKFORCE DEVELOPMENT, add:

#### Under the Federal Government Role [Last Bullet]:

- The U.S. Department of Veterans Affairs should maintain or increase funding for Vocational Rehabilitation and Employment (VR&E).

**Sponsor(s):** Martha Schrader, Commissioner, Clackamas County, Ore.; Veterans and Military Services Committee

### **Proposed Platform Change on the National Housing Trust Fund**

**Under HOUSING, add:**

**Under Section C. Federal Role in Housing:**

- 2. National Housing Trust Fund:** The National Association of Counties (NACo) urges Congress and the U.S. Department of Housing and Urban Development (HUD) to provide for the allocation of HTF funds to local governments. Driving HTF resources to the local and county levels will ensure these federal affordable housing resources are effectively targeted and tailored to meet the unique and individualized affordable housing needs of local communities across the nation. In the event that increased HTF resources become available, Congress and HUD are also urged to provide a formula allocation of HTF resources directly to local governments

**Sponsor(s):** Patricia Ward, Tarrant County, Texas; Community, Economic and Workforce Development Steering Committee Leadership

### **Proposed Platform Change on the Promotion of Arts and Culture**

**Under ECONOMIC DEVELOPMENT, add:**

**Under Section B. Federal Role in Economic Development:**

- 4. Promotion of Arts and Culture:** NACo supports increased funding for the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH), the Institute of Museum and Library Services (IMLS) and the arts education program within the Department of Education to provide counties with additional resources to develop and expand cultural resources in their counties.

**Sponsor(s):** Renee Price, Commissioner, Orange County, N.C.; Community, Economic and Workforce Development Steering Committee

### **Proposed Platform Change on the EB-5 Regional Center Program**

**Under ECONOMIC DEVELOPMENT, add:**

**Under Section B. Federal Role in Economic Development:**

- 6. EB-5 Regional Center Program:** NACo supports federal legislation to permanently authorize the EB-5 Regional Center Program and to maximize its capacity for economic impact and job creation.

**Sponsor(s):** John Benoit, Supervisor, Riverside County, Calif.; Community, Economic and Workforce Development Steering Committee



1           **Proposed Platform Change on the Export-Import Bank of the United States of the United States**

2  
3   **Under ECONOMIC DEVELOPMENT, add:**

4  
5   **Under Section B. Federal Role in Economic Development:**

- 6  
7           **16. Export-Import Bank of the United States:** The National Association of Counties (NACo) supports,  
8           endorses and advocates for the reauthorization of the Export-Import Bank of the United States.  
9

10   **Sponsor(s):** John Benoit, Supervisor, Riverside County, Calif.; Community, Economic and Workforce  
11   Development Steering Committee  
12

13                   **Proposed Platform Change to Revise the Workforce Development Section**

14  
15   **Under WORKFORCE DEVELOPMENT, revise the following language:**

16  
17   NACo believes that county governments have a critical role to play in the planning, management and  
18   implementation of employment programs designed to prepare people for the world of work and to help ensure  
19   employers have a skilled workforce. Therefore, NACo supports the following principles.  
20

- 21           • **Local Authority:** The federal government should not usurp or undermine the authorities, responsibilities  
22           and obligations that generally are ~~generally~~ reserved to states and localities with respect to workforce  
23           programs.  
24           • **Workforce Development:** ~~The f~~ Federal, state, and local governments must work together to maintain an  
25           effective national workforce development system ~~which~~ that; addresses the ~~workforce~~ needs of job seekers  
26           including youth, incumbent workers, and employers; aligns the appropriate resources; and is designed,  
27           governed, and implemented by a public-private partnership comprised ~~made-up~~ of local elected officials  
28           and business leaders.  
29           • **Labor-Management Relations:** County governments should continue to pursue positive labor-  
30           management relations in order to ensure that counties provide their workers with safe, gainful and  
31           meaningful employment and county workers contribute to the overall goals and objectives of the county for  
32           which they work.  
33

34   **LOCAL AUTHORITY**

35   The Constitution of the U.S. sets out those responsibilities specifically given to the federal government and those  
36   retained by the states and the people. County governments are partners with the federal government and states in  
37   providing important programs and services to the American people. When appropriate, the federal government  
38   should legislate on the fair labor, employment and workforce development needs of the nation. The federal  
39   government, however, should refrain from pre-empting those aspects of labor law that remain the responsibility and  
40   obligation of states and local governments.  
41

42   **WORKFORCE DEVELOPMENT**

43   A skilled workforce is essential for the economic success of the nation's employers. Thus, NACo strongly supports  
44   efforts to enhance the effectiveness and efficiency of the national workforce development system. NACo believes  
45   that workforce programs can be strengthened and better aligned to improve access and service delivery for both  
46   workers and employers through a streamlined national workforce development system. ~~The funded by the~~ federal  
47   government would fund the system through formula-based block grants to states and passed through to localities,  
48   thus providing which provides, flexibility to local governments to adapt to local needs. The alignment of these  
49   resources should be decided by state and local elected officials and business leaders working through Workforce  
50   Development Boards (WDBs).

**Goals:** 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, work with youth on career awareness and ensure that all individuals obtain appropriate wages.

**Access and Flexibility:** Access to workforce development programs should be universal without respect to economic circumstance, gender, sexual orientation, race, ethnicity, national origin or religion. 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 grassroots level to best serve citizen and employer needs. NACo believes this alignment can occur effectively with local elected officials at the 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, education and training, economic development and socioeconomic issues confronting particular states and localities. Requests for waivers should be developed jointly by local elected officials and WDBs, and should receive the approval of state agencies and/or governors before they can be enacted.

The federal government should ~~deny no grant~~ new waiver requests or ~~dis~~approve state Workforce ~~Investment~~ **Innovation and Opportunity Act (WIOA)** plans that ~~fail to~~ ~~do not~~ include the proper input or the process of consultation with local elected officials and local WDBs as required under law. Furthermore, the Department of Labor should deny approval of any state WIOA plan submitted by a governor that circumvents federal laws and/or consolidates or eliminates any local workforce areas without demonstrated rationale (e.g. fraud, or lack of performance). Additionally, in both examples meaningful input and support from a majority of local elected officials should be required. The National Association of Counties (NACo) further urges the federal government to uphold a state's current **WIA or WIOA** plan in the event a state governor subsequently submits a plan which is contrary to the intent, policy and procedures of the Workforce Investment Act of 1998 or future workforce reauthorization legislation.

**Administration:** 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 WDBs. ~~The latter should be appointed by-t~~ **The** chief local elected official or officials for the local workforce investment area should appoint the local WDBs 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 a 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 WDBs, to merge Temporary Assistance for Needy Families (TANF) programs and local ~~WIA~~ **WIOA** programs into a single entity.

The national workforce development system should integrate and streamline the disparate federal, state and local training and employment programs into a more aligned and reduced set of funding streams whose services are delivered through a locally established and governed one-stop delivery system. Mandatory partners within the one-stop delivery system should be required to contribute to infrastructure and other costs related operations of the one-stops. These contributions can be direct and also can include local, state and federal resources.

1 **Federal Government Role:**

- 2 • ~~The federal and state governments should not~~ **Grant authority to local governments to** operate  
3 training and employment programs and provide direct client services, **and thereby avoid** services  
4 duplicative of those offered under the Wagner-Peyser Act.
- 5 • ~~The federal government should interpret~~ **Interpret** federal law through regulations and when necessary  
6 arbitrate disagreements between state and local officials.
- 7 • ~~It should supply~~ **Supply** sufficient resources to ensure that states and localities are able to achieve the  
8 goals and objectives of the law.
- 9 • Provide funding across the states and workforce development programs that are equitable and based upon a  
10 formula that reflects state and local fiscal needs. **The formula should also incorporate a “hold harmless”**  
11 **percentage to reduce the “roller-coaster” effect to state and local allocations.**
- 12 • Through the Department of Labor, ~~should~~ allocate as much funding as possible to local workforce service  
13 areas.
- 14 • ~~THE NATIONAL ASSOCIATION OF COUNTIES (NACO) also supports providing~~ **Provide**  
15 dedicated infrastructure funding for the facilities and operations of Local One-Stop Centers
- 16 • **Administer new** federal training and employment programs, additional funding or additional program  
17 guidance, ~~should be done~~ as part of the formula-based block grant program, and retain and utilize existing  
18 governance structures to avoid program duplication and confusion.
- 19 • **Expand funding to meet demand for the Department of Labor YouthBuild Program which serves**  
20 **counties and provides effective pathways to education, workforce training, community service and**  
21 **leadership training for low-income young adults who are unemployed or do not hold a high school**  
22 **diploma.**
- 23 • Take a reasonable and uniform approach to performance standard negotiations.
- 24

25 **State Government Role:** State governments, in partnership with local **WDBs**, should develop plans and strategies  
26 that address the states’ broader economic goals and align state resources to support local delivery of programs and  
27 services.

28

29 States should have a limited and, important role in the delivery of workforce development services. States should:

30

- 31 • Provide local labor market information;
- 32 • Provide technical assistance and guidance;
- 33 • Develop a statewide workforce development plan that can guide local workforce development areas as they  
34 develop their plans;
- 35 • Provide capacity building services;
- 36 • Develop, operate, and support a statewide information management system; and
- 37 • Develop performance standards that may be used as the basis for rewards to or sanctions of local workforce  
38 development programs.
- 39

40 **Local Roles: Local elected officials, local workforce programs and local WDBs should have the authority and**  
41 **responsibility to:**

- 42 • ~~Local workforce areas should be given the authority to develop~~ **Develop** programs that meet the needs  
43 of job seekers including youth, employers and employees **with alike.** ~~This should include~~ the flexibility to  
44 develop sector-based, incumbent worker, and other specialized training services that respond to local  
45 economic development policies and business needs.
- 46 • ~~Local workforce programs should assist~~ **Assist** structurally and cyclically unemployed individuals in  
47 acquiring marketable job skills that lead to employment and economic self-sufficiency: young people  
48 should obtain those skills necessary to make the transition to work; and business and industry should meet  
49 the needs for qualified and skilled workers.
- 50 • ~~Local workforce programs should be permitted to provide~~ **Provide** public sector employment during  
51 periods of high unemployment or long-term unemployment.

- 1 • ~~Local workforce development programs should maintain~~ **Maintain** high standards of accountability, fiscal management and include “return on investment” and “customer satisfaction” strategies as well as appropriate regression models to determine program benefits and ensure that special populations are served adequately and effectively.
- 2 • ~~Local elected officials and local WIBs should be given the authorities needed to ensure~~ **Ensure** that these programs maintain high standards of accountability and responsibility.
- 3 • ~~Development the local workforce development plan and programs:~~
- 4 • Establish and oversee the one-stop career center system within their workforce development areas.

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10 **Sponsor(s):** Renee Price, Commissioner, Orange County, N.C.: Community, Economic and Workforce  
11 Development Steering Committee Leadership  
12

### 13 **Proposed Platform Change on the YouthBuild Program**

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15 **Under WORKFORCE DEVELOPMENT:**

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17 **Federal Government Role, add [eighth bullet]:**

- 18 • **Expand funding to meet demand for the Department of Labor YouthBuild Program which serves counties and provides effective pathways to education, workforce training, community service and leadership training for low-income young adults who are unemployed or do not hold a high school diploma.**

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24 **Sponsor(s):** Community, Economic and Workforce Development Steering Committee  
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## 26 **PROPOSED RESOLUTIONS**

### 27 **Proposed Resolution on Affirmatively Furthering Fair Housing**

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30 **Issue:** Support the direct allocation of funding and technical assistance resources to aid local governments in complying with the Affirmatively Furthering Fair Housing (AFFH) Final Rule and in completing the Assessment of Fair Housing (AFH) planning process.

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34 **Proposed Policy:** The National Association of Counties (NACo) urges Congress and the U.S. Department of Housing and Urban Development (HUD) to provide dedicated resources to enhance the ability of counties and local governments to comply with HUD’s AFFH Final Rule and complete the required AFH planning process, including but not limited to: increased flexibility to utilize Community Development Block Grant (CDBG) funds beyond existing statutory and regulatory caps for fair housing planning and program implementation; and dedicated funds for local governments to offset the increased costs associated with undergoing the mandated AFH planning process. In addition, HUD is urged to provide enhanced technical assistance to counties and local governments to aid them in developing comprehensive AFHs, such as best practice guides, toolkits and sample agreements for regional or multi-jurisdictional collaboration, fair housing program implementation guidance, and specialized assistance for public housing authorities.

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45 **Background:** The Fair Housing Act of 1968 requires HUD grantees to promote fair housing and equal opportunity. The law not only prohibits discrimination it also directs HUD program participants to take significant actions to overcome historic patterns of segregation, achieve truly balanced and integrated living patterns, promote fair housing choice, and foster inclusive communities that are free from discrimination.

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49  
50 In July 2015, HUD published its Affirmatively Furthering Fair Housing (AFFH) Final Rule. The rule was

developed in response to recommendations from the Government Accountability Office (GAO) and stakeholders that HUD enhance its fair housing planning obligations. Prior to this rule, HUD directed participants to affirmatively further fair housing by undertaking an analysis of impediments (AI) that was generally not submitted to or reviewed by HUD. This approach required program participants, based on general guidance from HUD, to identify impediments to fair housing choice within their jurisdiction, plan and take appropriate actions to overcome the effects of any impediments, and maintain records of such efforts.

HUD's AFFH rule requires grantees to now analyze their local/regional fair housing landscape and establish fair housing priorities and goals through the completion of a new Assessment of Fair Housing (AFH) that replaces the AI. Specific HUD grantees will be required to complete the AFH planning process. The AFH planning process is intended to help communities analyze challenges to fair housing choice and establish their own goals and priorities to address the fair housing barriers in their community.

Under the AFFH regulation, HUD grantees that complete a Consolidated Plan for HUD's Community Planning and Development (CPD) block grant programs—such as CDBG, HOME and Emergency Solution grants— as well as Public Housing Agencies (PHAs) will complete an AFH to accompany their three to five Year Consolidated Plan or a five Year PHA Plan. They may also work together with other grantees and PHAs to submit a joint AFH. Members of the community will also have an opportunity to provide input for the AFH.

According to HUD estimates, the compliance cost to program participants will total \$25 million annually and 200 hours of staff time to complete the AFH. No AFH will be due prior to October 4, 2016.

**Fiscal/Urban/Rural Impact:** Funding of HUD's core programs is crucial to state and local governments that provide services to communities at the grassroots level.

**Sponsor(s):** Martha Schrader, Commissioner, Clackamas County, Ore.

### **Proposed Resolution Urging and Requesting the United States Congress to Provide for Free Burial of Spouses and Dependents of Veterans at all Veterans Cemeteries**

**Issue:** Spouses and dependents of veterans are interred for free at national veterans cemeteries but state, territorial, and tribal governments frequently charge for such burial.

**Proposed Policy:** The National Association of Counties (The National Association of Counties (NACo)) urges and requests the United States Congress to fund the expenses of burial of spouses and dependents of veterans at cemeteries which are operated by state, territorial and tribal governments and which receive funds from the Veterans Cemetery Grants Program.

**Background:** In 1862, President Lincoln signed into law legislation authorizing the establishment of National Cemeteries "... for the soldiers who shall die in the service of the country." Fourteen cemeteries were established that year. These national cemeteries were the beginning of today's National Cemetery Administration. Public Law 93-43 transferred 82 national cemeteries from the Department of the Army to what is now the Department of Veterans Affairs. The Department of Veterans Affairs Veterans Cemetery Grants Program was established in 1978 to complement the National Cemetery Administration. The program assists states, territories and federally recognized tribal governments in providing gravesites for veterans in those areas where national cemeteries cannot fully satisfy their burial needs. The National Cemetery Administration honors Veterans and their families with final resting places in national shrines and with lasting tributes that commemorate their service and sacrifice to our Nation. There is no charge for burial of a spouse, surviving spouse or dependent of an eligible Veteran who is interred in a national cemetery. The National Cemetery Administration reimburses for the burial of veterans in

veterans cemeteries operated by state, territorial, and tribal government. However, the Administration does not reimburse for the burial of spouses and dependents in those same cemeteries.

**Fiscal/Urban/Rural Impact:** Local governments are striving to make their communities more hospitable and welcoming to veterans as retirement destinations. Those efforts frequently include having a nearby veterans cemetery. Providing reimbursement for burial of spouses and dependents in those cemeteries would aid local governments in becoming more attractive to military retirees as well as honoring the sacrifice of the families of veterans.

**Sponsor:** Kenneth Epperson, Commissioner, Parish of Caddo, La.

### **Proposed Resolution Urging and Requesting Congress to Consider Reinstating Universal Military Service**

**Issue:** The burden of recent military efforts by the United States has impacted communities significantly as a result of a volunteer military.

**Proposed Policy:** The National Association of Counties (NACo) urges and requests the United States Congress to consider reinstating universal military service during its current and future consideration of the authorization for use of military force.

**Background:** The shift from a conscription based military to a volunteer military in 1973 has resulted in unintended consequences for both society and government in our nation. The decision to establish a volunteer military is leading to a chasm between the military and the rest of society. This chasm is only widened by recent revelations regarding the quality of medical care afforded current and retired members of the military.

The economic justification for a volunteer military disregards the moral hazard of one party choosing to force involvement in a high risk situation knowing that someone else likely will bear the costs. Or, put another way, assuming that economic status correlates with political power, those who are recruited into the military (low economic power) have less participation in the decision to place the military in harm's way than those who are the decision makers (high economic power).

And, last but certainly not least, universal military service would reestablish the principle that service to one's country is an obligation, not an advertising slogan. And universal military service would restore the military's proper place in society instead of being offered as an economic option for those who do not have alternatives. Plus universal military service would strengthen Congress' role in use of the military.

**Fiscal/Urban/Rural Impact:** The volunteer military has not been able to supply sufficient forces to prosecute recent and current military efforts overseas. The current system of relying on Reserves and the National Guard to make up the slack in available forces for recent military efforts has had a significant impact on communities in that citizens - rooted in their communities and holding down jobs and parenting children in those communities – are being ripped out of those communities for repeated, lengthy tours of duty overseas.

**Sponsor:** Kenneth Epperson, Commissioner, Parish of Caddo, La.

### **Proposed Resolution to Support FY 2017 Appropriations for the U.S. Department of Housing and Urban Development (HUD)**

**Issue:** Support FY 2017 appropriations for the U.S. Department of Housing and Urban Development (HUD).

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to support the following levels of funding for core U.S. Department of Housing and Urban Development (HUD) programs in the FY 2017

Transportation, Housing and Urban Development, and Related Agencies Appropriations bill: no less than \$3.3 billion in Community Development Block Grant (CDBG) formula funding; no less than \$1.2 billion in formula funding for the HOME Investment Partnerships Program (HOME); \$2.6 billion for Homeless Housing Assistance grants, including at least \$270 million for the Emergency Solutions Grant program plus an amount to fully fund expiring supportive housing and Shelter Plus Care rent subsidy contracts; full funding for existing Housing Choice Voucher (HCV) project-based and tenant-based rental assistance contracts, full funding for administrative fees under existing administrative fee methodology to cover the cost of administering the program, and \$500 million in Section 108 Loan Guarantee authority.

In addition, NACo does not support the imposition of a funding threshold to receive HOME Investment Partnerships program funds directly or the revision of “grandfathering” provisions that would remove participating jurisdictions from future funding eligibility.

**Background:** The CDBG and HOME programs have been model federal block grant programs for expanding affordable housing opportunities and undertaking neighborhood revitalization.

Local governments use CDBG funds for critical community development activity such as, expanding homeownership opportunities; eliminating slum and blight; infrastructure improvements such as roads, water and sewer systems; services at libraries, community centers, adult day care and child and after school care facilities; homeless housing assistance; employment training; transportation services; crime awareness; and business and job creation.

According to HUD, every \$1 million in CDBG funding supports nearly 26 jobs and since 2005, CDBG program resources have created over 300,000 jobs. However, CDBG funding has declined nearly 30 percent, which has severely hampered local governments’ ability to foster sustainable and economically resilient communities.

For counties across the nation, the HOME program is vital to increasing home ownership and expanding the availability of affordable rental housing. Since 1990, over one million units of housing have been produced with HOME funds.

HUD indicates that each dollar of HOME funding leverages an additional four dollars in other public and private funding. Every \$1 billion in HOME funding creates or preserves more than 17,000 jobs. Despite the program’s performance, HOME funding has been cut in half since 2010.

In December 2015, Congress passed the FY 2016 Consolidated Appropriations Act (P.L. 114-113). It provided: the CDBG program with \$3 billion; \$300 million in Section 108 loan guarantee authority; HOME program with \$950 million; \$2.1 billion in Homeless Assistance, including \$250 million for the Emergency Solutions Grants (ESG) and full funding of Shelter Plus Care and Supportive Housing rent subsidies.

The Administration’s FY 2017 proposed budget included provisions to amend the HOME Investment Partnership program to include a funding threshold of \$500,000 for communities to receive formula funding directly from HUD and revise “grandfathering” provisions so that participating jurisdictions whose funding falls below the threshold three out of five years would be ineligible to receive direct formula funds. HUD has indicated that more than 250 participating jurisdictions would lose direct funding under the threshold, which would include numerous counties. The Administration has also proposed eliminating the HOME program’s 24-month commitment deadline and 15 percent set-aside for Community Housing Development Organizations (CHDOs).

**Fiscal/Urban/Rural Impact:** Funding of HUD's core programs is crucial to state and local governments that provide services to communities at the grassroots level.

**Sponsor(s):** Patricia Ward, Tarrant County, Texas

# ENVIRONMENT, ENERGY AND LAND USE

## PROPOSED PLATFORM CHANGES

### Under WATER QUALITY

**2. Stormwater Runoff:** The National Association of Counties (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).
- Public and private roads located on forest lands should not be subject to stormwater regulations or requirements.

**Sponsor(s):** Chris Bowen, Supervisor, Forrest County, Miss. and Association of Oregon Counties, Ore.

### Under AIR QUALITY

**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 opposes any attempts by the U.S. Environmental Protection Agency (EPA) to impose regulation of Particulate Matter (PM or dust) at levels more stringent than current standards. 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.



**Sponsor(s):** Bob Fox, Commissioner, Renville County, Minn.

~~J. **Greenhouse Gases:** Climate Change: All across the U.S., counties are experiencing drastic weather patterns attributed to climate change. Regardless of manmade or a natural warming cycle, as counties shift and adapt to a changing climate, urges Congress to address global warming/climate change.~~ The National Association of Counties NACo urges ~~Congress the federal government~~ to aggressively pursue national and international programs to develop carbon-neutral energy sources ~~and reduce greenhouse gas emissions utilizing sensible and cost-effective technologies to reduce greenhouse gas emissions.~~ These programs and policies must not create unfunded mandates or preemptions on counties and/or their local economies.

Instead, NACo urges Congress to provide more federal funding and practical incentives for counties and businesses to 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 funding for research and development, ~~Federal funding of sensible and cost-effective technologies to reduce greenhouse gases should be continued.~~ Congress should also appropriate funding, tax credits and/or other fiscal incentives to develop technologies and commercialize those technologies already developed, to reduce carbon dioxide emissions.

Additionally, 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 urges the federal government to work closely with counties on climate change initiatives.

~~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.~~

However, NACo is concerned that federal climate change actions could incur costs to local governments and their residents. NACo would oppose cap and trade or a carbon tax if these costs were passed, directly or indirectly, to counties and/or their local economies.

Likewise, NACo is concerned about EPA's efforts to further constrict the mining, transportation and burning of coal. EPA should undertake further consultation and research to fully understand the impacts of existing and pending rules, regulations and standards will have on local communities. This analysis should include the costs and benefits on electric utility operations, electricity availability and capacity, electric rates; the economic impacts to manufacturers, and the economic and health impacts to communities and consumers.

**Sponsor(s):** John Prinkki, Commissioner, Carbon County, Mont.; Loren Grosskopf, Commissioner, Park County, Wyo.; Robert Cole, Commissioner, Santa Rosa County, Fla.; Robert Weiner, Councilman, New Castle County, Del.

## PROPOSED RESOLUTIONS

### Propose Resolution on the Environmental Protection Agency's Final Waters of the U.S. Rule

**Issue:** Resolution on the Environmental Protection Agency's Final Waters of the U.S. Rule.

**Proposed Policy:** NACo supports any bills which would withdraw the Environmental Protection Agency (EPA) and Army Corps of Engineers' (Corps) "waters of the U.S." rule and restart the rule-making process and would also require the agencies to work more closely with state and local governments to find consensus in a rewrite of the "waters of the U.S." rule.

**Background:** On August 28, 2015, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers began to implement their new "Waters of the U.S." rule. However, almost immediately after the rule was finalized, lawsuits were filed and Capitol Hill has made multiple attempts to overturn the rule. Since its proposal, counties have expressed multiple concerns on the rule's impact on county-owned and maintained roadside ditches, bridges, flood control channels, drainage conveyances and wastewater and stormwater systems and NACo has called for the final rule to be withdrawn until further analysis and more in-depth consultation with state and local officials is completed.

As co-regulators under provisions of the Clean Water Act, counties are not just another stakeholder in this discussion. Despite having provided detailed feedback and congressional testimony on multiple occasions on the potential impact of the proposed rule on counties, and despite repeated attempts to have a meaningful consultation process with the federal agencies, many issues remain unresolved.

For example, while the agencies have indicated that many ditches are exempt, a closer read of the rule reveals greater ambiguity. Under the final rule, these types of ditches are jurisdictional:

- Roadside and other ditches that have flow year-round (perennial flow)
- Roadside and other ditches with intermittent flow (not continuous, irregular) that are a relocated tributary, or are excavated in a tributary, or drain wetlands
- Ditches, regardless of flow, that are excavated in or relocate a tributary

The final rule also newly defines the term "tributary," and in doing so states that "a tributary can be a natural, man-altered or man-made water and includes waters such as rivers, streams, canals, and ditches."

**Fiscal/Urban/Rural Impact:** If implemented, the federal government will have again produced an unfunded mandate without clear practical explanations regarding their actions, decisions, and intended implementation process leaving the local governments to deal with the regulation, find funding, and move projects through another regulatory hurdle. Costs to permit projects will grow, some projects will not receive approved or will be delayed significantly, and the ability of counties to maintain public infrastructure could be impacted by vague definitions and inconsistent application of the final rule across regions.

**Sponsor(s):** Julia Fisher-Perrier, Councilman, St. Charles Parish, La.; Marnie Winter, Assistant Director, Jefferson Parish Environmental Affairs, La.; Loren Grosskopf, Commissioner, Park County, Wyo.

## **Proposed Resolution on EPA’s Efforts to Institute Numeric Water Quality-Based Effluent Limitations on Local Governments**

**Issue:** The U.S. Environmental Protection Agency (EPA) seeks to tighten watershed-wide water quality standards on all localities within the Chesapeake Bay watershed, which will have implications on other counties across the nation.

**Proposed Policy:** The National Association of Counties (NACo) opposes any efforts by U.S. EPA to institute numeric water quality-based effluent limitations, or localized area pollution targets.

NACo opposes any provisions of any watershed-wide strategy that penalizes local governments by withdrawing current forms of financial assistance or imposing monitoring, management or similar requirements on localities without providing sufficient resources to achieve water quality objectives.

**Background:** On June 15, 2014, Delaware, Maryland, New York, Pennsylvania, Virginia and West Virginia signed the Chesapeake Bay Watershed Agreement with the EPA. The plan provides for collaboration across political boundaries to work toward restoration of the Bay.

By the end of 2018, the states of Virginia, Maryland, Pennsylvania, West Virginia, Delaware, New York and the District of Columbia are required to submit to the EPA their final “Phase 3” Chesapeake Bay Watershed Implementation Plans (WIP). The chief purpose of these plans will be to promulgate strategies for all states in the Chesapeake Bay watershed to implement all measures necessary to meet specific pollution reduction goals for the Chesapeake Bay by the year 2025.

As part of a watershed wide strategy for meeting Chesapeake Bay improvement goals, a Local Area Targets Task Force was convened to assess whether WIPs for the states should include local area targets (LATs).

Even though the task force is still working to determine whether LATs should be included in state plans, EPA recently notified local governments that WIPs will include LATs, which will include specific numerical water pollution limits. This is counter to other Clean Water Act requirements which require “maximum extent practicable” measures. The establishment of LATs may have a significant and unintended financial consequence on local governments since the lion’s share for meeting watershed-wide clean up goals will fall on local governments. Adding specific LATs to stormwater management programs and wastewater treatment plant plans may be especially burdensome for counties of all sizes.

Since the Chesapeake Bay clean-up efforts will serve as a model for other watershed-wide efforts to improve the quality of waters in such water bodies as Long Island Sound, Albemarle Sound, Puget Sound, the Great Lakes, the Gulf of Mexico and others, EPA’s plan is relevant to other areas of the country.

**Rural Impact:** Rural, agricultural, and urban counties and cities in large watersheds and regional estuaries will be severely impacted by increased compliance costs, economic development impacts, and negative impacts on federal funding if EPA is successful in imposing watershed-wide water quality standards.

**Sponsor(s):** Ruby Brabo, Supervisor, King George County, Va.; Penny Gross, Supervisor, Fairfax County, Va.; Paul Trampe, Supervisor, Spotsylvania County, Va.; Claire Collins, Supervisor, Bath County, Va.; Erick Coolidge, Commissioner, Tioga County, Pa.; Todd Devlin, Commissioner, Prairie County, Mont.; and Russell Clark, Supervisor, Yuma County, Ariz.

## Proposed Resolution on Compensatory Mitigation In-Lieu Fee Programs

**Issue:** Ensuring that mitigation programs occur in the watershed or region where the impact occurred.

**Proposed Policy:** NACo believes that in-lieu fees for compensatory mitigation should be used in the watershed where the fee was collected. If the mitigation cannot occur within the same watershed, the mitigations should occur in an adjoining watershed or within the same county or region.

**Background:** Counties own and manage 45 percent of the nation's road miles and compensatory mitigation programs directly impact local governments who are charged with protecting public safety. But, in recent years, it has become more and more difficult for local and state governments and their citizens to mitigate environmental impacts to road and other infrastructure projects. That's where payment in-lieu fees come into play.

Under the Clean Water Act's (CWA) Section 404 program dredge and fill program, steps must be taken to avoid and minimize impacts to aquatic resources. For projects with unavoidable wetlands loss, compensatory mitigation is required to replace the loss of a wetland, stream and/or other aquatic resource. The Army Corps of Engineers (Corps) or the state permitting authority is responsible for determining the amount of wetlands lost and the extent of compensatory mitigation required. While there are several types of compensatory mitigation; this resolution focuses on in-lieu fee mitigation.

While in-lieu fees have promise, the fees collected are often not used in the same watershed where the project occurred. Many in-lieu fees are collected in rapidly growing areas and it doesn't make sense to use the fees in areas outside the impacted watershed.

Entities that are recipients of the in-lieu fees could be better stewards of the environment if the improvement projects funded were within the same watershed as the impacted area. If the mitigation cannot occur within the same watershed, the project should occur in an adjoining watershed or within the same county or region.

**Fiscal Urban/Rural Impact:** Funds are being assessed to mitigate the impact of a project upon the environment when the impacts cannot be accomplished on-site. These funds should not leave the impacted watershed, county, or region. Dollar amounts greatly vary from project to project so an estimated dollar amount is difficult to predict.

**Sponsors:** Kris Knochelmann, Judge-Executive, Kenton County, Ky.; Steve Pendery, Judge-Executive, Campbell County, Ky.

## Proposed Resolution in Support of the Western Water Supply and Planning Enhancement Act

**Issue:** Support congressional action to address the permitting process and funding for the removal of salt cedar, an invasive species, from rivers.

**Proposed Policy:** Support Passage of S.2902, the Western Water Supply and Planning Enhancement Act of 2016, which would allow county governments to comprehensively remove the salt cedar from rivers within their jurisdiction.

The House also added an amendment (Gosar to H.R.5055) to ease the process for removing salt cedar.

**Background:** Salt Cedar (Tamarisk) was introduced decades ago to stabilize the riverbanks in the southwest which are often dry due to weather conditions or hydroelectric dam use. However, the quick spreading salt cedar is now considered an invasive species. It has impacted local water tables and recharge abilities due to its high consumption of water and has impacted land use by changing water flows and flood plain designations.

Maricopa County is constantly spending dollars to alleviate flooding and producing new land use overlays as our river flows are changed by an overabundance of salt cedar in our river bottoms. Most efforts to remove or confine the growth have met with resistance from the Army Corps and other federal agencies.

**Fiscal/Urban/Rural Impact:** The proposal would allow for a more concise federal permitting process thus saving counties time and money when addressing the impacts of salt cedar in their jurisdiction.

**Sponsor(s):** Clint Hickman, Supervisor, Maricopa County, Ariz.; Tommie Martin, Commissioner, Gila County, Ariz.

### **Proposed Resolution Urging Congress to Provide Funding for Local Efforts to Address Sea Level Rise**

**Issue:** Addressing the threat posed by rising sea levels to the built environments of coastal communities across the country.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to provide appropriate financial assistance and support to local governments for sea level rise related initiatives and projects that aim to develop adaptive solutions to the potentially devastating impacts of sea level rise.

**Background:** Sea level rise is an inevitable consequence of the warming of the oceans and the accelerated melting of the planet's ice sheets – regardless of cause. It is a measurable, trackable and relentless reality. Without innovative adaptive capital planning it will threaten trillions of dollars of built environments in coastal communities across the country, as well as water supplies, unique natural resources, agricultural soils and local economies.

Innovative solutions are needed to prevent catastrophic damage from rising sea levels, and federal assistance to local governments – with appropriate state and local matching funds – is pivotal for purposes of developing and implementing solutions. Such federal assistance would accelerate the development of successful models that could be copied and used by scores of similarly situated communities throughout the country.

**Fiscal/Urban/Rural Impact:** Unaddressed sea level rise could have catastrophic consequences on local economies in coastal communities across the country.

