Proposed Policy Resolutions and Platform Changes

National Association of Counties (NACo)

2019 Annual Conference

Clark County / Las Vegas, Nevada
July 12 – 15
# TABLE OF CONTENTS

**AGRICULTURE AND RURAL AFFAIRS** .................................................................................. 1

**PROPOSED PLATFORM CHANGES** .................................................................................. 1
   Proposed Platform Change to Section III. Rural Infrastructure, Subsection B. Transportation .......... 1
   Proposed Platform Change to Section III. Rural Infrastructure, Subsection A. Technology ............... 1

**PROPOSED RESOLUTIONS** ........................................................................................... 2
   Proposed Resolution on H-2A Administrative Rules Reform ......................................................... 2

**COMMUNITY, ECONOMIC AND WORKFORCE DEVELOPMENT** ............................... 4

**PROPOSED RESOLUTIONS** ........................................................................................... 4
   Proposed Resolution on FY 2020 Appropriations for the U.S. Department of Housing and Urban Development ........................................................................................................... 4
   Proposed Resolution on Housing Infrastructure .............................................................................. 5
   Proposed Resolution on the New Markets Tax Credit ...................................................................... 7
   Proposed Resolution on Opportunity Zones ..................................................................................... 8
   Proposed Resolution on Protecting the Health and Safety of Sober Home Residents ...................... 9
   Proposed Resolution on Preservation and Expansion of Affordable Housing Stock ....................... 10
   Proposed Resolution on Economic Development Administration Reauthorization .......................... 11
   Proposed Resolution to Support Legal Migration to Strengthen Local Economies and Workforce ...... 12
   Proposed Resolution on FY 2020 Appropriations for the Workforce Innovation and Opportunity Act (WIOA) .................................................................................................................. 13
   Proposed Resolution on Streamlining State Licensing Procedures for Military Spouses .................. 14
   Proposed Resolution on Affordable Housing for Low-Income Students ........................................... 15
   Proposed Resolution on Federal Support to Address Unsheltered Homelessness ........................... 16
   Proposed Resolution on Federal Policy Changes Related to Immigrant Eligibility for Federal Housing Benefits .................................................................................................................................. 17
   Proposed Resolution Supporting a Federal Study to Examine Lost Recording Fee Revenues Due to the Mortgage Electronic Registration Systems (MERS) ................................................................. 18
   Proposed Resolution on Leveraging the Combination of the Investing in Opportunity Act and Workforce Innovation and Opportunity Act for Local Prosperity ............................................. 19

**ENVIRONMENT, ENERGY AND LAND USE** .................................................................. 21

**PROPOSED RESOLUTIONS** ........................................................................................... 21
   Proposed Resolution on the Impact of Per-and Polyfluoroalkyl Substances (PFAS) on Human Health and the Environment ................................................................................................... 21
   Proposed Resolution on Compensatory Mitigation In-Lieu Fee Programs ....................................... 22
   Proposed Resolution Urging Congress to Provide Funding for Local Efforts to Address Sea Level Rise .................................................................................................................................. 23
   Proposed Resolution in Support of Affordable Beach Renourishment Projects ............................. 23
   Proposed Resolution on EPA’s Imposition of Numeric Water Quality-Based Effluent Limitations on
Proposed Resolution Urging the Federal Government to Invest in Transboundary Water and Sewage Infrastructure Along the United States/Mexico Border .......................................................... 24
Proposed Resolution to Revise the Process to Assess Benefits of Federally Funded Water Infrastructure Projects .......................................................................................................................... 26
Proposed Resolution on the Federal Energy Regulatory Commissioner and Water Control Infrastructure Drawdowns Before Flooding Events ................................................................. 27
Proposed Resolution in Support of Research into Harmful Algal Bloom Prevention and Mitigation .... 28
Proposed Resolution Supporting the Reauthorization of the Coral Reef Conservation Act ................. 29
Proposed Resolution Requesting the U.S. Department of Energy Rescind or Revise Order 140.1 to Remove Restrictions on the Department of Energy’s Defense Nuclear Facilities Safety Board ....... 30
Proposed Resolution on any Future Administration’s Budget Request to Eliminate Gulf of Mexico Energy Security Act (GOMESA) Revenue Sharing Funds ................................................................. 32
Proposed Resolution in Support of Liquid Natural Gas Export Facilities Nationally .......................... 33

FINANCE, PENSIONS AND INTERGOVERNMENTAL AFFAIRS ..............................................35

PROPOSED PLATFORM CHANGES .......................................................................................35
Proposed Platform Changes to the Sales and Use Taxes Section ....................................................... 35
Proposed Platform Changes to Sections: Elections; Election Funding; Election Security; and Discounted Postage Rate .................................................................................................................. 35

PROPOSED RESOLUTIONS ......................................................................................................37
Proposed Resolution Supporting a Complete and Accurate Census 2020 Count ................................. 37
Proposed Resolution to Oppose the ACA’s 40 Percent Excise Tax on High-Cost and Employer-Provided Health Benefits ................................................................. 38
Proposed Resolution Supporting the Municipal Advisor Rule ............................................................. 39
Proposed Resolution to Preserve Municipal Investment Options and Access to Capital for Public Infrastructure and Economic Development ................................................................. 40
Proposed Resolution in Support of Restoring Tax Incentives for Automatic Fire Sprinkler Systems .... 42
Proposed Resolution in Support for Reauthorization of the Volunteer Responder Incentive Protection Act ................................................................................................................................. 43
Proposed Resolution on Federal Tax Intercept of Unpaid Court Fees ............................................... 44
Proposed Resolution on Volunteer Driver Reimbursement Rates ....................................................... 45
Proposed Resolution Urging Congressional and Administration Commitment to Timely Enactment of Federal Budget Appropriations and No More Shutdowns ......................................................... 45

HEALTH ......................................................................................................................................47

PROPOSED RESOLUTIONS ......................................................................................................47
Proposed Resolution Urging the Federal Government to Suspend, Instead of Terminate, Medicaid Coverage for Incarcerated Individuals ................................................................. 47
Proposed Resolution to Extend Federal Medical Payments to Detainees in County Jails who are Pre-adjudicated ................................................................. 48
Proposed Resolution to Prohibit Insurers from Denying Health Benefits to Preadjudicated Persons ..... 48
Proposed Resolution on Integration of Mental Health and Addiction Care to Address the Opioid Crisis
Proposed Resolution on the Importance of the ACA and Medicaid Expansion .......................................................... 50
Proposed Resolution Regarding the National Health Service Corps Loan Repayment Program .................. 50
Proposed Resolution to Support Funding for Alzheimer’s Disease Research, Community Education and Outreach and Caregiver Support .................................................................................................................. 51
Proposed Resolution on Federal Policy Changes Related to Immigrant Eligibility for Federal Benefits 52
Proposed Resolution Supporting Local Efforts for Mobile Support Teams ................................................................. 53
Proposed Resolution on Reducing Disparities in African American Child Deaths ........................................ 54
Proposed Resolution in Support for Funding the Supporting and Improving Rural EMS Needs Grants 55
Proposed Resolution Supporting Better Regulation in Nursing Homes ................................................................. 56
Proposed Resolution Supporting Better Staffing in Nursing Homes ........................................................................ 57
Proposed Resolution to Support Federal Action to Obtain Better Research on Kratom and to Promote Dissemination of Best Public Health Practices Related to Kratom ......................................................... 58

JUSTICE AND PUBLIC SAFETY .......................................................................................................................... 70

PROPOSED RESOLUTIONS ........................................................................................................................................... 70
Proposed Resolution on State Criminal Alien Assistance Program (SCAAP) ......................................................... 70
Proposed Resolution Urging the Federal Emergency Management Agency (FEMA) to Conduct an Assessment and Develop an Improvement Plan on FEMA Individual Assistance Programs .......... 71
Proposed Resolution Urging the Federal Emergency Management Agency (FEMA) to Clarify FEMA Debris Removal Guidelines for Private Roadways and Gated Communities ......................................................... 71
Proposed Resolution Urging the Federal Emergency Management Agency (FEMA) to Coordinate with Local Government Stakeholders on FEMA After-Action Reports ......................................................... 72
Proposed Resolution in Support for Deflection Initiatives ......................................................................................... 72
Proposed Resolution on Fair Restructuring of Homeland Security and Emergency Management Grants
Proposed Resolution Urging Congress and FEMA to Ensure County Involvement in the Implementation of Emergency Management Strategic Goals ................................................................. 73

Proposed Resolution Supporting Inflationary Increase to the Emergency Management Performance Grant .................................................................................................................. 74

Proposed Resolution Supporting the Emergency Management Performance Grant Program ................................................................. 75

Proposed Resolution Urging Congress and FEMA to Ensure County Involvement in the Implementation of the Disaster Recovery Reform Act (DRRA) ................................................................................................. 76

Proposed Resolution Urging Congress and FEMA to Reduce Unnecessary Burdens on Public Assistance to Counties Following Presidential Declarations ............................................................................................................ 77

Proposed Resolution to Support National Standards for Emergency Management Programs and the Emergency Management Accreditation Program ................................................................. 78

Proposed Resolution in Support of Amending U.S. Code Title 16, CONSERVATION Chapter 12, FEDERAL REGULATION AND DEVELOPMENT OF POWER, Subchapter I, REGULATION OF THE DEVELOPMENT OF WATER POWER AND RESOURCES Section 803, Conditions of License Generally ................................................................................................. 79

Proposed Resolution on National Flood Insurance Program Reauthorization and Program Improvements ........................................................................................................................................... 80

Proposed Resolution Supporting Legislation Providing Mitigation Funds for Certain Areas Affected by Wildfires ........................................................................................................................................... 81

Proposed Resolution to Maintain Local Control and Public Safety Priorities Under Federal Immigration Laws ........................................................................................................................................... 82

PUBLIC LANDS ......................................................................................................................................................................................... 86

PROPOSED PLATFORM CHANGES ......................................................................................................................................................................................... 86

Proposed Platform Changes to the Public Lands Policy Section ......................................................................................................................................................................................... 87

PROPOSED RESOLUTIONS ......................................................................................................................................................................................... 89

Proposed Resolution to Repair and Maintain the Public Land Survey System ................................................................................................................................. 90

Proposed Resolution on Amending the Recreation and Public Purposes Act ................................................................................................................................. 91

Proposed Resolution on the Removal of Salt Cedar ......................................................................................................................................................................................... 92