**Sponsor(s):** Sally Heyman, Commissioner, Miami-Dade County, Fla.; Harvey Ruvin, Clerk of the Court, Miami-Dade County, Fla.

### **Proposed Resolution to Oppose EPA's Efforts to Tighten Ozone Air Quality Standards**

**Issue:** The U.S. Environmental Protection Agency's (EPA) effort to tighten ozone air quality standards.

**Proposed Policy:** NACo opposes implementation of the EPA's proposed 2015 National Ambient Air Quality Standards (NAAQS) for ozone until the 2008 NAAQS for ozone have been fully implemented and analyzed for impact.

**Background:** Last December, the EPA finalized its new rule to tighten the National Ambient Air Quality Standards (NAAQS) for Ozone from 75 parts per billion (ppb), last set in 2008, to 70 ppb. Ozone designations can have a significant impact on county governments. Currently, 227 counties, primarily urban and in the East, are regulated under ozone air quality standards. If the ozone standards were implemented today, the number would rise to approximately 358 counties using 2011-2013 air quality data.

Under the Clean Air Act, states and counties serve as both the regulator and regulated entity of clean air, and they are responsible for ensuring that the Clean Air Act's goals are achieved and constituents are protected. However, a more stringent ozone standard could have a significant effect on counties nationwide. Counties in non-attainment for ozone must undertake transportation conformity plans for projects that receive federal funding dollars. This can be both time-consuming and expensive.

Additionally, a more stringent ozone standard challenges local governments' ability to keep and attract jobs to their region because industry will also be required to comply with tighter air requirements. Areas designated as "in nonattainment" can have a more difficult time attracting industry to their counties, due to concerns that permits and other approvals will be too expensive or even impossible to obtain.

As part of the final rule, starting in 2017, EPA will also require 32 states to extend their monitoring seasons. This extended monitoring season may put more areas into non-attainment.

**Fiscal/Urban/Rural Impact:** Left unchanged, the 2016 NAAQS for ozone will immediately place hundreds of counties across the nation into non-attainment status and effectively halt economic development projects, which will negatively impact the lives of the residents of those regions. Transportation patterns will be impacted, resulting in less driving. Less driving results in less revenues being collected from the gas tax further reducing the funding available for transportation projects.

**Sponsor(s):** Julia Fisher-Perrier, Councilman, St. Charles Parish, La.; Marnie Winter, Assistant Director Jefferson Parish Environmental Affairs, La.; Loren Grosskopf, Commissioner, Park County, La.

### **Proposed Resolution Supporting Funding for EPA's Clean Power Plan**

**Issue:** The socio and economic impact of the proposed Environmental Protection Agency's (EPA) Clean Power Plan.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to appropriate funding, tax credits, and/or other fiscal incentives to develop and commercialize technologies to reduce carbon dioxide emissions, which ensures cost competitive and stable energy prices with system reliability, before implementation of the Clean Power Plan.

**Background:** The Clean Power Plan (CPP) will cost local governments and our constituents an estimated 15% increase in electric energy costs. According to a November 2015 report released by the Bureau of Business and Economic Research (BBER) at the University of Montana, CPP will eliminate over 7000 above-average salary jobs in Montana alone. Many of these job cuts will occur in persistent poverty counties, which are counties that have relatively high rates of poverty over a long period.

Additionally, the Energy Information Administration (EIA) states that the CPP will increase electricity prices by as much as 15% in the South and Southwest. Future savings would come from demand-side energy efficiency (EE) and price-induced conservation. Energy efficiency programs have been in place for many years so it is ridiculous to say that this is the platform they propose to reduce the effect of increasing energy costs. And price-induced conservation is an admission that the CPP will increase the cost of energy.

Furthermore, the National Rural Electric Cooperative Association (NRECA) is very concerned about the reliability of the transmission and distribution grid. Relying on inconsistent alternative energy sources presents reliability issues that could lead to serious brownouts. The NRECA states that the CPP implementation by 2030 will be more than 19 to 33 times greater than the EPA estimates. The cost will be between \$2.5B and \$3.6B compared to EPA estimates of \$109 M to \$133M.

To learn more about the BBER report, go to: <http://www.bber.umt.edu/pubs/Econ/EconImpactEPACPP2015.pdf>.

To read more about EIA's assessment on the cost of energy, go to:  
<http://www.eia.gov/todayinenergy/detail.cfm?id=21612>.

To read NRECA's analysis, go to: <http://www.nreca.coop/epa-dramatically-underestimates-clean-power-plan-costs-to-electric-co-ops-new-nreca-analysis-finds/>.

**Fiscal/Urban/Rural Impact:** Immeasurable.

**Sponsor(s):** John Prinkki, Commissioner, Carbon County, Mont.

### **Proposed Resolution to Adequately Analyze of the Cost/Benefit of Regulations and Legislation Related to use of Coal**

**Issue:** Adequate analysis of the cost/benefit of regulations and legislation related to the use of coal as an electricity source.

**Proposed Policy:** NACo urges Congress and the Administration to re-evaluate restrictions on the mining, transportation and burning of coal. NACo believes the U.S. Environmental Protection Agency's existing and proposed rules, regulations and standards should be further studied to fully understand the costs and benefits for electric utility operations, electricity availability and capacity, electric rates, the economic impacts to manufacturers, the economic and health impacts to communities and consumers.

**Background:** In order to meet the growing energy needs of the United States and the world, every source of energy must be responsibly developed. NACo supports the development of all domestic sources of energy. However, the most robust efforts to promote the increased use of any source of energy other than coal will not result in adequate supply to meet domestic or global demand. Coal is the most reliable, affordable and abundant energy supply in the United States. Currently, coal provides approximately 40% of the nation's energy needs. According the Energy Information Agency (EIA), coal will remain the top source of electricity generation in the United States until at least 2030. At the same time, emissions from coal generation are down significantly, and carbon emissions are also on the decline in the United States.

Global use of coal continues to rise in both developed and developing countries. The International Energy Agency estimates that while coal currently accounts for 40% of global energy needs, total coal use globally is expected to continue to be the fastest-growing source of electricity.

Despite the strong domestic and global demand for coal, and proven reduced emissions without added regulation, the United States Environmental Protection Agency has promulgated several new rules related to the use of coal. These regulations and others have been specifically cited as the cause for the premature closure of 338 coal-fired units, resulting in a loss of over 51,000 megawatts of electric generating capacity and numerous jobs in local communities. The loss of electric capacity cannot be replaced with significant increases in cost and land use. For example, the largest wind farm in North America is nearing construction in Wyoming. With 1,000 turbines stretched across 220,000 acres, the project will generate only 3,000 megawatts. NACo supports a more robust study of the socioeconomic impacts of regulations imposed on coal mining and use to determine if the benefits outweigh the costs.

The continued effort to shutter coal plants without robust study of the cumulative effects has a significant fiscal, urban and rural impact. EIA information shows that states with higher coal use enjoy lower utility rates per kilowatt hour. This has a ripple effect not only on consumers but also on the manufacturing sector that is a critical part of

the economic well-being of counties across the country. Additionally, numerous academic studies have indicated that fuel switching raises electricity prices. Increased energy prices fall disproportionately hard on low income Americans.

**Fiscal/Urban/Rural Impact:** The majority of coal mines are located in rural counties where the primary economic driver is coal. The continued reduction in coal demand as a result of regulation is a direct hit on the economic viability of rural counties that depend on coal for jobs and a strong tax base.

**Sponsor(s):** Robert Cole, Commissioner, Santa Rosa County, Fla.; Loren Grosskopf, Commissioner, Park County, Wyo.; John Prinkki, Commissioner, Carbon County, Mont.

### **Proposed Resolution on Supporting the Use of Woody Biomass as an Energy Source**

**Issue:** Urge the federal government to recognize that energy derived from woody biomass sources is renewable and carbon neutral.

**Proposed Policy:** NACo supports and encourages the further use, including government policies which foster the development, of woody biomass energy sources, like wood chips and wood pellets, because they are reliable, and renewable, and carbon neutral consistent with established and well-supported science.

**Background:** As we transition away from fossil fuel energy sources, like coal, it is imperative that counties aim to encourage and foster the development of energy sources that are environmentally beneficial and reliable. Woody biomass energy, like compressed wood pellets, are formed by heating wood trimmings, brush, or saw dust left over from other harvesting processes. The materials are plentiful and would often otherwise be wasted if it were not used to create this carbon-neutral and abundant energy.

In Oregon alone, over half of Oregon is designated as forestland and eighty percent of that considered timberland, it is imperative that we use our precious natural resources efficiently, rather than wastefully. By utilizing woody biomass to produce clean energy, Oregon gets the most from the trees which were already selected for harvest. Further, this carbon neutral energy source and the industry it supports provide and promote greener energy in general, by setting an example, and helping us bridge the gap between fossil fuels and a more diverse and clean energy portfolio.

**Fiscal/Urban/Rural Impact:** Woody biomass as an energy source supports many existing forestry jobs and creates entirely new opportunities for Columbia County including the production and transport of woody biomass chips or pellets. Woody biomass offers Columbia County a rare opportunity to leverage its resources more efficiently so that forest impact is negligible however the output from what is taken is enhanced. More generally, the construction and operation of biomass plants will provide a means to address forest health. Over the long-term, thinning operations and reduction of combustible materials will reduce fire danger, lower firefighting costs, and help restore forests. New biomass facilities and an increase in biomass demand will boost both job creation and property tax revenues for counties. The size of the impact will depend upon the number and location of biomass facilities.

**Sponsor:** Tony Hyde, Commissioner, Columbia County, Oregon

### **Proposed Resolution to Allow Construction of the Keystone XL Pipeline**

**Proposed Policy:** The National Association of Counties (NACo) urges presidential or congressional approval for the Keystone XL Pipeline.

**Background:** A pipeline project that could create thousands of American construction jobs and lessen the country's dependence on foreign oil is essential to ensure a strong U.S. economy. The Keystone XL Pipeline project has this



potential. By green-lighting the project, counties become winners through job growth and an increased property tax base where the pipeline runs.

The Keystone XL pipeline would transport 830,000 barrels of crude oil per day from the oil sands region of Alberta, Canada to refineries in the U.S. TransCanada, a Canadian pipeline company, filed an application with the U.S. Department of State to build the pipeline. The proposed pipeline would bring oil sands from Canada, and an on-ramp at Baker Montana will allow 100,000 barrels of Bakken Oil to be transported all of the way to Gulf Coast refineries.

The United States and Canada are major trading partners. The development of Northern American energy, like Canadian oil sands will create and preserve thousands of jobs and strongly benefit US energy security and our nation's economy. It is likely that if the U.S. declines the project, Canada will look to export the oil to other less environmentally conscious countries.

**Fiscal/Urban/Rural Impact:** Approving this pipeline would be a boon for counties, leading to increased jobs and a stronger tax base, in these tight fiscal times.

**Sponsor(s):** Richard Dunbar, Commissioner, Phillips County, Mont.

### **Proposed Resolution Supporting Flexibility in the New Regulations on Migratory Bird Patterns and Environmental Permitting**

**Issue:** U.S. Fish & Wildlife Service (USFWS) is considering regulations to authorize incidental take of migratory birds, which will impact county owned infrastructure.

**Proposed Policy:** The National Association of Counties (NACo) supports voluntary guidance as well as general authorization (programmatic) approaches of authorizing Migratory Bird Treaty Act (MBTA) incidental take for public facilities and activities. USFWS should also identify critical government functions such as solid waste management, transportation, and water resources as industry sectors.

Furthermore, NACo supports a tiered incidental take framework for the public sector, that provides a de-minimis threshold and does not require compensatory mitigation for routine activities, provided the party has implemented approved avoidance and minimization measures, and standard best management practices to protect migratory birds.

**Background:** Counties are charged with public safety responsibilities including solid waste management, transportation infrastructure, and flood protection, as well as new and alternative energy initiatives. Counties also own and maintain 45% of the nation's roads and 40% of its bridges. In the course of constructing and maintaining this public infrastructure, counties are required to obtain regulatory approvals from federal agencies such as the USFWS.

On May 26, 2015, the USFWS published its intent to develop a new regulatory program to authorize incidental impacts to migratory birds under the authority of the Migratory Bird Treaty Act of 1918 (MBTA). The MBTA regulates impacts also known as "takes" to over 1,000 species of migratory birds; an incidental take is an impact that is incidental to an otherwise legal activity. As an example, operating a county landfill with a methane gas flaring system is legal; however, the flaring system may potentially impact migratory birds.

USFWS is considering several approaches to authorizing incidental takes of migratory birds, some of which would require USFWS to subsequently promulgate new regulations. These approaches include: 1) general conditional authorization relevant to industry sectors; 2) an individual permitting program; 3) memorandum of understanding

1 with Federal agencies; and 4) voluntary guidance for industry sectors. USFWS also sought comments on when  
2 compensatory mitigation should be required.

3  
4 **Fiscal/Urban/Rural Impact:** Migratory birds are found in both urban and rural communities. Extensive site  
5 specific permitting and potential compensatory mitigation requirements for incidental take will impact counties'  
6 construction and maintenance activities, and increase the cost of county operations

7  
8 **Sponsor(s):** Vincent Gin, Orange County Public Works, Calif.

# FINANCE, PENSIONS AND INTERGOVERNMENTAL AFFAIRS

## PROPOSED PLATFORM CHANGES

### Proposed Platform Change to Add Veterans Language to the Finance, Pensions and Intergovernmental Affairs Platform

#### Under AMERICAN COMMUNITY SURVEY add:

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. In particular, NACo recognizes the importance of the American Community Survey to identifying and serving veterans across the country.

## PROPOSED RESOLUTIONS

### Proposed Resolution on Preserving Municipal Investment Options and Access to Capital for Public Infrastructure and Economic Development

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to enact S. 1802/H.R. 4216, the Consumer Financial Choice and Capital Markets Protection Act. The legislation will preserve communities' access to capital and promote economic development by expressly permitting any money market fund with the choice to operate on a stable net asset value (NAV) basis if it adheres to certain requirements and restrictions. The legislation would not have any impact on the other changes to the regulation of money market funds that were adopted by the Securities and Exchange Commission (SEC) in 2010 and 2014.

**Issue:** State and local governments rely on access to robust capital markets to finance the construction and maintenance of schools, roads, public transportation systems, affordable housing, airports and other important infrastructure projects. Money market funds facilitate that access by investing in short-term municipal debt that is normally held to maturity. That access has been put at risk by a Securities and Exchange Commission (SEC) rule that requires prime and tax-exempt money market funds offered to institutional investors to no longer use amortized cost accounting to operate on a stable net asset value (NAV) basis. Instead, beginning October 14, 2016, such funds would be required to use a floating NAV. Bipartisan and bicameral legislation has been introduced in Congress to permit money market funds that invest in the short-term debt of commercial entities and state and local governments to continue to use amortized cost accounting for valuing fund assets. The legislation would preserve money market funds as a source of liquidity and capital for the public infrastructure needs of our citizens.

**Background:** The Securities and Exchange Commission (SEC) has taken important actions since the financial crisis of 2008 to strengthen the resiliency of money market funds, reduce systemic risk, and protect investors. In 2010, the SEC adopted new rules to require money market funds to have a minimum percentage of their assets in highly liquid securities so that those assets can be readily converted to cash to pay redeeming shareholders. The rules also shortened the average maturity limits to limit the exposure of funds to certain risks such as sudden interest rate movements. In July 2014, the SEC also adopted additional obligations on money market funds, including enhanced disclosures, stress testing, and increased portfolio diversification requirements, among other things. Like the 2010 reforms, these are welcome changes that have strengthened the ability of money market funds to safely meet the cash management and short-term investment needs of businesses, state and local governments, and other institutions.

1 However, as part of the July 2014 amendments to Rule 2a-7 governing the regulation of money market funds, the  
2 SEC also adopted a requirement, which will take effect on October 14, 2016, that is having significant negative  
3 consequences for institutions that invest in money market funds, as well as on public infrastructure financing.  
4 Under the new rule, non-government money market funds serving investors who are not “natural persons” will no  
5 longer be able to offer and redeem shares based on amortized cost to produce a stable net asset value (NAV).  
6 Instead, such funds will have to apply a floating NAV using market-based estimated values.

7  
8 On September 17, 2013, NACo cosigned a letter to the SEC with other state and local government organizations  
9 expressing concerns with their proposed rule at that time to change fixed net asset value of money market funds to a  
10 floating net asset value. Such a move, the letter notes, would eliminate the market for money market funds, and  
11 would lead to higher debt issuance costs for many state and local governments across the country, which could  
12 force the delay or cancellation of much-needed infrastructure projects that would have otherwise helped drive and  
13 support national economic output.

14  
15 Consistent with that assessment, the Government Accounting Standards Board (GASB), which sets accounting and  
16 financial reporting standards for external investment pools and pool participants, issued accounting statement No.  
17 79 in December 2015. It requires LGIPs to meet many of the requirements of Rule 2-7a, such as average  
18 investment maturity, quality of portfolio assets, diversification of investments, and portfolio liquidity, but permits  
19 LGIPs to continue to transact with participants at a stable net asset value per share.

20  
21 **Fiscal/Urban/Rural Impact:** Municipal financing authorities and their non-government conduit borrowers benefit  
22 tremendously from short-term financing provided by money market funds. At the end of 2015, tax-exempt money  
23 market funds held about \$263 billion in assets, which represents about two-thirds of the short-term municipal debt  
24 market. Currently, all issuers of municipal debt and non-government conduit borrowers are feeling the impact of  
25 the shrinkage in tax-exempt money market fund assets as a result of the floating NAV rule. A recent study by  
26 Treasury Strategies, a treasury management consulting firm, found that more than 40 percent of tax-exempt money  
27 market fund assets are directly at risk of disappearing due to the floating NAV rule. So far in 2016 alone, at least 19  
28 tax-exempt money market funds holding about \$17 billion in assets have closed or announced they will close, and  
29 the pace of liquidations is expected to accelerate as the compliance date approaches. These disruptions are occurring  
30 on top of other regulatory actions that are impacting liquidity in the municipal debt market, including the Basel III  
31 bank capital rules and the SEC’s proposed liquidity standards for mutual funds.

32  
33 According to statistics released on April 20 by the SEC, gross yields on tax-exempt money market funds shot up  
34 from eight basis points in February to 35 basis points in March. While that benefits investors in those funds if they  
35 can meet the definition of “natural person,” it harms state and local governments, school districts, port authorities,  
36 hospitals, universities and others that have to pay more for working capital or to finance infrastructure and  
37 economic development projects. Without enactment of S. 1802/H.R. 4216, tax-exempt money market fund assets  
38 will continue to shrink, and some financing authorities will have to use other potentially more expensive borrowing  
39 sources.

40  
41 **Sponsor(s):** Lenny Eliason, Commissioner, Athens County, Ohio; Daniel Troy, Commissioner, Lake County, Ohio

## 42 43 **Proposed Resolution to Fully Fund the 2002 Help America Vote Act**

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45 **Issue:** In the Matter of Full Funding of the 2002 Help America Vote Act

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47 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to fully fund the required  
48 payments of the Help America Vote Act. These funds are allocated to States to continuously upgrade voting  
49 systems, register voters in statewide voter registration databases, provide provisional voting options, improve voter  
50 accessibility, and implementing other improvements to the administration of elections.

**Background:** HAVA established a program to provide funds to States to replace punch card and other inaccessible voting systems as well as fund general improvements to federal elections; to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs; to establish minimum election administration standards for States and units of local government with responsibility for the administration of federal elections; to test and certify voting systems to be used by States and for other purposes.

The Help America Vote Act authorized \$3.86 billion in funding to comply with its requirements regarding election reform. To date, Congress has only appropriated \$3.54 billion and White House budgets have not included any of the remaining funds since 2010.

Title I, Section 104, Authorization of Appropriations, subsection (e) Authorization of Appropriations of Administrator, states “in addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Administrator such sums as may be necessary to administer the programs under this title.” Full Federal funding of HAVA will ensure that the programs continue to be administered as set forth in the Act.

Continuous funding of election administration, beyond the one-time infusion of federal dollars from HAVA, is critical. Many counties are faced with replacing first-generation, post-HAVA voting machines and systems, which are reaching the end of their life cycles. Without a comparable infusion of federal funds, counties will be on their own to replace aging voting machines and technology.

**Fiscal/Urban/Rural Impact:** Full funding of the Help America Vote Act will provide States with the ability to meet the requirements of the Act without detriment to the State and local agency budgets. These funds represent the difference between what Congress promised for comprehensive, long-term assistance to States in adopting HAVA mandates, and the very real possibility that such reforms cannot be sustained or fully realized.

**Sponsor(s):** Kristina Swanson, County Auditor, Cowlitz County, Wash.

## **Proposed Resolution on the Marketplace Fairness Act and Remote Transactions Parity Act**

**Issue:** Remote Sales Tax Legislation

**Proposed 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 remote sales tax legislation like the Marketplace Fairness Act or Remote Transactions Parity Act to provide states with the ability to enforce their existing state and local sales and use tax laws.

**Background:** For over a decade, NACo has worked with other state and local government representatives to champion for the collection of remote sales taxes, emphasizing that the taxes are not new and that the same rules should apply to all retailers, whether they conduct business completely online or in a brick-and-mortar setting. The Marketplace Fairness Act and Remote Transactions Parity Act seek to provide state and local governments with the necessary authority. The Senate passed a bill during the last Congress and S. 698 (Marketplace Fairness Act of 2015) was introduced last year and currently has twenty-three bi-partisan cosponsors. H.R. 2775 (Remote Transactions Parity Act of 2015) was also introduced last year and has sixty-seven bi-partisan co-sponsors.

As part of advocacy efforts calling for remote sales tax collection authority, NACo has continuously supported the Streamlined Sales and Use Tax Agreement. The goal of the Agreement is to convince Congress to overturn the Supreme Court decision in *Quill v. North Dakota*, which denies states and localities the authority to collect sales and use taxes from remote sellers that have no physical presence in the taxing state. States and local governments are losing billions of dollars in uncollected sales tax revenue every year. Accordingly, NACo is appreciative that

the Marketplace Fairness Act and Remote Transactions Parity Act acknowledge the work and support put into the Agreement by various stakeholders over the years.

However, NACo will continue to be vigilant and urge Congress to refrain from using tax simplification as a vehicle to preempt local taxing authority and revenue streams.

**Fiscal/Urban/Rural Impact:** The Marketplace Fairness Coalition estimates that states lost \$23.1 billion in online sales taxes that they did not collect in 2012.

**Sponsor(s):** Toni Preckwinkle, President, Cook County, Ill.

### **Proposed Resolution to Oppose the ACA's 40% Excise Tax on High-Cost and Employer-Provided Health Benefits**

**Issue:** Resolution to Oppose the ACA's 40% Excise Tax on High-Cost and Employer-Provided Health Benefits

**Proposed Policy:** The National Association of Counties (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.

**Background:** The Affordable Care Act (ACA) includes a 40 percent excise tax on the cost of health insurance that exceeds \$10,200 for individual coverage and \$27,500 for family coverage, beginning in 2020. These thresholds are indexed to CPI, which has increased less rapidly than the cost of medical care, thereby ensuring additional plans will be subject to the tax each year.

According to the Center for Medicare and Medicaid Services (CMS) Actuary, 12 percent of insured workers will be in plans affected by the excise tax in 2019, and this percentage will “increase rapidly” after 2019. Many county employees will be in plans affected by the excise tax, forcing public officials to pass the costs on to their employees or to reduce the scope of benefits included in their plan’s coverage – such as reducing covered services or increasing cost-sharing requirements. Such decisions will unquestionably make it more difficult for counties to hire and retain good workers, many of whom were attracted to public service because of its health insurance package.

Other proposals to tax employee health benefits are also circulating in Washington, DC. The House budget for fiscal year 2014 proposes capping the tax exclusion for employer-based health insurance through defined contributions made by employers. A recent Center for American Progress proposal would limit the health coverage tax exclusion for families with incomes above \$250,000 to the value of the Silver Level of coverage that will be subsidized in the health insurance marketplaces (exchanges) established by the ACA. The Simpson-Bowles illustrative plan caps the tax exclusion for workplace coverage at the 75th percentile in 2014 (about \$20,000 for family coverage), freezes the cap until 2018, and then phases out the exclusion over 20 years. This proposal would tax more and more benefits each year until all benefits are taxed in 2038.

Limiting the health care tax exclusion would lead to more cost-sharing (deductibles, copays, coinsurance). The economic theory behind taxing benefits is that health care cost inflation is driven by “excess insurance,” which leads to excess demand, utilization, and spending. Taxing health benefits is intended to reduce this “excess insurance” by leading to more cost-sharing and reduced coverage. However, the enormous waste and expense of the U.S. health care system is not driven by consumers. Access to health care is unlike other market places. Health consumers rely on providers to tell them what to consume, and providers have market power and the ability to steer consumers towards higher-cost care.

1 About 80 percent of U.S. health care spending is for 20 percent of the population, so whether the remaining 80  
2 percent of the population has low or high cost sharing has little to do with this key cost driver. Research has found  
3 that overall costs can increase, especially for people with chronic conditions, when cost-sharing forces people to  
4 self-ration their care.

5  
6 Forcing county tax payers to cover increased costs or asking county employees to pay more out-of-pocket for  
7 reduced coverage is not the answer to escalating costs of health care. All of these proposals result in the shifting of  
8 costs to public employees, rather than any real cost reduction.

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10 **Fiscal/Urban/Rural Impact:** The ability of counties, especially in rural areas, to recruit and retain good employees  
11 is based in large measure on the access to quality health insurance coverage for the employees and their families.  
12 The impact of these potential tax measures would be amplified in rural America where the county's inability to  
13 offer attractive health insurance coverage will directly influence the quality of the workforce and the county's  
14 ability to deliver quality services to the citizens.

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16 **Sponsor(s):** Christian Leinbach, Commissioner, Berks County, Pa.

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18 **Proposed Resolution Supporting U.S. Census Bureau's Local Update of Census Addresses (LUCA) Program**

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20 **Issue:** Supporting U.S. Census Bureau's Local Update of Census Addresses (LUCA) Program

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22 **Proposed Policy:** The National Association of Counties (NACo) supports the U.S. Census Bureau's Local Update  
23 of Census Addresses (LUCA) Program and encourages county governments to participate in the 2020 LUCA  
24 program to ensure that all addresses in their communities appear in the Census Bureau's Master Address File. A  
25 complete and accurate address list will ensure that every household can be enumerated during the 2020 Census.

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27 **Background:** The Census Address List Improvement Act of 1994 (P.L. 103-430) authorized the Census Bureau to  
28 provide individual addresses to officials of tribal, state, county, and local governments who agreed to the conditions  
29 of confidentiality required to review and comment on the Census Bureau's Address List. The Act strengthened the  
30 Census Bureau's partnership capabilities with participating governments by expanding the methods that the Census  
31 Bureau could offer to exchange address information. The Census Bureau developed the LUCA Program to meet the  
32 requirements of the Census Address List Improvement Act of 1994, Public Law 103-430. There have been two  
33 prior versions of the LUCA Program in support of the 2000 and 2010 Censuses.

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35 The Census Bureau uses information collected through the LUCA Program to help develop the housing unit and  
36 group quarters (e.g., college dormitory, nursing home, correctional facility) address information that it needs to  
37 conduct the 2020 Decennial Census. Participation in LUCA is voluntary for all governments. Participating  
38 governments may review the Census Bureau's address list and provide new addresses, corrections, deletions,  
39 latitude/longitude coordinates structures, as well as road updates.

40  
41 There are over 1,000 programs in 26 different federal agencies that rely on Census data to allocate or distribute  
42 funds. Census data also provides the statistical framework for grant applications that fund local social, economic,  
43 and environmental programs, as well as other needed community improvements and enhancements. The LUCA  
44 Program helps ensure a solid geographic foundation for 2020 Census data collection in the nation's counties.

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46 **Fiscal/Urban/Rural Impact:** LUCA participation ensures that the Census Bureau has an accurate address list, and  
47 offers county governments an opportunity to provide detailed feedback to the Census Bureau on their addresses  
48 prior to the 2020 Census.

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50 **Sponsor(s):** Mike McArthur, Director, Association of Oregon Counties, Ore.

# HEALTH

## PROPOSED PLATFORM CHANGES

### Proposed Platform Changes to Include Veterans Language in the Health Platform

#### Under STATEMENT OF BASIC PHILOSOPHY, add:

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, including many veterans.

#### Under HEALTH SYSTEM REFORM, add:

**I. Jail Health:** NACo believes the federal government should provide health care coverage for otherwise eligible county detainees (including many veterans), pending disposition of charges. Furthermore, a true national partnership is needed to divert the non-violent mentally ill from jail and into appropriate evidence-based treatment in community settings, if possible. Finally, resources should be made available to counties to implement timely, comprehensive pre-trial and re-entry programs so that justice involved individuals will have access to all needed health and social services, including behavioral health and substance abuse treatment, to avoid recidivism and become fully integrated into the community.

#### Under BEHAVIORAL HEALTH, add:

##### Financing of Services

- Extension of Medicaid and VA health care benefits to persons detained in county jails, pending disposition of charges;
- Medicaid waivers for essential behavioral health innovations;
- States' managed care waiver requests which offer sole source provisions for providing behavioral health services.

#### Under HEALTH FACILITIES CONSTRUCTION AND CAPITAL FINANCING:

Under FEDERAL ROLE [second to last bullet]:

- 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~~ VA health care, and Children's Health Insurance Program (CHIP) benefits until such time as they may be convicted and sentenced to an institution;

**Sponsor(s):** Diane McKeel, Commissioner, Multnomah County, Ore.; Veterans and Military Services Committee



## PROPOSED RESOLUTIONS

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

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

**Proposed Policy:** The National Association of Counties (NACo) endorses the overarching vision and goal 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.

**Background:** Pursuant to the Affordable Care Act (ACA), the president established a National Prevention, Health Promotion, and Public Health Council, known as the National Prevention Council, chaired by the U.S. Surgeon General and composed of seventeen federal department and agency heads charged with promoting prevention and wellness. The National Prevention Council is responsible for coordinating and leading prevention, wellness, and health promotion efforts across the federal government and the nation.

The President also appointed members of the Advisory Group on Prevention, Health Promotion, and Integrative and Public Health – including two county officials – to offer a non-federal perspective on policy and program recommendations to the National Prevention Council and advise them on effective, science-based prevention and health promotion practices.

The National Prevention Council has developed a National Prevention and Health Promotion Strategy, known as the National Prevention Strategy, to lay out the most effective and achievable means for improving the health of Americans through prevention and health promotion policies and programs, to align prevention and health promotion priorities across the federal government and to recommend the most effective actions the nation can take to accelerate prevention of leading causes of death and disability in the United States. The National Prevention Strategy envisions working together to improve the health and quality of life for individuals, families, and communities by moving the nation from a focus on sickness and disease to one based on prevention and wellness with a goal of increasing the number of Americans who are healthy at every stage of life. It identifies four strategic directions that are the foundation for all prevention efforts and form the basis for a prevention oriented society. The strategic directions are Healthy and Safe Community Environments; Clinical and Community Preventive Services; Empowered People and Elimination of Health Disparities, which are each needed to fully support Americans in leading longer and healthier lives. The Strategy's seven priorities include Tobacco-Free Living; Preventing Drug Abuse and Excessive Alcohol Use; Healthy Eating; Active Living; Injury and Violence-Free Living; Reproductive and Sexual Health; and Mental and Emotional Well-Being.

**Fiscal/Urban/Rural Impact:** Implementation of the strategy does not assume significant additional investments. It will have urban, suburban and rural applications.

**Sponsor(s):** National Association of County and City Health Officials (NACCHO)

### Proposed Resolution on Immigrant Health Care

**Issue:** Improving immigrant access to health care coverage

**Proposed Policy:** The National Association of Counties (NACo) supports extending eligibility to anyone residing in the United States, regardless of immigration status, to purchase Qualified Health Plan coverage through the Health Insurance Marketplace exchanges, including access to premium assistance. The federal government should help local health departments fund public health services for immigrants living and working in our counties.

**Background:** While the Affordable Care Act (ACA) has dramatically increased the percentage of individuals who have access to affordable health insurance coverage, many immigrants, including temporary workers, Deferred Action for Childhood Arrival (known as DREAMers) beneficiaries and the undocumented do not qualify for enrollment in the exchanges or premium coverage.

According the Census Bureau, 40 million U.S. residents are immigrants, including over 1 million temporary workers and 11 million undocumented. Most immigrants live in mixed status families, including 4.5 million citizen-children, making eligibility for ACA more complicated. As the providers of last resort, counties often bear the responsibility for paying for or providing health care services to low income uninsured or underinsured individuals. Access to preventive and primary care is more cost efficient and better health care policy than relying on hospital emergency rooms and inpatient care. Immigrants who have a medical home and the means to afford such care will have greater access to important primary care including immunizations and prenatal care. Encouraging and facilitating immigrants to have medical homes and to seek preventive care also maximizes the ability of counties to respond to public health emergencies, epidemics, or disasters through the relationship which has already been established between patients and providers.

**Fiscal/Urban/Rural Impact:** Would reduce county indigent care costs.

**Sponsor(s):** Lenore Laroña Stuart, Supervisor, Yuma County, Ariz.

### **Proposed 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.

**Proposed Policy:** To ensure the public's health and safety, NACo urges the Administration and Congress to provide adequate funding for programs authorized in the Pandemic and All-Hazards Preparedness Reauthorization Act (P.L. 113-5) which build and sustain local infrastructure for public health emergency preparedness.