Proposed Resolution on Amendments to Payments in Lieu of Taxes (PILT) Side B Funding - Establishing a Minimum ................................................................................................................................................................................................. 93

Proposed Resolution Supporting Presidential Executive Order 13855 of December 21, 2018 Ordering the Secretaries of Interior and Agriculture to Achieve Specific Goals in 2019 to Improve Conditions and Reduce Wildfire Risk in America’s Forests, Rangelands and Other Public Lands ................................................................................................................................................................................................. 94

Proposed Resolution to Require Federal Land Management Agencies to Offset Acquisition of New Land to Mitigate Financial Impact on Impacted Counties ................................................................................................................................................................................................. 95

Proposed Resolution Supporting Increased Federal Public Lands Agency Funding ................................................................................................................................................................................................. 96

Proposed Resolution Supporting Robust Remediation of Abandoned Uranium Mines as a Critical Priority for the United States ................................................................................................................................................................................................. 97

Proposed Resolution Supporting the Use of Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Grant Funding to Engage in Forest Thinning and Restoration Activities on Public and Private Lands ................................................................................................................................................................................................. 98
Proposed Resolution Supporting Federal Funding to Promote and Expedite Building Forest Industry in Regions with Low to No-Value Trees ................................................................. 101

Proposed Resolution Urging Congress to Support the Return of 40 Percent of Federal Mineral Lease Revenue to the County in Which it Was Generated ................................................................. 102

Proposed Resolution Urging That U.S. Fish & Wildlife Service Policies Include Counts of Utah Prairie Dogs and Other Threatened and Endangered Species on Private and State Trust Lands as Well as Federal Lands for the Purpose of Measuring the Success of Species Recovery Efforts .................................................. 103

Proposed Resolution Urging the U.S. Forest Service and the Bureau of Land Management (BLM) to Allow Permitless Gathering of Wood Products from Areas Where Those Products are Already Planned for Controlled Burn, Slashing, Chipping and Other Treatments ................................................................. 103

Proposed Resolution Calling on the U.S. Forest Service to Timely Increase Active Animal Unit Months (AUMs) on Grazing Allotments That Have Undergone Vegetative Treatments or Undergone Conversions Between Cattle and Sheep ................................................................. 104

Proposed Resolution Urging the U.S. Forest Service to Address its Backlog of Needed Restorations and Replacements of Aging and Deteriorating Grazing Infrastructure ................................................................. 105

Proposed Resolution Urging the Bureau of Land Management (BLM) to Follow Federal Land Policy Management Act (FLPMA) and Place Maximum Feasible Reliance on the Local County Sheriff for all the BLM’s Law Enforcement Needs, Before Deploying BLM Law Enforcement Officers, or in the Alternative Urging Congress to Abolish the BLM’s Law Enforcement Program If the BLM Will Not Follow FLPMA’s Direction ................................................................. 106

Proposed Resolution Urging Congress to Prevent the Establishment of a National Monument in a State Without That State’s Approval .................................................................................. 107

Proposed Resolution Supporting Presidential Proclamation 9682 Dated December 4, 2017 That Modified and Reduced the Boundary and Size of the Grand Staircase-Escalante National Monument Under the Authority of the Antiquities Act ................................................................. 107

Proposed Resolution on the Council of Environmental Quality’s Revisions to the National Environmental Policy Act Implementing Regulations ................................................................. 108

Proposed Resolution Supporting a Coordinated Effort Between Federal, State and County Officials to Eradicate the Spotted Lanternfly (Lycorma delicatula), an Invasive Species Plaguing the Mid-Atlantic States ........................................................................................................ 109

Proposed Resolution Urging Congress to Amend and Update the Endangered Species Act of 1973 ................................................................. 110

Proposed Resolution on Amendments to PILT Population Caps ................................................................................................. 111

Proposed Resolution to Allow the Public and Public Entities to Comment on Wilderness Characteristics Cataloging and Inventory by Federal Land Management Agencies ........................................................................ 112

Proposed Resolution to Cease Wilderness Characteristic Inventory in Alaska ................................................................................................. 113

Proposed Resolution Supporting the Utilization of Domestic Livestock Grazing as a Cost-Effective and Viable Method for Hazardous Fuels Reduction Goals in Executive Order 13855, Promoting Active Management of America’s Forests, Rangelands and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk ................................................................................................. 114

Proposed Resolution Regarding Wildland Fire Regulations and Policies ................................................................................................. 114

TELECOMMUNICATIONS AND TECHNOLOGY ........................................................................ 116

PROPOSED PLATFORM CHANGES .................................................................................. 116

Proposed Platform Changes Under “Statement of Basic Philosophy,” Subsection E. Wireless Communications Facilities Siting and Subsection J. Broadband Deployment and Adoption ........................................................................ 116
PROPOSED POLICY RESOLUTIONS

Proposed Resolution Calling on Congress to Actively Engage Counties Prior to Developing 5G Wireless Infrastructure

Proposed Resolution in Support of Empowering Counties to Be Active in the Deployment and Operations of High-Speed Internet

Proposed Resolution Encouraging Congress to Undertake a Systemic Rewrite of the Telecommunications Act of 1996

Proposed Resolution Encouraging Congress to Pass Legislation that Would Ensure Local 911 Service Fees Are Only Used for Emergency Communications

Proposed Resolution Encouraging Congress to Pass Legislation to Formalize the Process Through Which Data Gathered by the TestIT App is Used to Modify the Broadband Coverage Maps

Proposed Resolution in Support for Federal Legislation to Implement Next Generation 911

Support Preserving Public Safety’s Access to the T-Band

Proposed Resolution in Support of the Creation of a Nationwide 2-1-1 System

Proposed Resolution on Preserving Local Franchise Obligations

Proposed Resolution Calling for the Federal Communications Commission to Address the Lack of Cellular Phone Coverage for Unserved and Underserved Areas of the United States

TRANSPORTATION

PROPOSED PLATFORM CHANGE

Proposed Platform Changes to the Funding and Financing Tools Section, Subsection D. Passenger Facility Charge (PFC)

Proposed Platform Changes to the Highways Section, Subsection F. Trucks and Vehicle Size and Weights

PROPOSED POLICY RESOLUTIONS

Proposed Resolution on Regulating Air Ambulances Under the Airline Deregulation Act (ADA)

Proposed Resolution Supporting Funding for the Assistance to Local Emergency Response Training (ALERT) Grant

Proposed Resolution Supporting a National Voluntary Registry of Persons with Invisible Disabilities When Applying for a Government Issued Identification Document

Proposed Resolution Urging Federal Policy Makers to Include Support for Transit Options in Any Upcoming Infrastructure Package and/or List of Expanded Legislative Principles

Proposed Resolution in Support of Direct Funding to Local Governments for the Improvement and Maintenance of Local Roads in America within any Proposed Infrastructure Spending Bill

Proposed Resolution in Support of Eliminating Regulatory Impediments for Effective Delivery of Federal Aid Projects

Proposed Resolution Supporting Increased Consideration of Alternative Congestion Mitigation Measures

Proposed Resolution Urging Congress to Amend the Electronic Logging Device (ELD) and Hours of Service (HOS) Final Rule to Provide an Agricultural Exemption

Proposed Resolution to Establish NACo’s Legislative Position for the U.S. Department of Transportation’s Budget Appropriation for FY 2020

Proposed Resolution Directing Federal Policymakers to Improve Indian School Bus Routes
Proposed Resolution Directing Congress and the U.S. Department of Transportation (U.S. DOT) to Assist Economically Disadvantaged Counties by Waiving the Local Match Requirement.................. 137

Proposed Resolution to Amend Federal Law Regarding the Use of Federal Highway Administration (FHWA) Emergency Relief (ER) Funds................................................................. 138
Proposed Platform Change to Section III. Rural Infrastructure, Subsection B. Transportation

B. Transportation: Additionally, many counties have to close bridges when they become unsafe and cannot afford to rebuild them. The quality of roads and bridges is declining in many rural areas due to lack of funding. In particular, rural counties are increasingly in need of federal assistance for costly repairs and upgrades to farm-to-market roads—rural roads that primarily serve to transport agricultural products from a farm or ranch to the marketplace. Federal funding for rural roads, bridges, local transit service, and air service needs to increase substantially.

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

Proposed Platform Change to Section III. Rural Infrastructure, Subsection A. Technology

A. 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.

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. This includes additional sustained funding for rural broadband deployment and support for cooperatives deploying telecommunications services by leveraging and streamlining key federal programs: the U.S. Department of Agriculture’s Rural Utilities Service (RUS); the Federal
Communications Commission (FCC) Connect America Funds (CAF); U.S. Economic Development Administration grant program; and the Rural Infrastructure Program.

Sponsor(s): Joe Lerch, Director of Local Government Policy, Virginia Association of Counties

PROPOSED RESOLUTIONS

Proposed Resolution on H-2A Administrative Rules Reform

Issue: The Department of Labor should consider reforms to existing H-2A administrative rules by addressing the following items: 1) Streamlining housing, transportation, and worker certification approvals; 2) Re-evaluating housing program components to include a discussion of vouchers, wage offsets, and a pre-employment housing needs survey; 3) Clarifying the term *seasonality* and providing flexibility for farm worker movement to respond to production needs; 4) Creating a simplified application processing system with a central portal housed under the United States Department of Agriculture; and 5) Modernizing farm worker recruitment methods to ensure timely certification and arrival of farm workers.

Proposed Policy: The National Association of Counties (NACo) urges the Department of Labor to reform existing H-2A administrative rules to modernize and simplify the H-2A application and certification processes and expand farm worker flexibility to ensure that a reliable and capable workforce is available for the nation’s farmers and ranchers.

Background: Agricultural producers in the United States have been advocating for reforms to the H-2A program for the past three decades. Producers have come to rely on H-2A farm workers to offset the lack of available domestic workers due to workers aging out and a lack of workers to replace them. Since the program’s inception, H-2A certifications have risen steadily from mere hundreds in the late 1980s to over 200,000 in 2017. However, the H-2A application process is inefficient as the United States Customs and Immigration Services only processes paper applications for Nonimmigrant Visa Petitions. Also, rigid application processes fail to address agriculture’s unique labor needs, which may change suddenly due to weather, global market realities, contract enforceability or other variables beyond the grower’s control. While H-2A application processing delays have become less frequent, farmers and ranchers continue to experience delays that prevent farm workers from arriving for work as requested. In terms of housing, participating farms/ranchers must provide housing for all H-2A workers whether or not the workers choose to return home each day. Current farm worker recruitment rules require employers to place expensive and largely ineffective newspaper advertisements in the applicant’s home state plus several “labor supply” states.

Fiscal/Urban/Rural Impact: Delays in the Department of Labor’s timely certification of H-2A farm worker, housing, and transportation applications results in millions of dollars of lost revenue for farmers and ranchers, with perishable crop producers most profoundly impacted. Allowing for electronic applications for Nonimmigrant Visa Petitions will both streamline and increase the integrity of the overall H-2A application process. Clarifying the definition of *seasonality* and providing flexibility for farm worker movement to respond to production needs will accommodate agriculture sectors that need year-round workers, and a staggered entry approach
with one application would improve time of needed hiring. Housing vouchers and credits will allow farm workers increased housing options and offset farm labor costs with a credit against wages. A housing needs survey would identify the exact number of housing units needed by producers, as unused reserved housing units cost producers over $1 million annually. Finally, a modern, more efficient method of farm work recruitment would be for the job to be posted on a national job board online where job seekers could find the job and apply.

Sponsor(s): Martin Porchas, Supervisor, Yuma County, Ariz.
COMMUNITY, ECONOMIC AND WORKFORCE DEVELOPMENT

PROPOSED RESOLUTIONS

Proposed Resolution on FY 2020 Appropriations for the U.S. Department of Housing and Urban Development

Issue: Support FY 2020 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 2020 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill: no less than $3.8 billion in Community Development Block Grant (CDBG) formula funding; no less than $1.5 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 Section 8 project-based and tenant-based contracts; $40 million for HUD-Veterans Affairs Supportive Housing (VASH) and $500 million in Section 108 Loan Guarantee authority.

Background: The CDBG and HOME programs have been model federal block grant programs for improving the nation’s crumbling infrastructure, expanding affordable housing opportunities, and undertaking neighborhood revitalization. Despite the success of these programs, funding for CDBG and HOME has been on the decline since 2000. Although the programs saw modest increases in FY 2018, decreased funding over the years has severely hampered local governments’ ability to foster sustainable and economically resilient communities.

Local governments use CDBG funds for critical community development activities including, infrastructure improvements such as roads, water and sewer systems; expanding homeownership opportunities; eliminating slum and blight; employment training; business and job creation; transportation services; services at libraries, community centers, adult day care and child after school care facilities; homeless housing assistance; and crime awareness programs. 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. This important infrastructure and community development program has been a catalyst for economic growth and has helped local officials leverage funds for community needs. CDBG allocation continues to decline, however, at a time when the nation’s infrastructure is ailing and is in dire need of improvements. It is more important now than ever to increase CDBG funding to give communities the ability to address their infrastructure and economic development needs at the local level.

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 $4 in other public and private funding. Every $1 billion in HOME funding
creates or preserves more than 17,000 jobs. According to HUD, an estimated 12 million renter and homeowner households now pay more than 50 percent of their annual incomes for housing. A family with one full-time worker earning minimum wage cannot afford the local fair-market rent for a two-bedroom apartment anywhere in the United States. It is imperative that the HOME program is strengthened and expanded to help American families access affordable housing.

For FY 2019, CDBG is funded at $3.3 billion; the HOME program is funded at $1.25 billion; and the Homeless Assistance Grants at $2.65 billion. President Trump’s FY 2020 budget again proposed the elimination of CDBG and HOME. The House THUD Appropriations bills for FY 2020 include $3.6 billion for CDBG and $1.75 billion for HOME and other increases for housing programs.

The housing and community development community is relieved to see programs like CDBG and HOME increased in the House version of the THUD Appropriations bill, since more funding is needed to keep up with the rising costs of construction and the increased needs of communities. When adjusted for inflation, CDBG’s $3.3 billion allocation in FY 2018 was only about 29 percent of the funding received during the program’s first year in 1975. Today the program serves twice as many grantees as it did when the program was first introduced. Local governments are becoming more efficient and creative with these important funds, but in order to create effective public-private partnerships using these programs, more public resources are needed.

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): Jim McDonough, Commissioner, Ramsey County, Minn.

Proposed Resolution on Housing Infrastructure

Issue: Support the inclusion of affordable housing investments in any federal infrastructure package.

Proposed Policy: The National Association of Counties (NACo) urges Congress to include affordable housing investments in any federal infrastructure package to provide counties with the resources necessary to create and preserve more affordable homes in the United States.

Background: The Trump Administration and congressional leadership have introduced infrastructure plans over the last year. Notably missing from these plans is the expansion of affordable housing infrastructure. Affordable housing is a vital component to infrastructure investment, and the construction and preservation of our country's affordable housing stock will strengthen productivity and economic growth, promote economic mobility, and provide greater household stability and improved wellness outcomes.

In order to achieve comprehensive economic impact through infrastructure reform, significant affordable housing investments must be incorporated. The shortage of affordable housing in major U.S. cities costs our economy $2 trillion a year in lower wages and productivity and prevents low-income households from moving to areas with more economic opportunities. A lack of affordable housing access prevents families from increasing their earnings and causes a slower gross domestic
product (GDP) growth. It is estimated that between 1964 and 2009, the GDP growth would have been 13.5 percent higher if there were more affordable housing options for families. This translates into a $1.7 trillion increase in income overall and $8,775 in additional wages per worker. Affordable housing infrastructure additionally helps local economies and creates jobs by leveraging public and private funds to increase earnings, increase tax revenue and put people to work. According to the National Association of Home Builders, building just 100 affordable rental homes can generate $11.7 million in local income, $2.2 million in taxes and other revenue, and can create 161 local jobs in the first year of construction.

Moreover, access to affordable housing improves numerous aspects of a family's quality of life. Research shows that when a family has access to affordable housing, there is an increase in their economic mobility. Additionally, children receive numerous benefits from living in an affordable housing community in high opportunity areas. These children earn 31 percent more as adults, live in better neighborhoods as adults, and are less likely to become a single parent. These children also do better in school and have greater opportunities to learn outside the classroom.

There is no community in the United States where a family with one full-time worker earning the minimum wage can afford the local fair-market rent for a two-bedroom apartment. According to the U.S. Department of Housing and Urban Development (HUD), an estimated 12 million renter and homeowner households spend more than 50 percent of their annual incomes on housing. Families who pay more than 30 percent of their income for housing are considered cost burdened and will likely have difficulty paying for necessities such as food, clothing, transportation and medical care. The problem is likely to exacerbate in the coming years. Analysts expect that over the next ten years over 400,000 new renter households will enter the rental housing market, many of these households being low-income. The pace the rental housing industry is developing new units is significantly slower than the number of rental housing needed in the next ten years, meaning the gap in rental housing supply vs. the demand for rental homes is only going to widen.

Even the nearly 2.2 million households in the United States that receive housing vouchers to subsidize their rent have issues finding affordable housing under current market conditions. Families under the Housing Choice Voucher Program must secure an apartment in the private market within sixty days of receiving a voucher. The rent for their apartment must fall within the Fair Market Rent guidelines established by HUD, but for many communities, the Fair Market Rent threshold allows families to rent homes in only a handful of neighborhoods. If a voucher holder fails to find housing at or below the Fair Market Rent amount, they must return the voucher at the end of the 60-day period. In many markets, this has caused high return rates of the vouchers as families are unable to find affordable housing in their communities. New York, for example, has almost a 50 percent return rate due to the lack of affordable housing available to voucher holders. The affordable housing crisis has left low and moderate income families financially on edge and has compromised their ability to afford food, maintain a stable environment for their children, and find and retain employment.

As affordable housing becomes more difficult to access and rents continue to increase, the creation of more affordable homes is necessary. With the affordable housing crisis affecting every state, county and city in the nation, it is critical now more than ever for Congress to invest in affordable housing infrastructure. These investments will help counties preserve and build up our country's affordable housing stock, strengthen the U.S. economy and provide more stability to families.
**Fiscal/Urban/Rural Impact:** The investment in the country’s affordable housing infrastructure is crucial to state and local governments that provide housing to communities at the grassroots level.

**Sponsor(s):** Patricia Ward, Director, Community Development and Housing Department, Tarrant County, Texas

**Proposed Resolution on the New Markets Tax Credit**

**Issue:** Support the permanent extension of the New Markets Tax Credit (NMTC) program in order to promote community development and economic growth by attracting private investment in low-income communities with high unemployment and poverty.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to provide a permanent extension of the New Markets Tax Credit (NMTC) and other enhancements to the program to allow for private sector investment and economic growth in low-income communities.

**Background:** The NMTC was authorized through the bipartisan Community Renewal Tax Relief Act of 2000 in order to stimulate investment and economic opportunity in urban and rural low-income communities that lack the resources needed to support businesses, job creation and a healthy local economy. This important community development tool provides much-needed capital to the most distressed communities in the nation by providing a federal tax credit to private investors.

Since its introduction, the NMTC has been an incredibly successful tool for community revitalization projects. Over $42 billion in NMTC investments have leveraged over $80 billion in total investments to community and economic development projects between 2003 and 2015. This investment in low-income urban and rural communities generated approximately 750,000 jobs at a cost to the government of less than $20,000 per job. Additionally, these investments are concentrated in the communities with the most need, with 72 percent of NMTC activities located in areas with unemployment rates 1.5 times the national average, poverty rates of at least 30 percent or a median income at or below 60 percent of the area median.

Furthermore, the NMTC is an exemplary public-private partnership model, allowing local governments, businesses and investors to come together the make the financing decisions for their community. Rural and urban areas alike use this critical resource to fund small businesses, industrial centers, commercial facilities, daycares, health centers, housing and other mixed-use developments. The NMTC generates a tremendous amount of economic activity through job creation, economic growth and increased incomes, providing the federal government with a significant return on investment. The program additionally brings in enough tax revenue to cover its cost to taxpayers.

**Fiscal/Urban/Rural Impact:** The permanent extension and expansion of the NMTC program is crucial to state and local governments that provide economic development to communities at the grassroots level.

**Sponsor(s):** Patricia Ward, Director, Community Development and Housing Department, Tarrant County, Texas
Proposed Resolution on Opportunity Zones

Issue: Support the issuance of guidance and regulations from the U.S. Department of Treasury (Treasury) on the newly-created Opportunity Zones tax benefit that prevent abuse, encourage developments that provide public benefits, and protect local jurisdictions and stakeholders.