**Background:** Local health departments prepare communities for disasters, respond when emergencies occur, and lend support throughout the recovery process. Local health departments work with all community sectors – government officials, law enforcement, emergency management, health care, business, education, and religious groups – to plan, train, and prepare for emergencies so that when disaster strikes, everyone is prepared. Since all disasters strike locally, local health departments are a critical part of any community's first response to disease outbreaks, emergencies and acts of terrorism. Following is the role of local health departments in preparedness:

- **Preparation:** Provide specialized training and exercises of local health and emergency response personnel to quickly receive, store, stage, distribute, and dispense Strategic National Stockpile (SNS) assets. Identify populations that may be at higher risk for adverse health outcomes, address their needs and implement plans that support their ability to be resilient in the face of emergencies. Prepare risk communication messages for the public to promote resilience and assure compliance with health protective actions.
- **Protection:** Maintain laboratory systems with a capacity for 24/7 receipt of potentially hazardous specimens and the capability to screen and test for a broad range of public health threats. Provide immunizations during public health incidents such as influenza pandemics.
- **Effective Response:** Prepare for a surge on healthcare facilities through the preparation of public health and healthcare providers to triage and treat victims of disasters. Recruit, train, coordinate and mobilize volunteer public health and healthcare professionals.

- **Recovery:** Issue interim guidance to the public on risk and protective actions. Prepare for evacuation, repatriation and receipt of evacuees from sites of incidents.

**Fiscal/Urban Rural Impact:** All-hazard preparedness will require a response in all jurisdictions, whether they are urban or rural. This resolution asks for increased federal funding for local public health all-hazard preparedness.

**Sponsor(s):** National Association of County and City Health Officials (NACCHO)

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

**Issue:** Persistent health disparities

**Proposed Policy:** The National Association of Counties (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.

**Background:** Disparities in health outcomes for vulnerable populations as defined by race/ethnicity, socioeconomic status, geography, gender, age, disability status, risk status related to sex, gender and sexual orientation, have been well documented and are well understood by county officials. These vulnerable populations disproportionately experience worse health and safety outcomes across a broad spectrum of illnesses, injuries, and treatments. These disparities are likely to be exacerbated during a prolonged recession.

**Fiscal/Urban/Rural Impact:** Large federal investments will be required to eliminate health disparities in urban and rural communities where they tend to be the most acute.

**Sponsor(s):** National Association of County and City Health Officials (NACCHO)

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

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

**Proposed Policy:** The National Association of Counties (NACo) supports policies to ensure 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.

**Background:** Large numbers of our military veterans returning from Iraq and Afghanistan have major mental health and substance use conditions when they arrive in the United States. Of the estimated 1.5 million who have served in these conflicts, approximately 400 thousand to 500 thousand suffer from these conditions. Once they are

released from active duty, many of these veterans either refuse to use available DOD or VA services, or they are located where these services are not available. As a consequence, the financial and staff burden of providing services to many of these veterans falls to local county systems of care.

This resolution is an effort to address the problem of our returning military veterans directly. Numerous reports from our county mental health and substance use directors indicate that the number of veterans needing county services is growing dramatically, even before the full draw- down from Iraq and Afghanistan.

**Fiscal/Urban/Rural Impact:** In the short term, these policies will only require reprogramming of current federal resources, rather than allocation of new resources. However, over the longer run, this investment will pay off in a greater contribution of veterans to the economic recovery and productivity of the United States. Although the impact of these policies will be great in urban areas, we expect them to be even greater in rural areas, the home of many veterans.

**Sponsor(s):** National Association of County Behavioral Health and Developmental Disability Directors

### **Proposed Resolution on Treatment of Substance Use Conditions**

**Issue:** Need for new policy on treatment for substance use conditions

**Proposed Policy:** Treatment for substance use conditions should be based upon proven evidence based practices, including, when appropriate and necessary, medication assisted treatment. Such care always should be accompanied by assessments of improvement and outcome to assure that the care provided actually is working.

**Background:** Together, the advent of health insurance coverage under the Affordable Care Act for substance use conditions, other recent legislation on parity of substance use insurance benefits, and recent developments in treatment of these conditions increase the necessity for counties to develop an overarching policy on substance use care.

The Essential Health Benefit, which defines mandatory insurance coverage for the state Health Insurance Marketplace and the state Medicaid Expansion under the Affordable Care Act (ACA), includes a parity substance use care benefit and a medication benefit. This represents the first time that most private and public clients with substance use conditions will have access to covered substance use services. At the same time, evidence-based treatment practices have evolved to include new medication assisted treatments, each with demonstrated good effectiveness. This Proposed Resolution is an effort to improve substance use care directly, both for the currently insured and the new populations to be insured through the ACA.

**Fiscal/Urban/Rural Impact:** These policies will not require additional resources, rather just maintenance of current effort because of how Affordable Care Act health insurance is funded. However, over the long run, this investment will pay off in a greater contribution of persons with substance use disabilities to the economic recovery and productivity of the United States. The impact of these policies will be substantial not only in urban areas, but will also greatly affect rural areas, where such substance use services currently are very sparse.

**Sponsor(s):** National Association of County Behavioral Health and Developmental Disability Directors (NACBHDD)

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

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

**Proposed Policy:** The National Association of Counties (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.

**Background:** County governments across the United States of America are the health care providers of last resort for the most vulnerable indigent and uninsured residents in our neighborhoods and communities. NACo, in efforts to ensure less cost shifting to county governments, supports federal policies, such as adequate Medicaid funding, to assist in providing health care coverage to such residents and reimbursing county health providers for treatment rendered to our nation’s most critical populations. Stable and adequate Medicaid funding, in tandem with how other providers assist in caring for uninsured individuals, directly affects county budgets, local taxpayers who fund government operations and those who rely on public and non-profit providers for their health care needs.

The United States Congress and many states and counties have considered or addressed issues related to charity care and tax exemptions, seeking to establish fair but objective benchmarks against which hospitals would be measured to determine the granting or renewing of tax exemptions for providing actual charity health care to those in need. Without objective standards to determine the amount of actual charity health care non-profit and tax-exempt health care facilities provide to members of their neighborhoods and communities, county governments cannot accurately assess the performance of health care facilities receiving tax exemptions funded by county government taxpayers. The following issues should be considered in crafting appropriate charity care standards: definitions of “charity care” for the purposes of tax exemption qualification and eligibility; guidelines for counties to consider when determining whether a tax exemption applied for by a non-profit hospital should be granted, rejected, renewed or denied; the current and unique fiscal situations confronting states and units of local government today when making recommendations on the appropriate percentage, level or standard of charity care to qualify for tax exemptions.

**Fiscal/Urban/Rural Impact:** Requiring charity care in proportion to tax exemption will significantly decrease the burden of uncompensated care at county hospitals, both urban and rural.

**Sponsor(s):** Carol Moehrle, Public Health Director, Nez Perce, Letah, Clearwater and Idaho Counties

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

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

**Proposed Policy:** The National Association of Counties (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.

**Background:** According to the National Center for Health Statistics, 66 percent of adults 20 years of age and older are overweight and 32 percent are obese. In addition, almost five percent of adults are extremely obese. From 1980 to 2004, the prevalence of obesity among adults increased from 15 percent to almost 33 percent. Being either obese or overweight increases an individual's risk for developing medical conditions including, but not limited to, hypertension, Type 2 diabetes, coronary heart disease, stroke and some cancers. Approximately 17 percent of children and adolescents (ages two to 19) are overweight. Furthermore, the percentage of overweight children two to five years of age increased from seven percent to almost 14 percent and the percentage of overweight children six to 11 years of age increased from 11 percent to 19 percent between 1994 and 2004. Also during this period, there was an increase in the percentage of overweight adolescents aged 12 to 19 years of age from 11 percent to 17 percent.

Overweight children and adolescents are at an increased risk for developing risk factors associated with cardiovascular disease, such as high cholesterol, high blood pressure, asthma, and Type 2 diabetes. In addition, these children and adolescents are at an increased risk for psychosocial problems, such as low self-esteem, due to social discrimination. Obesity and overweight in children and adolescents are strongly correlated with obesity and overweight in adulthood. One study found that approximately 80 percent of children who were overweight at ages 10-15 years old were obese adults at age 25.3.

In 2003 approximately \$75 billion in medical expenditures were attributed to obesity, half of which were financed by Medicare and Medicaid. Certain races and ethnicities are at an increased risk for obesity and overweight. Among adults, approximately 45 percent of non-Hispanic blacks and 37 percent of Mexican-Americans were obese, as compared to 30 percent of non-Hispanic white adults. Furthermore, in industrialized countries an individual from a low socio-economic status (SES) group is more likely to be obese than someone from a high-SES group.

**Fiscal/Urban/Rural Impact:** Significant long term benefits for quality of life and reduced chronic disease costs in rural and urban communities.

**Sponsor(s):** National Association of County and City Health Officials

### **Proposed Resolution Supporting Provisions of the Affordable Care Act That May 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)

**Proposed Policy:** The National Association of Counties (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 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.

**Background:** Key features of the ACA are fully compatible with and supportive of the operations of county safety net agencies including local behavioral health and developmental disability authorities, and promote the coordination and integration of behavioral health and primary care, with the goal of demonstrating the best care and recovery of consumers served by these systems; they support the stability and expansion of the Medicaid program in a manner that does not place a financial burden on state, county and local authorities; they promote care coordination across federal programs that serve persons with disabilities; and they extend mental health and substance use care parity legislation to all private and public health plans.

**Fiscal/Urban/Rural Impact:** In the short-term, these policies will require additional federal resources. However, over the longer run, this investment will pay off in better health outcomes for low-income populations and a greater contribution of persons with disabilities to the economic recovery and productivity of the United States. Although the impact of these policies will be great in urban areas, we expect them to be even greater in rural areas, where such services are currently very sparse.

**Sponsor(s):** National Association of County Behavioral Health and Developmental Disability Directors (NACBHDD)

**Proposed Resolution Urging the Federal Government to Suspend, Instead of Terminate, Medicaid Coverage for Incarcerated Individuals**

**Issue:** Medicaid benefits may be withdrawn when an individual is incarcerated as opposed to convicted.

**Proposed Policy:** Urge Congress to pass legislation that:

- a) amends federal law to prohibit states from terminating eligibility for individuals who are inmates of public institutions or residents of Institutes for Mental Disease based solely on their status as inmates or residents;
- b) requires states to establish a process under which an inmate or resident of an Institute for Mental Disease, who continues to meet all applicable eligibility requirements, is placed in a suspended status so that the state does not claim FFP for services the individual receives, but the person remains on the state's rolls as being eligible for Medicaid; and
- c) Once release or discharge from the facility is anticipated, requires states to take whatever steps are necessary to ensure that an eligible individual is placed in payment status so that he or she can begin receiving Medicaid-covered services immediately upon leaving the facility.

**Background:** Medicaid benefits may be withdrawn when an individual is incarcerated. Currently, the Centers for Medicare and Medicaid Services (CMS) allows for and encourages states to suspend rather than terminate Medicaid eligibility when a person is incarcerated or detained in a public institution or Institute for Mental Disease (IMD). The suspension of Medicaid coverage allows for quicker reinstatement of benefits when a person leaves a public institution or IMD and fewer challenges in obtaining mental health, substance abuse, and other health services upon community re-entry.

When a state terminates instead of suspends coverage, it can take months for an individual to be reappraised for Medicaid upon release from custody. Thirty-eight states and the District of Columbia terminate Medicaid coverage when an individual is incarcerated. Terminating instead of suspending creates a disruption in access to needed medical, mental health, and substance abuse treatment services for individuals to re-enter the community, which can impact health outcomes, lead to re-arrest, and contribute to homelessness. Federal law currently prohibits the use of federal funds for individuals while they are incarcerated, with the exception of 24-hour inpatient care provided to inmates outside of a jail. The statutory federal financial participation (FFP) exclusion applying to inmates of public institutions and residents of IMDs affects only the availability of federal funds under Medicaid for health services provided to that individual while he or she is an inmate of a public institution or a resident of an IMD. The payment exclusion under Medicaid that relates to individuals residing in a public institution or an IMD does not affect the eligibility of an individual for the Medicaid program. Individuals who meet the requirements for eligibility for Medicaid may be enrolled in the program before, during, and after the time in which they are held involuntarily in secure custody of a public institution or as a resident of an IMD.

States that currently suspend Medicaid benefits when an individual is incarcerated include: California, Colorado, Florida, Iowa, Maryland, Massachusetts, Minnesota, New York, North Carolina, Ohio, Oregon and Texas. Suspension of Medicaid coverage permits an individual incarcerated or detained in a public institution or IMD to remain on the Medicaid rolls in a suspended status, which retains his or her eligibility for Medicaid coverage while cutting off payment of benefits during incarceration or detention.

**Fiscal/Urban/Rural Impact:** The importance of suspension instead of termination to counties includes ensuring access to care which improves public safety, public health and county budgets. A recent study found that inmates from a county jail who received treatment for behavioral health disorders after release spent an average of 51.74 fewer days in jail per year, thus costing taxpayers less.

**Sponsor(s):** Commissioner Sally Heyman, Miami-Dade County, Fla.

## **Proposed Resolution to Amend the Health Insurance Portability and Accountability Act**

**Issue:** Proposed changes to the Health Insurance Portability and Accountability Act

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to amend language in HIPAA to clarify that treatment providers may disclose their concerns about a patient's safety to appropriate parties when they believe in "good faith" that there is a threat of "serious or imminent" danger to the patient or others. Currently, disclosure is limited to when there is a threat of "serious and imminent" danger to the patient or others.

**Background:** The usage of opiates is a growing concern among residents of communities across the United States. Heroin (opiate) usage has increased 100 percent in the last five years with 1.5 million users in the United States.

A 23 year old male from Illinois passed away in January 2014 as a result of a relapse with opiates. The young man's treatment providers did not notify his parents that he had signed himself out of treatment against medical advice. If treatment providers had a clear understanding of when they can disclose their concerns about young man's safety to his parents or law enforcement, the young man may be alive today.

**Fiscal/Urban/Rural Impact:** This policy change would better enable local substance abuse providers and law enforcement officials to address the increasing abuse of opiates and help prevent unnecessary relapses, recidivism, and even fatalities. When substance abuse providers are able to disclose to appropriate parties (including local law enforcement officials) when their patients are in "serious or imminent" danger, individuals have a better chance of getting the help they need and preventing harm to themselves and members of the public. In the long run, they have a better chance of overcoming their addiction and not being unnecessarily involved in the county justice system. These changes to HIPAA will work in concert with other efforts at local, state, and federal levels to comprehensively address opiate abuse and overdose deaths that are devastating our nation's counties.

**Sponsor(s):** Aaron Lawlor, County Board Chairman, Lake County, Ill.

## **Proposed Resolution to Extend Federal Medical Payments to Detainees in County Jails who are Pre-Adjudicated**

**Issue:** Extending federal Medicaid payments to detainees in county jails who are pre-adjudicated.

**Proposed Policy:** The National Association of Counties (NACo) seeks a federal legislative change to require the federal Medicaid program to contribute the federal Medicaid match for health and mental health care that is provided while a pre-adjudicated detainee is actually incarcerated.

**Background:** Recently, CMS issued a letter to State Medicaid Directors clarifying that the federal Medicaid match can be used for all detainees and prisoners who are not actually incarcerated, that is, persons who are on home detention, on probation, on parole, etc.

A federal legislative change will be required to extend these same benefits to pre-adjudicated detainees who are actually incarcerated in a county jail cell.

The purpose of this resolution is to make this request formal NACo policy.

**Fiscal/Urban/Rural Impact:** If successful, more federal Medicaid dollars would be available to counties for the health, mental health, and substance use care of detainees.

**Sponsor(s):** Ron Manderscheid, Executive Director, NACBHDD and NARMH



## Proposed Resolution to Extend the New Medicaid IMD Payment Provisions

**Issue:** Extending new CMS IMD provisions to non-managed care entities

**Proposed Policy:** The National Association of Counties (NACo) requests that CMS extend the new Medicaid IMD payment provisions permitting up to 14 days per month of inpatient/residential care to IMD organizations that are not part of Medicaid managed care systems.

**Background:** Recently, CMS extended Medicaid payments to Institutions for Mental Disease (IMDs) that are part of Medicaid managed care systems. This was done as part of the new Medicaid Managed Care Regulation issued in April 2016.

Under this regulation, only IMD organizations that are part of a Medicaid managed care system can receive these federal payments. A significant number of organizations operated by/contracted with counties are excluded.

The purpose of this resolution is to extend these federal Medicaid payments to IMDs that are outside of a Medicaid managed care arrangement.

**Fiscal/Urban/Rural Impact:** This resolution would provide additional resources to counties for their mental health and substance use services.

**Cosponsor(s):** Ron Manderscheid, Executive Director, NACBHDD and NARMH

## Proposed Resolution to Support Funding for Alzheimer's Disease Research, Community Education and Outreach, and Caregiver Support

**Issue:** Lack of sufficient funding for Alzheimer's disease research, Alzheimer's community education and outreach, and resources for caregivers, family members, and those afflicted with Alzheimer's disease.

**Proposed Policy:** The National Association of Counties (NACo) supports the continuous and increased use of federal funds to support Alzheimer's disease research, Alzheimer's community education and outreach, and resources for caregivers, family members, and those afflicted with Alzheimer's disease.

**Background:** Alzheimer's disease is reaching epidemic proportions. According the journal *Health Affairs*, an estimated 5 million people suffer from Alzheimer's disease in the United States, with the number expected to triple by 2050 as the population ages. Nationally, the number of Alzheimer's deaths from 2000 to 2010 increased 68%. The impact that Alzheimer's disease has on women in particular is staggering. While one in eleven men over the age of 65 has Alzheimer's, the number is one in six for women. According to the Alzheimer's Association, women in their 60s are about twice as likely to develop Alzheimer's as they are to develop breast cancer. There is currently no way to prevent or cure Alzheimer's disease.

In 2014, the direct costs to American society of caring for those with Alzheimer's will total an estimated \$214 billion, including \$150 billion in costs to Medicare and Medicaid. Spending for the average adult Alzheimer's patient is projected to increase 80 percent by 2040, according to U.S. Department of Health and Human Services projections.

The federal government spent \$589 million in 2015 on funding for Alzheimer's research, education, outreach and caregiver support. The \$589 million on Alzheimer's, while encouraging, is one fourth of what was spent on researching heart disease; ten times this amount was spent on cancer research.

Due to the significant and growing impact of Alzheimer's disease on communities throughout the nation, NACo calls for additional federal resources to be allocated for Alzheimer's research, education, outreach, and caregiver support.

**Fiscal/Urban/Rural Impact:** Would provide new federal resources to counties and community based organizations for Alzheimer's education, outreach and caregiver support, and support Alzheimer's research in counties throughout the nation.

**Sponsor(s):** Nick Macchione, Agency Director, Health and Human Services Agency, San Diego County, Calif.

### **Proposed Resolution to Prohibit Insurers from Denying Health Benefits to Preadjudicated Persons**

**Issue:** Private insurance companies' "inmate exclusion" shifts health care costs from preadjudicated inmates to counties.

**Proposed Policy:** The National Association of Counties (NACo) urges the Department of Health and Human Services (HHS) to prohibit insurers from denying reimbursement under health benefit plans for covered services provided to preadjudicated persons in the custody of local supervisory authorities.

**Background:** Local governments are obligated to provide medical care to the people they incarcerate. Counties hire nurses, doctors, dentists, and mental health staff who have the same experience, credentials, and ability to improve care as in our county clinics or our hospitals.

As a result, counties throughout the United States are shouldering a tremendous cost for inmate health care. According to the Urban Institute, "Typically 9 to 30 percent of corrections costs go to inmate health care.

This amounts to hundreds of millions of dollars annually, and is an aspect of corrections of which the public and many decision makers are largely unaware. Inmate care costs are high in both prisons and jails."

According to the State of Oregon Legislative Counsel, "The Affordable Care Act requires all nonexempt individuals to have health insurance. Preadjudicated inmates are inmates who have not been convicted and who are being held pending disposition of charges. Such inmates are not excused from the requirement to have insurance until after they have been convicted and are incarcerated as a result of a conviction."

Legislative Counsel continues by explaining, "Insurance companies are required to provide health insurance to anyone who applies for insurance. An inmate may enroll in insurance that is offered in the private market outside of the exchange. Prior to conviction, an eligible inmate also may enroll in insurance through the health insurance exchange. Therefore, an insurance company must provide insurance to preadjudicated inmates and may not deny coverage for any service that is an essential health benefit."

Though some preadjudicated people who enter jails have private insurance, most insurers have an "inmate exclusion" and do not pay for health care services provided to their insured while they are in county jails. For those inmates pending disposition of charges, counties are paying their health costs despite the fact that their private insurer is collecting a premium. As a result, taxpayers bear the cost that otherwise would be paid by insurance companies.

An example of this issue is illustrated in Oregon. A recent survey of counties found an average of eight percent of inmates have private health insurance and 61 percent of inmates in jail are pre-adjudicated. Multnomah County, Oregon, estimates that they could save up to \$1 million annually by billing private insurers for preadjudicated

inmate health costs. Requiring counties to pay for health care for inmates who have private health care coverage is neither a good use of taxpayer dollars nor good public policy.

**Fiscal/Urban/Rural Impact:** If counties were able to bill private insurers for the health costs of their preadjudicated, insured clients, counties could shift the burden from taxpayers. Counties can use these funds for other critical services, including public safety.

**Sponsor(s):** Loretta Smith, Commissioner, Multnomah County, Ore.

### **Proposed Resolution to Support Interagency Coordination to Assist “High Utilizers”**

**Issue:** Interagency coordination to assist “high utilizers”

**Proposed Policy:** The National Association of Counties (NACo) supports an amendment to 42 Code of Federal Regulations (CFR) Part 2 privacy provisions to coordinate with Health Insurance Portability and Accountability Act (HIPAA) privacy provisions.

**Background:** There is a need to support the development of protocols and systems among law enforcement, mental health, substance abuse, housing, corrections, and emergency medical service operations to provide coordinated assistance to high utilizers. A high utilizer: (a) manifests obvious signs of substance abuse, mental illness, or has been diagnosed by a qualified mental health professional as having a mental illness; and (b) consumes a significantly disproportionate quantity of public resources, such as emergency, housing, judicial, corrections, and law enforcement services.

The privacy provisions in 42 CFR were motivated by the understanding that stigma and fear of prosecution might dissuade persons with substance use disorders from seeking treatment. 42 CFR laws protect substance abusers’ rights and, in cases where it is more stringent, overrule HIPAA regulations.

HIPAA laws were passed to protect personal health information from being disclosed electronically on an unsecured site and without consent. As a result, confidentiality is two-fold: 1) all information identifying a person as a substance abuser is confidential and may not be released without consent by the client or legal guardian (42 CFR, Part 2), and 2) all personal health information, including demographic data, that is created by the provider and relates to the person’s medical or mental health, services provided, and payment falls under the protection of HIPAA and may not be released without consent by the client or legal guardian.

In most cases, addiction treatment providers fall under the more stringent laws of 42 CFR, Part 2, but there is still confusion about the two sets of laws that define who and what is to be protected. Under 42 CFR, when a person is identified as a substance abuser no information, even confirmation of the person being in treatment, may be released without a written authorization by the client or guardian. In contrast, the HIPAA privacy rule is balanced so that it permits the disclosure of health information needed for patient care and other important purposes (i.e., coordination of care, consultation between providers and referrals).

To develop and support multidisciplinary teams that coordinate, implement, and administer community-based crisis responses and long-term plans for high utilizers, a uniform set of privacy rules for the proper dissemination of information between agencies needs to exist. Information sharing is essential to the coordination of care across service providers. The confusion caused by the differences between HIPAA and 42 CFR often result in reduced information sharing and coordination, even when it is permissible.

**Fiscal/Urban/Rural Impact:** Individuals with mental illnesses are overrepresented at every stage of the criminal justice process. In response, many jurisdictions have developed a range of policy and programmatic responses that depend on collaboration among the criminal justice, mental health, and substance abuse treatment systems. A

critical component of this cross-system collaboration is information sharing, particularly information about the health and treatment of people with mental illnesses who are the focus of these responses. At the program level, this information can be used to identify target populations for interventions, evaluate program effectiveness, and determine whether programs are cost-efficient. However, legal and technical barriers, both real and perceived, often prevent a smooth exchange of information among these systems and impede identifying individuals with mental illness or substance abuse issues and developing effective plans for appropriate diversion, treatment, and transition from a criminal justice setting back into the community.

**Sponsor(s):** Pete Sorenson, Commissioner, Lane County, Ore.

### **Proposed Resolution Supporting Improved Quality in Nursing Homes through Workforce Development and Creative Staffing Models**

**Issue:** Supporting Improved Quality in Nursing Homes through Workforce Development and Creative Staffing Models

**Proposed Policy:** The National Association of Counties urges Congress to authorize innovative demonstration projects to test models of care that use direct-care workers (DCWs) in advanced roles.

**Background:** The older population--persons 65 years or older--numbered 39.6 million in 2009 (the latest year for which data is available). They represented 12.9% of the U.S. population, about one in every eight Americans. By 2030, there will be about 72.1 million older persons, more than twice their number in 2000. Currently, people 65+ represented 12.4% of the population and are expected to grow to be 19% of the population by 2030. Overall demand for direct-care workers is projected to increase by 48 percent over the next decade, adding 1.6 million new positions by 2020. A recent study was published on the website of JAMDA on February 2014, which analyzes 20 longitudinal studies, published between 1987 and 2013, on the effects of nursing home staffing. It noted higher nursing assistant staffing levels are linked to several improvements in quality of care, including fewer pressures ulcers, falls and lower hospitalization rates.

**Fiscal/Urban/Rural Impact:** Exploring innovative staffing models through demonstrations may improve care coordination; improve positive outcomes for adults with chronic illnesses or at risk of re-hospitalization and lower care costs for both older Americans and the health care industry. Facilities that have incorporated other aspects of innovative staffing practices such as those who embrace culture change including the neighborhood and small house models have noted their initiatives yielded benefits such as improved staff retention and improved operational costs. Moreover, the most important positive outcome may be improved resident and family satisfaction.

**Sponsor(s):** Renee Beniak, Executive Director, NACHFa

### **Proposed Resolution Urging CMS to Remove Barriers that Hinder Improving Nursing Home Culture**

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

**Proposed Policy:** The National Association of Counties (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.

**Background:** The current survey and certification system for nursing homes supports but does not widely promote transformative change in how services are provided. The philosophy that drives operational decisions away from

institutional practices and toward practices that both improve quality of care and quality of life is dampened by the current survey, certification and life safety code processes.

In 1991, Dr. Bill Thomas, a Harvard-educated physician founded the Eden Alternative. The Eden Alternative along with many other organizations and models now work to assist providers to remake the aging experience in thousands of nursing homes across the country. Over 16 years later, in a 2007 report, The Commonwealth Fund conducted a national study of nursing homes and found that 56 percent of nursing homes surveyed still viewed regulation as a major or minor barrier to change.

**Fiscal/Urban/Rural Impact:** Changing nursing home culture engages all facility staff in a total transformation of thinking and practice. The systematic rebuilding of resident-directed approaches to care, responsive to residents' individual life experiences and needs, leads to many improved outcomes.

Facilities that incorporate some aspects of culture change noted their initiatives yielded benefits such as improved staff retention, higher occupancy rates, better competitive position, and improved operational costs. Moreover, the most important positive outcome may be improved resident and family satisfaction.

**Sponsor(s):** Renee Beniak, Executive Director, NACHFa

### **Proposed Resolution Urging Consultation with Counties on Zika Response Plans and Adequate Funding**

**Issue:** Counties play a large role in preventing, preparing and responding to the Zika virus through multiple functions including public health education and surveillance, mosquito control and emergency preparedness.

**Proposed Policy:** The National Association of Counties (NACo) urges the Administration and Congress to require consultation with counties on federal and state Zika response plans and provide appropriate funding levels for Zika preparedness and response that do not divert funds from other public health priorities.

**Background:** The Zika virus is a disease spread to humans primarily through the bite of an infected *Aedes* species mosquito and has been associated with birth defects, adverse pregnancy outcomes, and neurological problems. Zika virus is part of a family of viruses that cause other diseases like dengue fever, chikungunya, yellow fever, Japanese encephalitis and West Nile viruses. Currently there is no vaccine to protect against the Zika virus, which remains in an individual's blood stream from 10 days to two weeks after infection. Aside from being bitten by mosquitoes, individuals can be infected through sexual transmission from male partners.

According to the Centers for Disease Control and Prevention (CDC), widespread transmission of Zika in the continental United States appears to be unlikely; particularly with adequate prevention and control efforts in place. However, given that all states have residents traveling to Zika-affected areas and mosquito-friendly weather is approaching, CDC experts expect the number of cases in the United States to increase over the next six months, affecting most states.

Adequate prevention, control and response plans require local resources and input. Counties operate the majority of the nation's 2,800 local public health departments whom are on the front lines are involved in a myriad of activities, including education, outreach, and partnership and coordinating and facilitating laboratory testing and clinical efforts. Since 2008, local health departments have had to cut 52,000 jobs nationwide. Local public health departments have had to shift existing limited resources to prepare for and respond to Zika.

Vector control and surveillance is a critical mechanism in Zika defense. Nationwide there are about 720 local mosquito control districts—some of which correlate to county boundaries—which are not normally tied to the local public health department. Funding for mosquito control has decreased over time. Preparedness and response efforts also depend on

emergency management departments—which counties operate. Due to these varied roles and responsibilities at the local level, state and federal officials should consult with counties in order to mount a coordinated and adequate response.

**Fiscal/Urban Rural Impact:** Zika preparedness and response impacts both urban and rural jurisdictions. This resolution asks for adequate funding and appropriate consultation with counties.

**Sponsor(s):** Toni Preckwinkle, President, Board of Commissioners, Cook County, Ill.

### **Proposed Resolution on National Health Service Corps Loan Repayment Program**

**Issue:** County jails are not eligible for designation as health professional shortage areas for the purpose of the National Health Service Corps.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to amend the National Health Service Corps loan repayment program and allow county and municipal jails to be eligible for the program. Current law excludes County jails from being designated as health professional shortage areas and NACo urges Congress to review this designation and allow County and municipal jails to be named health professional shortage areas.

**Background:** The National Health Service Corps was established in 1970 and is a scholarship and loan repayment program that helps underserved communities across the nation receive medical care. Since 2011 county and municipal jails have not been eligible to take part in this program even if the county is in a health professional shortage area and additionally, federal and state prisons are still eligible for this program.

Not being eligible for loan repayment hurts in recruitment and as a result there are many medical professional positions that county jails are no longer able to fill as providers who are interested in filling positions inquire about National Health Service Corps eligibility and acknowledge that ineligibility is a major factor in not accepting a position at a county jail. This difficulty in recruiting medical professionals could jeopardize access to much needed care at county jails as prisoners tend to be in poorer health than other age matched local populations.

Jails tend to have sizeable populations with behavior health issues. Adequate staffing in jails is critical in serving the mentally ill and substance abusers that are a significant proportion of the local jail population.

**Fiscal Impact:** Would allow medical professionals at county jails to be eligible for loan repayment programs.

**Sponsor(s):** Toni Preckwinkle, President, Board of Commissioners, Cook County, Ill.

### **Resolution Urging CMS to Enhance Medicaid Flexibility for Justice-Involved Populations**

**Issue:** Section 1905 of the Social Security Act prohibits Medicaid from paying for inmates' care while in county facilities even while they are pre-trial and presumed innocent—which leads to uncoordinated systems of care for inmates, decreased health outcomes, and increased recidivism rates.

**Proposed Policy:** NACo urges the Centers for Medicare and Medicaid Services (CMS) to utilize all necessary measures, including waivers, to enhance flexibility within the Medicaid program to improve the continuity of health care for justice-involved individuals.

**Background:** Section 1905 of the Social Security Act prohibits Medicaid from paying for inmates' care while in county facilities even while they are pre-trial and presumed innocent. Most states terminate Medicaid benefits for inmates, instead of suspending them as CMS has long encouraged, and it can take months for former inmates to reenroll and for benefits to be restored upon reentry into the community. This is even more concerning considering

that more than 95 percent of jail inmates eventually return to our communities, bringing both their physical and behavioral health conditions with them. In fact, serious mental illnesses are three to four times more prevalent among inmates than the general population, and almost three quarters also have substance abuse disorders.

The following components of a narrowly crafted Section 115 Medicaid waiver would offer states and counties tools to improve outcomes for Medicaid beneficiaries in local jails who are without access to benefits due to the statutory exclusion of federal financial participation (FFP) for services provided to inmates of public institutions (inmate exclusion):

- Allow states and counties to use FFP to work with Medicaid providers to identify patients in county jails who are receiving community-based care and then to maintain their treatment protocols.
- Allow states and counties to use FFP for Medicaid providers to work with county jails to develop treatment and continuity of care plans for released or diverted individuals.
- Allow states and counties to use FFP to initiate medication-assisted therapy or other forms of medically necessary and appropriate intervention for jailed individuals with opiate addiction whose release is anticipated within 7 to 10 days.
- Allow states and counties to use FFP to reimburse peer counselors to facilitate reentry and increase jailed individuals' health literacy.
- Allow states and counties to waive the state-wide requirement in order to permit implementation of the new Inmate Waiver in counties with the capacity and desire to implement and test the demonstration projects.

**Urban Impact:** The enhancement of Medicaid flexibility, including through a targeted waiver, would result in reduced medical costs to both the Medicaid program and to counties. Importantly, it would also help reduce health disparities, recidivism, and the disproportionate burden of incarceration on individuals with mental illnesses and substance abuse disorders.

**Sponsor:** Toni Preckwinkle, President, Board of Commissioners, Cook County, Ill.

### **Proposed Resolution on Flagged Organ Transplant Programs**

**Issue:** Organ transplant programs are being flagged by the Centers for Medicare and Medicaid Services (CMS) for having survival rates that fall below certain statistical numbers. In some cases, programs with 94% one-year survival rates have been flagged. Flagged programs reduce transplant activity, especially for certain populations (elderly and minorities) and avoid the use of marginal organs even though patients' survival rates would be significantly higher than not being transplanted at all.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress and CMS to put an immediate moratorium on the flagging of organ transplant programs using outcome measures. Lowering the number of programs being flagged would allow these organ transplant programs to accept more marginal organs for transplant and increase transplant rates especially for minorities and the elderly.