Proposed Policy: The National Association of Counties (NACo) urges the Treasury to provide guidance and regulations on the newly created Opportunity Zones tax benefit that prevent abuse, encourage developments that provide public benefits and protect local jurisdictions and stakeholders.

Background: Opportunity Zones were created by the Tax Cuts and Jobs Act of 2017. This new tool was designed to attract long-term capital to under-served communities by providing tax benefits to those who invest in Qualified Opportunity Zone developments through the use of certified Opportunity Funds. At the beginning of 2018, the Chief Executive Officers of each state designated Qualified Opportunity Zones based on the eligible census tracts as outlined by the new law. Each state nominated the maximum number of eligible tracts, and these designations are now final. The funds for Opportunity Zones will come from the estimated $2.2 trillion in unrealized capital gains in stocks and mutual funds held by individuals and corporations. Investors will receive significant incentives for putting capital in Opportunity Funds and are rewarded for making their investments long-term.

The Opportunity Zones tax benefit holds tremendous opportunity for local governments and is the first community development tax incentive program created since the Clinton Administration. Investors will be able to receive a temporary tax deferral and other tax benefits by investing unrealized capital gains into Opportunity Funds. These benefits include: (1) Temporary Deferral on Capital Gains Taxes. (2) If investments are held for a minimum of five years, they will be taxed at a reduced rate - 90 percent for investments held at least five years and 85 percent for investments held at least seven years. (3) If an investor keeps their money in the fund for 10 years, gains accrued on the investment during that 10-year period will not be taxed.

The Treasury is authorized under the Tax Cuts and Jobs Act to issue regulations and guidance regarding the use of Opportunity Funds. Through this guidance and regulation, it is important that Treasury prevent abuse and assure underserved and economically-distressed communities that have received an Opportunity Zone designation see a substantial benefit for the existing residents living in the Opportunity Zone census tract. These parameters will additionally ensure Opportunity Zones investments see lasting success at the local level. Abuse of this tax benefit could be defined as any investment of Opportunity Funds that does not provide the residents of an Opportunity Zone a direct and sustained community benefit. With no measures in place to protect them, Opportunity Zone investments may unintentionally displace or harm existing residents of underserved communities.

Additional parameters to protect the residents and stakeholders of Opportunity Zones communities could include annual reporting and an explanation of the use of Opportunity Funds. Treasury should include annual reporting as a requirement for Opportunity Zones in order to provide Congress and taxpayers valuable information on how the investments are impacting local communities, residents and the economy. Without annual reporting, it will be difficult to determine
if investments are providing Opportunity Zones with substantial and sustained benefits for the people who reside there. Furthermore, Treasury should require Opportunity Funds to identify their investments and outline the specific community benefits of the investments prior to gaining certification to operate as an Opportunity Fund. Treasury should additionally make this information publicly available to assist local stakeholders seeking to work with the Opportunity Funds.

There is great potential for the Opportunity Zones tax incentive to bring together public and private funds in a responsible manner to create strong neighborhoods of opportunity that welcome new residents without displacing or harming existing residents of these communities. It is important to work with Treasury to ensure that Opportunity Zones are successful in supporting healthy revitalization of distressed communities.

**Fiscal/Urban/Rural Impact:** Ensuring that Opportunity Zones are effective in supporting healthy revitalization of distressed communities is essential to the success of local governments coordinating economic development activities at the grassroots level.

**Sponsor(s):** Patricia Ward, Director, Community Development and Housing Department, Tarrant County, Texas

### Proposed Resolution on Protecting the Health and Safety of Sober Home Residents

**Issue:** Local governments continue to see a proliferation of sober homes within their boundaries and need additional clarity from the federal government on how they can protect the health and safety of sober home residents through reasonable regulations.

**Proposed Policy:** The National Association of Counties (NACo) supports further U.S. Department of Justice (DOJ) and U.S. Department of Housing and Urban Development (HUD) clarification on the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA) to allow local governments to enact reasonable regulations to protect the health and safety of sober home residents, and the residents of the surrounding communities.

NACo also supports federal legislation to establish patient protection and best practices for sober homes.

**Background:** Sober homes have proliferated with little oversight or standards in place to protect the vulnerable residents living in them. Numerous cases of fraud, abuse and human trafficking have been reported. In 2016, at the urging of Congresswoman Lois Frankel (D, FL-21), the DOJ and HUD released a Joint Statement clarifying how local governments can implement zoning and land use policies regarding sober homes. Still, questions over the interpretation of the ADA and FHA have slowed local government efforts to protect their residents. Further clarification of these laws to allow local governments greater flexibility to regulate sober homes to protect the health and safety of sober home residents, as well as the establishment of national best practices and standards for sober homes, is essential.

The Comprehensive Addiction and Recovery Act of 2018, also known as CARA 2.0, creates best practices for operating recovery housing. The Recovery Home Certification Act of 2018 would
impose national standards for the protection of vulnerable residents being exploited by
disreputable sober home operators.

**Fiscal/Urban/Rural Impact:** With additional regulatory control and required national standards,
local governments could potentially significantly reduce the number of emergency calls produced
by sober homes, thus saving lives and reducing costs to taxpayers.

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

**Proposed Resolution on Preservation and Expansion of Affordable Housing Stock**

**Issue:** There is need to preserve and expand the U.S. Affordable Housing Stock.

**Proposed Policy:** The National Association of Counties (NACo) supports strategies that preserve
and expand the supply of housing for low- and moderate-income families. These include:

- The elimination of the Rental Assistance Demonstration (RAD) cap, which limits the number
  of public housing units eligible for conversion under the RAD program to 225,000. Elimination
  of this cap would promote access to the RAD program for more Public Housing Authorities
  (PHAs) nationwide and create a more favorable environment to fully maximize the opportunity
to preserve and expand affordable housing. Increase the RAD Section 8 Project-Based rental
  subsidy to equal regular Section 8 Project-Based rental subsidies.

- Fully fund and expand the Public Housing Resident Self-Sufficiency Programs, Family Self
  Sufficiency (FSS), Resident Opportunity and Supportive Services (ROSS), the Jobs Plus
  Initiative, and Moving to Work (MTW) Demonstration programs funded by HUD that provide
tools for Public Housing Authorities (PHAs) to promote access to opportunity for the families
  they serve.

- Adequately fund HUD’s mainline programs of Section 8 vouchers and public housing.

**Background:** There are over one million public housing units subsidized by the U.S. Department
of Housing and Urban Development (HUD) nationwide. Public housing provides income-based
housing for very low- and extremely low-income families. The public housing program is operated
locally by entities called Public Housing Authorities (PHAs). PHAs serve almost two million
individuals in low-income households nationwide, and limited funding to provide place-based
initiatives that promote their self-sufficiency. PHA’s have been underfunded for several years
which has led to dilapidated housing conditions and limited funding for capital repairs that would
preserve housing stock.

The Rental Assistance Demonstration (RAD) program offered by HUD is an opportunity to
preserve over 1 million units of Public Housing nationwide. RAD provides a platform for PHA’s
to convert their housing stock to a more stable subsidy program and where feasible, the
development of mixed income communities, thereby expanding the availability of workforce
housing and housing for families on fixed incomes.
The Public Housing Resident Self-Sufficiency Programs, Family Self-Sufficiency (FSS), Resident Opportunity and Supportive Services (ROSS), the Jobs Plus Initiative, and Moving to Work (MTW) Demonstration are all programs funded by HUD that provide tools for Public Housing Authorities (PHAs) to promote access to opportunity for the families they serve. Fully funding and expanding the availability of these existing programs would give PHA’s the tools to assist families who reside in Public Housing to improve their socio-economic status.

**Fiscal/Urban/Rural Impact:** The expansion of affordable housing programs for low and moderate-income families is key to improving the health and success of urban, suburban and rural communities.

**Sponsor(s):** Wendy Jacobs, Commissioner, Durham County, N.C.; Connie Ladenburg, Council Member, Pierce County, Wash.

**Proposed Resolution on Economic Development Administration Reauthorization**

**Issue:** Support appropriations and reauthorization of the U.S. Department of Commerce Economic Development Administration.

**Proposed Policy:** The National Association of Counties (NACo) urges the U.S. Congress to appropriate funding and reauthorize the U.S. Department of Commerce Economic Development Administration (EDA) as follows:

- Provide at least $304 million in appropriations annually for EDA to support economic assistance programs.
- Focus on EDA’s core infrastructure and economic adjustment programs – public works, economic adjustment assistance and partnership planning. Congress should also authorize additional funding investments for special initiatives so as not to steer funding away from EDA core programs.
- Encourage regional collaboration by rewarding and incentivizing local governments, businesses and communities to participate in the Comprehensive Economic Development Strategy (CEDS) process. The CEDS process brings together stakeholders to develop regional strategies and goals.
- Elevate EDA’s role as an integrator of federal economic development planning programs and formalize EDA’s role as the federal government’s lead integrator for economic development and central facilitator for interagency collaboration and resource integration.
- Expand EDA Disaster and Recovery Relief eligibility. EDA has a significant role to play in post-disaster relief and long-term recovery assistance for impacted communities. In areas where a major disaster or emergency has been declared under the Stafford Act, EDA grant recipients should be eligible for up to 100 percent of the cost of the project.
- Strengthen EDA’s National Technical Assistance program for small and distressed rural communities to allow greater access and leveraging of federal, state, local and regional economic development programs.

**Background:** Since 1965, EDA has worked directly with local and regional stakeholders to address the economic needs of communities across the country. EDA is unique among federal...
programs in that it is focused solely on private sector job creation and economic growth in distressed areas. With a modest budget, EDA has developed a record of making strategic investments and building community and regional partnerships to grow high quality jobs in such areas as advanced manufacturing, science, technology and emerging knowledge-based industries. EDA partners with local and state officials and the nationwide network of Economic Development Districts to address the fundamental building blocks for economic growth: infrastructure investment, business development loans and financing, regional innovation strategies and public-private partnerships. EDA is well-positioned to assist communities, including counties, as they respond to sudden and severe economic dislocations, such as plant closures or major natural disasters.

EDA core programs provide direct assistance to communities for planning, public works and infrastructure improvements, and economic assistance to address sudden and dramatic changes to regional economies. These core programs provide the foundation for EDA investments to foster economic growth in communities across the country.

**Fiscal/Urban/Rural Impact:** Funding and reauthorization of the Economic Development Administration will help ensure economic development needs are met and job creation opportunities are created in rural, suburban and urban counties across the United States.