**Background:** An average of twenty one people die every day while waiting for an organ transplant and due to CMS flagging organ transplant centers, these centers will not accept organs that are considered to be marginal. This results in many donated organs being discarded by organ transplant centers even though they can still be used.

Every six months, 12% of all transplant programs are flagged by CMS for their survival rate. These flagged programs decrease transplants by 30-40% resulting in a drastic shortage of transplantation. As a result many minority communities that would normally be served by the County hospital system are not receiving the transplants that they require and are dying of diseases that they would not otherwise be dying of if these organs were accepted.

The rejection of organs resulted from an outcome management system put into place by CMS eight years ago. The

outcome measures have helped to improve overall transplant program performance, but no longer are having that affect. Gift of Hope is advocating that CMS stop the flagging program immediately due to these unintended consequences, while CMS and the other responsible agencies (UNOS, AST, ASTS and AOPO) work together to find new metrics that will serve the community.

**Fiscal/Urban Impact:** Many people who would not otherwise be able to receive organ transplants would now receive the organs that they need.

**Sponsor(s):** Toni Preckwinkle, President, Board of Commissioners, Cook County, Ill.; Robert Steele, Cook County Commissioner, Ill.

### **Proposed Resolution Supporting Local Efforts for Mobile Support Teams**

**Issue:** Supporting Local Efforts for Mobile Support Teams

**Proposed Policy:** The National Association of Counties (NACo) supports legislative efforts at the federal and state levels to fully fund and promote mobile support teams within a local health department. NACo urges federal and state matching funds to maximize financial support for local jurisdictions in implementing mobile support teams. Law enforcement agencies can coordinate with a mobile support team on responding efficiently to a behavioral health crisis. A mobile support team can provide immediate resources in an emerging crisis to help deescalate a sensitive situation, provide referrals for medical and social services and provide a crisis intervention.

**Background:** Law enforcement officers routinely provide the first line of crisis response for situations involving persons with mental illness. These calls for service are common but pose operational problems for officers and agencies, as they are not always the best equipped to respond to individuals in crisis. Because of this, these situations can often result in significant negative outcomes to the lives of persons with mental illness and their families (due to an increased risk of injury to the person with mental illness) and/or to the officers responding to these events.

Mobile support teams allow law enforcement organizations to call upon mental health professionals to assist them in the field with individuals who may be experiencing mental health crises. The two major goals of these mental health mobile support teams are to resolve the crisis and to reduce criminalization. Studies that have evaluated such teams found that they had arrest rates ranging from 2 to 13 percent (with an average of less than 7 percent) in contrast to an arrest rate of 21 percent for contacts between non-specialized police officers and persons who were apparently mentally ill.

**Fiscal/Urban/Rural Impact:** Would require federal and state funding for local jurisdictions.

**Sponsor(s):** Shirlee Zane, Supervisor, Sonoma County, Calif.



# HUMAN SERVICES AND EDUCATION

## PROPOSED PLATFORM CHANGES

### Proposed Platform Change to Include Veterans Language in the Human Services and Education Platform

#### Under INTRODUCTION, add:

##### [Fourth paragraph]

Families in poverty usually need support services to become self-sufficient. Education and job training, childcare, Medicaid, mental health and substance use disorder coverage, housing, transportation, **veterans services claims representation** and work programs are supports that often involve counties. Federal requirements in these programs should be flexible and coordinated with local partners to provide a seamless range of services.

#### Under SOCIAL SERVICES:

**G. Veterans' Services:** NACo strongly supports full funding to qualified veterans for educational, housing, and medical costs. **County Veterans Service Officers, who are employed by counties, work to secure benefits for veterans by collaborating with the U.S. Department of Veterans Affairs (VA), state Departments of Veterans Affairs and Veterans Service Organizations. NACo endorses sustained federal support for CVSOs providing these benefits services. Benefits generated by CVSOs are not limited to individual veterans and often provide cost savings to local governments and revenue that goes back into the local economy.** 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 **through programs such as the Veterans Affairs Supported Housing (HUD-VASH) program, Supportive Services for Veterans Families (SSVF), and the Grants and Per Diem program.** NACo supports a process that is responsive to the needs of veterans and their families, provides appropriate information, and facilitates administrative services.

**\*\*Proposal to move this section out of Social Services and create a standalone section.**

#### Under EDUCATION:

**A. Elementary and Secondary Education:** Although states have the primary responsibility for elementary and secondary education, it is in the national interest and merits continued federal financial support. NACo urges Congress to substantially amend the Elementary and Secondary Education 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 agencies (LEAs) 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 LEAs 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.

**NACo supports the development of partnerships between schools, counties, local organizations and state and federal partners to support children from military families.**

**C. Higher Education and Financial Aid:** According to the American Association of Community Colleges, there are 986 public community colleges nationwide and local funds provide 17 percent of their revenues. Additionally, several local governments fund four-year colleges. Pell Grants play a significant role in community college financial aid due to their lower tuition and higher percentage of low-income students. NACo therefore believes that Pell Grants and federally backed student loan programs are vital 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.

**NACo also supports veterans' and their dependents' utilization of GI Bill education benefits and policies to assist them in accessing courses to obtain a degree. Additionally, NACo supports continued funding for veterans' vocational rehabilitation and apprenticeship opportunities.**

**Sponsor(s):** Hub Walsh, Supervisor, Merced County, Calif.

**Proposed Platform Change to Include Poverty Language in the Human Services and Education Platform**

**Under INTRODUCTION, add:**

[Third Paragraph]:

Poverty is a national problem and requires a national solution. Federal efforts to reform public assistance must recognize that poverty is influenced by national economic factors that are not within the control of local or state governments. **NACo supports federal initiatives to reduce poverty, so long as federal policymakers ensure that, to the extent possible, the initiatives measure the effectiveness of the programs and investments, and that local governments, including counties, are consulted throughout the planning process and provided the necessary resources to implement the initiatives.**

**Sponsor(s):** Tom Joseph, National Association of County Services Administration

**PROPOSED RESOLUTIONS**

**Proposed Resolution to Allow Welfare Service Workers to Conduct Visits through Computer Technology**

**Issue:** Visitation of older out-of-county foster youth through computer technology.

**Proposed Policy:** The National Association of Counties (NACo) supports federal legislation to allow child welfare staff to conduct visits through computer technology, rather than in-person, with older youth (over 18 years of age) in extended foster care who are attending college out of state or connecting with relatives.

**Background:** The Promoting Safe and Stable Families Reauthorization Act of 2011 (P.L.112-34) requires child welfare services workers to make monthly in-person visits with at least 95 percent of the youth in their IV-E foster care caseload. Those states who have extended foster care services to youth up to age 21 cannot establish reciprocal arrangements with the state in which the youth now resides if the receiving state has not opted to extend care to age 21. This means that caseworkers must travel across state lines to conduct the in-person visit.

1 Since there is no exception to meeting the mandate for older youth placed out of state, the proposed policy would  
2 allow alternative means of communicating with those youth via "skype" or other computer technology. This "age  
3 appropriate visitation" alternative could occur on a monthly basis at far less cost, given the significant expense of  
4 traveling to meet these youth and the time it takes away from serving other youth on the worker's caseload.

5  
6 **Fiscal/Urban/Rural Impact:** The proposed policy would reduce county costs of complying with the federal  
7 mandate.

8  
9 **Sponsor(s):** Tom Joseph, National Association of County Human Services Administrators

### 10 11 **Proposed Resolution to Enact the DREAM Act or Similar Legislation**

12  
13 **Issue:** The National Association of Counties (NACo) should support the Development, Relief, and Education for  
14 Alien Minors (DREAM) Act or similar legislation.

15  
16 **Proposed Policy:** The National Association of Counties (NACo) calls upon Congress and the president to enact the  
17 DREAM Act or similar legislation that, without imposing costs on counties, would allow certain undocumented  
18 immigrants who entered the country as children to attain legal status if they pass background checks, demonstrate  
19 good moral character and meet education requirements.

20  
21 **Background:** Under the 1982 Supreme Court decision Plyler v. Doe, state and local education districts are required  
22 to provide children with a free primary and secondary education regardless of their immigration status. The  
23 National Association of Counties (NACo) believes that it is in the best interest of counties to ensure that all children  
24 maximize their potential, which would include higher education opportunities.

25  
26 The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (P.L.104-208) preempts state laws  
27 regarding postsecondary education benefits ("in-state tuition") for immigrant students, even when the child has  
28 successfully graduated from the state's K-12 system and has lived in the country since before his or her 16th  
29 birthday. The federal law prohibits states from providing in-state tuition benefits to those not lawfully present unless  
30 all students, regardless of state residence, are eligible for such benefits. The National Association of Counties  
31 (NACo) believes that this prohibition is a preemption of states' ability to determine who is and who is not eligible  
32 for in-state tuition and that it should be repealed.

33  
34 The DREAM Act would restore the flexibility that states had prior to 1996 to determine who should receive in-state  
35 tuition. The bill would apply to students who have been in the country prior to their 16th year of age, have been in  
36 the country for at least five consecutive years, have graduated from high school or have a high school equivalent  
37 diploma, have been accepted to an institution of higher education, are not subject to an order of deportation, and are  
38 of good moral character.

39  
40 **Sponsor(s):** Human Services and Education Leadership Committee Leadership

### 41 42 **Proposed Resolution Opposing the Elimination of the Social Services Block Grant**

43  
44 **Issue:** The Social Services Block Grant (SSBG) remains a constant target for cuts related to entitlement reform and  
45 deficit reduction.

46  
47 **Proposed Policy:** The National Association of Counties (NACo) strongly supports SSBG, opposes any efforts to  
48 eliminate or reduce its funding and calls on Congress to restore sequestration cuts to the program.

**Background:** SSBG was signed into law by President Ronald Reagan in 1981 (P.L. 97-35) and combined several social services programs into one block grant, providing states with great flexibility and no matching funding requirements. The program is an entitlement to states and not subject to the annual appropriations process. Ten states provide SSBG funds directly to counties: Colorado, Minnesota, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Virginia and Wisconsin.

SSBG can be used for nearly 30 different types of services; a survey conducted by The National Association of Counties (NACo) in 2012 revealed that counties most commonly use SSBG for adult protective services, which benefit elderly and disabled adults, and child protective services. Services provided to these vulnerable populations aim to prevent and remedy abuse, neglect and exploitation. In FY 2009, the last year for which data is available, SSBG served 22 million people, 47 percent of whom were children.

SSBG has repeatedly been targeted for cuts, and complete elimination of the program was approved by the House Ways and Means Committee in 2016. The block grant is, and will remain, extremely vulnerable, especially in the context of entitlement reform and deficit reduction proposals.

**Fiscal/Urban/Rural Impact:** Would preserve and restore county funding.

**Sponsor(s):** Tom Joseph, National Association of County Human Services Administrators

### **Proposed Resolution to Support Full Funding for the Community Services Block Grant**

**Issue:** The Community Services Block Grant (CSBG) has been targeted for serious cuts and program changes.

**Proposed Policy:** The National Association of Counties (NACo) supports full funding for CSBG and also supports the program's formula grant structure.

**Background:** CSBG is administered by the U. S. Department of Health and Human Services' (HHS) Administration for Children and Families (ACF) and supports activities that reduce the causes of poverty. CSBG-eligible activities vary depending on local needs, but often include services related to educational attainment, obtaining and maintaining employment and self-sufficiency, budget planning, obtaining adequate housing and greater community participation. Most CSBG funding is distributed to states, which must pass through 95 percent of the funds to eligible local entities. CSBG operates in 90 percent of the nation's counties through a network of more than 1,100 eligible public or private entities, many of which are community action agencies.

The president's FY 2017 budget request proposes a significant reduction in funding for CSBG at \$674 million - a full \$77 million below what CSBG received in FY 2016. Further, previous proposals have also called for converting CSBG into a competitive block grant, which would disadvantage smaller communities that do not have the resources to hire grant writers. It should be noted that CSBG already has a competitive component, as states are allowed to use a percentage of their allocation for discretionary grants.

**Fiscal/Urban/Rural Impact:** This resolution would preserve funding to county community action agencies (CAAs).

**Sponsor(s):** Human Services and Education Committee Leadership

### **Proposed Resolution to Repeal and Reform the Social Security COLA Formula**

**Issue:** The Social Security Cost of Living Adjustment (COLA) Formula, which is designed to reflect increases in the cost of living, will not increase in 2016.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to repeal and reform the Social Security Cost of Living Adjustment (COLA) Formula to ensure that the program properly accounts for the true cost of living of Social Security Benefits recipients – many of whom rely solely on these benefits to provide for their everyday needs in 2016 and beyond.

**Background:** In 1975, Congress passed an important provision for the Social Security program to authorize annual cost-of-living adjustments, or COLAs, for Social Security benefit recipients based on the actual computed increase in the cost of living according to the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). The index includes price changes for food, housing, clothing, transportation, energy, medical care, recreation, education and gas. Many individuals who are dependent on Social Security Benefits are on fixed incomes, and therefore rely on the COLA formula to keep up with rising prices. 2016 will mark only the third time in 40 years that the COLA formula will not provide an increase in part due to lower gas prices across the country. However, many Social Security recipients do not drive.

The lack of a proper inflation adjustment for Social Security benefits in 2016 will affect more than 70 million people – more than one-fifth of the nation’s population. This absence of an increase in COLA will influence millions of Medicare Part B recipients and impacts the ability of many seniors and disabled to access proper care, while failing to accurately reflect many other rising expenses. Local communities often bear increased costs when residents are not financially able to provide their own needs.

NACo supports repealing and replacing the formula used by the Social Security Administration to determine the annual COLA rates.

**Fiscal/Urban/Rural Impact:** Ripple effects of the COLA formula are felt all over America, both in large cities and in rural counties. Counties are the organizations which step up to assist those who cannot provide for themselves. It is in the best interest of all counties to ensure our elderly and disabled receive appropriate COLA determinations. This also includes those who are receiving survivor benefits.

**Sponsor:** Drew R. Campbell, Commissioner, Blue Earth County, Minn.

### **Proposed Resolution to Support Full Funding and Reauthorization of the Elder Justice Act**

**Issue:** In support of Elder Justice Act reauthorization and full funding.

**Proposed Policy:** The National Association of Counties (NACo) supports federal funding for, and continuation of, the Elder Justice Act, including the Elder Justice Initiative.

**Background:** After years of advocacy efforts, the Elder Justice Act (EJA), the nation’s first comprehensive national legislation addressing elder abuse, was signed into law in March 2010. Unfortunately, the program has only received \$12 million in funding over its entire existence despite being authorized at a much higher level. The EJA has the promise of establishing federal standards for adult protective services (APS) and providing a dedicated federal funding stream for services to protect seniors and vulnerable adults from abuse. The EJA also authorizes additional funding for the Long Term Care Ombudsman to investigate abuse and neglect in skilled nursing facilities. The only dedicated and funded federal program for Long Term Care Ombudsman services is Title VII of the Older Americans Act, which is currently appropriated at \$20.6 million.

As a result of the almost total lack of funding for EJA, state and county APS programs operate with inadequate funding and lack reliable information and guidance on managing APS programs. In addition, there is a dearth in the area of elder abuse research with virtually no information about victims or perpetrators, as well as no evidence-based practices. As the proportion of elderly and disabled adults continues to grow, APS is faced with greater demand to protect and serve this vulnerable population. The Elder Justice Initiative would establish the necessary

1 infrastructure for data collection and practice and improve the quality and consistency our APS programs, and is a  
2 critical investment to enable APS agencies to meet federal goals for serving abused and neglected elders and  
3 disabled adults.

4  
5 **Fiscal/Urban/Rural Impact:** Counties in several states are mandated to provide adult protective services. Full  
6 federal funding would decrease costs to local governments.

7  
8 **Sponsor(s):** Human Services and Education Committee Leadership  
9

## 10 **Proposed Resolution Supporting Increased Funding for Early Childhood Development**

11  
12 **Issue:** Increasing funding for early childhood development  
13

14 **Proposed Policy:** The National Association of Counties (NACo) supports legislation to increase investments in  
15 early childhood development, including greater coordination among pre-school programs in schools and county run  
16 programs such as home visitation, child wellness, Head Start, Early Head Start and quality childcare.  
17

18 **Background:** New attention is being given to the need for pre-school programs, including greater funding for Head  
19 Start and Early Head Start in federal appropriations and the introduction of the Strong Start for America's Children  
20 Act, which is based on the president's proposal to fund universal pre-K. While the legislation focuses on serving all  
21 4-year-old children under 200 percent of poverty, it also encourages coordination among different programs, allows  
22 15 percent of funds to serve infants and toddlers and expands coverage to 3-year-old children in areas that are  
23 already covering 4-year-olds.  
24

25 Research has demonstrated the importance of the early years in child development. Additionally, investment in  
26 early childhood development programs can reduce future expenditures in chronic health care services, child welfare,  
27 the juvenile justice system and welfare.  
28

29 **Fiscal/Urban/Rural Impact:** Would provide additional funds for county early childhood development efforts,  
30 which would in turn reduce long-term costs in juvenile justice, public assistance and other programs.  
31

32 **Sponsor(s):** Human Services and Education Steering Committee Leadership  
33

## 34 **Proposed Resolution to Update the Temporary Assistance for Needy Families Block Grant**

35  
36 **Issue:** The Temporary Assistance for Needy Families Block Grant (TANF) program expires at the end of the fiscal  
37 year.  
38

39 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to revise the current TANF  
40 program to provide greater state and county flexibility to create and provide services that support families and help  
41 move them off welfare. NACo supports allowing more state flexibility in TANF program design such as allowing  
42 higher education to count as work; realistic time limits on education; and allowing states to use TANF funds to  
43 support post-secondary educational expenses. NACo urges Congress to, at a minimum, retain and enhance state  
44 flexibility to use TANF funds for subsidized employment. Given the demonstrated success of TANF subsidized  
45 employment programs, NACo urges Congress to increase funding for those programs. NACo urges Congress to  
46 reauthorize all programs within TANF and restore the TANF Supplemental Grants. NACo urges Congress to ensure  
47 that reauthorization includes the provision that the TANF block grant is increased annually in an amount  
48 commensurate with the rate of inflation.  
49

**Background:** TANF was created in 1996 and replaced the Aid to Families with Dependent Children (AFDC) program. It is administered by the U.S. Department of Health and Human Services (HHS) and features four program goals: providing assistance to needy families so that children can be cared for in their own homes; reducing the dependency of needy parents by promoting job preparation, work and marriage; preventing and reducing unplanned pregnancies among single young adults and encouraging the formation and maintenance of two-parent families.

TANF expires at the end of the fiscal year. The program's regulations limit the hours of education that count as work. After the first 12 months, the participant must do some other type of work for 20 hours a week, and then pursue higher education while caring for minor children in the home. Removal of these restrictions would enable states to make choices about what will best benefit their citizens.

Many TANF families struggle with multiple barriers to self-sufficiency such as disabilities, mental health issues, domestic violence and substance abuse. As a result, they may not always be able to meet the full participation requirements. States and counties should be given the flexibility to provide partial credit to these families with special needs. A number of states have chosen to give a reduced grant to children whose parents reach their time limits on aid but still meet income eligibility criteria. HHS regulations include these parents in the state's work participation rate. Given the current economic situation, this rule puts states and counties in the untenable position of having to decide whether to eliminate assistance for these vulnerable children.

An inflation adjustment was not included in the 1996 statute that created TANF. As a result, TANF funding has been at a fixed level since 1997. Reauthorization should include automatic annual increases so the TANF block grant reflects state and county spending needs. In the absence of long-term reauthorization, NACo urges HHS to review the current TANF regulations to determine which changes could be made administratively.

**Fiscal/Urban/Rural Impact:** Cost savings related to long-term impacts on inter-generational poverty and child well being.

**Sponsor(s):** Human Services and Education Committee Leadership

# JUSTICE AND PUBLIC SAFETY

## PROPOSED PLATFORM CHANGES

### Proposed Platform Change to Revise the Justice and Public Safety Platform

#### STATEMENT OF BASIC PHILOSOPHY

Only through county partnership with other levels of government can a comprehensive approach to crime and public safety issues be undertaken within the American system of federalism. Counties must increasingly look to the federal government for substantial financial assistance; to the states for coordination of state and local crime and public safety programs as well as 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. There is an evident need for comprehensive planning in order to bring about a more rational approach to problem-solving in all areas of the public safety enterprise. 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.

NACo supports the following policies and principles in criminal justice administration:

- A. Criminal Justice Planning and Coordination:** 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. NACo supports majority representation by officials from general purpose units of local government on federal 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. Counties are encouraged to have written policy that specifies the objectives and priorities that will guide the agency's delivery of police services.
  - 1. **Diversion:** NACo supports diverting from the criminal and juvenile justice system – including through pretrial release – 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.
  - 2. **Citation Release:** NACo supports the use of citation release; this form of release should be utilized in misdemeanor cases where allowable by law.
  - 3. **Quality of Personnel:** The Department of Justice (DOJ) should provide assistance programs to train and educate local law enforcement personnel.
  - 4. **Assault Penalties:** Adequate penalties for assault upon law enforcement officers in the performance of their duties should be provided.
  - 5. **Forfeiture:** The assistance of state and local criminal justice agencies is essential to federal efforts to control crime. 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

6. **Racial Profiling:** NACo strongly opposes racial profiling and supports federal incentive funding for counties to promote best practices to prevent its occurrence.

**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 and civil cases and increased utilization of qualified judges and county court clerks are essential to more effective and efficient administration of justice. To improve federal, state and local courts, NACo supports the following:

1. **Access to Justice:** NACo supports adequate multi-government funding and training to guarantee the continuation of defense counsel for the indigent, which is an essential component of our criminal justice system. Counties, states and the federal government should support adequate funding for civil legal aid and other legal assistance to provide critically needed services to low-income and vulnerable Americans.
2. **Problem-Solving Courts:** NACo enthusiastically supports the concept of problem-solving courts, such as drug courts and mental health courts.

**D. Corrections:** NACo supports the following principles and policies regarding correctional facilities at the local, state and federal level:

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.
2. **Confinement of Mentally and Developmentally Disabled Individuals:** 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.
3. **Institutional Services:** Correctional institutions in any jurisdiction – whether federal, state, or county – should provide humane living conditions and rehabilitation programs, and should provide services for their offenders’ well-being, i.e., medical care, recreation, counseling, etc.
4. **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 should be provided by the state and federal government to assist counties in meeting these standards.
5. **Prison Rape:** NACo supports federal research and financial assistance to protect individuals from prison rape.
6. **Private Industry in County Correctional Programming:** Congress should, with the support of organized labor, remove restrictions prohibiting inmate-made goods from being sold in interstate commerce.

- 1 7. **Federal Corrections Assistance:** The federal government should provide financial and technical  
2 assistance to counties to develop local strategies to reduce jail populations and to develop humane  
3 correctional facilities and services. Existing federal programs designed to provide health and mental  
4 health services, social services, educational and vocational training, and employment services should be  
5 made available to local correctional and detention facilities.  
6
- 7 8. **Police Lockup:** NACo supports the consolidation or transfer of the police lockup function to county  
8 correctional agencies as part of a comprehensive strategy for system-wide correctional reform at the local  
9 level.  
10
- 11 9. **Use of Federal Facilities for Correctional and Other Alternative Purposes:** NACo favors the use of  
12 federal facilities for jail purposes on the condition that the county in question has taken all reasonable  
13 measures to develop alternative programs prior to seeking the use of such facilities. NACo supports  
14 special intensive technical assistance programs to assist counties in utilizing federal facilities for  
15 correctional purposes, and also supports the full utilization of federal facilities to reflect the priorities  
16 established by Congress and the Executive Branch and local governments in addressing areas of national  
17 concern, such as homelessness, drug abuse, education and corrections.  
18
- 19 10. **Loss of Federal Entitlement Benefits for Pretrial Defendants:** NACo supports changes in current  
20 federal policy that would allow a person receiving federal benefits who has been charged with a crime,  
21 but not convicted, to continue to be eligible for entitlements – including, but not limited to Medicare,  
22 Medicaid, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Veterans  
23 Administration health care and disability insurance, and Children’s Health Insurance Program (CHIP)  
24 benefits – until such time as they may be convicted and sentenced to an institution.  
25
- 26 11. **Bail Practices and Release Options:** To ease the financial burden of bail on poor defendants, all states  
27 should enact defendant-based percentage bail laws. NACo also recommends that states and localities  
28 make greater use of such non-financial pretrial release options, such as citation release and release on  
29 recognizance, where there is a reasonable expectation that public safety will not be threatened.  
30
- 31 12. **Federal Incentives to Promote Comprehensive State-County Partnership Programs in Corrections:**  
32 Despite the fact that county correctional expenditures account for about one-third of total state and local  
33 outlays, Congress has eliminated language, under Title II of the 1994 Crime Act, that made it mandatory  
34 for states to consult and share Title II funds with counties for certain purposes in accordance with a  
35 “comprehensive” state plan certified by the Attorney General of the United States. Consequently, NACo  
36 calls on Congress to require a mandatory pass through of Title II funds to counties, to be used in support  
37 of state-county partnership programs, including the implementation of statewide sentencing guidelines,  
38 community corrections acts, and other local programs or detention facilities set forth in a statewide plan.  
39
- 40 13. **Veterans in Jail: On any given day, veterans account for nine out of every 100 individuals in U.S.**  
41 **jails and prisons. However, veterans or active duty service members are often treated by the**  
42 **corrections system as any other civilian offender would be treated, despite nearly half of post-9/11**  
43 **service members utilizing VA health services for a myriad of combat related issues, including: Post**  
44 **Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), depression, and anxiety. Intake**  
45 **assessment forms and the corrections system should work to better identify veterans and any**  
46 **additional services they may need.**  
47
- 48 14. **Incarceration of Undocumented Immigrants:** NACo supports full federal reimbursement of state and  
49 local costs of incarcerating undocumented immigrants through the State Criminal Alien Assistance  
50 Program (SCAAP). Although it is the federal government’s responsibility to protect and secure our

1 nation's borders, counties incur millions of dollars in un-reimbursed expenses each year as a result of  
2 housing undocumented individuals who violate state or local laws.

3  
4 **E. Community Crime Prevention:** NACo supports the community policing model, which incorporates  
5 members of the community in crime prevention and deterrence. Beyond helping public agencies become  
6 more effective, citizens have two additional roles in this model: reducing the opportunities for crime against  
7 potential victims through public education and target hardening, and alleviating social and economic  
8 problems associated with crime. Federal and state agencies should aid counties in assisting citizen groups  
9 with crime prevention activities.

10  
11 States and counties should place increased emphasis on correctional programs within local communities.  
12 Counties should locally determine and assess their needs in developing flexible treatment programs according  
13 to the available resources within their communities. NACo supports state-county partnership programs that  
14 foster local comprehensive planning and provide a range of community alternatives to incarceration for less  
15 serious felony and misdemeanor populations. The federal government should provide incentive funds to  
16 assist states and counties in developing or enhancing Community Corrections Acts.

17  
18 **F. Sentencing Guidelines:** In order to reduce sentencing disparity, eliminate unnecessary confinement, establish  
19 more rational and appropriate sentencing policies, and, in general, better manage limited correctional  
20 resources – including jails and prisons – NACo encourages the development and enactment of rational and  
21 uniform statewide sentencing guidelines that are tied to comprehensive community corrections legislation and  
22 legislatively predetermined jail and prison population maximums at both the state and local level. Such  
23 sentencing recommendations should set fixed presumptive terms for felony and serious misdemeanor  
24 populations, indicating who should go to jail or prison, and who should be placed in alternative community  
25 programs and for how long.

26  
27 The guidelines should be based on an appropriate combination of offense and offender characteristics and  
28 allow judges to depart from the sentencing guidelines only in exceptional cases, when they can provide  
29 written reasons explaining why the sentence chosen is more appropriate or more equitable than that provided  
30 in the guidelines. A very thorough and rigorous monitoring system should be established.

31  
32 **G. Restorative Justice:** NACo supports the immediate, incremental, and eventual systemic shift toward a  
33 restorative community justice philosophy that:

- 34  
35
  - 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.

42  
43 **H. Control of Firearms:** NACo supports the enactment of appropriate federal, state, and local legislation that  
44 would strengthen criminal sanctions relating to the illegal possession or sale of firearms. NACo further  
45 supports legislation providing for mandatory prison sentences for the use of dangerous weapons in the  
46 commission of a felony.

47  
48 NACo also supports the provisions of the 1968 Gun Control Act and the Omnibus Crime Control and Safe  
49 Streets Act that are directed at preventing possession of handguns by proscribed groups of people. These  
50 provisions stipulate that the following individuals are ineligible to receive firearms: fugitives from justice;  
51 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 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:** NACo endorses federal legislation that limits children's access to loaded and unlocked firearms.

**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.

**I. Federal Support for Forensic Sciences:** NACo supports and strongly encourages the implementation and full funding of federal legislation that would provide grants to existing local and state forensic laboratories to improve productivity, quality measures, and overall operation, and to achieve professional certification based on generally accepted forensic science performance standards, common definitions and protocols. NACo also supports and encourages the implementation and funding for federal legislation to improve the quality and timeliness of forensic science and medical examiner sciences.

**J. Organized Crime:** NACo recognizes that success in combating organized crime will require a greater commitment of resources and imagination at all levels of government. Coordination at the local level, along with the necessary legal tools for gathering evidence and the power to grant witness immunity are essential. Investigations must be carried out with a broader focus than merely the prosecution of individual cases.

1. **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.

2. **Witness Immunity:** Federal and state statutes that grant general witness immunity should be enacted.

3. **Organized Units:** State or regional organized crime intelligence units should be established and their activities coordinated.

**K. Victim/Witness Assistance:** 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.

**L. Victims of Domestic Violence:** NACo supports federal legislation that encourage a comprehensive approach to violence against women that incorporates offender accountability and programs for victims services. 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.

**M. 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.

## **JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

NACo believes that an effective juvenile justice system is one that provides a continuum of services and interventions that combine accountability and sanctions with increasingly intensive treatment and rehabilitation. NACo supports the view that the traditional role of the juvenile and family court is to treat and rehabilitate the dependent or wayward minor, using an individualized approach and tailored response to the particular needs of the child and family, with the 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.

Federal justice grant funds for juvenile justice and delinquency prevention should go directly to counties, with the following requirement: leadership from all entities must work together in the preparation of a comprehensive plan that aims to prevent, reduce and control juvenile crime. 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 that offset risk factors;
- Intervene early and effectively when delinquent behavior is encountered, utilizing the least restrictive approach; and
- Protect the community, hold offenders accountable to individual victims and the community, and remedy the skill and competency deficits of offenders.

Since 1974, the Juvenile Justice and Delinquency Prevention Act (JJDPa) has been a major catalyst in producing positive change in the juvenile justice system and in creating preventive and interventive approaches for at-risk youth. Societal change has heightened concern for communities' 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 should occur at the local level;
- All federal funds coming to local communities should be distributed through the collaborative planning process at adequate and sustained levels of support;
- Core requirements of JJDPa – deinstitutionalization of status offenders, jail removal, sight and sound separation and addressing disproportionate minority contact – should be preserved;
- Violent and repeat offenders must be identified in order to provide appropriate interventions; and
- Prevention, education and treatment strategies for juveniles involved with illegal substances should be encouraged.

Additionally, NACo supports the following principles and policies:

**A. 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, in addition to dependent and neglect cases. NACo opposes trying and sentencing youth in adult criminal court, except in the case of a chronic and violent offender. The decision to transfer a juvenile to adult court should be made by a juvenile court judge or jury. 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.

- B. **County Strategy for Front End Investment to Prevent Crime:** NACo calls for a National Front End Youth Investment Policy. We urge Congress and the Administration to work with state and local governments to design and fund effective prevention and early intervention strategies that provide a full continuum of services for families and children, with a special focus on early childhood development.
- C. **Unaddressed Mental Health Needs:** NACo believes that children suffering from mental illnesses require effective assessment, diagnosis, and treatment. NACo advocates for non-institutional, community and family-based treatment for these children. NACo also supports continued eligibility for federally funded health benefits for juveniles arrested and held in pre-trial detention.
- D. **Exploited and Missing Children:** NACo supports public-private partnerships to build a coordinated, national response to the problem of missing and exploited children. NACo also 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, such as satellite tracking. Counties are encouraged adopt a nationally uniform system to prioritize sex offenders according to dangerousness as well as a nationally uniform reporting system. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) should develop crime prevention materials specifically directed at child abduction, abuse and sexual exploitation.
- E. **Gang Violence:** NACo supports federal efforts that strengthen local governments in implementing a comprehensive approach to the prevention and control of gang violence.
- F. **Detention Pending Court Disposition:** Detention pending court disposition shall be based on clearly enunciated standards and reduced to a minimum.
- G. **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.
- H. **Children with Disabilities:** NACo supports federal legislation and support that assists counties in guaranteeing a free appropriate public education to each child with a disability.

## **SUBSTANCE ABUSE**

A comprehensive local approach is required to combat the problems of alcoholism and, to an even greater extent, that of drug abuse. Programs emphasizing rehabilitation together with punitive measures for certain violators of criminal codes are needed.

- A. **Alcohol Treatment:** Alcohol and drug-dependent persons are recognized as handicapped under Section 504 of the Rehabilitation Act of 1973, as amended, which states that 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. NACo supports federal legislation and programs that assist counties in finding treatment for alcoholism within the criminal justice system.
- B. **Alcohol Abuse Prevention:** Increased federal funding should be provided for adequate alcohol prevention and rehabilitation programs on the state and county level.

- 1 C. **Narcotics and Drug Abuse:** NACo supports federal legislation that addresses the growing problem of  
2 narcotics and drug abuse, which requires the strengthening of all approaches – prevention and education,  
3 treatment and rehabilitation and law enforcement and public safety.  
4
- 5 D. **Substance Abuse Treatment in Jails:** Drug and alcohol abuse and addiction are factors in the crimes and  
6 incarceration of 80 percent of the inmates in local jails, yet most of these inmates do not receive adequate  
7 substance abuse treatment and related services. NACo supports the treatment of individuals struggling with  
8 substance abuse in jails and calls on the federal government to provide funds to counties in both urban and  
9 rural areas to develop assessment and treatment programs these individuals, including education and literacy  
10 programs, vocational training, HIV prevention and medical and mental health services. The federal  
11 government should also provide funds to encourage counties to develop and implement treatment-based  
12 alternatives to local incarceration for nonviolent offenders whose core problem is substance abuse and  
13 addiction, and to encourage counties to develop training programs for judges, prosecutors, probation officers,  
14 corrections officers, and other county criminal justice personnel to educate them about substance abuse,  
15 addiction and treatment.  
16
- 17 E. **Federal Responsibility for Drug Control:** NACo believes narcotics and dangerous drug traffic transcend  
18 state lines and international borders; therefore, regulation and control should be major federal responsibilities.  
19
- 20 F. **Control of Drug Manufacturers:** The federal government should exercise its legal power to strengthen and  
21 enforce regulations and controls over manufacturers and distributors of dangerous drugs and narcotics.  
22
- 23 G. **Unique Needs of Veterans Suffering from PTSD or Traumatic Brain Injuries: Veterans involved in the**  
24 **criminal justice system may have a mental health condition or have suffered a traumatic brain injury**  
25 **that is connected to or exacerbated by alcohol or drug abuse. Counties should work more closely with**  
26 **the VA to identify veterans who need specialized care.**  
27

## 28 **COMPREHENSIVE EMERGENCY MANAGEMENT**

29 The goal of comprehensive emergency management is to develop and coordinate the resources available to meet  
30 potential emergencies that might result from all hazards, including, but not limited to natural disasters and acts of  
31 terrorism. NACo believes that the resilience of the nation depends on the resilience of counties and our sister  
32 municipalities, and the ability of these local government resources to assist in collaboration and coordination with  
33 states and the federal government in support of the National Preparedness Goal.  
34

- 35 A. **Building a Sustainable Future:** NACo supports federal policies that recognize that to ensure the safety of  
36 people and the livability of communities, significant federal resources for disaster planning, mitigation and  
37 recovery should be provided directly to both state and local governments. These resources should provide for  
38 coordinated planning and education and should encourage the use of innovative approaches that result in  
39 positive changes and adhere to the following principles:  
40
- 41 • **Sustainability:** Disaster preparedness, response, mitigation, and recovery resources should be invested to  
42 improve public health and safety, environmental stewardship, and social and economic security.
  - 43 • **Planning and Incentives:** Plans designed to reduce the impact of disasters and to encourage recovery  
44 should provide incentives to individuals, the private sector, and government to pursue sustainable  
45 development and redevelopment and reduce the impact of repetitive disasters.
  - 46 • **Partnerships:** Individual citizens, the private sector, local, state, and the federal government should act  
47 as partners with shared goals and values to further the capacity of our communities to be self-sufficient.  
48
- 49 B. **Locally Driven Process:** Emergency management decisions should be driven by a consensus-based,  
50 inclusive process that stakeholders use and trust. The process should identify local priorities, leading to the

investment of pre- and post-disaster resources that will meet those needs, emphasizing both the need for local responsibility and self-sufficiency, as well as the role of counties in coping with disasters of statewide and national scope. 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 provided when state and local recommendations are not implemented. The process should support state and local advisory councils, task forces, and other relevant groups.

**C. Emergency Management Coordination:** Counties are encouraged to develop, in cooperation with local, state, and federal governments, comprehensive emergency management systems that include preparedness, response, mitigation, and recovery activities in order to minimize the destructive impact of all types of disasters. NACo supports the use and continued development of recognized voluntary national standards for public sector Emergency Management programs by local governments such as the Emergency Management Accreditation Program.

Federal and state governments should continue to provide leadership in the development of a coordinated emergency management system. Such a system must include 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 that 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.

Federal and State governments should recognize the first-line responsibility of county government and the critical role that counties play in the overall national response to, and recovery from, disasters by providing direct financial and technical assistance to counties in the preparation and response to emergencies and expeditious, practical, and substantial aid to individuals, businesses, and public agencies following disasters. Emergency management functions should be firewalled 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 functions.

**D. 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 U.S. Department of Defense in those rare and catastrophic events when assets are needed that only the department 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.

**E. FEMA Regional Offices and Staffing:** During and after disasters, counties and states often require swift, accurate, and decisive assistance from FEMA. NACo supports the strengthening of FEMA Regional offices 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 to establish trained cadres of personnel to provide surge capacity to state and local governments in large disasters. In order to maximize fiscal responsibility, minimize waste and error, and avoid later deobligation of funds to states and local governments, FEMA staff must be adequately trained and equipped to provide needed services.

**F. Intelligence and Information Sharing:** The U.S. Department of Homeland Security (DHS), DOJ, and other relevant federal agencies must preserve progress to date and continue to expand and implement efforts to ensure timely and effective sharing of information with counties. Information sharing that incorporates local governments should be consistent and constant.



**G. Integrated Emergency Management and Homeland Security:** The interdiction of, response to, and recovery from acts of terrorism are often the responsibility of local government. The impacts of all hazards are often similar no matter the cause. Therefore, preparedness functions must be linked both statutorily and operationally with response and recovery functions within federal emergency management. 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. FEMA 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. Counties have, and must retain, local control and coordination of response to and recovery from disaster.

The assessment of capabilities and capacity for the preparedness, response, recovery, and mitigation of all hazards must begin with the local government. DHS should ensure that adequate resources are passed through to local government in support of these activities.

**H. National Preparedness Goal, Frameworks, and Incident Command System:** County governments support the Incident Command System (ICS) model for emergency management

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. In 2011, DHS formalized the coordination of all emergency management and homeland security efforts through the National Preparedness Goal. In support of the Goal, over the years, DHS has issued additional National Frameworks for Planning, Prevention, Recovery, and Mitigation. A working group of experienced professionals that includes federal, state and local stakeholders should periodically review the Frameworks and make adjustments based on lessons learned from previous responses to disasters.

NACo supports accelerating the FEMA's NIMS Integration Center's establishment of qualifications and credentialing for people who serve in public safety disciplines.

**I. Stafford Act:** The Stafford Act does not require wholesale change or major refinement. Congress should exercise great care in making changes to the Act and consult closely with state and local stakeholders prior to making major changes

**J. Recovering Emergency Management Costs for Private and Common Carrier Transportation**

**Accidents:** County personnel routinely respond 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.

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. 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.

**K. Fire and Wildfire 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 incidence of fires and the high cost of suppression indicate a need for more fire response, prevention, fire protection planning and public education to respond to and prevent fires from occurring and to mitigate secondary impacts from fires that do occur.

1 NACo supports federal efforts to increase the hiring of local firefighters through programs like DHS’  
2 Assistance to Firefighters Grant Program, and urges the federal government to fully fund this grant program.

3  
4 NACo also supports federal funding of fire response and prevention activities, with continued assistance to  
5 state and local governments for combating the nation’s fire problem.

6  
7 Additionally, federal fire protection programs such as the Rural Communities Fire Protection Program in the  
8 U.S. Department of Agriculture should be expanded to assist rural areas.

9  
10 Research and development and technology transfer can improve public fire protection and should be  
11 supported by appropriate federal agencies. County officials should have input into the development of  
12 federally supported technology research and development priorities, and they should participate in the  
13 dissemination of fire protection and control information.

14  
15 **L. Arson:** Federal agencies should coordinate and give high priority to identifying and analyzing factors that  
16 contribute to arson and identify, encourage, and fund programs that will help counties reduce arson. Training  
17 in arson prevention, investigation, and prosecution should be provided, and national arson criminal files  
18 should be established for use by state and local investigators, fire marshals, prosecutors, and law enforcement  
19 officials. County governments should adopt policies that encourage local public and private organizations to  
20 cooperate in the investigation, prosecution, and prevention of arson.

21  
22 **M. Civil Disturbances/Acts of Terrorism:** The federal government and the states should provide financial  
23 assistance to counties to pay the costs resulting from civil disturbances/acts of terrorism. Regional agreements  
24 and working relationships between counties to promote efficiency and economy through existing regional  
25 structures in each state, like the Emergency Management Assistance Compact (EMAC), should be  
26 encouraged. Congress should adopt an annual \$4 million appropriation for EMAC.

27  
28 **N. Emergency Management/Homeland Security Funding:** Recognizing that local governments, despite their  
29 diversity, perform comparable emergency functions; and that local jurisdictions may face multiple risks  
30 including but not limited to natural disasters and acts of terrorism, NACo favors rapid federal response and  
31 reimbursement at rates authorized in the original language of the Stafford Act; and encourages DHS to apply  
32 all regulations and policies on a consistent basis in all presidentially declared emergencies and disasters  
33 throughout the country. NACo encourages DHS to apply all regulations and/or policy changes on a  
34 prospective basis based on the declaration date of the emergency or disaster; and supports DHS’ leadership in  
35 reducing excessive paperwork and overly restrictive and bureaucratic regulations.

36  
37 NACo supports federal legislation or requirements that would improve homeland security grant programs by  
38 streamlining application and planning requirements, promote flexibility, and provide first responders and  
39 county governments with additional resources in an expedited fashion. Priority funding decisions should be  
40 based on a regional and/or a multi-jurisdictional planning and collaborative effort between state and all levels  
41 of local governments. Risk-based funding should take into account the unique capabilities and threats to large  
42 urban counties. At the same time, programs to support the application of capabilities in less densely populated  
43 counties should not be neglected.

44  
45 State governments, in coordination with county, municipal, and tribal governments, should establish  
46 equipment acquisition services and/or purchase critical homeland security-related equipment in bulk and  
47 distribute same to county, municipal, and tribal communities in a manner consistent with the State and Urban  
48 Area Homeland Security Strategies.

1 DHS, in coordination with state, county, municipal and tribal governments should establish national standards  
2 for the management of grant funding and develop an automated grant tracking system that would allow for  
3 the real time tracking of the distribution and use of homeland security-related funds.  
4

5 Recognizing that state, county, municipal, and tribal governments of all sizes and resource levels are eligible  
6 to receive funding, DHS in coordination with representatives of state, county, municipal, and tribal  
7 governments should develop minimum staffing recommendations for grant and program management  
8 personnel – this may require increasing the DHS’ Office of Grants and Training three percent allocation cap  
9 on management and administrative expenses.  
10

11 DHS should continue to expand and enhance the level of training and technical assistance provided to state,  
12 county, municipal, and tribal officials involved in the management of homeland security-related grants.  
13

14 Congress should expand the approval of State Homeland Security Grant Program (SHSGP) funds so as to  
15 allow state, county, municipal, and tribal entities to better address short-term issues attributed to terrorist  
16 threats and other significant hazards. For instance, counties should be able to use funds provided through  
17 SHSGP to offset incremental operational cost including overtime and other personnel costs incurred as a  
18 result of threat specific security operations of pre-defined duration.  
19

20 DHS should work closely with all levels of government to establish a comprehensive risk assessment  
21 methodology to support the identification of high-risk, high consequence critical infrastructure and major  
22 events.  
23

24 The federal government must provide adequate funds for local governments to meet federal port security  
25 mandates, without impacting traditional funding sources for capacity and other critical projects, including  
26 eligibility to use homeland security funds for operational costs.  
27

28 NACo urges Congress to provide maximum funding for federal programs that support all-hazards emergency  
29 management preparedness in support of capacity building at the local level, including the Emergency  
30 Management Performance Grant Program (EMPG). NACo urges Congress to maintain EMPG as a separate  
31 account in the DHS budget, and to maintain the current 50-50 match structure of the EMPG formula for all-  
32 hazards preparedness. The EMPG formula should not be linked to any other homeland security grant reform  
33 package, and all permitted use policies and the flexibility of the program must be retained. Voluntary  
34 performance metrics-based systems (such as the Emergency Management Accreditation Program) should be  
35 used to measure the capacity being built by EMPG, rather than homeland security-specific measurables.  
36

37 NACo urges the Secretary of DHS to take aggressive action to ensure that states pass through a substantial  
38 percentage of EMPG funds to local governments and to ensure that maximum flexibility be maintained  
39 regarding eligibility, particularly with respect to use of funds for personnel.  
40

41 Since many states are on bi-annual programming and budget cycles and all states require time to adjust to  
42 new or altered funding formulas, NACo urges that a transition period of two full fiscal years be implemented  
43 for states to accommodate to agreed changes. During this transition, NACo urges the Secretary of DHS to  
44 ensure that states maintain the percentage of EMPG passed through to local governments at no less than the  
45 previous level.  
46

47 NACo encourages the Secretary of DHS to recommend to the President that the federal government reward  
48 states that take the initiative to pass such trust funds to improve their emergency management capabilities and  
49 infrastructure. Such measures could include adjusting the cost share ratio in disaster assistance for response  
50 and recovery when disasters strike. NACo urges the Secretary of DHS to not penalize states that establish an

emergency 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.

**O. National Disaster Insurance System:**

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 to direct FEMA to share digitized flood plain mapping data with counties for GIS purposes.

NACo supports federal 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, their pre-disaster planning and their first responder capabilities with the help of substantial federal assistance. As such, NACo strongly supports full funding for the federal Hazard Mitigation Grant Program.

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 that would 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;
- Increase funding for research aimed at improving mitigation measures which, if followed, would reduce damage and loss caused by natural and man-made disasters and emergencies;
- Provide incentives and education to encourage responsible pre- and post-disaster mitigation by states, local governments, and individuals;
- Provide incentives to encourage the public and private sectors to construct new structures according to established technical construction standards and consensus safety codes;
- 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;
- 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
- Authorize FEMA to develop pre-disaster mitigation programs; and to fund pre-disaster mitigation.

**P. National Domestic Preparedness Consortium:** NACo urges Congress to provide maximum funding for the National Domestic Preparedness Consortium (NDPC). The NDPC is a partnership of several nationally recognized organizations whose membership is based on the urgent need to address the counter-terrorism preparedness needs of the nation's emergency first responders within the context of all hazards, including chemical, biological, radiological, and explosive Weapons of Mass Destruction (WMD).

**Q. 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.

**R. 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. The federal government must also accelerate steps to

1 fully integrate the full range of federal efforts with the local, state, and private sectors and assure that the  
2 actual protection of critical infrastructure systems remains a primary responsibility of local and state  
3 governments with the private sector. The federal government must support these requirements with adequate  
4 federal resources and policy.

5  
6 **S. Public Safety Telecommunications:** The objectives of public safety telecommunications are to ensure that:

- 7
- 8 • The general public has access to public safety emergency resources when needed;
  - 9 • Public safety employees in high-risk activities have ready access to emergency communications systems  
10 in their own communities that are compatible with communications systems in surrounding  
11 communities;
  - 12 • Public safety employees have access to data necessary for the proper discharge of their duties; and
  - 13 • Sufficient data standards are developed for the emergency response community.
- 14

15 Counties should develop comprehensive telecommunications policies that incorporate these objectives for  
16 available media, such as radio and microwave frequencies, cable television, emergency telephone such as  
17 911, and computerized systems. These policies should seek to coordinate telecommunications among  
18 localities at a county or other appropriate multi-jurisdictional level. States should assist counties in developing  
19 comprehensive telecommunications programs through enabling authorities and financial and technical  
20 assistance.

21  
22 The federal government should provide technical and financial assistance to counties for comprehensive  
23 programs and provide adequate communications frequencies and channels for public safety at the local level.

24  
25 **T. Emergency Medical Services:** One of the most basic and vital services local governments can provide to  
26 constituents is immediate, lifesaving care for victims of singular or widespread emergency medical incidents.  
27 Federal programs that help develop comprehensive emergency medical service (EMS) systems are  
28 administered by the U.S. Department of Health and Human Services, the U.S. Department of Transportation,  
29 and the U.S. Fire Administration.

30  
31 These programs call for countywide or multi-county systems of emergency medical care that address the  
32 needs of specific geographical population groups. County governments generally provide the most efficient  
33 government format for the delivery of such comprehensive care systems. Counties should examine their  
34 current roles regarding federal, state, and local efforts to develop EMS systems and should utilize existing  
35 resources to plan for and implement comprehensive countywide and multi-county EMS systems.

36  
37 NACo urges Congress to continue its support and appropriations for implementation and development of  
38 countywide and multi-county EMS systems, and for the integration of private ambulance services that provide  
39 public EMS into the coordinated system.

40  
41 **U. Public Health:** The U.S. Department of Health and Human Services (HHS), DHS, Congress, and other  
42 relevant federal agencies must improve efforts to enhance the full range of health and medical readiness to  
43 address trauma and exposure related injury and disease, and the impact of large-scale disaster. HHS, DHS,  
44 Congress, and other relevant federal agencies must also sustain funding that supports ongoing public health,  
45 medical, and EMS preparedness to build and enhance medical surge capacity, promote training and workforce  
46 development, enhance technology for disease prevention, detection, and production of medical  
47 countermeasures and mass prophylaxis.

48  
49 **V. Interoperability:** The development of data standards for the emergency response community will save lives  
50 and reduce property damage by decreasing the time it takes our Nation's responders to respond to incidents of  
51 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.

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.

## **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 and emergency management policies.

NACo calls for the creation of a national research and technical assistance project to create or enhance statewide training and certification programs for coroners and medical examiners. NACo also supports federal funding, programs and training that enhance the capabilities of the local coroner.

## **PROPOSED RESOLUTIONS**

### **Proposed Resolution Supporting the Emergency Management Performance Grant Program**

**Issue:** The Emergency Management Performance Grant (EMPG) is the sole all-hazards grant currently extant, and the most demonstrably successful DHS grant program. However, in light of state funding shortfalls, state Emergency Management Agencies have reduced the amounts of EMPG funding passed through to local government in many places, often with little or no input from or notice to counties.

**Proposed Policy:** The National Association of Counties (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), at or above current funding levels, and require that a minimum of 70 percent of EMPG funds be passed through to local government with a 50-50 match requirement.

**Background:** NACo has had this policy in place for several years and it is expiring this year. The Emergency Management Performance Grant is the only all-hazard funding program for county Emergency Management agencies. In recent years, states such as Alabama, Louisiana, Minnesota and others, have significantly reduced the pass-through amount to counties without notice. The EMPG program is critical to the foundation of Emergency Management across the nation. NACo has joined in letters to Congress on this and related issues in the past.

**Fiscal/Urban/Rural Impact:** Policy impacts all counties.

**Sponsor:** Judson Freed, Director, Emergency Management and Homeland Security, Ramsey County, Minn.

### **Proposed Resolution on Fair Restructuring of Homeland Security and Emergency Management Grants**

**Issue:** Consolidation of existing Homeland Security and Emergency Management grants into block grants, particularly if these grants are administered solely by the states, will decrease local resilience and negatively impact national preparedness for disasters and emergencies of all types.

**Proposed Policy:** The National Association of Counties (NACo) continues to oppose the complete consolidation of the existing Homeland Security and Emergency Management grant programs into block grant programs, and requests that Congress mandate that the Department of Homeland Security (DHS) and Federal Emergency Management Agency (FEMA) actively include county emergency managers in creating alternatives that will better address the needs of all levels of government and that does not discard the advances gained through past grants.

NACo asks that Congress preserves, maintains, and enhances the Emergency Management Performance Grant and other all-hazard grants related to disaster recovery and mitigation as separate, fully funded programs.

NACo asks that Congress works with DHS and FEMA to ensure that Homeland Security and Emergency Management grant programs address realistic risks from all hazards including, but not limited to, terrorism. State Administrative Agencies must make grant related prioritization decisions in transparent consultation and with the consent of local governments, and Congress should continue to require that no less than 80% of these funds be passed to local government in each state based on their realistic risk.

NACo asks Congress to require DHS to maintain the Urban Area Security Initiative (UASI) specific funding to the 35 urban areas at greatest risk of disastrous event from all hazards, including terrorism. In light of the significant populations, density, infrastructure and economic drivers of these areas and the fact that the populations of large urban counties and cities are often least able to financially address these risks without federal assistance. The UASI program should remain jointly administered by the State Administrative Agency and the existing UASI organizational units and continue 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.

**Background:** NACo has had this policy in place for several years and it is expiring this year. NACo has provided testimony to Congress on this issue in 2012. This submission simply updates the policy to reflect current Homeland Security realities and legislative activity.

**Fiscal/Urban/Rural Impact:** Policy impacts all counties.

**Sponsor:** Judson Freed, Director, Emergency Management and Homeland Security, Ramsey County, Minn.

### **Proposed Resolution Supporting Funding and Amending Disaster Program Policies for the Management and Mitigation of Post-Wildfire Flooding and Debris Flow Damage**

**Issue:** Funding is either unavailable or inadequate to effectively deal with the newly created or increased flooding and debris flow risks from post-wildfire events.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to amend the Fire Management Assistance Grant Program (FMAGP) and Stafford Act declaration time period to help states, tribes, and local governments respond to floods and debris flows that directly result from a declared fire.

**Background:** Large wildfires destroy huge areas of vegetation, and burn the soil so badly that it will no longer absorb water. The direct result is major to catastrophic flash flooding that can continue for up to 15 years after a fire. While prompt and robust funding is available to help local governments respond to major wildfires, there is much less support to mitigate and respond to the floods and debris flows that are directly caused by those fires. Major post-wildfire flooding and debris flows may take place numerous times per year, threatening lives and causing serious damage at drastically lower precipitation levels than ever before. The expense of each individual flood event may fall short of the criteria for a Presidential Disaster Declaration; however, the cumulative expense of multiple flooding and debris flow events creates a financial disaster for affected local governments, and may far exceed the cost of the original fire.

**Fiscal/Urban/Rural Impact:** Post-fire flooding and debris flows are common after large wildfires, including wildfires on federal lands. If policies and adequate funding are not provided for necessary management efforts, the consequence is an inability to mitigate burn areas from subsequent floods and debris flows. The result is imminent threat to life safety, public and private property damage, and detrimental economic impact to affected areas that may far exceed costs from the original event.

**Sponsor(s):** Sallie Clark, Commissioner, El Paso County, Colo.

### **Proposed Resolution Supporting Legislation Providing Mitigation Funds for Certain Areas Affected by Wildfires**

**Issue:** Support for Legislation Providing Mitigation Funds for Certain Areas Affected by Wildfires

**Proposed Policy:** The National Association of Counties (NACo) supports legislation that provides dedicated mitigation funds by providing up to 15% of the cost of a Fire Mitigation Assistance Grant (FMAG) to support wildfire mitigation projects.

**Background:** Recent mega-fires in the West have illuminated the fact that the Federal Emergency Management Association (FEMA) programs and policies for disaster and emergency assistance for wildfires do not work well, primarily because they were developed to address natural disasters such as hurricanes, floods, and tornadoes. For example, there is a minimal role for mitigation work, which is critical for communities vulnerable to wildfires.

Mitigation is proven to reduce the costs and long-term impacts of wildfires on communities, property, and water supplies. The long-term savings that mitigation represents are well documented; for every dollar spent on hazard mitigation, there is an average savings of four dollars. With conditions such as persistent drought, coupled with a growing wildland urban interface (WUI), mitigation financial assistance is a low cost, common-sense way to protect life and property while saving taxpayer dollars.

This legislation provides parity for wildfires with other natural disasters by providing up to 15% of the cost of a Fire Mitigation Assistance Grant (FMAG) to support statewide wildfire mitigation projects. Based on averages since 1990, this would cost less than 0.01% of the Disaster Relief Fund (DRF).

Counties who have approved FMAG's will be eligible for Hazard Mitigation Assistance Grants Program (HMAGP) funds to be used for post-fire flooding mitigation and pre-fire mitigation to help reduce the severity of fires before they happen.



FEMA's Stafford Act programs already recognize the importance of mitigation for other natural disasters such as hurricanes, floods, and tornadoes by providing 15% of the total FEMA disaster cost to states to support mitigation programs statewide. However, FEMA handles most wildfires through the Fire Management Assistance Grant (FMAG) program (P.L. 93-288, § 404), which supports "grants, equipment, supplies and personnel" to assist states and local governments attempting to control fires on state and private property, and to prevent fires from becoming major disasters. Unlike disaster declarations for other natural disasters, FMAG currently only provides assistance while the fire is burning and does not have the authority to assist in post-disaster mitigation.

**Fiscal/Urban/Rural Impact:** Mitigation funds for certain areas affected by wildfires will have a positive fiscal impact on affected counties. As observed during the NACo Western Interstate Region (WIR) conference field trip in Coconino County in May 2013 and other counties such as El Paso County, Colorado; Boulder County; Colorado; and Larimer County, Colorado; the financial burden from post-fire mitigation for fires such as the Waldo Canyon, High Park, and Schultz fires is crippling. Legislation providing mitigation funds will help lessen the post-fire burden on counties and lessen the chances of big catastrophic fires by providing an avenue for pre-fire mitigation.

**Sponsor(s):** Lynn Padgett, Commissioner, Ouray County, Colo.

### **Proposed Resolution on FEMA's Deobligation of Approved Disaster-Relief Funds**

**Issue:** Since 2010, the Federal Emergency Management Agency (FEMA) has aggressively sought to recover and deobligate previously-approved recovery funds distributed to local governments by FEMA through the Robert T. Stafford Disaster Relief Act. The process has created growing uncertainty in counties' ability to accept disaster-relief funds.

**Adopted Policy:** The National Association of Counties (NACo) supports legislation that would establish a 3-year statute of limitation on deobligation of FEMA Public Assistance funds from the date a project is certified complete by the state (grantee).

The National Association of Counties (NACo) also urges the federal government to clarify the process whereby FEMA can declare that funds distributed to local governments and approved by FEMA for disaster relief efforts are deobligated; so as to ensure that:

1. The deobligation process includes a reasonable timeframe for counties to respond to information requests;
2. FEMA makes timely decisions on appeals filed by counties that face the potential rescission of previously appropriated federal funds; and,
3. Precludes FEMA from immediately rescinding previously obligated funds from the grantee, once the subgrantee has stated its intent to appeal, in a timely fashion, FEMA's decision.

**Background:** The issue of deobligation of approved funds for disaster relief comes as a great concern for counties across the nation. Deobligation is when FEMA requires grant recipients to return funds intended to provide relief after disaster. The deobligation process is often initiated following a rules change at FEMA that disallows the agency to provide funding, or following an internal review performed by an auditor that finds that grant funding was improperly awarded.

**Fiscal/Urban/Rural Impact:** Would help a counties ability to respond to information request, as well as properly prepare to reduce the chances of funding being deobligated.

**Sponsor(s):** Sally Heyman, Commissioner, Miami Dade County, Fla.

## Proposed Resolution on Executive Order Establishing a Federal Flood Risk Management Standard

**Issue:** The President issued an executive order creating a Federal Flood Risk Management Standard (FFRMS) that directs all agencies to use one of three resiliency criteria in their policies, projects, and programs receiving federal funding.

**Proposed Policy:** The National Association of Counties (NACo) urges the President and Congress direct all federal agencies to engage NACo and state and local government agencies prior to implementation of Executive Order 13690.

**Background:** On January 30, 2015 President Obama signed an Executive Order “*Establishing a Federal Flood Risk Management Standard and a process for further soliciting and considering stakeholder Input*”. Among other things, this EO made amendments to a May, 1977 EO 13690 on Federal Policy on Floodplain Management. As part of the implementation of this process, FEMA, on behalf of the Mitigation Framework Leadership Group (MitFLG, the multi-agency group that developed the standard) has published a draft of the Guidelines for implementing the amended EO 11988 by all federal agencies consistent with the FFRMS. This draft Guideline has been released for a 60 day Public Comment Period for consideration of implementation by the agencies.

The EO supplants an overarching shift in Federal Policy:

1. **Away from flood control and protection to a risk management strategy:** *From the Guidelines:* “... the FFRMS reflects a transition beyond a former emphasis on “*flood control and protection*” to a broader focus on “*flood risk management*.” “Changes in terminologies from “protection” to a broader focus on resilience and risk management reflect the recognition that floodwaters cannot be fully controlled, full protection from floods cannot be provided by any measure or combination of measures, and risk cannot be completely eliminated.”
2. **To avoid directly or indirectly encouraging development in a floodplain:** *From the EO:* “... requires executive departments and agencies (agencies) to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” *From the Guidance:* “The preferred method for satisfying this requirement is to avoid sites in the base floodplain.” “The Guidelines do not intend to prohibit floodplain development in all cases, but rather to create a consistent government policy against such development under most circumstances.”
3. **The new standard is intended for all federal agencies in all actions:** *From the Guidance:* “The basic concepts expressed in Section 1 of the Order are: (1) all agencies are covered; (2) all actions are covered; (3) all agencies are to affirmatively carry out efforts to, and provide a good example of, sound floodplain management practices; and (4) all agencies are required to act, not merely consider, reducing risk, minimizing adverse impacts, and restoring and preserving floodplain values.”
4. **Where the previous EO relied on the use of the FEMA derived 1% annual flood Plain (100yr.) for federal agency consideration, the new EO broadens the floodplain by directing the agency to consider any and all actions against a floodplain defined by one of the following:**
  - a. A climate informed science approach that uses best available actionable data and methods that integrate current and future changes in flooding based on climate science
  - b. Expanding the horizontal and vertical size of the flood plain by adopting a 2 foot freeboard above the FEMA NFIP base flood Elevation for non-critical actions and a 3 foot freeboard for critical actions

- c. Using the 0.2 percent annual chance flood (500 yr.)
- d. Using another elevation and flood hazard area identified in a future update of the FFRMS

**Fiscal/Urban/Rural Impact:** If Implemented, Executive Order 13690 could prohibit federal agencies from making any federal investment in the expanded floodplain through any policy, project, or program. Possible federal programs/projects impacted could include: SBA, HUD, DOTD, TIGER grants, the National Flood Insurance Program, Federally backed home and business loans, Army Corps of Engineers, USDA, and Disaster Response.

**Sponsor(s):** Julia Perrier, Council, St. Charles Parish, La.; Marnie Winter, Assistant Director, Jefferson Parish Environmental Affairs, La.

### **Proposed Resolution on the 2017 Reauthorization of the National Flood Insurance Program**

**Issue:** County priorities in the reauthorization of the National Flood Insurance Program.

**Proposed Policy:** The National Association of Counties (NACo) urges Congressional committees of jurisdiction to include local and state stakeholders in the process of drafting legislation to craft an affordable and sustainable reauthorization of the National Flood Insurance Program, the current authorization of which is set to expire in 2017. NACo's positions on the following issues are as follows:

- **Rates:** should be publicly disclosed and affordable. Section 205 (Pre-FIRM) subsidies should be applied to all categories of property;
- **Program Administration:** Write Your Own (WYO) payments must be capped, and risk should be spread by increasing the pool of policyholders;
- **HFIAA:** key provisions from the Homeowner Flood Insurance Affordability Act (P.L. 113-89), namely grandfathering, premium increase caps and the reserve fund set-aside should be retained, and the 1 percent limit on premium to coverage ratio should be changed to a hard cap;
- **Mapping:** should be transparent and fair to local communities, appeal caps must be lifted and a method to pay for elevations should be developed;
- **Mitigation:** funding for mitigation should be increased, and NFIP premiums should be allowed to count as community and homeowner mitigation efforts;
- **Consumer Protection:** a policy review process should be created, Flood Insurance Advocates should be regionalized, and Force-Placing provisions should be amended to keep policyholders in NFIP instead of surplus line

**Background:** The National Flood Insurance Program's current authorization will expire in 2017. Several national groups, such as NACo and the Coalition for Sustainable Flood Insurance, have formed to work with Congress in drafting legislation that would strike a balance between the affordability of the program with the need for fiscal solvency. NACo is committed to working with Congress and stakeholders on determining the which elements of the original legislation, the Biggert-Waters Act, and the Homeowner Flood Insurance Affordability Act should be kept, amended, or discarded during the reauthorization process. Key issues must be properly handled during the reauthorization process to avoid the unintended consequences felt in 2013 following the passage of the Biggert-Waters Act. Unless reauthorized properly, the loss of the NFIP or drastic premium increases will threaten all of coastal and riverine America as new FEMA flood maps are unveiled in the coming years. The NFIP must be reauthorized such that the public's trust and reliance on the program to provide affordable flood insurance protection for prior investments in their homes and businesses is affirmed. In addition, the implementation of a transparent and fair process of amending flood maps is vital to the successful implementation of the program.

**Fiscal/Urban/Rural Impact:** Unless reauthorized in a responsible and affordable way, the loss of the National Flood Insurance Program would severely impact the housing markets throughout the country, make flood insurance

premiums unaffordable, and improperly place properties in risk categories due to faulty flood risk maps. Without a strong flood insurance program, local tax revenue could be greatly impacted as home values plummet and markets collapse.

**Sponsors:** Julia Perrier, Council, St. Charles Parish, La.; Marnie Winter, Assistant Director, Jefferson Parish Environmental Affairs, La.

### **Proposed Resolution on FEMA Implementation of Biological Opinion Reasonable and Prudent Alternatives**

**Issue:** The Federal Emergency Management Agency (FEMA) operates the National Flood Insurance Program and a recently issued biological opinion (BiOp) from National Marine Fisheries Service (NMFS) proposes that all development in floodplain causes jeopardy to endangered species (salmon).

**Proposed Policy:** The National Association of Counties (NACo) recommends that FEMA’s implementation of the Reasonable and Prudent Alternatives (RPAs) be done after extensive input from local and state governments. Local land use laws and ordinances need to be evaluated in order to understand the protections that are already in place. NACo recommends that FEMA does not unnecessarily overreach in its implementation stage.