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

**Proposed Resolution to Support Legal Migration to Strengthen Local Economies and Workforce**

**Issue:** The role legal immigration plays in our nation’s workforce and local economies.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress and the administration to enact legislative and regulatory proposals that provide improved and efficient legal avenues for immigrants to enter the United States and contribute to the workforce and local economies.

**Background:** Immigrants largely come to America seeking opportunities, and immigrant labor and expertise is vital to local economies and industries in most states across the country. Counties have an interest in ensuring that our employers and industries of all types can hire and retain a qualified and legal workforce that meets their needs and helps to strengthen local economies.

For example, the Associated Builders and Contractors estimates that the construction industry currently faces a shortage of 500,000 workers, and they estimate that number will double over the next few years. As the shortage of workers increases, projects can expect longer delays, higher costs and a slower rate of manufacturing.

Additionally, across the nation, immigration historically provided needed agricultural employees. Recently a shortage of an available workforce has caused many agricultural farms and businesses to close or become unsustainable, and in some cases to the detriment of the entire rural community and its economy.
Enabling temporary status for workers not only helps the construction and agriculture industries, but also many other industries to meet job shortage demands.

**Fiscal/Urban/Rural Impact:** Sufficient levels of legal migration strengthen local economies and workforce.

**Sponsor(s):** Bill Truex, Commissioner, Charlotte County, Fla.; Jim Zwetzig, Commissioner, Morgan County, Colo.; Marion Greene, Commissioner, Hennepin County, Minn.; Bob Thomas, Commissioner, Franklin County, Pa.

**Proposed Resolution on FY 2020 Appropriations for the Workforce Innovation and Opportunity Act (WIOA)**

**Issue:** Support FY 2020 appropriations for the Workforce Innovation and Opportunity Act.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to provide adequate resources for Workforce Innovation and Opportunity Act (WIOA) programs and fund the Title I, Title II and III accounts at the levels authorized and listed below:

**Title I – U.S. Department of Labor**
- $861.1 million for Adult Employment and Training Services, $922.2 million for the Youth Activities and $1.37 billion for Dislocated Worker Employment and Training Services

**Title II – U.S. Department of Education**
- $649.287 million for Adult Education

**Title III – Wagner Peyser Employment Services**
- $666.413 million for Wagner-Peyser Employment Services (ES) – current-year levels to give states the additional resources they need to provide WIOA’s intensive reemployment services.

In addition, NACo supports only a WIOA formula allocation funding approach. NACo supports local control and investment at the county and municipality level and rejects any mechanism that gives states more authority than WIOA intends.

**Background:** Cuts to workforce training funds would harm the federal workforce system. Workforce Development Boards serving businesses in communities across the country would be forced to eliminate critical services, disproportionately impacting small to medium sized firms desperate for a skilled workforce.

Cuts at this point of the WIOA implementation will erase the strides already made. There is a bipartisan focus on economic growth and that can only be realized with a skilled and trained workforce to fill the jobs of today and the future.

WIOA funding is invested through direct consultation with private sector needs in local areas by private sector-led Workforce Development Boards that play a critical role in the promised
economic growth under this administration. Indeed, local boards are the access points of apprenticeship training opportunities.

Access to these services through the federal workforce system allows our businesses to focus on innovation and expansion. The Workforce Development Boards convene stakeholders across the private and public sectors to make the necessary connections to close that noted “skills gap.”

Regarding Employment Services funding:

- An elimination of, or cuts to, Employment Service funding is not cost effective – it would result in the average unemployment duration to likely increase by at least one week, costing states’ unemployment insurance trust funds to pay out an additional $2.2 billion over the coming year (based on current unemployment levels).
- Business taxes may increase to offset longer UI claims.
- Almost 800,000 veterans would not have job search assistance - the majority of veterans that do not have significant barriers to employment are served through Employment Service staff at the One-Stop Centers. The elimination of these staff would mean almost 800,000 veterans would not be served, as well as their spouses and other job seekers.
- States’ ability to assist jobseekers would be dramatically reduced - states’ labor exchange systems would be shut down due to lack of funding and reemployment services would be dramatically reduced.
- Over 5.4 million job seekers would not be assisted
- Over 600,000 businesses would not be served
- Over 20,000 employer job fairs would not be provided
- Over 700 American Job Centers would either be closed or detrimentally impacted. State Programs would be most severely impacted by the elimination of Employment Service funding
- Career services to veterans and their spouses would be eliminated
- Assistance to ex-offender programs would be eliminated
- Alternative Youth programs in some states would be eliminated
- Services to businesses would be reduced
- Apprenticeships programs would be reduced

**Fiscal/Urban/Rural Impact:** Funding of WIOA Titles I, II and III services are crucial to state and local governments that provide workforce services to communities at the grassroots level.

**Sponsor(s):** Colorado Counties, Inc.

**Proposed Resolution on Streamlining State Licensing Procedures for Military Spouses**

**Issue:** The men and women who serve in uniform and their families experience hardships following a move when seeking employment due to licensing procedures.

**Proposed Policy:** The National Association of Counties (NACo) urges the U.S. Department of Defense to implement the provisions of Public Law 115-91 to fully reimburse military spouses for costs they incur in transferring professional licenses and certifications from state to state. Further, counties should do all that they can to support the U.S. Departments of Defense, Homeland Security, Labor and the Military Spouse Employment Partnership in encouraging states to
streamline the process for granting reciprocity for military spouses who must relocate from state to state in support of our men and women in uniform as they provide for the security of our nation.

**Background:** The men and women who serve in uniform and their families must move from state to state and overseas frequently; resulting in undue hardships on spouses seeking employment or to continue their working careers, especially in positions that require state licensure and certification in fields such as teaching, health care, law, child care, cosmetology, massage therapy, real estate and social work. These hardships on spouses include lengthy delays in licensure and certification, causing gaps in employment and costly fees for new licenses and certifications.

The U.S. Department of Defense (DOD) offices on Defense-State Liaison and Education Opportunities have worked to streamline the transfer of professional licenses and certifications from state to state for military spouses. The National Defense Authorization Act of 2018 (Public Law 115-91) authorizes DOD to reimburse military spouses for state licensure and certification costs resulting from relocation to another state. Public Law 115-91 also requires DOD and the Department of Homeland Security to consult with states to identify barriers to the portability between states of a license, certification, or other grants of permission held by military spouses and for the departments to develop recommendations for federal and state agencies to develop policies and procedures to streamline and simplify these processes. DOD, in implementing Public Law 115-91, has undertaken a Military Spouse License Portability Initiative to encourage states to issue endorsements for existing state licenses, provide temporary licenses for spouses who do not qualify for endorsements, and to expedite the process for securing licenses in their new state of residence.

Also, the U.S. Department of Labor Veterans Employment and Training Service (VETS) has entered into an agreement with the Military Spouse Employment Partnership to work with individual states to ease the process of transferring licenses and certifications from state to state.

**Fiscal/Urban/Rural Impact:** Would relieve military personnel and their families from undue hardship by providing a more streamlined and affordable process to obtain required documents to continue their professional careers when being transferred from state to state.

**Sponsor(s):** Kathryn Starkey, Commissioner, Pasco County, Fla.

---

**Proposed Resolution on Affordable Housing for Low-Income Students**

**Issue:** Affordable housing resources are extremely limited for low-income and homeless students.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to pass the Housing for Homeless Students Act, or similar legislation that would expand the affordable housing supply for low-income and homeless students. NACo additionally supports strategies to expand access to the U.S. Department of Housing and Urban Development’s Section 8 housing vouchers and HOME Investment Partnerships Program-assisted units for low-income and homeless students.
**Background:** In Orange County, Fla. there are over five colleges/universities including the second largest state university in the nation, University of Central Florida (UCF). In Florida we have seen an increase of seven percent in rents in 2018. The area around UCF has attracted developers who choose to build more luxury student housing units. A private university in the area, Full Sail University has taken it upon themselves to build student housing for their students because the students are having difficulty finding housing they can afford in Orange County, Fla. or nearby Seminole County. It is estimated that 58,000 college students across the nation (and about 3,500 in Florida) reported being homeless in 2013 on the Free Application for Federal Student Housing. College tuitions and fees have increased by $2,670 in the last decade for a public-four-year college and financial aid is not keeping up causing low-income students financial hardship, a barrier to their determination to improve their lives through higher education.

**Fiscal/Urban/Rural Impact:** This change would improve access to affordable housing for homeless and low-income students.

**Sponsor(s):** Emily Bonilla, Commissioner, Orange County, Fla.

**Proposed Resolution on Federal Support to Address Unsheltered Homelessness**

**Issue:** Federal support to address increases in the number of unsheltered homeless persons and families should reflect current and anticipated need.

**Proposed Policy:** The National Association of Counties (NACo) supports increased federal support to address surges in the number of persons and families who are unsheltered and experiencing homelessness.

**Background:** Reports issued by the U.S. Department of Housing and Urban Development found that in at least two of the last three years, the number of all unsheltered people living in the U.S. is increasing. These are persons who typically are living on the streets or in camps instead of shelters or houses. HUDS’s 2018 point in time survey found that 552,830 people were homeless representing an overall 0.3 percent. This number reflects a 2.3 percent increase of unsheltered homelessness. These population estimates are very likely on the low end because HUD’s methodology is imprecise (e.g., people sleep in areas that may not be visible to volunteer counters). Local policymakers can best serve this population by ensuring they are connected to supports necessary to address their immediate needs through the social safety-net rather than through the criminal justice system. Between 2010 and 2016, the country’s affordable housing supply decreased by 60 percent. Research by homeless and housing advocacy groups found that increase in people experiencing homelessness demonstrates how badly Americans need better access to affordable housing and emergency shelter space.

The National Low-Income Housing Coalition found that that when governments and organizations invest in making housing more affordable to people with the lowest incomes, it dramatically reduces the number of people experiencing homelessness decreases rapidly.

NACo’s housing policy supports the inclusion of affordable housing in federal infrastructure packages. This policy proposal is consistent with that goal.
Better supporting local interventions will improve outcomes for many high-barrier and difficult-to-serve populations. Stable housing is key to addressing chemical health and behavioral health needs. Such populations, especially those who are unsheltered and homeless, have complex needs, and the lack of success in outreach is too often tied to lack of housing.