**Background:** In July 2010 the Federal Emergency Management Agency (FEMA) entered into a settlement agreement with Audubon Society of Portland, North West Environmental Defense Center, the National Wildlife Federation, and Association of Northwest Steelheaders. FEMA accepted the concerns raised by the environmental groups and agreed to initiate consultation with the National Marine Fisheries Service (NMFS). The interagency consultation process between NMFS and FEMA, which followed, is required by section 7 of the Endangered Species Act (ESA) and is intended to ensure that federal actions do not contribute to habitat loss or increase the risk of species extinction. A biological opinion (or BiOp) is the document produced as a result of the process.

On April 14, 2016 the National Marine Fisheries Service (NMFS) delivered to the Federal Emergency Management Agency (FEMA) a jeopardy biological opinion (BiOp) on implementation of the National Flood Insurance Program (NFIP) in Oregon. The BiOp includes a set of recommendations for reducing the impact of NFIP related development on salmon.

A BiOp is a scientific judgment about the potential effects of a federal action on an ESA listed species. Although the document is called an “opinion,” it has the force of a decision document. FEMA must respond to the findings in the BiOp. This BiOp is a “jeopardy opinion” to which NMFS has attached a set of recommendations, or “reasonable and prudent alternatives” (RPAs) to FEMA’s February 2013 proposal for reducing the impacts of the NFIP on salmon. Essentially, NMFS has concluded that development in floodplains displaces important habitat, which salmon utilize during flood events, and contributes to instream water quality and hydrologic conditions that are unfavorable for fish.

FEMA has stated that the actions taken on this BiOp will be a model for how they will be addressing flood plain development nationwide.

**Fiscal/Urban/Rural Impact:** The impact of the implementation of the RPAs could have tremendous fiscal impact on both urban and rural communities. Better mapping could limit future flood damages and save the community money but limits on development based on arbitrary setbacks could result in a negative impact.

**Sponsor(s):** Doug Breidenthal, Commissioner, Jackson County, Ore.

**Proposed Resolution to Modify the “Individual Assistance” Criteria Used by the Federal Emergency Management Agency (FEMA) to Ensure that Rural Residents are Treated in a Fair and Equitable Manner**

**Issue:** Current FEMA criteria requiring “concentration of damage” for access to Individual Assistance Programs and its impact on rural residents.

**Proposed Policy:** FEMA and/or Congress should take immediate action to modify existing “concentration of damage” criteria for Individual Assistance Programs, so that these criteria do not unjustly deny rural residents critically needed access to Individual Assistance Programs.

**Background:** The Individual Assistance Program provides housing and unemployment assistance, counseling, and other personal support to families and individuals in the wake of a federally declared disaster. However, the current formula FEMA uses to evaluate damages and send disaster declaration recommendations to the President frequently leaves smaller towns and communities out. The assistance cannot be utilized without a federal disaster declaration. Further, even with a federal disaster declaration, the requirement for “concentration of damage” virtually eliminates rural areas being eligible for Individual Assistance Programs.

From wildfires to landslides, flooding to earthquakes, natural disasters cause significant damage to residents and businesses across Washington State. Over the past several years, it has become very apparent that rural communities in Washington State need to be assured that they are not left out when recovering from disasters and are treated equitably as urban areas.

Over the past several years rural communities in Washington State were dramatically impacted by:

- Wildfires that burned more than one million acres and left 46 families without temporary housing in Central and north Central Washington.
- On the Olympic Peninsula severe storms triggered flooding and mudslides that caused significant damage to residential property.
- In Snohomish County, the Oso landslide resulted in 30 families displaced.
- Chelan County lost 122,845 acres to wildfires, and over \$4.7 million in structural damages.

Many other smaller communities in Washington State and the country are impacted by wildfires and other disasters every year but do not receive the same FEMA consideration for Individual Assistance as more urban communities do. It is important that through either policy or legislation, this shortcoming in existing law and interpretation is corrected to ensure that rural communities receive the financial support they need in order to help them pick up the pieces and rebuild after devastating disasters.

Washington State has had two successive years of historic catastrophic wildfires. Hundreds of homes have been lost. 1.4 million acres have burned. Despite this, residents of these fire ravaged counties have repeatedly been denied access to Individual Assistance aid without an adequate explanation.

Current rules for disaster aid prioritize relief efforts to “areas of concentration”, or urban areas. This means even after a major federal disaster is declared all too often residents in devastated rural communities are left to fend for themselves. No family facing the aftermath of a wildfire, or any natural disaster, should be denied federal aid simply because they live in a rural community. Policy changes, or legislative relief, is needed to revise eligibility criteria, providing much-needed clarity and objective standards for the formula used for federal assistance. It is important to ensure rural communities are not unfairly excluded from federal aid.

Due to the manner in which FEMA administers the Individual Assistance Program, it is necessary to improve the opportunity for folks living in rural areas to benefit from the federal Individual Assistance Program that provides housing assistance and other personal needs following a disaster.

Okanogan County, Stevens County, Chelan County, and the Washington State Association of Counties asks NACo to adopt a policy that assures FEMA Individual Assistance Programs are applied in a fair, consistent and equitable manner to all communities – urban and rural.

**Fiscal/Urban/Rural Impact:** This policy intends to assure that residents in urban and rural counties are treated equitably.

**Sponsors:** Sheilah Kennedy, Commissioner, Okanogan County, Wash.; West McCart, Commissioner, Stevens County, Wash.; Ron Walter, Commissioner, Chelan County, Wash.

### **Proposed Resolution on Reauthorization of the Juvenile Justice Delinquency Prevention Act**

**Issue:** The Juvenile Justice Delinquency Prevention Act has not been reauthorized since 2002

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to support the Reauthorization of the Juvenile Justice and Delinquency Prevention Act.

**Background:** The Juvenile Justice and Delinquency Prevention Act has not been reauthorized since 2002. Action to reauthorize the Act needs to be taken by Congress.

**Fiscal/Urban/Rural Impact:** Funding for many county juvenile justice programs is allocated through the Reauthorization of the Act.

**Sponsor(s):** Commissioner Nancy Schouweiler, Dakota County, Minn.; Kay Cashion, Commissioner, Guilford County, North Carolina; Commissioner Sally Heyman, Miami-Dade County, Fla.

### **Resolution Urging Federal, State and Local Adoption of a Presumption against the Use of Indiscriminate and Unnecessary Restraints of Juveniles in Court**

**Issue:** Many youth in custody are forced to appear in court proceedings in restraints that unnecessarily humiliate, stigmatize and traumatize young people. Restraining youth who pose no safety threat is inconsistent with the rehabilitative goals of juvenile justice.

**Proposed Policy:** The National Association of Counties (NACo) urges federal, state and local government adoption of a presumption against the use of unnecessary restraints of juveniles in court and to only allow restraints after an in-person opportunity to be heard and a finding that restraints are the least restrictive means necessary to prevent flight or harm to the juvenile or others.

**Background:** Models for Change states that: “Many youth in custody are forced to appear in court shackled with leg irons, belly chains, and handcuffs. The practice of restraining youth who pose no safety threat unnecessarily humiliates, stigmatizes, and traumatizes young people. Shackling youth is inconsistent with the rehabilitative goals of the juvenile justice system and offends due process.” Additionally, the Campaign against Indiscriminate Juvenile Shackling notes the following harms when youth are restrained in court proceedings: “The indiscriminate shackling of youth unnecessarily humiliates, stigmatizes, and traumatizes the. The practice impedes the attorney-client relationship, chills juvenile’ constitutional right to due process, runs counter to the presumption of innocence, and draws into question the rehabilitative ideals of juvenile court.

**Fiscal/Urban/Rural Impact:** Fiscal impact if it exist, is minimal. No difference among urban and rural impacts.

**Sponsor:** Kay Cashion, Commissioner, Guilford County, North Carolina; Commissioner Nancy Schouweiler, Dakota County, Minn.; Commissioner Sally Heyman, Miami-Dade County, Fla.

### **Proposed Resolution on Juvenile Life Sentencing without Opportunity for Parole**

**Issue:** Children should never be sentenced to "life without parole" for offenses they committed at an age that is characteristic of impulsive, immature and risk-taking behavior- things we know are common for all adolescents.

**Proposed Policy:** The National Association of Counties (NACo) supports eliminating life without parole as a sentencing option for children. We support just and age appropriate accountability measures for children that will ensure that every child, regardless of offense, is given a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. We therefore, call upon State Legislatures across the country and the U.S. Congress to enact legislation that abolishes life without parole for children and provides them with meaningful and periodic sentencing reviews. These legislative changes should be applied both retroactively and prospectively so that no child is allowed to have their human rights violated because of when they were sentenced.

**Background:** The United States Supreme Court ruled in *Miller v. Alabama* that "Children are constitutionally different from adults... because juveniles have diminished culpability and greater prospects for reform... they are less deserving of the most severe punishments." The Court held that mandatory sentences of life without parole for juveniles violate the Eighth Amendment's prohibition on cruel and unusual punishments and are therefore unconstitutional. The Court has ruled that neither the state legislatures nor the Congress have enacted legislation to align with the ruling. This resolution is requesting this legislative change.

**Fiscal/Urban/Rural Impact:** N/A

**Sponsor(s):** Commissioner Nancy Schouweiler, Dakota County, Minn.; Commissioner Kay Cashion, Guilford County, N.C.; Commissioner Sally Heyman, Miami Dade County, Fla.

### **Proposed Resolution Supporting the Stopping Tax Offenders and Prosecuting Identity Theft Act (Stop Identity Theft Act) and Similar Legislation**

**Issue:** Misuse of taxpayer identity.

**Proposed Policy:** NACo supports all legislation in the U.S. House of Representatives and the U.S. Senate that would reduce tax crimes and identity theft and would halt the victimization of millions of U.S. taxpayers through losses due to several billion dollars in fraudulent claims. Such eislation would encourage the U.S. Department of Justice (DOJ) to dedicate additional resources, including the use of investigative task forces, to address tax return identity theft. The legislation would ask DOJ to focus resources in areas with a high rate of tax return identity theft, coordinate investigations with state and local law enforcement agencies, and protect vulnerable victims, including veterans, seniors and minors. The legislation would increase penalties to help deter this type of crime and protect victims.

**Background:** Identify theft can result in the filing of a fraudulent tax return and the subsequent refund to individuals who are stealing the names, addresses, and social security numbers, which can harm the victims credit which could take years to rectify. Further, deceased individuals, whose records are maintained in the Social Security Death Master File, which is made public by the Social Security Administration, are also susceptible to unlawful tax claims as well.

**Fiscal/Urban/Rural Impact:** Would allow for the disclosure of tax return information to federal, state, and local law enforcement personnel who are personally and directly engaged in the investigation of identity theft. The bill would impose a fine and/or prison term on any person who knowingly or willfully misappropriates another person's tax identification number and would increase the civil and criminal penalties for improper disclosure or use of tax information by tax return preparers. Additionally the legislation would require the Commissioner of the Internal Revenue Service (IRS) to report to Congress on the number of reported tax fraud cases and on actions taken in response to such reports and require the head of the Federal Bureau of Prisons to submit to Congress a detailed plan on how it will use tax information provided by the IRS to reduce prison tax fraud. Authorizes the Commissioner to transfer appropriated funds to be used solely to prevent and resolve potential tax fraud cases which can in turn make victims whole again. Prohibits the Secretary of Commerce from disclosing information contained on the Death Master File relating to a deceased individual to persons who are not certified to access such information. The Attorney General would also be authorized to award grants to state and local law enforcement agencies for the investigation and prosecution of tax crimes.

**Sponsor(s):** Commissioner Sally Heyman, Miami-Dade County, Fla.

### **Proposed Resolution Supporting the Comprehensive Justice and Mental Health Act and Similar Legislation**

**Issue:** Improving access to mental health services for people in the criminal justice system that need treatment.

**Proposed Policy:** NACo supports improved access to mental health treatment for individuals who come into contact with the criminal justice system through services and by providing law enforcement officers the tools they need to identify and respond to mental health issues in the community. In 2004, Congress passed the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), which supports innovative programs that bring together mental health and criminal justice agencies to address the unique needs of persons with mental health conditions. The Comprehensive Justice and Mental Health Act (CJMHA) reauthorizes and improves MIOTCRA.

The proposed legislation (H.R. 1854/S. 993) also supports mental health courts and crisis intervention teams; uses new grant accountability measures and emphasizes the use of evidence-based practices; authorizes investments in veterans treatment courts; supports state and local efforts to identify people with mental health conditions at each point in the criminal justice system; supports the development of curricula for police academies and orientations; supports the development of programs to train federal law enforcement officers in how to respond appropriately to incidents involving a person with a mental health condition; increases focus on corrections-based programs and gives local officials greater control over program participation eligibility.

**Background:** People with mental health conditions are disproportionately arrested and incarcerated. Many of these inmates belong in treatment programs, not behind bars. It has been noted that around the country jails are holding more people with severe psychiatric illnesses than any psychiatric facility in the county. It is not sustainable for the criminal justice system, specifically law enforcement officers and the courts, to continue to use it as a mental health system. People who have mental health conditions would benefit more from treatment and intensive supervision than from traditional incarceration. The current system doesn't make sense for taxpayers to pay for high incarceration costs and overcrowded corrections facilities.

**Fiscal/Urban/Rural Impact:** Taxpayers are currently paying for high incarceration costs and overcrowded corrections facilities for inmates that would better be served in mental health treatment facilities. The funding allocated for incarceration of these individuals could be redirected for other, more efficient uses.

**Sponsor(s):** Commissioner Sally Heyman, Miami-Dade County, Florida; Commissioner Audrey M. Edmonson, Miami-Dade County, Florida; Commissioner Bryan Desloge, Leon County, Florida; Commissioner Joan P. Garner, Fulton County, Georgia



## Proposed Resolution to Support Programs Preventing Human Trafficking

**Issue:** Human trafficking is a modern form of slavery that affects every community across our country.

**Proposed Policy:** The National Association of Counties (NACo) supports legislation and programs designed to prevent trafficking, protect victims, prosecute traffickers, and create partnerships across all levels of government, the private sector, and international agencies in order to enhance the collection, use and sharing of data. NACo supports victim centered and trauma informed programs designed to meet the needs of the victim including safe housing, mental health assistance and access to education.

NACo also supports programs that eradicate the root causes of vulnerability among trafficking victims - poverty and discrimination. Furthermore, NACo supports programs that strengthen our legal network and those that provide training opportunities for local government employees and their agents on recognizing the signs of trafficking including government inspectors, law enforcement, criminal justice, health care, transportation and public transit, educational partners, and employees working with vulnerable populations.

**Background:** Local government is on the frontline of human trafficking. Often times a victim comes in contact with a local agency whether it be law enforcement, social services or health care. It is imperative that local government employees are properly trained in recognizing the signs and symptoms of trafficking. Once a victim has been identified, victim services programs, law enforcement agencies, and our judicial systems need to be properly funded and trained to assist victims and/or prosecute traffickers. Shelter services, mental health counseling, educational and training programs, and a victim centered approach need to be in place to assist victims. Since so many victims cross state or international lines as well as children from our child welfare systems being particularly vulnerable to becoming trafficking victims, it is imperative that programs and protocols be supported by not only our state and local agencies, but also by our federal partners.

Some statistics taken from the US Department of State's Trafficking in Persons Report and other publications:

### Human Trafficking Worldwide:

- Human trafficking is a \$32,000,000,000 per year industry and is tied with drugs for the most profitable criminal endeavor, having passed illegal weapons.
- 27,000,000 people in modern-day slavery around the world.
- 800,000 people trafficked across international borders every year. 35% are children, 80% are women and girls.
- 1,000,000 children exploited by the international sex trade.
- 70% of female victims are trafficked into the sex trade. 30% into forced labor.

### Domestic Minor Sex Trafficking in the United States:

- There are 100,000 to 300,000 underage girls being sold for sex in America.
- The average age of entry into prostitution is 12-14 years old.
- 50,000 women and children are trafficked into the United States each year.
- 1 out of every 3 teens on the street will be lured toward prostitution within 48 hours of running away from home.
- Minor victims were sold an average of 10-15 times a day, 6 days a week.

**Fiscal/Urban/Rural Impact:** Human trafficking impacts counties through funding for victim needs including social services, health care, housing, and education. It impacts funding for the arrest and prosecution of traffickers

1 including law enforcement, judicial proceedings, and incarceration. No community - urban or rural - is exempt from  
2 human trafficking.

3  
4 **Sponsor(s):** Melissa McKinlay, Commissioner, Palm Beach County, Fla.; Don Knabe, Supervisor, Los Angeles  
5 County, Calif.

6  
7 **Proposed Resolution Urging Congress to Address Domestic and International Gang Activities**

8  
9 **Issue:** Gang violence has the same impacts upon a local community as acts of terrorism and needs Federal support.

10  
11 **Proposed Policy:** The National Association of Counties (NACo) urges a resolution by the United States Congress  
12 affirming the application of 18 U.S.C. § 2331 as applicable to the prosecution of domestic and international gang  
13 activities within the territories of the United States. It is further urged that such a resolution include applicable  
14 funding and support to Federal law enforcement agencies with orders to coordinate with local jurisdictions for the  
15 training, enforcement, and prosecution of crimes associated with gang-related terrorism.

16  
17 **Background:** The terrorist shootings in San Bernardino, CA claimed the lives of 14 people and seriously injured 22  
18 others. In Orlando last month, 50 were murdered. Both tragedies were planned attacks targeting specific groups of  
19 people, but intended to make lasting terror impact on the population. But compared to the death toll from gang  
20 violence, where murder is committed every day on American streets, the deaths from these tragedies are small in  
21 comparison.

22  
23 Gang-related killings are not like crimes of passion, accidents, or any other myriad of causes for homicides. Like  
24 the two incidents above, they are planned attacks on a targeted group with the larger goal of intimidation of a larger  
25 population. In every definition of the term “terrorism” under 18 U.S.C. § 2331, gang violence applies. And while on  
26 paper the intent of the intimidation is different – terrorists pursue a political agenda, and gangs an economic one –  
27 both commit acts of terror and death for the goal of asserting their power over that of the people and law  
28 enforcement.

29  
30 Reducing gang violence is best achieved by rapid and widespread suppression efforts. However, responding these  
31 suppression efforts require a major commitment of local law enforcement, and is a major drain on local resources.

32  
33 This is particularly challenging to rural counties like Madera County where gang activity is high but the ability of  
34 local agencies to respond is strained due to the lack of funding and personnel for sustained suppression.

35  
36 Control of gang activity and the violence it causes is a matter of national security, especially from gangs with  
37 international connections. And counties need increased support of the Federal government to combat gang activity  
38 at the local level.

39  
40 **Fiscal/Urban/Rural Impact:** Would provide new federal funds and resources to counties and cities for training and  
41 enforcement, as well as personnel assistance from Federal law enforcement agencies.

42  
43 **Sponsor(s):** Richard Farinelli, Supervisor, Madera County, Calif.

44  
45 **Proposed Resolution to Amend the Equal Access to Justice Act**

46  
47 **Issue:** Resolution on the Equal Access to Justice Act

**Proposed Policy:**

1. Supports legislation that amends the Equal Access to Justice Act and the federal judicial code to require the Chairman of the Administrative Conference of the United States to report to Congress annually on the amount of fees and other expenses awarded to prevailing parties other than the United States in certain administrative proceedings and civil action court cases (excluding tort cases) to which the United States is a party, including settlement agreements.
2. Supports requirements that such reports: (1) describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards; and (2) be made available to the public online.
3. Supports legislation that directs the Chairman of the Administrative Conference of the United States to create and maintain online a searchable database containing specified information with respect to each award including the name of the agency involved, the name of each party to whom the award was made, the amount of the award, and the basis for finding that the position of the agency concerned was not substantially justified.
4. Supports legislation that requires the head of each federal agency (including, with respect to court cases, the Attorney General [DOJ] and the Director of the Administrative Office of the United States Courts) to provide the Chairman all information requested to produce such reports.
5. Supports raising the EAJA reimbursement level to \$200 per hour, reflecting the market rate, so that those in need (i.e. veterans and small business) and those that are “directly and personally harmed” can afford a decent and marketable attorney.
6. Supports the institution of a \$7,000,000 net worth cap regardless of tax exempt status to reduce the number of lawsuits filed by large nationwide fringe groups that profit from habitual lawsuits.

**Background:** Every year non-governmental organizations collect millions of dollars from the Federal Government in attorney’s fees on "sue and settle" lawsuits. EAJA needs reform to even the playing field with other public lands stakeholders. Currently there is no way to track EAJA money as to the amount spent and to who it is paid. It needs to be a more open process.

**Fiscal/Urban/Rural Impact:** This costs the federal government millions each year in unaccounted spending paying lawsuits that are often not in the interest of local governments.

**Sponsor(s):** Alan Gardner, Commissioner, Washington County, Utah

# PUBLIC LANDS

## PROPOSED PLATFORM CHANGES

### Proposed Platform Change for the Consolidation and Clean-up of the Public Lands Platform

#### 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. Transfer of Public Lands:** 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 ~~and in with~~ consultation with the affected counties.

**B. 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 e~~ Counties should be given the opportunity to participate in the development of terms and conditions of any such proposal before it is carried out. 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. 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.

**C. Federal Land Transaction Facilitation Act:** NACo supports the long-term reauthorization of the Federal Land Transaction Facilitation Act, a balanced approach to western lands that facilitates the sale of Bureau of Land Management (BLM) lands identified for disposal, which generates revenue for high-priority conservation.

**D. 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-legislation~~ pertaining to wilderness designation within any affected county's jurisdiction. NACo strongly encourages congressional delegations to only consider future wilderness legislation that has demonstrated considerable support from

1 affected counties. Public hearings must be held in the counties affected by the proposed designation. There  
2 must be compliance with the requirements of the National Environmental Policy Act (NEPA).  
3

4 NACo opposes legislative efforts to require inventoried roadless areas (~~USDA Forest Service~~) to be managed in  
5 accordance with the ~~2001~~ Roadless Area Rule issued in (~~January 12, of 2001~~). NACo opposes federal land  
6 management ~~agency~~ actions that limit access and multiple use of lands that otherwise would be available to the  
7 public such as designations commonly referred to as “de facto wilderness”. (~~i.e. de facto wilderness~~). Unless  
8 approved by Congress, NACo opposes ~~Executive Branch efforts to designate~~ de facto wilderness, ~~and/or~~ federal  
9 land use restrictions not explicitly enacted on the use of public or private lands in the proximity to a designated  
10 wilderness or a Wilderness Study Area ~~without congressional approval~~.  
11

12 NACo ~~also~~ supports amending the Antiquities Act to provide transparency and accountability in the designation  
13 of national monuments. Federal consultation with state, county, and tribal governments should be required  
14 prior to the development and designation of any national monument.  
15

16 NACo supports special land-use designations of federal lands that are proposed by local residents and  
17 businesses, is are consistent with existing land use policies, and is are strongly supported by the affected  
18 stakeholders and counties ~~and stakeholders in the area~~ within which ~~the~~ designations is are proposed.  
19

20 **DE. Access:** NACo supports maintaining and enhancing public access to public lands; and opposes road  
21 closures, road decommissioning, moratoria against road building and other limiting policies and practices  
22 without coordination and consistency with county land use plans or management policies.  
23

24 NACo recognizes the importance of the system of roads and rights-of-way across federal lands established  
25 under R.S. 2477. The ~~current~~ Administration does not have authority to make binding administrative  
26 determinations about county R.S. 2477 rights. Instead, the Administration should work cooperatively with local  
27 officials to obtain Judicial or Congressional recognition of county R.S. 2477 rights-of-way claims on federal  
28 land. ~~Theis~~ road recognition process should be clear and consistent and give high priority to public safety,  
29 private property, and public access. ~~We NACo~~ opposes any federal action designed to change or diminish the  
30 scope of these rights. NACo supports legislation to create an administrative process for confirming historic  
31 rights of way on federal lands for qualifying roads, including but not limited to a waiver of the statute of  
32 limitations regarding timely filing of such applications where qualifying roads cross “reserved” land.  
33

34 **EF. Water:** NACo believes in state primacy in water resources administration, management, and allocation.  
35 Before any decision is made to continue drawdowns, removal or breaching of dams, a full review of all the  
36 relevant scientific and socioeconomic implications of such actions should be made and affected counties  
37 consulted.  
38

39 NACo supports changes in current federal policy to provide the option to use mechanized equipment for  
40 maintenance of dams within designated Wilderness areas and Wilderness Study Areas (WSA).  
41

42 NACo urges the U.S. government to acknowledge the importance of adopting definitive Arctic policies in order  
43 to protect national security and to further U.S. commerce.  
44

45 **FG. Domestic Livestock Grazing:** NACo supports the enhancement of a viable rangeland livestock industry as  
46 an essential component of our country’s economy and as vital to affected communities. Good grazing practices  
47 are beneficial to maintaining rangeland health and assist in reducing potential fire danger by keeping fuel  
48 loading to a manageable level.  
49

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 costs 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/buyout of grazing permits by non-ranching third parties.

**GH. 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. NACo supports Congressional legislation to give individual states exclusive authority to manage wild horses and burros on federal lands, including exclusive authority to determine appropriate AMLs and authority to dispose of animals that exceed AMLs.

**HI. Mineral, Oil, and Gas/Energy and Mineral Resource Development:** NACo supports comprehensive mineral, gas, and oil development laws and policies, including an expedited oil shale and oil sands leasing program, such as in the Green River formation, 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.

When mitigation is required as a condition of mineral or energy development, NACo encourages federal agencies adopt procedures that provide for 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 Payments in Lieu of Taxes (PILT) will not be received, agencies must ensure that project developer will continue to pay the property tax on the transferred land, or fees in lieu of taxes, in perpetuity, until the land is restored to private ownership.

**IJ. 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.

**JK. Noxious Weeds & Invasive Species:-**

1. NACo calls for a well-funded, coordinated ~~and~~; 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~~ and cultural or prevention.

~~1.2.~~ NACo calls all counties to action to better protect ~~Counties~~ 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, forests, 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.

**~~KL.~~ 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.

**M. Federal Lands Recreational Enhancement Act (FLREA):** NACo supports the Federal Lands Recreational Enhancement Act to allow the Forest Service and other agencies to retain revenues from specific fee areas to pay for upgrades, management and maintenance of Forest Service recreational areas. NACo further requests FLREA be amended to allow a portion of revenues from ski area leases be retained by the U.S. Forest Service to help pay for increased workload of managing ski area leases generated by recently passed ‘Summer Use’ legislation.

## FEDERAL LANDS PAYMENTS

**A. Payments 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-in which 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 wherein which~~ the mineral was extracted; and the historic balance of the 50/50 split is restored. NACo opposes the application of “sequestration” to Mineral Lease Act (MLA) revenues and calls for the immediate disbursement of previously sequestered MLA revenues.

NACo supports the sharing of federal leasing and rights-of-way revenues from renewable energy development (wind, solar, and geothermal) and federal Stewardship-stewardship Contracts-contracts on federal lands with county governments where ~~that-those~~ developments and contracts occurs. Any revenue sharing program should not negatively impact the PILT program.



1 The U.S. Forest Service and Bureau of Land Management have permanent authority to enter into stewardship  
2 contracts for management of federal forests and rangelands. ~~The~~This authority does not include, however,  
3 traditional sharing with counties of revenues generated from these projects. NACo supports stewardship end-  
4 results contracting projects as a tool to manage federal forests and rangelands, but only if ~~it retains~~they retain  
5 the historical receipts sharing with counties.

- 6  
7 **C. Secure Rural Schools and Community Self-Determination Act:** NACo supports the reauthorization and  
8 enhancement of the Secure Rural Schools program (PL 110-343). Reauthorization should maintain  
9 coupling between payments to counties and active natural resource management,<sup>3</sup> and the connection  
10 between sustainable natural resource management and the stability and well-being of forest counties and  
11 communities.

12  
13 NACo supports amending Title III of the Secure Rural Schools Act (SRS) to include reimbursement to  
14 counties for training and equipment of first responders, patrol expenditures and other emergency services on  
15 eligible federal Forest Service and BLM lands.

16  
17 NACo urges Congress and federal agencies to restore responsible, multiple use and sustained-yield  
18 industries on public land. These industries are necessary to provide economic, social, educational, and  
19 cultural stability for resource communities. NACo supports robust bridge funding to arrest catastrophic  
20 declines in resource production and county revenue sharing and a restoration of active public land  
21 management. Federal agencies should coordinate with local and state officials to provide the greatest  
22 improvements in those areas of greatest importance.

- 23  
24 **D. Compensation to Counties by Concessionaires Operating on Federal Lands:** NACo supports federal  
25 policies that direct federal land management agencies to provide that all concessionaires, or enhanced-use ~~lease~~  
26 ~~lessees~~ lessees who operate businesses on federally owned land, compensate local taxing jurisdictions equal to  
27 the property taxes that are otherwise paid by any other commercial business in the county.

## 28 29 **FEDERAL LAND USE PLANNING**

- 30 **A. Community-Based Land Management:** NACo supports community-based conservation initiatives and calls  
31 on the agencies to implement such initiatives. Federal land management agencies should use broad-based  
32 vegetation management practices, in conjunction with community-based partnerships for ecosystem  
33 management, to enhance the health of the public lands.

- 34  
35 **B. Endangered Species Act:** NACo recognizes the importance of the Endangered Species Act (ESA) as an  
36 essential safeguard for America's fish, wildlife and plants and therefore supports updating and improving it to  
37 better achieve its goals.

38  
39 NACo supports reforming the ESA to mandate that the federal government treat state and county governments  
40 as cooperating agencies with full rights of coordination, consultation<sup>7</sup> and consistency to decide jointly with  
41 appropriate federal agencies when and how to list species, designate habitat<sup>7</sup> and plan and manage for species  
42 recovery and de-listing.

43  
44 NACo supports reforms that would require the U.S. Fish and Wildlife Service and the National Marine  
45 Fisheries Service to perform cumulative and quantitative economic ~~analysis~~analyses, before the designation of  
46 Critical Habitat, that would measure the effects of such a designation on all affected stakeholders – not just on  
47 federal agencies – and would include the effects on possible uses of land, property values, employment<sup>7</sup> and  
48 revenues available for state and local governments. This information shall be considered as a part of their  
49 decision making process.



1 **C. National Environmental Policy Act (NEPA) Improvement:** NACo supports the revision of NEPA to  
2 strengthen the involvement of local government in the federal decision-making process, ~~to~~ increase public  
3 involvement for local communities, expedite project analysis, and make those decisions in a timely but effective  
4 manner. NACo supports requiring federal agencies ~~offer~~ to coordinate with and offer cooperating agency status  
5 to local governments, and negotiate mutually agreeable MOUs.

6  
7 **D. Gateway Communities:** NACo recognizes counties as gateway communities to our nation's federal lands and  
8 that the economies and ecologies of county, state, and federal governments in gateway regions are interwoven.  
9 NACo believes that diverse recreation and tourism opportunities are critical to counties and their communities.  
10 Furthermore, NACo recognizes that federal policies frequently drive significant impacts to gateway  
11 communities and the services they provide to visitors to ensure their pleasure, safety and comfort.

12  
13 **E. Current and Future Federal Land Management Agency Land Management Plan Revisions:** Federal Land  
14 Management Agencies should coordinate with local government officials and maintain maximum consistency  
15 with local plans and policies when undergoing conducting current and future revisions of Resource  
16 Management Plans (RMPs) and Forest Management Plans. Counties should be full cooperating agencies in  
17 such processes and be provided meaningful opportunity for involvement in the revision process from start to  
18 finish. Once land management agency plans are become approved management practices or policies, new  
19 agency actions should not contradict those plans.

20  
21 Plans should provide for economic and social sustainability, emphasize multiple use management and  
22 commodity production, and require that federal decisions be made at the most local level of the federal agency.

23  
24 **F. Landscape Conservation Cooperatives (LCC): NACo supports the expansion of LCC Steering Committees**  
25 **to include at least one elected county official or approved regional official representing local governmental**  
26 **interests on each Steering Committee, and preferably one from each state in those eco-regions which are multi-**  
27 **state.**

### 28 29 **Proposed Platform Change to Support Funding for Our National Parks**

30  
31 AT THE APPROPRIATE PLACE IN THE PLATFORM, ADD:

32  
33 NACo calls on Congress to preserve funding for America's national parks. NACo supports maintaining funding for  
34 the National Park Service (NPS), recognizing that national parks provide recreation, economic and tourism  
35 opportunities for counties, and gateway communities. NACo also urges Congress to increase funding for the NPS to  
36 address the dire backlog of maintenance projects, now totaling \$11 billion, which includes critically needed road  
37 access and bridge maintenance projects.

38  
39 **Sponsor(s):** Rachel Richards, Chair, Pitkin County, Colo.

### 40 41 **Proposed Platform Change on the Transfer of Public Lands**

42  
43 **Under FEDERAL LAND MANAGEMENT, strike from the platform:**

44  
45 ~~**A. Transfer of Public Lands:** NACo believes all fifty states are equal and that every state should receive~~  
46 ~~everything that was promised to them in their enabling acts, including land transfers, if requested by an individual~~  
47 ~~state with consultation with the affected counties.~~

**Sponsor(s):** Rachel Richards, Chair, Pitkin County, Colo.

### **Proposed Platform Change on Resource Revenue Sharing**

**Under FEDERAL LANDS PAYMENTS, insert the underlined language:**

#### **PART B:**

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 **(Federal Revenue Sharing)**. NACo opposes any attempts to lessen the revenue sharing receipts **including sequestration.** **Federal Revenue Sharing(s) are contracts based on resource use revenue received by the United States Treasury and are only funded by the resource it was extracted or used from.**

**Sponsor(s):** Todd Devlin, Commissioner, Prairie County, Mont.

### **Proposed Platform Change on Domestic Livestock Grazing**

**Under FEDERAL LAND MANAGEMENT, insert the underlined language:**

**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. **If a permit is vacated, NACo supports reissuing the permit to an active grazer only.**

**Sponsor(s):** Association of Oregon Counties

## **PROPOSED RESOLUTIONS**

### **Proposed Resolution Urging All Federal Agencies to Engage in Exclusive and Meaningful Coordination with State, Local, and Tribal Governments during Land Use Plan Amendment Processes and Other NEPA, FLPMA, and NFMA Covered Activities**

**Issue:** All federal agencies' responsibility to engage in exclusive and meaningful coordination with state, local, and tribal governments before, during, and throughout any federal land use plan amendment process and other NEPA, FLPMA, and NFMA covered activities.

**Proposed Policy:** The National Association of Counties (NACo) urges all federal agencies to comply with applicable statutes and regulations to coordinate fully, exclusively, and meaningfully with states, counties, and tribal governments before, during, and throughout federal land use plan amendments, plan implementation, management actions, and other NEPA, FLPMA, and NFMA covered activities, to assure consistency with state and local plans and policies. Furthermore, NACo urges Congress to make coordination with local government apply to all federal agencies.

**Background:** Federal land management agencies too often collaborate with private non-governmental entities (NGOs) to the exclusion of state, local, and tribal governments when it comes to land use proposals, land use plan amendments, and other NEPA, FLPMA, and NFMA covered projects and activities. This is upside down. State, local, and tribal governments, not private NGOs, have exclusive government-to-government coordination rights with BLM and Forest Service to the exclusion of NGOs until the NEPA process has reached the stage for public involvement. So-called "collaboration" where state, local, and tribal governments are lumped in with other private stakeholders, does not satisfy federal coordination requirements. Only exclusive government-to-government coordination activities do.

BLMs proposed changes to their planning process, known as "planning 2.0", would increase opportunities for public input into plans. Increased public input should not diminish the special government-to-government relationship between federal agencies and local governments. Local governments represent all of the public within their boundaries, and therefore, should be given more weight than individuals or groups that represent a section of the public.

**Fiscal/Urban/Rural Impact:** Local economies are impacted negatively when federal land management plans and policies are changed without coordination to assure consistency with state, tribal, and local policies and plans.

**Sponsor(s):** Gil Riddell, Policy Director, Association of Oregon Counties, Ore.; Alan Gardner, Commissioner, Washington County, Utah; Jim Matson, Commissioner, Kane County, Utah; Ron Walter, Commissioner, Chelan County, Wash.; John Martin, Commissioner, Garfield County, Colo.; Tom Jankovsky, Commissioner, Garfield County, Colo.; Robert Corn, Commissioner, Chaves County, N.M.; Buster Johnson, Supervisor, Mojave County, Ariz.

### **Proposed Resolution Urging Congress and/or Department of Interior to Take Actions to Stop the Moratorium on Leasing of Public Lands for Extraction of Carbon Based Resources**

**Issue:** Moratorium on Carbon Based Natural Resource Leasing on Public Land while leasing process is rewritten.

**Proposed Policy:** NACo supports (1) the continued issuing of leases by federal land management agencies for carbon based resource and fuel development on all public lands approved for such leasing in the agencies' current resource management plans according to current procedures and processes, and (2) the immediate elimination of all pending moratoriums against such leasing.

**Background:** In the State of the Union address on January 12th, President Obama said "I'm going to push to change the way we manage our oil and coal resources, so that they better reflect the costs they impose on taxpayers and our planet." This was followed a few days later by an announcement from Department of Interior Secretary Sally Jewell that The Department of the Interior says it wants to make sure the money it's charging for coal leases takes into account both market prices and what's often called the "social costs" of coal, oil and gas — its impact on climate change and public health. By far the majority of the coal, oil and gas in the western states come from public land, which is a major economic driver in many western counties. There is no need to stop the existing process

1 while the effort to rewrite the leasing process continues. We have often seen that the rewriting of any policy by  
2 federal agencies becomes an extremely long process.

3 **Fiscal/Urban/Rural Impact:** Many rural economies are based on the extraction of these carbon based fuels. Many  
4 of these same rural counties and communities depend on the mineral lease monies to provide needed and required  
5 services provided in the counties. The mineral lease monies are also a large contributor to the Federal Government  
6 and any suspension of these funds even for a short time will have negative impact on all levels of government.  
7

8 **Sponsor(s):** Commissioner Gordon Topham, Sevier County, Utah  
9

### 10 **Proposed Resolution Supporting Uranium Activities**

11  
12 **Issue:** On January 9, 2012, the Secretary of the Interior, using faulty information, withdrew one million acres of the  
13 nation's highest grade uranium ores from mineral entry in Northern Arizona.  
14

15 **Proposed Policy:** The National Association of Counties (NACo) believes that the January 12, 2012 withdrawal for  
16 Northern Arizona should be overturned, or revoked, and the lands returned to multiple use status, and under the terms  
17 of the 1984 Arizona Wilderness Act, calls for release of lands not suitable for wilderness (except in Coconino County)  
18 as long as operators continue to abide by existing state and federal environmental laws, regulations and standards,  
19 including reclamation.  
20

21 **Background:** Under the authority of the 1984 Arizona Wilderness Act, uranium exploration and mining activities  
22 have occurred on BLM land in northwest Arizona known as the Arizona Strip and on similar U.S. Forest Service  
23 lands south of the Grand Canyon. A comprehensive review as part of the Department of Interior's recent draft  
24 Environmental Impact Statement has assessed impacts to the Grand Canyon Watershed and determined that no  
25 significant impacts from mining exist and that any surface impacts which do exist can be mitigated. Excerpts from  
26 internal e-mails of National Park Service personnel commenting on the draft environmental Impact Statement on  
27 water contamination in the Grand Canyon National Park:  
28

29 *"My personal and professional opinion is that the potential impacts stated in the DEIS as (sic) grossly overestimated*  
30 *and even then they are minor to negligible."*  
31

32 *"The DEIS goes to great lengths in an attempt to establish impacts to water resources from uranium mining. It fails*  
33 *to do so, but instead creates enough confusion and obfuscation of hydro geologic principles to create the illusion that*  
34 *there could be adverse impacts if uranium mining occurred."*  
35

36 *"There exists no information we could find that would contradict his conclusion, nor any hypotheses suggested as to*  
37 *how contamination of park waters might physically occur."*  
38

39 *"This is obviously a touch case where the hard science doesn't strongly support a policy position. Probably the best*  
40 *way to "finesse" this would be fall back on the "precautionary principle" and take the position that in absence of*  
41 *even more complete certainty that there is no connection between uranium mines and regional ground water, we need*  
42 *to be cautious (sic)??"*  
43

44 The uranium withdrawn from production represents forty percent of our nation's domestic uranium resources and the  
45 deposits contain the highest-grade uranium existing in the United States. According to a report conducted by the  
46 American Clean Energy Resources Trust, a ban on mining in this region could impact as many as 1,000 jobs and more  
47 than \$29 billion in economic revenue.  
48

49 On January 9, 2012, the Department of Interior announced that it would impose a twenty-year ban on uranium  
50 development on approximately one million acres of federal land in northern Arizona. The decision disregarded a  
51 negotiated compromise between the mining industry and environmental groups, which affirmed the compatibility of

1 mining with conservation interest in areas not locked away by the Wilderness Act. The historic agreement was  
2 partially codified in the Arizona Wilderness Act of 1984. It was done as a “precaution to protect the water.”  
3

4 **Fiscal/Urban/Rural Impact:** Southern Utah counties and Mohave County, AZ are aware of economic studies which  
5 estimate conservatively that some \$29 billion in economic benefits due to mining will occur. The counties will benefit  
6 from sustained economic activity related to the ongoing uranium mining operations.  
7

8 **Sponsor(s):** Commission Alan D. Gardner, Washington County, Utah; Supervisor Buster Johnson, Mohave County,  
9 Ariz.; Commissioner Leland Pollock, Garfield County, Utah; Commissioner, Dirk Clayson, Kane County, Utah;  
10 Commissioner Phil Lyman, San Juan County, Utah  
11

## 12 **Proposed Resolution Supporting the GAO Audit of All Revenues Generated from Federally Managed Lands,** 13 **Mineral Estates and Holdings Both On-Shore and Off-Shore** 14

15 **Issue:** GAO audit of all revenues generated from federally managed lands, mineral estates and holdings both on-  
16 shore and off-shore  
17

18 **Proposed Policy:** The National Association of Counties (NACo) supports a multi-year GAO audit of revenues  
19 received for federal FY 2005 through federal FY 2016 associated with federally managed lands, mineral estates and  
20 holdings, including broken down by state, by federal land management agency and by program and resource use  
21 within each agency designated to manage such lands, estates or holdings.  
22

23 **Background:** To our knowledge neither the Congress of the United States nor the president has ever conducted a  
24 comprehensive accounting of all revenues generated from federal lands, mineral estates or holdings both on and off  
25 shore. Information on revenues from different land management agencies government-wide is not gathered into one  
26 place using uniform accounting methods and is thus not transparent to decision makers. The information likely  
27 exists in disparate places thus confirming the need for a singular comprehensive accounting. As taxpayers, the  
28 people of the United States are entitled to know how much money their lands, mineral estates and holdings generate  
29 as a result of the management practices of federal executive branch agencies over a sustained period of time.  
30

31 A comprehensive audit should demonstrate comparative information with similar resources on private lands in the  
32 United States. As competition in Congress for funding for federal obligations such as Payment in Lieu of Taxes  
33 (PILT) and Secure Rural Schools (SRS) and conservation responsibilities to public lands states and counties  
34 continues to increase, Congress, the president and the people they represent should be allowed to have made  
35 available them in an easy-to-understand-way this basic information in order to review and determine how these  
36 receipts are currently allocated and how they should be allocated in the future. The request for an audit of federal  
37 receipts should be bi-partisan so that once derived, members of both political parties and the general public can at  
38 least agree on how much money these land and mineral holdings generate.  
39

40 Decisions on priorities and future expenditures can then be debated vigorously.  
41

42 **Fiscal/Urban/Rural Impact:** Greater economic benefits will accrue to states and counties if public lands federal  
43 payments programs associated with public lands are managed more transparently, efficiently and productively.  
44

45 **Sponsor(s):** Alan Gardner, Commissioner, Washington County, Utah; Ron Walter, Commission Chair, Chelan  
46 County, Wash.; Buster Johnson, Supervisor, Mohave County, Ariz.  
47

## 48 **Proposed Resolution Opposing Duplicative Hydraulic Fracturing Rules** 49

50 **Issue:** The Bureau of Land Management's (BLM) intent to adopt duplicative hydraulic fracturing rules

**Proposed 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.

**Background:** On May 11, 2012, the BLM published an initial proposed hydraulic fracturing rule. The BLM granted a 60 day comment extension and the public comment period closed on September 10, 2012. After reviewing and incorporating comments on the proposed rule, the BLM now proposes to revise its initial proposed rule. On May 25, 2013 the BLM published a revised proposed hydraulic fracturing rule. Comments on the new revised rule were initially due on June 25, 2013. However, the BLM granted a 60 day comment extension. Comments were due on August 23, 2013.

The BLM revised proposed rule would apply to all wells administered by the BLM, including those of Federal (including federal mineral only- i.e. split estate), tribal, and individual Indian trust lands. The rule acknowledges that some states (the rule lists Colorado, Wyoming, Arkansas, and Texas) have issued their own regulations. However the revised proposed rule also states that operators with leases on federal lands would have to comply with both the BLM rules and regulations and the states' rules and regulations for hydraulic fracturing. This double layer of regulation is duplicative and unnecessary.

The BLM's current revised proposed rule does provide a provision which would allow the BLM to approve a variance that would apply to a state, tribal, land, or area describe as field-wide or basin-wide, that is commensurate with the state or tribal regulatory scheme. The BLM would have to determine if the variance meet or exceeded the effectiveness of the revised proposed rule. It appears that the proposed variance would apply only to operational activities and not the actual approval process; it also appears the variance process would not apply to disclosure or hydraulic fracturing chemical components or trade secret requests.

The proposed BLM rule is extremely vague as to how the BLM will work with states to avoid duplication. As currently written the proposed rule provides only the following direction on the potential for State/tribal variances: 43 CFR 3162.3-3(K):

“In cooperation with a State (for federal lands) or a tribe (for Indian lands), the BLM may issue a variance that would apply to all wells within a State or within Indian lands, or to specific fields or basins within the State or the Indian lands, if the BLM finds that the variance meets the criteria in paragraph (k)(2) of this section.”

Additional language states that the authorized office may only grant a variance if the BLM determines that the proposed alternative meets or exceeds the objectives of the regulation for which the variance is being requested. Further, the decision whether to grant or deny a variance is entirely within the BLM's discretion and the BLM may rescind a variance or modify any condition of approval due. The language in the proposed BLM rule does not defer to comprehensive regulations already in place in a number of states, nor does it provide sufficient guidance as to how the BLM may defer in the future. Therefore, the BLM's revised proposed hydraulic fracturing rule is unnecessarily duplicative of existing comprehensive state regulation of hydraulic fracturing.

**Fiscal/Urban/Rural Impact:** The promulgation of duplicative hydraulic fracturing rules may cause delays in permit approval or perhaps discourage the development of some wells altogether. Most of the land and minerals under the BLMs control are located in the west. Many counties in the west rely upon the revenue generated from the production of oil and gas development. Reductions in the revenue generated from oil and gas development may have a direct impact on the services that counties are able to provide.

BLM budgets and expertise are already stretched thin; the addition of additional regulatory requirements may impact existing programs.

1 **Sponsor(s):** Gregory Cowan, Wyoming County Commissioners Association, Wyo.

2  
3 **Proposed Resolution to Modify the National Park Service Contingency Plan that becomes Effective Upon a**  
4 **Lapse in Appropriation from Congress**

5  
6 **Issue:** Modify the National Park Service Contingency Plan that becomes effective upon a lapse in appropriation  
7 from Congress

8  
9 **Proposed Policy:** The “National Park System” (NPS) encompasses everything from congressionally created  
10 “National Parks” to “Wild and Scenic Rivers.” There are very distinct differences between these resources and  
11 facilities yet are generally managed in the same manner. In the event of a government shutdown it seems reasonable  
12 and fiscally responsible for the National Park Service to address the appropriate management scheme for how each  
13 individual unit will be managed when a funding lapse occurs.

14  
15 Each superintendent of an NPS unit, who has the inherent knowledge of his or her own facility, shall be responsible  
16 and charged to formulate a plan of operation for their unit in the absence of appropriations. There are many federal  
17 documents that support just this. The National Park System Closure Determination and Notice issued by the  
18 Department of the Interior, specifies that the closure of a park unit is pursuant to 36 C.F.R. 1.5. In fact, C.F.R.  
19 1.5 specifically delegates the authority to close all or a portion of a park area, to the superintendent. Circular No. A-  
20 11, from the Office of Management and Budget, dictates that each agency head develop its own plan (this could  
21 include individual unit plans as part of the whole document.) The National Park Service Contingency Plan itself  
22 acknowledges the dramatic differences between park sites and those essential activities will vary greatly between  
23 them.

24  
25 **Background:** Consider Lake Roosevelt National Recreation Area (LRNRA) in eastern Washington State. LRNRA  
26 is over 150 miles long, has over 600 miles of shoreline, 26 different boat launch locations, 35 campgrounds and  
27 hundreds of access points. The LRNRA is managed through a five-party Party agreement, including the Spokane  
28 Tribe of Indians (STI), the Confederated Tribes of the Colville Reservation (CCR), the Bureau of Indian Affairs, the  
29 Bureau of Reclamation (BOR), and the National Park Service (NPS). Under this agreement, management  
30 responsibilities are separated into three categories: Reclamation (managed by BOR), Reservation (managed by STI  
31 and CCR), and Recreation (managed by the NPS). With this in mind, several campgrounds and boat launches are  
32 managed separately by either the STI or the CCR.

33  
34 These tribal-owned campgrounds and boat launches are not under the jurisdiction of the NPS and are not subject to  
35 closure upon lack of funding. Visitors can still access the Lake Roosevelt National Recreation Area via these  
36 facilities. In other words, LRNRA is essentially still open to the public.

37  
38 Within the LRNRA there are many boat launches that also have campgrounds associated with them. While we  
39 understand the need to close the campgrounds and any facilities that would require NPS employees to operate, if  
40 each superintendent had the ability to custom tailor each NPS unit, theoretically, it would be easy for the boat  
41 launches to remain open for public use. None of the launches are ever staffed by NPS employees, they are open year  
42 round and are essentially “launch at your own risk”. Although we certainly understand there are liability issues  
43 surrounding the idea of people being on federal land when the government is shut down, there are many ways to  
44 mitigate this. For example, since Lincoln County and other counties that border LRNRA already provide for law  
45 enforcement and all emergency services within the boundaries, there could be a formal agreement with the NPS and  
46 the counties to provide these services and assume the liability (that already exists) in the absence of no federal  
47 money for the NPS to operate. Liability remains constant for all governmental entities that have jurisdiction within  
48 the boundaries of a NPS unit, whether or not congress has approved funding.

**Fiscal/Urban/Rural Impact:** NPS employees enforce trespassing on public land in a funding lapse in the name of public safety. But in reality, if a public safety issue arises, the local jurisdictions respond. The five counties bordering LRNRA all provide first response law, fire and EMS services within its boundaries so it would seem public safety concerns can be mitigated.

Within the boundaries of the LRNRA, hunting is allowed. This latest government shut-down just happened to coincide with hunting season, causing hunters to seek alternate areas in which to hunt. This creates an economic hardship for the surrounding local governments. If a shutdown were to occur during the peak of the tourist season it would be even more disastrous to these economies.

The application of a blanket policy that treats all 401 units of the National Park System identically in the event of a government shutdown just does not make good fiscal sense and in fact costs even more money, all the while damaging local economies.

**Sponsor(s):** Commissioner Rob Coffman, Lincoln County, Wash., Commissioner Ron Water, Chelan County, Wash.

### **Proposed Resolution on Sharing Post-Fire Litigation Settlement Funds with Counties**

**Issue:** Federal sharing of post-fire settlement funds with counties

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to amend current language in USC 579c and elsewhere in statute to provide that fire settlement of damages for cause of wildfire on federal forest lands determined by value of timber lost be shared under traditional forest products receipts distribution formulas for national forest and O&C lands.

**Issue:** The continuing increase in catastrophic wildfire loss of timber resources on public lands and its impacts on available revenue return for counties.

This change will recognize the timber revenue lost to counties by catastrophic wildfire and the federal government's long-standing obligation to counties under the Act of May 23, 1908 (national forests) and the O&C Act of 1937 (O&C lands).

**Background:** Wildfire has become all too prevalent on federal forest lands. The loss of resources can be devastating, including the loss of forest product revenues shared between the federal government and counties. If a third party is at fault for the catastrophic event, settlement of damages is likely to be used to avoid the cost of litigation. The resulting settlement should be treated as forest products revenues and shared with counties under the applicable traditional formula.

**Fiscal/Urban/Rural Impact:** Traditional sharing of forest receipts infuses the local economy with sorely needed resources, makes rural communities more self-reliant and sustainable and removes pressure from urban areas to provide support for deteriorating rural communities.

**Sponsor(s):** Gil Riddell, Policy Director, Association of Oregon Counties

### **Proposed Resolution Supporting the Implementation of Law Enforcement Officers under USFS' Forest Supervisors**

**Issue:** Chain of command for U.S. Forest Service (USFS) law enforcement personnel.



**Proposed Policy:** The National Association of Counties (NACo) supports a change in USFS personnel organization to place law enforcement officers under the direction of Forest Supervisors.

**Background:** The current chain of command for U.S. Forest Service personnel is for local forest or regional law enforcement officers (LEO) to report directly to Washington, D.C. instead of to the local forest supervisor or regional office. Washington, D.C. is often out of touch with local conditions. This communication gap can lead to bad relations between the LEO and local sheriff. Issues should be handled by the sheriff if at all possible. Issues involving the LEO should allow him to work with local supervision.

**Fiscal/Urban/Rural Impact:** This will create better relations between federal LEO's and county sheriffs.

**Sponsor(s):** Alan Gardner, Commissioner, Washington County, Utah

### **Proposed Resolution Supporting Fair Federal Payments for Law Enforcement Officers on Public Lands**

**Issue:** Local law enforcement on public lands

**Proposed 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 should submit their agents for deputization and accountability under local sheriff authority and control.

**Background:** Federal land counties are frequently impacted by lack of coordination from federal law enforcement officers. Federal officials fail to recognize the County sheriff's role as the chief law enforcement officer within his/her jurisdiction and often undermine local law enforcement efforts by usurping local authority in violation of established law.

Counties are also forced to expend limited local funds to perform uncompensated law enforcement functions on federal land.

This resolution is needed to encourage federal agencies to: a) recognize the sheriff's role as the chief law enforcement officer; b) work cooperatively with local government to coordinate law enforcement functions on federal land in accordance with established law; and c) develop cooperative agreements to compensate local government for services provided on federal land and to establish clear lines of authority.

**Fiscal/Urban/Rural Impact:** There will be limited fiscal impact for urban areas and no impact for jurisdictions that do not contain public lands. Rural areas, especially public land counties, can expect greater coordination with federal law enforcement officials, reduced duplication of effort, and increased funding resulting from cooperative agreements and clearly defined roles. Citizens will reap the benefits of more efficient responses to problems, reduced cost by eliminating duplication, a streamlined approach to law enforcement issues, and greater efficiency of all levels of government.

**Sponsor(s):** Leland Pollock, Commissioner Chair, Garfield County, Utah

### **Proposed Resolution to Amend the Recreation and Public Purposes Act**

**Issue:** Support congressional action to amend the Recreation and Public Purposes Act

**Proposed Policy:** Support passage of S.2380 and H.R.4786 or similar legislation which would allow counties which have federal lands within their park systems the opportunity to offer concessions operated by 3rd party vendors. This would increase public recreational opportunities and enjoyment of these lands operated by counties.

**Background:** The Maricopa County Park system contains over 120,000 acres of land, many of which are included with a variety of agreements with federal agencies such as BLM, BOR and the Forest Service. The county has been denied authorization by the BLM to bring 3rd party concessionaires into our parks to provide various recreational opportunities for our citizens and visitors. By participating in the pilot program, Maricopa County will be able to open up thousands of acres to the public for recreation.

**Fiscal/Urban/Rural Impact:** The proposal would offer both urban and rural counties with federal land within their park system to expand recreational opportunities for the citizens that use them. This should lead to an increase in dollars available to the park systems for operation and maintenance costs.

**Sponsor(s):** Clint Hickman, Supervisor, Maricopa County, Ariz.; Tommie Martin, Supervisor, Gila County, Ariz.

### **Proposed Resolution to Allow the Public and Public Entities to Comment on Wilderness Characteristics Cataloging and Inventory by Federal Land Management Agencies**

**Issue:** Wilderness characteristics cataloging and inventory without the right of the public and public entities to comment and challenge.

**Proposed Policy:** The National Association of Counties (NACo) opposes any continuing wilderness characteristics inventory and cataloging by federal land management agencies without input and consent of impacted county governments.

**Background:** The Bureau of Land Management (BLM), United States Forest Service (USFS), United States Fish and Wildlife Service (FWS), and the National Park Service (NPS) have had specific directives given them from a policy manuals such as the "Federal Land Policy Management Act of 1976" (FLPMA). This directs the BLM to do continued "land use" inventory. Recently, BLM and other federal land management agencies have been directed by administration to also do and continue to do "wilderness characteristic" inventory.

FLPMA forbids "wilderness characteristic" inventory after Oct. 21, 1991.

FLPMA states: Sec. 603. (a) "Within fifteen years after the date of approval of this Act, the Secretary shall review those road less areas of five thousand acres or more and road-less islands of the public lands, identified during the inventory required by section 201(a) of this Act as having wilderness characteristics described in the Wilderness Act of September 3, 1964 and shall from time to time report to the president his recommendation". FLPMA was signed by the president into law on Oct. 21, 1976. Again, inventory was to cease on Oct. 21, 1991 (15 years later). In 1980, there was an amendment to FLPMA that stated that Alaska did not have the limitation as stated in Sec. 603 (a). This further supports the time limitation in statute because there would be no need for 1980 amendment if there was not a time limit on "wilderness characteristic" inventory.

The directives handed down from Washington, D.C. also change the definition of "wilderness" which is far from the definition in the Wilderness Act of 1964. They are directing BLM and other federal land management agency staff to evaluate as non-experts and include lands less than 5000 acres. The administration also wants these "wilderness" inventories done prior to the end of this president's term (late 2016).

The inventory and cataloging cannot be formally commented on, challenged, protested, or appealed because it is an internal directive and there has been no "Record of Decision" changing management. If done, this could put

1 massive restrictions on land uses that the public can enjoy or do business in relation to federally managed public  
2 lands with executive power.

3  
4 County commissioners are responsible for the health and well-being of our citizens. Use and enjoyment of federal  
5 lands increases the quality of life in our communities.

6  
7 **Special Note/Additional concern:** Restricting use on lands in one area increases uses in areas of non-restricted  
8 lands and could cause detriment to those non-restricted lands in the future.

9  
10 **Fiscal/Urban/Rural Impact:** Massive Economic and Recreational Restrictions on federally managed lands.

11  
12 **Sponsor(s):** Todd Devlin, Commissioner, Prairie County, Mont.

### 13 14 **Proposed Resolution to Amend the Endangered Species Act**

15  
16 **Issue:** The ESA of 1973 has not been significantly modified in 40 years.

17  
18 **Proposed Policy:** NACo urges the Congress of the United States to amend the ESA to reflect its intended purpose  
19 “to protect endangered species and the ecosystems which they depend” and to ensure that the rights of people are  
20 also protected.

21  
22 **Background:** The ESA was adopted in 1973 and the Act is in need of updating. Through the 40 plus years of the  
23 ESA, Federal courts have liberally interpreted the Act, which in turn has caused a loss of billions of dollars to state  
24 and local governments. The ESA has failed to protect and restore viable populations of endangered species as the  
25 law intended.

26  
27 The ESA needs to be amended in the following manner:

- 28  
29 1. Favor decisions to list plant or animal species as threatened or endangered (T&E listing decisions) that are  
30 made through best available science with increased transparency and timelines for decisions.
- 31 2. In states where the proposed federal land use plan amendment and the state species management plan are  
32 inconsistent, postpone T&E listing decisions for a period of at least six years or until the plans become  
33 consistent.
- 34 3. Encourage or direct the Secretary of Interior (Secretary) to share critical data, research and scientific  
35 information to assist such states and counties in their conservation efforts.
- 36 4. Direct federal land management agencies to amend their land use plans to comply with state and county-  
37 based conservation efforts.
- 38 5. Strengthen the influence of local participation so that local coordination processes and recommended  
39 species management policies are not overridden.
- 40 6. Authorize the ESA to recognize and allow consideration of the predation of threatened or endangered  
41 species by natural events (such as predator impacts, weather-related events and physical health threats) as  
42 well as human activities.
- 43 7. Revise “taking” definition to protect private property rights in conformance with the United States  
44 Constitution.
- 45 8. Provide full compensation to individuals for current and long term takings. Require mandatory costs-benefit  
46 analyses for all adverse socio-economic and cultural impacts on the affected human population.
- 47 9. Require that the science used to make any determination be subject to independent and objective third party  
48 review.
- 49 10. Mandate that a listing of endangered species be reviewed every seven years to determine if a listing is still  
50 warranted.

11. Require all parties pay their own attorney's fees involving any legal action associated with the ESA.
12. Transfer critical habitat designations and recovery planning to the States.
13. Require Congress to approve a listing within one year, and if such approval is not timely given, the species shall be removed from the list.
14. Empower and support local management solutions at the state and county level for intrastate species.
15. Prohibit ESA listings of candidate species found residing exclusively within a single state.
16. Postpone the listing and/or federal protection of a species that has recently been determined by USFWS to be threatened or endangered, and which are located in states or counties that have developed and/or implemented a good faith conservation management plan for said species.

**Fiscal/Urban/Rural Impact:** The potential impact to counties is tremendous. The energy industry as well as the agriculture industry would benefit from less regulation and more certainty with regards to outcomes of the ESA. This in turn would bring more revenue to the counties.

**Sponsor(s):** Robert Corn, Chairman, Chaves County Commission, N.M.

### **Proposed Resolution Urging USFWS to Modify Policies to Permit the Counting of Utah Prairie Dogs**

**Issue:** Utah Prairie Dog Counts.

**Proposed Policy:** The National Association of Counties (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.

**Background:** The Utah Prairie Dog is a protected species under federal law. Thousands of Utah Prairie Dogs have invaded cultivated fields, golf courses, cemeteries, airports and other private lands. Current federal policy prohibits the counting of prairie dogs for species recovery activities if the animals are on private ground. Federal officials incorrectly argue that the prairie dogs are unprotected if located on private ground. Facts refute that untenable position. For example: 1) More prairie dogs use private land as habitat in spite of federal lands being 2 to 30 times more plentiful; 2) Prairie dog population increases are occurring more rapidly on private land than on federal land; 3) Harassment of Utah Prairie Dogs on federal land is harder to detect because the areas are more remote; 4) The desire for palatable food sources and improved habitat attract prairie dogs in spite of increased predation, manmade development and other natural impediments.

**Fiscal/Urban/Rural Impact:** There will be no fiscal impact for rural and urban areas outside the Utah Prairie Dog range. For the limited counties comprising the species' range, residents and governments can expect delisting of the species, reduced negative economic impacts and a gradual shift to federal lands. Changing national policy to allow counting Utah Prairie Dogs on private lands will also provide a more accurate picture of recovery efforts. Citizens will reap the benefits of improved property values and greater options for dealing with prairie dog impacts.

**Sponsor(s):** Leland Pollock, Commission Chair, Garfield County, Utah

### **Proposed Resolution Urging Congress to Amend the Federal Mineral Lease Act**

**Issue:** Counties that generate Federal Mineral Lease revenue do not receive adequate disbursements to manage energy development impacts

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to amend the Federal Mineral Lease Act to clarify that the current percentage of a state's share of federal mineral lease and mineral lease bonus revenue, or 40% of such share, whichever is greater, shall be returned to the county of origin.

**Background:** The federal government collects Federal Mineral Lease revenue in the form of royalties from oil and gas production on federal lands for the benefit of the American people. Federal Mineral Lease revenues collected by the federal government are disbursed to a variety of funds including American Indian Tribes and Allottees, Historic Preservation Fund, Land and Water Conservation Fund, Reclamation Fund, State Share (offshore and onshore), and the US Treasury. Counties with significant acreage of non-taxable federal public lands depend heavily on FML revenue to function effectively as local governments. The infrastructure and public services provided by these counties are also directly impacted by activities associated with energy development. Despite the best intentions and assurances of state and federal agencies, counties are ultimately responsible for the protection of their citizens and management of impacts related to energy development.

In an analogous situation, Congress has demonstrated its intent to ensure that cooperative "on the ground" efforts form the core effort in managing public rangeland impacts through the Taylor Grazing Act, the Public Rangelands Improvement Act, and the Federal Lands Policy and Management Act by requiring the direct allocation of grazing fee revenue to impacted counties and conservation districts for that purpose. These funds have been used in many cooperative "on the ground" efforts to manage public rangeland impacts that have proven to be successful. The cooperative approach to managing public rangeland impacts would also be effective in the management of energy related impacts. The original intent of the Federal Mineral Lease Act was to return forty nine percent of Federal Mineral Lease revenue back to the state of origin for planning, construction and maintenance of public facilities in areas socially and economically impacted by the mineral leasing development that occurs on federal lands. By the time Federal Mineral Lease funds have filtered through the federal and state disbursement systems, the reality is that counties and districts are left with a very small share, inhibiting their ability to engage in cooperative "on the ground" efforts to mitigate impacts.

**Fiscal/Urban/Rural Impact:** Returning more of Federal Mineral Lease revenues to counties of origin will allow them to better manage the impacts of energy development.

**Sponsor(s):** Shawn Bolton, Commissioner, Rio Blanco County, Colo.

### **Proposed Resolution in Support of H.R. 4790: Recreation, Not Red Tape Act**

**Issue:** Support H.R. 4790, the Recreation, Not Red Tape Act, to provide adequate resources for sustainable recreation on public lands.

**Proposed Policy:** NACo urges Congress to enact the proposed legislation, HR 4790: Recreation, Not Red Tape, to promote innovative approaches to outdoor recreation on federal lands and collaboration with non-federal partners.

The Recreation, Not Red Tape legislation strives to protect and manage landscapes for sustainable outdoor recreation by:

1. Redirecting Ski Area Permit Fee revenues (up to 80%, but not less than 45%) collected at a specific unit or area of a federal land management agency for expenditure at that unit or area rather than to the U.S. Treasury;
2. Streamlining and coordinating recreation permitting between state & federal agencies to facilitate public access;

3. Establishing metrics for quantifying and tracking the benefits of recreation to the U.S. economy and labor market;
4. Establishing a “National Recreation Area System” to conserve and manage natural landscapes balancing sustainable recreation with ecological, historical and cultural values;
5. Appropriating funds to improve trail maintenance to ensure continued public access; and
6. Fostering a culture of public service and stewardship through support of the Public Lands Service Corps.

**Background:** Outdoor recreation generates over \$12 billion in consumer spending, 6.1 million American jobs, and \$39.7 billion in state and local tax revenue. Counties comprised of more than 30% federal land outpaced the rest of the US in job growth and per capita income over the past four decades, helping counties diversify their economy and attract a creative and innovative workforce.

Declining federal land management agency budgets and the inability to appropriate revenues for use in areas in which it was generated is resulting in deferred maintenance and shrinking resources to adequately manage public lands and recreation. This is resulting in very real impacts and public costs to ecological systems, watersheds, and wildlife values that are integral to high quality recreation experiences, and the general well-being of the American public. Counties, as a key interface, are shouldering the burden of helping to maintain public land infrastructure and access.

**Fiscal/Urban/Rural Impact:** HR 4790 is a collaborative effort between local, state and federal agencies to promote sustainable and accessible outdoor recreational opportunities for all Americans, urban and rural, at the same time allowing county investments to be leveraged to do more locally.