Fiscal Impact: The policies will benefit counties by providing additional financial support and technical assistance to meet the challenges of affordable, short- and long-term housing needs for unsheltered homeless persons and families. It would alleviate a growing cost burden for counties.

Sponsor(s): Angela Conley, Commissioner, Hennepin County, Minn.; Toni Carter Commissioner, Hennepin County, Minn.

Proposed Resolution on Federal Policy Changes Related to Immigrant Eligibility for Federal Housing Benefits

Issue: Immigrants’ use of federal housing benefits and the impact of proposed changes to eligibility for certain immigrant families and on county government costs.

Proposed Policy: The National Association of Counties (NACo) opposes specific regulatory changes proposed by the U.S. Department of Housing and Urban Development (HUD) that would lead to increases in housing instability and homelessness for some immigrant families receiving federally-subsidized housing and shift federal costs and administrative burdens to counties.

Background: The U.S. Department of Housing and Urban Development (HUD) published a federal Notice of Proposed Rulemaking (NPRM) on May 10 which would prohibit “mixed immigration status families” from living in public housing and Section 8 programs. Mixed-status families are households that include both members who are eligible and ineligible for housing assistance based on their immigration status. Current law allows members of mixed-status families to live together in subsidized housing so long as the housing subsidy is decreased to prohibit the ineligible members from receiving assistance. Under the proposal, families with members who are deemed “ineligible” will be evicted from subsidized housing within 18 months.

Section 214 of the Housing and Community Development Act of 1980 limits access to federally subsidized housing programs to U.S. citizens and a specific list of noncitizen categories. Nearly all of the children in mixed-status families who are receiving HUD assistance are U.S. citizens and lawful permanent residents (LPR) who live with parents or other adults who do not have eligible immigration status.

HUD’s statistics show that 70 percent of mixed-status families are composed of eligible children and ineligible parents. There are over 38,000 U.S. citizen and otherwise eligible children in these families, and over 55,000 eligible children in mixed-status families overall. Most of these families will likely forgo the subsidies to avoid separation. In fact, HUD notes that it “expects that fear of the family being separated would lead to prompt eviction by most mixed households, whether that fear is justified.” Therefore, this rule would effectively evict as many as 108,000 individuals in mixed-status families (in which nearly 3 out of 4 are eligible for assistance) from public housing, Section 8 and other programs covered by the proposed rule.
By HUD’s own assessment, the proposed rule will likely lead to a decrease in the number of assisted families. According to HUD, if the agency were to replace the 25,000 mixed-status families currently receiving HUD assistance with households comprising of members who are all eligible, this transition would cost HUD from $372 million to $437 million annually.

Past congressional action on the issue has been clear. Section 214 was passed in 1980. In 1996, Congress added the proration provisions into law to ensure that an ineligible household member would not receive a subsidy.

Fiscal/Urban/Rural Impact: The policies will shift costs to counties, including the costs of protecting and serving immigrant children and the costs of responding to increased housing instability among families.

Sponsor(s): National Association of County Human Services Administrators, Marc Elrich, County Executive, Montgomery County, Md.; County Welfare Directors Association of California; Montgomery County Council, Md.

Proposed Resolution Supporting a Federal Study to Examine Lost Recording Fee Revenues Due to the Mortgage Electronic Registration Systems (MERS)

Issue: The Mortgage Electronic Registration Systems (MERS) has resulted in lost recording revenues fees for counties.

Proposed Policy: The National Association of Counties (NACo) supports amending federal law (12 U.S.C. § 4514a) to require the Director of the Federal Housing Finance Agency (FHFA) to report annually to Congress on the amount of public recording fees not collected due to property transaction practices occurring through Mortgage Electronic Registration Systems (MERS).

Background: County governments in the United States are generally responsible for recording and maintaining an accurate index of real property transactions. The accuracy of the index is critically important for purposes of assessment and taxation, settling estates, dispute resolution, and a myriad of other purposes related to land-titling and interests. Each county government typically charges a fee for each real property transaction being recorded and uses the collected fees to support recording and indexing services. In some states, the legislature also utilizes a portion of recordation fees as a source of revenue for various programs.

MERS was created in 1995 by the mortgage banking industry. MERS maintains a database that tracks mortgages for its members as they are transferred from bank to bank. By tracking loan transfers electronically, MERS eliminates the long-standing practice that the lender must record an assignment in the public record every time the loan is sold from one bank to another. MERS also enables banks to speed along the securitization process. The establishment of MERS provided an alternative privately-owned system for the recording of transfers of rights in mortgages and trust deeds, and utilizing MERS itself as a fictional beneficiary or nominee for the actual undisclosed beneficiary. MERS has become controversial, as lawyers have charged that MERS, and the banks utilizing MERS, lack standing to foreclose on homes whose owners have defaulted on their mortgages.
Lawyers have alleged that MERS, by creating an alternate mortgage registration system, has fraudulently denied property record offices of billions of dollars in fees.

MERS has therefore obfuscated the accuracy of the public index, contributed to confusion in the courts during the recent foreclosure crisis, including the creation of “zombie” houses, poses serious risks to economic stability if MERS were to get hacked, go bankrupt, lose mortgage data, or suffer data corruption, while also bypassing public recording fees. In Oregon, it has been documented that this system has resulted in excess of $100 million dollars in recording fees not collected.

**Fiscal/Urban/Rural Impact:** The loss of revenues and obfuscation of the public real property transactions index is significant. This practice manifests itself in a myriad of ways, including:

- Undertaking legal action against a highly-capitalized firm that regularly defends itself from these suits
- The loss to state and county governments of recording fees which are often dedicated to housing issues
- Exacerbation of already complex foreclosure procedures
- Proliferation of local “zombie homes” and the associated nuisance issues arising from their existence

**Sponsor(s):** Association of Oregon Counties

### Proposed Resolution on Leveraging the Combination of the Investing in Opportunity Act and Workforce Innovation and Opportunity Act for Local Prosperity

**Issue:** The purpose of the Investing in Opportunity Act is to incentivize private investment in low-income census tracts. Yet, many believe that this legislation may not actually benefit the people living within Opportunity Zones and may instead cause greater regional inequality.

**Proposed Policy:** The National Association of Counties (NACo) encourages the Internal Revenue Service (IRS) to amend the proposed Investing in Opportunity Act regulations to allow a business to qualify as an Opportunity Zone Business with 50 percent (as opposed to 70 percent) of its tangible property, owned or leased, meeting the requirements of Opportunity Zone Business Property, **so long as** said business also employs a Workforce Innovation and Opportunity Act (WIOA) program (to be certified by the business’ local American Job Center on the IRS Form 8996).

**Background:** The purpose of the Investing in Opportunity Act is to amend the Internal Revenue Code to authorize the designation of Opportunity Zones in low-income communities and to provide tax incentives for investments in the zones. However, many believe that investments into these zones may actually intensify regional inequality by causing investors to bring companies into these zones that produce a high return on investment, but do not necessarily employ the people living within the zone. In some cases, investments may hinder residents by creating higher property taxes and rent prices that create a ripple effect where people living within the zone are forced to seek more affordable areas to live, leading to displacement and possible gentrification. NACo urges the IRS to revise the Investing in Opportunity Act to allow businesses within an Opportunity Zone to qualify for Opportunity Fund investment with only 50 percent tangible
Opportunity Zone Business Property, so long as they employ a WIOA-certified program, as it could create greater potential for residents living within, or surrounding, Opportunity Zones to benefit from the future business developments this Act creates.

Further, tracking databases already exist that allow American Job Centers to coordinate with the county human services departments and other county departments to help employees enrolled in a program receive additional assistance they may need. Creating an incentive for companies to employ WIOA-certified programs also ensures residents within low-income census tract Opportunity Zones have access to these additional services that they may not have known about before.

**Fiscal/Urban/Rural Impact:** Revising the Investing in Opportunity Act to include this addition would create a greater incentive for Opportunity Funds to invest in workforce programs within Opportunity Zones that can actually raise the income level of residents within the zone and provide them with greater possibilities to advance in their careers through WIOA-certified programs.

**Sponsor(s):** Stan VanderWerf, Commissioner, El Paso County, Colo.
ENVIRONMENT, ENERGY AND LAND USE

PROPOSED RESOLUTIONS

Proposed Resolution on the Impact of Per-and Polyfluoroalkyl Substances (PFAS) on Human Health and the Environment

**Issue:** Addressing the potential human health and environmental threat caused by per-and polyfluoroalkyl substances (PFAS).

**Proposed Policy:** The National Association of Counties (NACo) supports efforts by the U.S. Environmental Protection Agency (EPA) and other federal agencies to study health and environmental impacts of PFAS compounds. Additionally, as the administration moves toward potential regulatory action, NACo urges the administration to work closely with state and local governments throughout the rule-making process.

**Background:** PFAS are a group of man-made chemical compounds that cause water and air contamination issues. PFAS can be present in products that are resistant to water, grease, or stains such as non-stick products (i.e. Teflon), paints, waxes, firefighting foam at airports, stain and water repellent fabrics and food packaging materials.

There are many unknowns regarding the science and toxicology related to PFAS compounds. At present, it is difficult to delineate the nature and extent of contamination, quantify potential exposures and risks and confirm potential sources. EPA has issued a Health Advisory for related compounds of PFOA/Perfluorooctanesulfonic acid (PFOS) for 70 parts per billion (ppb). While preliminary studies indicate consistent findings of increased cholesterol, adverse effects on the immune system, infant birth weight, cancer and thyroid hormone effects, more research is needed. This research could inform future standards for sampling, testing and quantifying exposures, which do not exist today.

The presence of PFAS can impact counties as both regulator and a regulated entity. Since counties are responsible for public health and PFAS can impact water and air quality, counties may be sanctioned for non-compliance and be required to enforce regulations on local entities to meet health standards. However, counties can also own and operate facilities—water and wastewater plants, airports, landfills and firefighting training facilities—that may be required to address PFAS contamination.

As drinking water owners, local governments may be required to install expensive treatment systems nationally, regardless of the presence of PFAS. For example, if EPA sets a national PFAS standard, it is applicable for water treatment facilities everywhere, even in areas where PFAS is not found. For example, in Brunswick County, North Carolina, it is estimated to cost $99 million to treat Gen-X impacted groundwater. And, for counties that own infrastructure where PFAS is found, those counties could be liable for potential contamination and exposure of the compounds.
Fiscal/Urban/Rural Impact: Fiscal impact for both urban and rural counties will be costly and may become an unfunded mandate.

Sponsor(s): Kitty Barnes, Commissioner, Catawba County, N.C.

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: The National Association of Counties (NACo) urges the U.S. Army Corps of Engineers to give preference to mitigation projects funded by in-lieu fees for compensatory mitigation in the local watershed where the fee was collected in consultation with local officials.

Background: Counties own and manage 46 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 Air Act Section 404 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 U.S. Army Corps of Engineers or the state permitting authority is responsible for determining the amount of water resources lost and the extent of compensatory mitigation required. There are several types of compensatory mitigation: permittee-responsible mitigation, mitigation banks and in-lieu fee mitigation.

However, 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 does not 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.

Sponsor(s): Gary Moore, Judge/Executive, Boone County, Ky.
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 and increased storm surge related initiatives and projects that aim to develop adaptive solutions to these potentially devastating events.

**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 in Support of Affordable Beach Renourishment Projects

**Issue:** Allowing local governments to purchase sand from countries outside of the U.S. to replenish shorelines due to beach erosion.

**Proposed Policy:** The National Association of Counties (NACo) supports enabling the Secretary of the U.S. Army Corps of Engineers to allow counties to acquire sand by purchase, exchange or otherwise from non-domestic sources for the purpose of beach renourishment.

**Background:** In the 115th Congress, the Sand Acquisition, Nourishment, and Development (SAND) Act of 2017 (H.R. 833/S.279) was introduced in both the U.S. House of Representatives and the U.S. Senate. The SAND Act proposed to repeal current law that does not allow communities to buy sand from foreign countries to replenish shorelines due to beach erosion. A similar bill is expected to be introduced in the 116th Congress.

In Miami-Dade and Broward Counties, the limited supply of suitable offshore sands has been depleted, increasing the need for cost-effective options to replenish Florida’s beaches. Current beach projects are using sand trucked from upland mines over 100 miles away while the ban on...
federally funded non-domestic (foreign) sand prevents the possible use of Bahamian sand from 60 miles away. Florida’s economically critical beaches increasingly need unrestricted sand sources kept affordable by free-market competition.

Although a study by the Army Corps of Engineers found that sand is available offshore of St. Lucie & Martin Counties, those sands are planned for use by other counties, may not be a good match for southern beaches, create public and political concerns over using “their” sand, and cannot be purchased with state funds for use in South Florida. Therefore, Miami-Dade County, Florida supports lifting the ban on federally funded, non-domestic sand.

**Fiscal/Urban/Rural Impact:** Potential impacts if federal funding is authorized for non-domestic sand include:

- Expanding the opportunities for competing vendors to cost-effectively maintain Florida’s beaches.
- Providing a sand source similar to native Miami, Florida sand in content and color.
- Using barged non-domestic sources is less disruptive than hundreds of trucks per day at truck-hauled projects.
- Eliminating the Corps’ need to take offshore sand from one county for use in another.
- Reducing competition between counties for the same upland and offshore sand sources.
- Impacts of beach renourishment (not differentiating source) include:
  - Coastal storm risk management,
  - Beach erosion control,
  - Hurricane storm protection,
  - Protect infrastructure,
  - Preserve the environment for wildlife (e.g., sea turtles),
  - Support the economy and
  - Build coastal resiliency.

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

**Proposed Resolution on EPA’s Imposition of Numeric Water Quality-Based Effluent Limitations on Local Governments**

**Issue:** The U.S. Environmental Protection Agency (EPA) is imposing watershed-wide water quality standards on all localities within the Chesapeake Bay watershed, which will have implications on other counties across the nation when such standards are imposed in other watersheds.

**Proposed Policy:** The National Association of Counties (NACo) opposes U.S. EPA’s imposition of localized numeric water quality-based effluent limitations or 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 U.S. Environmental Protection Agency (EPA). The plan provides for collaboration across political boundaries to work toward restoration of the Bay.

In 2018, the states of Virginia, Maryland, Pennsylvania, West Virginia, Delaware, New York and the District of Columbia were required to submit to the EPA their final “Phase 3” Chesapeake Bay Watershed Implementation Plans (WIP). The chief purpose of these plans are 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). During this task force, EPA informed local governments that WIPs will include LATs, imposing specific numerical water pollution limits. This imposition is counter to other Clean Water Act requirements which require “maximum extent practicable” measures.

The establishment of LATs will have a significant and unintended financial consequence on local governments since the majority of costs to comply with watershed-wide clean up goals will fall on local governments. Adding specific LATs to stormwater management programs and wastewater treatment plant plans will be especially burdensome for counties of all sizes.

The Chesapeake Bay clean-up efforts and EPA’s imposition of LATs will serve as a model for other watershed-wide improvement programs across the country. Counties with watersheds feeding Long Island Sound, Albemarle Sound, Puget Sound, the Great Lakes, the Gulf of Mexico and others will be impacted when EPA’s program is implemented in these areas.

Fiscal/Urban/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 upon county governments and their citizens.

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

Proposed Resolution Urging the Federal Government to Invest in Transboundary Water and Sewage Infrastructure Along the United States/Mexico Border

Issue: The U.S. Congress should appropriate funding sufficient to construct water and sewage infrastructure improvements along the U.S./Mexico border.

Proposed Policy: The National Association of Counties (NACo) urges Congress to authorize and appropriate funding for projects identified by the U.S. Environmental Protection Agency (EPA), and other appropriate federal agencies, that would address transboundary sewage flows that occur along the United States/Mexico border.
Background: The U.S. Army Corp of Engineers (Army Corps), the International Boundary and Water Commission (IBWC), and EPA are currently responsible for constructing, operating, and repairing the aging infrastructure along the U.S./Mexico border, and as a result, are obligated to address the public health threat that residents face in these communities. Addressing the aging and sometimes nonexistent infrastructure is complicated further by the bi-national nature of the issue as it often involves the flow of sewage and wastewater from Mexico into the United States. Given this bi-national dynamic, there is a clear nexus to a strong federal role and partnership on this issue.

The EPA has identified eligible projects for border water and sewage infrastructure totaling over $340 million dollars. Counties often play a key role in addressing these critical issues, but the deficient systems are often located in isolated areas where the county and its residents lack the resources sufficient to construct new or upgrade existing water treatment and distribution systems and wastewater collection and treatment systems. These sewage spills threaten the health of U.S. citizens, harm important estuarine land and waters of international significance, force closure of beaches, compromise our border security and directly affect our military readiness at nearby installations. The transboundary sewage issue affects many communities throughout the 2,000-mile U.S./Mexico border from Imperial Beach, California to Brownsville, Texas.

Fiscal/Urban/Rural Impact: Communities and residents are impacted daily due to a lack of essential infrastructure. Federal dollars would provide funds to federal agencies that would relieve U.S./Mexico border counties’ burden of dealing with the negative effects of transboundary sewage flows.

Sponsor(s): Greg Cox, Supervisor, San Diego County, Calif.; David Stout, Commissioner, El Paso County, Texas; Rudy Molera, Supervisor, Santa Cruz County, Ariz.; Bruce Bracker, Supervisor, Santa Cruz County, Ariz.; Manuel Ruiz, Supervisor, Santa Cruz County, Ariz.; Ann English, Supervisor, Cochise County, Ariz.; Catherine L. Traywick, Treasurer, Cochise County, Ariz.; Martin Porchas, Supervisor, Yuma County, Ariz.; Russell McCloud, Supervisor, Yuma County, Ariz.; Darren Simmons, Supervisor, Yuma County, Ariz.; Marco A. Reyes, Supervisor, Yuma County, Ariz.; Lynne Pancrazi, Supervisor, Yuma County, Ariz.

Proposed Resolution to Revise the Process to Assess Benefits of Federally Funded Water Infrastructure Projects

Issue: The process for conducting cost-benefit analyses for flood control projects does not properly acknowledge the value of agricultural land or socio-economic factors.

Proposed Policy: The National Association of Counties (NACo) urges the U.S. Army Corps of Engineers (Army Corps) and the White House’s Office of Management and Budget (OMB) to add a quantitative indexed value to life-safety, agricultural land value and the impacts of crop flooding, protection of low-income communities and environmental benefits to determine the benefit of federal investments in flood control projects. Additionally, NACo urges Congress to authorize the Army Corps to implement the 2013 Principles, Requirements and Guidelines to allow rural communities to fairly compete for federal funding by considering non-population-based criteria for water projects.
Background: The Army Corps and OMB rely heavily on a cost-benefit analysis to determine which projects receive federal funding each year. Since Congress traditionally provides the Army Corps with far fewer resources than are necessary to fund the significant backlog of projects under their jurisdiction, the cost-benefit analysis has become a de facto filter for the Army Corps and OMB. As a result, projects that have a cost-benefit ratio below a certain level are often not considered for funding at all.

Current Army Corps policy with regard to determining Benefit-Cost Ratios (BCRs) favors areas where damaged structures are costlier, thus hurting low-income and rural communities where flood protection may be needed most. In addition, the Army Corps and OMB policies do not recognize damages to agricultural land, where flooding has the potential to wipe out two to three growing seasons, significantly damaging local economies and community structure. Finally, OMB’s current method for determining BCR measures the performance of projects based on economic return to the Nation, which essentially disqualifies rural water projects for funding consideration.

The Army Corps could also use some of the directives in the updates to the Principles, Requirements, and Guidelines (PR&G) document by the White House Council on Environmental Quality in 2013. The PR&G updates require advancements in economic and analytic techniques and consideration of such issues as public safety needs, low-income community resources and resilience, and non-structural environmental solutions when assessing projects. In recent years, Congress has prevented full implementation of the PR&G.

Fiscal/urban/rural impact: This proposal would not have any fiscal impact on the Army Corps budget, but it would potentially benefit counties with federal flood control and water resources projects with low benefit-cost ratios that have been a barrier to funding.

Sponsor(s): Zach Friend, Supervisor, Santa Cruz County, Calif.; Steve Lavagnino, Supervisor, Santa Barbara County, Calif.; John Phillips, Supervisor, Monterey County, Calif.; Jesse Thompson, Supervisor, Navajo County, Ariz.; and National Association of County Engineers (NACE)

Proposed Resolution on the Federal Energy Regulatory Commissioner and Water Control Infrastructure Drawdowns Before Flooding Events

Issue: A resolution urging the Federal Energy Regulatory Commission (FERC) to enact operating procedures consistent with its mission and design to reduce downstream flooding from imminent stormwater events.