**Sponsor(s):** Rachel Richards, Commissioner, Pitkin County, Colo.

### **Proposed Resolution to Provide Access to New Funding to USFS for Emergency Purposes**

**Issue:** Increased fire suppression costs have reduced resources available to USFS for suppression and resource management on Forests and Grasslands.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to change the method of funding wildfire suppression on National Forest and Grasslands by providing access to funding outside of the statutory discretionary limits for emergency purposes. NACo further proposes that the Forest Service be able to access a discretionary disaster cap adjustment after the amount spent on fire suppression exceeds 70 percent of the 10-year average. This approach allows the agency to invest additional resources in forest and rangeland restoration and management.

**Background:** Funding for non-fire programs has not kept pace with the increased cost of fighting fire. In 1995, fire suppression made up 16 percent of the Forest Service's annual appropriated budget. Last year (FY 2015), more than 50 percent of the Forest Service's annual budget was dedicated to wildfire suppression. Along with this shift in resources, there has also been a corresponding shift in staff, with a 39 percent reduction in all non-firefighting personnel. Since 2000, fire seasons have grown longer, and the frequency, size and severity of wildland fires has increased. As a result, fire suppression consumes the Forest Service's resources earlier and longer each year, leaving inadequate funding for wildfire prevention activities.

The cost of the Forest Service's wildfire suppression reached a record \$1.7 billion last year. The number of acres burned was also at a record level—over 10 million acres nationally. With a record 52 percent of the Forest

Service's budget dedicated to fire suppression activities last year, compared to just 16 percent in 1995, the Forest Service's firefighting budget was exhausted in 2015. With the last two fire seasons, more than \$237 million will be diverted away from existing wildland fire prevention work, such as forest restoration projects that would help reduce the risk of future fires, in order to cover the 10 year average cost of suppression. Congress relies on the 10-year average cost of fire suppression to appropriate funds.

NACo urges Congress to create a separate fire suppression emergency fund the Forest Service can utilize for further suppression activities once fire suppression expenditures exceed 70 percent of the 10-year average.

**Fiscal/Urban/Rural Impact:** Would allow the Forest Service to accomplish much needed management of many of the natural and mineral resources vital to the health of our nation's forests and to the health and well-being of rural communities adjacent to the public lands. Additional projects would also likely increase job opportunities in rural communities.

**Sponsor(s):** Liz Archuleta, Supervisor, District 2, Coconino County, Ariz.; Tommie Cline Martin, Supervisor, District 1, Gila County, Ariz.; Mandy Metzger, Supervisor, District 3, Coconino County, Ariz.

### **Proposed Resolution to Amend the Secure Rural Schools and Community Self Determination Act**

**Issue:** Timely approvals of Resource Advisory Committee members is imperative to adequately accomplish resource management projects

**Proposed Policy:** NACo urges Congress to amend the Secure Rural Schools and Community Self Determination Act to exempt Resource Advisory Committees from adherence to the Federal Advisory Committee Act, and to allow the Chief of the Forest Service to delegate appointment of citizens to Resource Advisory Committees to the appropriate Regional Forester, or Forest Supervisor.

**Background:** The Secure Rural Schools and Community Self-determination Act of 2000 provided for the formulation of Resource Advisory Committee under Title II of the Act. These committees, representing a broad spectrum of interests, identify land management projects on the National Forests and certain Oregon and California Grant Lands managed by the Bureau of Land Management. The success of these resource advisory committees to develop projects with very little controversy has been remarkable.

Current language in the Act requires that these resource advisory committees be established as federal advisory committees (FACA), thus requiring that citizens appointed to the committees undergo an extensive vetting by the Department of Agriculture as prescribed in the Department's own regulations on FACA. This has taken anywhere from 6-months to a year. During this time citizens become discouraged while waiting to participate, and the ability to designate funding and move forward with projects ceases.

NACo urges Congress to make changes to Title II of the Secure Rural Schools and Community Self-Determination Act to allow resource advisory committees to function as Congress intended. Removing the requirement that these committees fall under the Federal Advisory Committee Act, and allowing for appointment of citizens to these committees by local Forest Service and BLM officials will greatly improve the ability to conduct land management projects.

**Fiscal/Urban/Rural Impact:** Would improve and provide for implementation of natural resource projects on public lands that would create additional jobs, reduce hazardous fuels, and improve wildlife and soil and water resources.

**Sponsor(s):** Liz Archuleta, Supervisor, District 2, Coconino County, Ariz. Mandy Metzger, Supervisor, District 3, Coconino County, Ariz.; Joel Bousman, Commissioner, Sublette County, Wyo.; Tommie Cline Martin, Supervisor, District 1, Gila County, Ariz.

### **Proposed Resolution to Establish a Western Partnership Center**

**Issue:** Establishing a Western Partnership Center

**Proposed Policy:** The National Association of Counties (NACo) urges the creation of a Western Partnership Center to provide an ongoing forum for Federal, State and County government to develop mutual strategies to expand the use of collaborative problem solving. The center would connect the regional directors of the Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service and other federal agencies with State and county government to create durable solutions to address community economic, social and environmental needs. The center would assess opportunities for collaboration; provide resources to build capacity of existing and new collaborative groups; work to remove barriers to the use of collaborative problem solving; conduct research and development into what works and what doesn't in community based processes; identify processes that better engage local communities in creating sustainable solutions that address economic, social and environmental needs; and provide training in collaboration for conveners, stakeholders and staff to increase competency in solving problems.

**Background:** States in the Western United States have large percentages of their land base in federal ownership. Many rural communities are surrounded by lands in federal ownership with their economies tied to the management of these lands. Rural counties in this situation are facing incredible financial and social challenges in sustaining viable communities. Counties need a more effective voice in, and method of, working with federal agencies managing these lands. Designing true collaborative systems between counties and federal agencies takes financial resources, capacity building, a neutral forum and knowledge. We need to do more to ensure that collaborative tools are available and supported by governmental leadership. When successful collaborative work occurs, one of the principle reasons is the commitment of all levels of government to use collaborative processes to work through issues to develop sustainable solutions. In order to create a community based collaborative team to address issues, it needs to be supported by Federal District Managers and counties, as well as the state. Governments at all three levels need training in collaborative problem solving and the capacity to engage in community based work with other partners and stakeholders. The goal of the Western Partnership is to ensure that all areas in the West have an opportunity to realize the benefits that can be achieved from a collaborative relationship between rural counties and the federal government

**Fiscal/Urban/Rural Impact:** Would provide federal funds for the Western Partnership Center to support community based collaborative efforts.

**Sponsor(s):** Mike McArthur, Director, Association of Oregon Counties, Ore.

### **Proposed Resolution Supporting Historic Rights-of-Ways Legislation**

**Issue:** Proposed Resolution Supporting Historic Rights-of-Ways Legislation

**Proposed Policy:** The National Association of Counties (NACo) supports passage of H.R. 4313, the Historic Routes Preservation Act, and introduction, consideration and passage in the Senate of this bill or a companion creating an administrative process for confirming historic rights-of-ways on federal lands for qualifying roads, including the waiver of the statute of limitations regarding timely filing of such applications where qualifying roads cross "reserved" land.



**Background:** R.S. 2477 was repealed by the Federal Land Policy and Management Act of 1976 (FLPMA). Rights created under it were grandfathered. In the intervening 39 years the federal agencies have tried to impose a variety of resolutions on counties for confirming such rights-of-way, including only considering roads which have been substantially improved, e. g. with paving. The 2005 decision of the 10th Circuit Court of Appeals confirmed the rights-of-ways do exist, but set forth a confirmation process requiring the claimant to file a quiet title action in Federal District Court. Further, when " reserves" were created by Congressional or Administration action, e. g. land withdrawals, creation of National Park units, etc. a 12- year statute of limitations required immediate filing or the existence of the right-of-way could be held to be void, even as counties continued to maintain such routes, and the public utilized them. Meanwhile, none of the routes that exist under R.S. 2477 are recognized to exist on the official land records of the United States: the Master Title Plats. (MTPs) maintained by the Bureau of Land Management (BLM).

The alternative means of recognizing such claims (suggested at various times by the BLM) is for counties to initiate an application under Title V of FLPMA.

Using this however, can open the very existence of the route to question, and subjects such claim for an existing road which already, has of-- way granted under R.S. 2477, to review under the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and the Section. 106 of the Antiquities Act, among others, adding to costs as well as creating the need-for expensive mitigation measures.

**Fiscal/Urban/Rural Impact:** Application under the proposed legislation would be voluntary, but must be taken within 25 years. For counties wishing to confirm their federal rights- of-way, the Secretary of the Interior will likely establish a filing fee, may require cost recovery for review. However, since review requires no field verification, and only consideration of the proof submitted, such-costs should be quite low, as compared to filing for quiet title in Federal Court. There is no impact on either rural or urban interests in any county using the process, but there will be future clarity that the county has a legal and confirmed right-of-way and is expending funds for maintenance on a properly documented public road.

**Sponsor(s):** Alan Gardner, Commissioner, Washington County, Utah

### **Proposed Resolution in Support of the Local Lands Act of 2016**

**Issue:** Support federal legislation implementing local law enforcement on public lands

**Proposed Policy:** The National Association of Counties (NACo) communicates its support for the Local Law Enforcement for Local Lands Act of 2016 and urges Congress to pass the legislation at its earliest opportunity.

**Background:** NACo has passed several resolutions over the past few years urging federal land management agencies to recognize the authority of local sheriffs and to execute cooperative agreements with local entities, including compensation for law enforcement activities on federal lands. Congress has considered NACo's resolutions and has initiated legislation to implement local law enforcement on federal lands. Consistent with principles adopted in NACo's resolutions, the Local Law Enforcement for Local Lands Act of 2016 (114th Congress, 2nd Session, H.R. 4751) has been introduced and is awaiting a committee hearing. The Act terminates law enforcement functions of the Forest Service and the Bureau of Land Management and provides block grants to States for local law enforcement on federal land under the jurisdiction of those agencies.

This resolution is needed to communicate NACo's national support for the legislation and to encourage passage of the bill.

**Fiscal/Urban/Rural Impact:** There will be very limited fiscal impact for urban areas and no impact for counties that do not contain public lands. Rural counties with Forest Service and BLM lands will receive block grants for

1 law enforcement activities on federal lands under their jurisdiction. The bill will put law enforcement functions on  
2 these lands under local management authority and will reduce duplication of effort and eliminate  
3 miscommunication. Overall efficiency of law enforcement on Forest Service and BLM lands will be improved.  
4 Funding for impacts associated with law enforcement on federal lands will be provided. The legislation implements  
5 the principles expressed in NACO's Local Law Enforcement Resolution.  
6

7 **Sponsor(s):** Leland Pollock, Commission Chair, Garfield County, Utah  
8

9 **Proposed Resolution to Preserve Funding for America's National Parks**  
10

11 **Issue:** Federal funding for the National Park Service (NPS).  
12

13 **Proposed Policy:** Preserve funding for America's national parks  
14

15 **Background:** Maintenance of funding for the National Park Service (NPS), recognizes that national parks provide  
16 recreation, economic and tourism opportunities for counties, and gateway communities. Also, increased funding for  
17 the NPS addresses the dire backlog of maintenance projects, now totaling \$11 billion, which includes critically  
18 needed road access and bridge maintenance projects.  
19

20 **Fiscal/Urban/Rural Impact:** Maintenance of funding for the National Park Service (NPS) recognizes that national  
21 parks provide recreation, economic and tourism opportunities for counties and gateway communities. Also,  
22 increased funding for the NPS addresses the dire backlog of maintenance projects, now totaling \$11 billion, which  
23 includes critically needed road access and bridge maintenance projects.  
24

25 **Sponsor(s):** Rachel Richards, Chair, Pitkin County, Colo.

# TELECOMMUNICATION AND TECHNOLOGY

## PROPOSED RESOLUTIONS

### **Proposed Resolution in Support of Empowering Counties to Be Active in the Deployment and Operation of High Speed Internet**

**Issue:** Proposed resolution in support of empowering counties to be active in the deployment and operation of high speed internet

**Proposed Policy:** The National Association of Counties (NACo) supports the removal of barriers to counties supplying infrastructure to the private sector, partnering with the private sector or operating Internet services as a public utility when no commercial service is available.

**Background:** High Speed Internet has become as essential as many public utilities. In many counties where, due to terrain, low population density or other situations which contribute to a low potential return on investment, the private sector alone is unable to provide High Speed Internet service. Counties may in some cases be able to provide these services or partner with the private sector to provide these services. However, state laws and federal grant restrictions may prohibit the county's involvement. While becoming an Internet Service Provider (ISP) is very different than providing water and sewer, it needs to be an option for counties to consider in underserved areas.

**Fiscal/Urban/ Rural Impact:** The U.S. economy is now tied to the internet and as such nationwide access to High Speed Broadband has a positive impact on the economy as a whole. Additionally, cost decreases in the overall cost of deployment of High Speed Internet reduces the requirements on the Universal Service Fee, which is paid by consumers of telecommunications services such as wired and wireless phones.

**Sponsor(s):** Joe Briggs, Commissioner, Cascade County, Mont.

### **Proposed Resolution Urging Congress to Rewrite the Telecommunications Act of 1996**

**Issue:** Encourage Congress to undertake a systemic rewrite of the Telecommunications Act of 1996

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to work with local government in updating and rewriting the Telecommunications Act of 1996.

**Background:** Since the last rewrite of the Telecommunications Act in 1996 there have been revolutionary changes in telecommunications in general, and particularly in the area of personal communications. In 1996 cellular telephones were analog, uncommon and limited to placing and receiving voice calls.

Since 1996 the Federal Communications Commission (FCC) and other regulatory agencies have done an admirable job of attempting to fit modern services within out of date statutory definitions and policies, but this has become increasingly difficult. The continued evolution of telecommunications technology requires elected policy makers to

1 establish up-to-date statutes and policies that not only address the current state of technology, but also set the  
2 framework for future advances.

3  
4 Furthermore, Congress should recognize that local government can provide valuable assistance in drafting a revised  
5 Telecommunications Act.

6  
7 **Fiscal/Urban/Rural Impact:** The US economy is now tied to the instant communication and information resources  
8 made available by our telecommunications system and its continued development and deployment are critical to  
9 every county in America.

10  
11 **Sponsor(s):** Joe Briggs, Commission Chair, Cascade County, Mont.

12  
13 **Proposed Resolution of Support and Recommendations for the Work of the Broadband Opportunity Council**

14  
15 **Issue:** Support for recommendations made by the Broadband Opportunity Council

16  
17 **Proposed Policy:** The National Association of Counties (NACo) supports the ongoing efforts of the Broadband  
18 Opportunity Council (BOC), and their efforts to reduce federal regulatory barriers to the ongoing deployment of  
19 broadband capability throughout the nation. Additionally, NACo encourages the BOC to facilitate the use of  
20 publicly held infrastructure via lease and partnership arrangements with the private sector to increase the  
21 deployment of Broadband to underserved areas. Lastly, NACo urges the BOC to utilize the “align funding policies”  
22 section of its charter to solicit input from the Broadband industry as to changes necessary to maximize the impact of  
23 the Universal Service Fee (USF) dollars on “last mile” High Speed deployment.

24  
25 **Background:** On March 23, 2015, President Obama issued a Presidential Memorandum creating the Broadband  
26 Opportunity Council. The Council, which is made up of 25 agencies, was established to develop a framework of  
27 recommendations to explore ways to remove unnecessary regulatory and policy barriers, incentivize investment,  
28 and align funding policies and decisions to support broadband access and adoption. The action also allowed for the  
29 inclusion of additional Federal agencies or entities as appropriate. The Council has completed its preliminary work  
30 and issued a report containing a list of recommendations for each federal agency, as well as timelines for these  
31 recommendations to be implemented.

32  
33 Access to the Internet at high speed has moved beyond the realm of luxury or convenience and is rapidly becoming  
34 essential for economic competitiveness. This is especially true in less populated areas where the cost of providing  
35 high speed service exceeds the revenue potential. Any reduction in cost that could be obtained by elimination of  
36 unnecessary and duplicative regulation, or by the leasing of Federal assets to the Private sector, or by Public-Private  
37 Partnerships would serve to accelerate the deployment of High Speed Broadband into underserved areas.

38  
39 **Fiscal/Urban/Rural Impact:** The U.S. economy is now tied to the internet and as such nationwide access to High  
40 Speed Broadband has a positive impact on the economy as a whole. Additionally, cost decreases in the overall cost  
41 of deployment of High Speed broadband infrastructure reduces the requirements on the Universal Service Fee  
42 which is paid by consumers of telecommunications services such as wired and wireless phones.

43  
44 **Sponsor(s):** Joe Briggs, Commission Chair, Cascade County, Mont.

# TRANSPORTATION

## PROPOSED PLATFORM CHANGES

### Proposed Platform Change to Support Equitable Funding and Expenditures of the Highway Trust Fund

Under FUNDING AND FINANCING TOOLS, add:

[Second Paragraph]

**A. Highway Trust Fund:** NACo supports using Highway Trust Fund revenue for a total public transportation program (roadways and transit) and that Congress and the Administration should retain the existing budget treatment of the highway and mass transit accounts within the Highway Trust Fund. In addition, NACo supports increasing and indexing the federal motor fuel user fees to meet current and future highway and transit funding needs, provided all additional revenue resulting from such an increase is dedicated for highway, bridge and transit programs.

NACo supports the long-term solvency of the Highway Trust Fund by considering revenue sources that will better capture all users of the nation's highways and account for all vehicles. Congress should also consider reducing allowable administrative costs in order to direct more funding toward highway improvement.

### Proposed Platform Change to Include Veterans Language in the Transportation Platform

Under PUBLIC TRANSPORTATION, add:

**C. Funding for Rural Public Transportation:** NACo supports increased funding to the small urban and rural public transportation program. NACo requests funding be maintained or increased for the Highly Rural Transportation Grants (HRTG) program through the U.S. Department of Veterans Affairs.

## PROPOSED RESOLUTIONS

### Proposed Resolution for Air Ambulances to be Regulated Under the Airline Deregulation Act (ADA)

**Issue:** Air ambulances cannot be regulated under the Airline Deregulation Act (ADA), and therefore are able to charge exorbitant rates.

**Proposed Policy:** The National Association of Counties (NACo) supports policies to remove air ambulances from the definition of "Air Carrier" in ADA or other policy to protect consumers from price-gouging and/or balance billing conducted by some air ambulance providers. NACo encourages Congress to cause a thorough and complete study of Air Ambulance operations to be conducted.

**Background:** Air Ambulances, both rotor and fixed wing, are exempt from state of local control because the Airline Deregulation Act (ADA) preempts state or local governments from regulating air carriers related to a price, route, or service. Both rotor and fixed wing fall under the definition of an "Air Carrier" in ADA. The ADA was designed in part to promote "maximum reliance on competitive market forces" (Morales v. Trans World Airlines, Inc., 504 U.S. 374, 378 (1992)). To help implement this purpose, it includes the following express preemption provision:

1  
2 Preemption.--(1) Except as provided in this subsection, a State, political subdivision of a State, or political  
3 authority of at least 2 States may not enact or enforce a law, regulation, or other provision having the force  
4 and effect of law related to a price, route, or service of an air carrier that may provide air transportation  
5 under this subpart.  
6

7 Some air ambulance providers enter into industry standard provider agreements with insurers to establish allowable  
8 reimbursement rates while some providers will not enter into such agreements and often bill exorbitant rates for air  
9 ambulance flights. They then “balance bill” patients the difference between the reimbursement rates from the  
10 insurer and the fee charged, often tens of thousands of dollars. Patients, including county employees, generally have  
11 no choice in the provider used, especially in emergency situations.  
12

13 They often find themselves with “balance bills” they are unable to pay, so may face bankruptcy as their only option.  
14

15 **Fiscal/Urban/Rural Impact:** This affects all county employees who may need the services of an air ambulance but  
16 disproportionately affects rural areas due to distances involved and the limited number of providers that provide  
17 coverage for an area.  
18

19 **Sponsor(s):** Harold Blattie, Executive Director, Montana Association of Counties  
20

## 21 **Proposed Resolution to Establish and Clarify NACo’s Legislative Priorities for FAA Reauthorization**

22

23 **Issue:** As counties own 34 percent of the nation’s publically-owned airports and spend \$4.5 billion annually on air  
24 transportation, Federal Aviation Administration (FAA) reauthorization could have significant impacts on county  
25 governments, their budgets and the economic well-being of their communities.  
26

27 **Proposed Policy:** As Congress considers legislation to reauthorize the FAA, The National Association of Counties  
28 (NACo) calls for provisions that would:  
29

- 30 • Modernize the Passenger Facility Charge (PFC) program by:
  - 31 1. increasing the cap to \$8.50 and indexing it to inflation so it can be automatically adjusted going
  - 32 forward;
  - 33 2. streamlining the application process; and
  - 34 3. eliminating program requirements that are applicable only to medium and large hub airports.
- 35 • Reauthorize the Airport Improvement Program (AIP) at the current funding levels. In exchange for raising
- 36 the PFC cap to \$8.50, eliminate program entitlements (apportionments) for large hub airports and redirect
- 37 the resulting savings to fund projects at small airports (airports designated as small hubs and smaller).  
38
- 39 • Reauthorize the Federal Contract Tower and ensure that FAA does not change the requirements for
- 40 participating in the program in a way that would close existing towers prevent new towers, or force local
- 41 communities to pay onerous portions of the required program costs.  
42  
43

44 **Background: Passenger Facility Charges** are not taxes; they are local user fees charged to passengers using  
45 airport facilities to help defray the costs of building much-needed airport safety and capacity projects. Congress has  
46 not adjusted the PFC cap since 2000, when it was set at \$4.50. Since then, rising construction costs have eroded the  
47 purchasing power of PFCs by almost 50%. Increasing the PFC cap to \$8.50 will provide much needed local  
48 revenue to fund critical projects. If the cap were increased, airports would be able to do projects that keep being  
49 delayed due to lack of funds.

The **Airport Improvement Program** provides federal grants to airports for projects that enhance safety, capacity, security, and address environmental concerns. The program has a proven, decades-long record of success. It is funded entirely by users of the aviation system through various taxes that are deposited into the Airport and Airway Trust Fund. No general fund revenues are appropriated to fund the program. AIP grants are of critical importance to airports of all sizes, but play a crucial role in funding infrastructure upgrades at smaller airports, given the limited revenue raised at those facilities and their general inability to access capital markets to finance necessary improvements.

There are approximately 250 airports nationwide that participate in the **Federal Contract Tower Program**. Anoka airport in Anoka County, Minn. has a contract tower. Nationally, contract towers handle approximately 28% of all tower operations. The safety, cost-effectiveness, and air traffic efficiency record of the program has been validated a number of times by U.S. DOT's Office of Inspector General and FAA safety audits. Regretfully, FAA is trying to change the cost/benefit analysis for the program, which would have the effect of closing some towers, preventing new towers, and unfairly shifting costs to local communities.

**Fiscal/Urban/Rural Impact:** The PFC and AIP programs help counties, particularly in rural areas with limited air service or without easy access to capital markets, fund critical projects and improve the safety, security, and capacity of their airports. Failing to reauthorize the Federal Contract Tower program could result in the closing of numerous control towers and shift costs onto local taxpayers.

**Sponsor(s):** Vance Stuehrenberg, Commissioner, Blue Earth County, Minnesota

### **Proposed Resolution on Indian School Bus Route Maintenance**

**Issue:** Tribal residents of counties whose regional road networks include primary access routes that are tribal dirt roads are denied access to education due to the failure of the Bureau of Indian Affairs (BIA) to enforce its own National Environmental Policy Act (NEPA) guidance for categorical exclusions.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress include language in Department of Interior (DOI) Appropriation bills directing the BIA to comply with DOI regulations for enforcement of NEPA, (43 CFR Part 46.210), BIA Guidebook (59 IAM 3-H), and DOI's Departmental Manual (516 DM 10.5), to adhere to all three NEPA compliance components:

1. Categorical Exclusion;
2. Environmental Assessment; and
3. Environmental Impact Statement.

**Background:** BIA Regional Offices (RO's) vary widely in their NEPA implementation when determining whether an environmental assessment is required to add gravel to an existing dirt road.

Some RO's comply with 516 DM 10.5(L) which lists actions categorically excluded from NEPA Review, including "resurfacing a highway without adding to its existing width." Other RO's selectively enforce federal rules and guidelines to prohibit the use of a categorical exclusion and require an environmental assessment before gravel can be added to an existing road.

Such arbitrary and capricious implementation of federal law and policy directly causes conditions that make tribal dirt roads impassable, thus denying American Indian students access to education because their busses cannot get to school (missing as much as 12 days of school each year due to impassable school bus routes).

**Fiscal/Rural Impact:** The requested direction of Congress to BIA would result in more efficient and effective use of limited resources for tribal dirt bus routes by allowing jurisdictions to maintain such roads in accordance with

national engineering and safety guidelines, rather than expending funds on unneeded studies.

**Sponsor(s):** Jesse Thompson, Supervisor, Navajo County, Ariz.

### **Proposed Resolution on the Establishment of a ‘Toward Zero Deaths’ Grant Program**

**Issue:** The need for additional funding for safety improvements on county roads.

**Proposed Policy:** The National Association of Counties (NACo) supports the establishment of a federal Toward Zero Deaths (TZD) grant program that will provide funding to local governments and non-profit organizations for the purpose of implementing proven safety practices and programs.

**Background:** Toward Zero Deaths (TZD) is a national safety vision of eliminating fatalities on our nation's roadways. The TZD national vision brings together a wide range of organizations and individuals under a unified commitment to transform our nation's traffic safety culture, including the nation's educators, state and local governments, roadway designers, engineers, law enforcement officers and motorists. As a national strategy, TZD includes initiatives that are known to be – or are expected to be – effective in addressing specific factors contributing to roadway crashes, have the potential to make a significant reduction in fatalities and serious injuries nationally or address areas of growing concern. With one person dying every 16 minutes in the United States due to a roadway crash, and with counties owning 45 percent of the nation's road miles and serving as emergency responders and health care facility owners, reducing fatalities and moving toward zero deaths is a commitment that's important to all of the nation's counties. Establishing a federal TZD grant program could provide funding to deploy safety initiatives and strategies to support this national strategy and increase transportation safety across the country.

**Fiscal/Urban/Rural Impact:** A federal TZD grant program would provide additional federal funding for counties to address safety issues on county-owned roads in urban and rural areas across the country.

**Sponsor(s):** Richie Beyer, County Engineer, Elmore County, Ala.; Daniel Fedderly, Wisconsin County Highway Association

### **Proposed Resolution on Elevating the Role of Local Governments in the Development of State Strategic Highway Safety Plans**

**Issue:** The need for elevated coordination with local governments in the development of State Strategic Highway Safety Plans (SHSPs).

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to make safety on county roads a priority by requiring that state departments of transportation, at a minimum, cooperate with local government officials (including county transportation officials) in the development of State Strategic Highway Safety Plans (SHSPs) and by directing proportionate Highway Safety Improvement Program funding to areas of safety concern regardless of roadway ownership.

**Background:** Historically, there has been significant variation in how state departments of transportation include local government officials in the development of the Strategic Highway Safety Plans. This can be problematic for counties since a state's SHSP identifies key safety needs and guides investment decisions, including the allocation of Highway Safety Improvement Program dollars. The Fixing America's Surface Transportation (FAST) Act requires states to develop, implement, evaluate and update an SHSP that identifies and analyzes highway safety problems and opportunities on all public roads. As the owners of 45 percent of the nation's road miles, counties should have the opportunity to help identify and evaluate safety needs with their state departments of transportation



1 during the development and updating of the SHSP, particularly when it comes to addressing significant safety needs  
2 and high fatality segments of county-owned roads.

3  
4 **Fiscal/Urban/Rural Impact:** Requiring state departments of transportation to, at a minimum, cooperate with local  
5 government officials, would likely provide additional federal funding to counties for addressing safety issues on  
6 county-owned roads in urban and rural areas across the country.

7  
8 **Sponsor(s):** Richie Beyer, Engineer, Elmore County, Ala.; Daniel Fedderly, Transit Commission Chair, Dunn  
9 County, Wis.

### 10 11 **Proposed Resolution to Support Innovative, Connected, Automated Technology for Transit Solutions**

12  
13 **Issue:** Innovative, advanced, connected, cost-effective technology, such as Intelligent Transportation Systems  
14 (ITS), and connected, automated vehicles and systems can substantially improve safety, mobility, and connectivity  
15 of shared public transit but is not being widely considered despite current public use in Europe, Asia and, in limited  
16 form, the United States.

17  
18 **Proposed Policy:** The National Association of Counties (NACo) urges modifying U.S. Department of  
19 Transportation (USDOT), Federal Transit Administration, or Federal Highway Administration policy in all  
20 appropriate innovative, advanced, connected, cost-effective technology grant guidelines to allow Automated Transit  
21 Networks as eligible for capital funding and to encourage states, local governments, or Metropolitan Planning  
22 Organizations to consider innovative, connected, automated technology in planning for transportation solutions.

23  
24 **Background:** The USDOT recognized in its recent Smart City Challenge that the U.S. needs to adopt “advanced  
25 technologies that can be used to address priority issues in safety, mobility, and climate change” as well as economic  
26 vitality and community development by using “advanced technologies, strategies, and applications towards  
27 improved safety, efficiency, and sustainable movement of people and goods.”

28  
29 Advanced technology systems provide reduced traffic congestion, capital and operational costs, improved safety,  
30 and exceptional customer service. Transit systems around the country could leverage connected, automated,  
31 sustainable technology to significantly increase public shared ridership and contribute to transportation solutions.  
32 Automated Transit Network (ATN) systems enable automated vehicles (either semi-autonomous or driverless),  
33 operating in concert with conventional transit, to deliver highly responsive, on-demand, safe, comfortable, reliable  
34 and cost-effective transit service. Enabled by advanced hardware and software technologies, ATN systems have  
35 matured in the past decade and viable systems in public service are available. Such systems provide the promise of  
36 intra-campus and intra-urban mobility, first/last mile connectivity from line-haul transit, and do so at a lower price  
37 with higher sustainability levels than existing modes. Fully automated, driverless ATN systems are the transit  
38 equivalent of driverless cars, but, unlike driverless cars in research today, are already available and deployed in  
39 public service.

40  
41 **Fiscal/Urban/Rural Impact:** ATN is a promising new industry that can provide jobs and economic benefits in  
42 addition to improved public transit at a lower cost.

43  
44 **Sponsor:** Fred Payne, Council Member, Greenville County, S.C.

### 45 46 **Proposed Resolution Requesting Modifications to Rules for Challenges to Federal Aid Highway Construction**

47  
48 **Issue:** Project development and environmental review challenges to federal aid highway construction projects result  
49 in unnecessary delays and excessive litigation with unwarranted added costs.

**Proposed Policy:** The National Association of Counties (NACo) urges proposed legislation to modify the relevant laws and regulations that will prohibit the ability to make legal challenges to federal aid highway projects, delaying them from moving forward, after the jurisdictional entity proposing the project has received a “record of decision” in relation to the project and all required project submittals have been made and accepted to receive the “Record of Decision.”

**Background:** Transportation infrastructure is a critical component of any local economic development program. There are numerous regulations and project development requirements currently in place concerning federal aid highway projects and the required project scope/environmental studies. Legal challenges to these projects are often done very late in the project development and regulatory compliance process. These legal challenges result in both significant added costs to litigate the challenge as well as very costly delays to the construction, again resulting in significant added costs.

Ensuring that there is some limitation on when legal challenges can be made to a federal aid project will ensure that much needed transportation projects can move forward in a timely manner and at the best value to the taxpayers. This limitation does not eliminate the opportunity to challenge these types of projects, but only limits the ability to challenge a federal aid highway project after all required documentation and submittals have been made and accepted and a “record of decision” has been received by the entity proposing the highway project.

**Fiscal/Urban/Rural Impact:** Limiting these legal challenges is in the economic interest of the counties by ensuring some level of assurance that projects can move forward in a timely manner after all required submittals have been made and accepted as well as the economic benefits that the transportation improvements allow to the counties.

**Sponsor(s):** Joe Carpenter, Commissioner, Gaston County, N.C.; Daniel J. Fedderly P.E., P.L.S., Executive Director, Wisconsin County Highway Association

### **Proposed Resolution Stressing the Important Role of Counties in Establishing and Implementing Laws and Regulations for Unmanned Aircraft Systems (UAS)**

**Issue:** Counties must have a seat at the table as Congress and the Administration develop and implement laws and regulations relating to unmanned aircraft systems (UAS), i.e. drones.

**Proposed Policy:** NACo calls on Congress and the president to consult and work closely with county officials and other local stakeholders as they consider new legislation and regulations addressing the emerging UAS/drone industry.

**Background:** On June 21, 2016 the Department of Transportation (DOT) and the Federal Aviation Administration (FAA) finalized new rules governing the use of non-recreational drones, including restrictions on where and when drones may be flown. For example, non-recreational operators, including counties, must receive a special permit or waiver before operating a drone within five miles of an airport or above an altitude of 400 feet.

Counties own 34 percent of America’s publically-owned airports and spend \$4.5 billion annually on air transportation. Further, drones, if used properly, could potentially fulfill a number of county government functions, replacing manned flights in certain instances. In fact, some county law enforcement agencies are already employing drones to monitor criminal activity. Counties also have a role to play in protecting citizens’ privacy, as many drones are fitted with cameras. As potential users of drone technology and as full regulatory partners with the federal government, it is important that counties’ have a voice in determining how to integrate drone technology into the national air space system.

1 **Fiscal/Urban/Rural Impact:** Drones represent an emerging transportation technology that carries with it a  
2 potentially wide range of uses – and concerns – for counties and other local stakeholders, including agricultural, law  
3 enforcement, and infrastructure maintenance applications. Any laws or regulations addressing drone use may  
4 impact counties’ ability to use or regulate the use of drones within their jurisdictions.  
5  
6 **Sponsor(s):** Peter McLaughlin, Commissioner, Hennepin County, Minn.; Vance Stuehrenberg, Commissioner,  
7 Blue Earth County, Minn.