Proposed Policy: The National Association of Counties (NACo) urges the Federal Energy Regulatory Commission (FERC) to revise federal guidelines in coordination with local governing authorities that operate water control projects to reduce downstream stormwater events.

Background: Many individuals, businesses, homes, farms, camps, and recreational facilities have been severely flooded by the Sabine River below the dam at the Toledo Bend Reservoir from floods in March 2016, and from Hurricane Harvey during August and September 2017. A significant portion of the damage downstream from the Toledo Bend Dam results from the release of water from the watershed of the lake itself through the gated spillway and into the Sabine River.

2019 NACo Annual Conference – Proposed Resolutions and Platform Changes
to relieve heavy rainfall. This has not resulted in any deaths to Beauregard Parish residents, however, it threatens the property, safety and welfare of those in the affected areas.

**Fiscal/Urban/Rural Impact:** A flood induced economic hardship plagues residents in home and property restoration costs and local governments in repeated repairs to its roads.

**Sponsor(s):** N.R. “Rusty” Williamson, Parish Juror, Beauregard Parish, La.; Gerald “Mike” McLeod, Parish Juror, Beauregard Parish, La.

**Proposed Resolution in Support of Research into Harmful Algal Bloom Prevention and Mitigation**

**Issue:** Harmful algal blooms (HABs) and hypoxic events (severe oxygen depletion) are some of the most scientifically complex and economically damaging issues challenging our ability to safeguard the health of our nation’s aquatic ecosystems. Almost every state in the U.S. now experiences some kind of HAB event and the number of hypoxic water bodies in the U.S. has increased 30-fold since the 1960s with over 300 aquatic life systems now impacted.

**Proposed Policy:** The National Association of Counties (NACo) supports the renewal of the Harmful Algal Bloom and Hypoxia Research and Control Act and encourages the Environmental Protection Agency (EPA) to collaborate with the National Oceanic and Atmospheric Administration (NOAA) to identify nutrient reduction strategies and scalable Harmful Algal Bloom mitigation processes.

**Background:** In 1998, Congress recognized the severity of these threats and authorized the Harmful Algal Bloom and Hypoxia Research and Control Act (HABHRCA 1998; embedded in Public Law 105-383). The Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2004 (HABHRCA 2004, Public Law 108–456) and 2014 (HABHRCA 2014, Public Law 113–124) reaffirmed and expanded the mandate for NOAA to advance the scientific understanding and ability to detect, monitor, assess, and predict HAB and hypoxia events. Congress most recently reauthorized HABHRCA through the National Integrated Drought Information System (HABHRCA 2018, Public Law 115-423).

**Fiscal/Urban/Rural Impact:** A 2006 study shows that the economic impacts from a subset of HAB events in U.S. marine waters averaged to be $82 million/year (2005 dollars). However, just one major HAB event can cost local coastal economies tens of millions of dollars, indicating that the nationwide economic impact of HABs is likely much larger.

A host of recent university and agency studies are developing an understanding of acute and chronic human health considerations associated with harmful algal blooms.

**Sponsor(s):** Doug Smith, Commissioner, Martin County, Fla.
Proposed Resolution Supporting the Reauthorization of the Coral Reef Conservation Act

Issue: Coral reefs in Florida and throughout the United States and its territories are critically threatened due to increasing global and local stressors. In particular, the Florida Reef Tract, North America's only coral barrier reef, is currently facing an unprecedented coral disease outbreak.

Proposed Policy: NACo supports reauthorization of the Coral Reef Conservation Reauthorization Act of 2000. Additionally, NACo urges Congress to authorize and appropriate additional annual funding dedicated to improving the health of the nation’s coral reefs.

Background: According to the Florida Department of Environmental Protection, the disease currently impacts roughly half of Florida’s 45 stony corals, including key reef building species, five species listed pursuant to the Endangered Species Act, and many charismatic coral species. The disease has high species-specific prevalence rates and high whole-colony mortality rates, leading to significant declines of susceptible species on impacted reefs. This is particularly relevant to states such as Florida that heavily depend on their coral reefs to bring in tourism dollars. In fact, Florida's coral reefs attract more than 16 million visitors every year, bring more than $6 billion in sales and income revenue annually, and support more than 71,000 full- and part-time jobs.

Additionally, coral reefs serve as the "rainforests of the sea" for their biodiversity and are an essential part of the food web for commercial and recreational fishing. The health of coral reefs has a direct impact on the condition of Florida’s environment and on the health of the economy through the tourism and commercial fishing industries. Well-paying American jobs in the tourism, commercial fishing, recreational fishing, boating, and outdoor industries depend on the nation's coral reefs. Florida’s reefs also provide more than $675 million in flood protection benefits to people, property and jobs every year, rising to as much as $1.6 billion during a severe storm.

As Congress moves toward addressing this growing threat, we believe the following issues need to be addressed and/or actions taken to combat coral reef loss either through the Coral Reef Conservation Act or similar legislative language:

1. Reauthorization of the Coral Reef Conservation Act of 2000, or creation of new authority(ies) that maintains current funding levels, and provides new reoccurring funding with the following goals:
   a. Establish an emergency mechanism with an appropriate level of funding scaled to the risk and urgency of the issues and needs of the U.S. coral reef. An example of such an emergency would be large-scale coral disease outbreaks, coral reef bleaching events, crown of thorns outbreaks, etc.
   b. Provide infrastructure funding for establishment of new, and expansion of existing, coral propagation nursery infrastructure, including maintenance and staffing, to ensure future large-scale ecosystem restoration is possible.
   c. Dedicate new funding to state and territorial coral reef management agencies to address increasing local threats to the US’s coral reefs.
   d. Issue a congressional authorization for the U.S. Coral Reef Task Force (USCRTF), which gives full representation to state and territorial governments.
e. Establish a U.S. Department of the Interior authorization to conserve coral reefs in our national parks, national wildlife refuges, and marine national monuments.

f. Establish consistent legal definitions for coral, coral reef, and coral reef (and associated hardbottom) ecosystems.

g. Support public-private partnerships that advance coral reef conservation and stewardship.


   a. Recommend that the Federal Emergency Management Agency join the USCRTF as a voting member; incorporate coral reefs as “natural infrastructure;” and incorporate findings to justify emergency access to funds for assessment, triage, and restoration of coral reefs after extreme events (e.g., hurricanes, bleaching events, etc.).

   b. Recommend that the U.S. Army Corps of Engineers join the USCRTF as a voting member and use findings from the USGS report to conduct cost/benefit analyses and compensate mitigation reviews for all currently planned projects that may impact coral reef and hardbottom habitats.

   c. Recommend that the U.S. Department of Transportation (DOT) work within the USCRTF to review and incorporate plans to reduce stormwater and pollution run off in DOT projects located in coastal areas near coral reefs.

   d. Recommend that the National Oceanic and Atmospheric Administration, in coordination with the states and territories, update the economic value of coral reefs for each region and establish a regular update schedule for these studies.

Fiscal/Urban/Rural Impact: Coral reefs support jobs in the tourism, commercial and recreational fishing industries in counties. Healthy coral reefs would have a positive employment impact on both urban and rural counties.

Sponsor(s): Doug Smith, Commissioner, Martin County, Fla.; Marty Cassini, Intergovernmental Affairs Manager, Broward County, Fla.

Proposed Resolution Requesting the U.S. Department of Energy Rescind or Revise Order 140.1 to Remove Restrictions on the Department of Energy’s Defense Nuclear Facilities Safety Board

Issue: Rule change at the U.S. Department of Energy (DOE) impacts Defense Nuclear Facilities Safety Board’s (DNFSB) ability to protect workers and public health and safety.

Proposed Policy: The National Association of Counties (NACo) supports regulatory and/or legislative efforts to rescind or substantially revise the U.S. Department of Energy’s (DOE) Order 140.1 to clarify the Defense Nuclear Facilities Safety Board’s (DNSFB) full authority to protect health and safety of the public and workers with full access to DOE facilities and information, as directed by law and statute.

Background: DNFSB was created in Congress to provide oversight and information to the public on safety issues related to DOE nuclear facilities. In operation since October 1989, the DNFSB reviews
and evaluates the content and implementation of health and safety standards, as well as other requirements, relating to the design, construction, operation, and decommissioning of the facilities.

However, in May 2018, the DOE released Order 140.1 “Interface with the Defense Nuclear Facilities Safety Board,” which takes away DNFSB’s oversight for eighteen (18) facilities across 12 states including:

- California (Lawrence Livermore National Laboratory)
- Colorado (Rocky Flats Environmental Technology Site)
- Idaho (Idaho National Laboratory)
- Ohio (Fernald Closure Project and Mound)
- Missouri (Kansas City National Security Campus)
- Nevada (Nevada National Security Site)
- New Mexico (Los Alamos National Laboratory (LANL), Sandia National Lab, Waste Isolation Pilot Plant);
- New York (West Valley Demonstration Project)
- South Carolina (Savannah River Site)
- Tennessee (Y-12 National Security Complex, Oak Ridge National Laboratory, Tennessee Valley Authority, Watts Barr Reactor)
- Texas (Pantex); and Washington (Hanford)

DOE Order 140.1 improperly impedes the DNFSB’s ability to obtain the information it needs from DOE staff and contractors. In particular, Order 140.1 could result in DOE staff and / or contractors improperly restricting access to and information about defense nuclear facilities to the DNFSB.

Specifically, the Order appears to be in conflict with existing statutory language:

First, the Order at Paragraph 4(b)(2)(b) authorizes DOE “Departmental Elements” acting at the direction of the Secretary or the Secretary’s designee, to deny access to information “where the person requesting the information does not need such access in connection with his/her duties.” This provision appears to grant the Secretary or the Secretary’s designee blanket power to unilaterally determine what information the DNFSB needs to know to perform its independent advisory function.

Second, the Order at Paragraph 4(b)(2) appears to improperly limit DNFSB access to only “completed documents” in two key areas. One is where the documents contain DOE decisions on the safe design and operations of defense nuclear facilities, with examples given of safety basis documents, safety evaluation reports, and design, construction, and operation Standards. The other is where the documents “represent any event or practice at a defense nuclear facility which the DNFSB considers may adversely affect public health or safety”, with the example provided of “approved results of fact-finding review and investigations”. The obvious concern here is that DOE could deny DFNSB access to critical decisional and investigative documents indefinitely on the grounds that they are not yet completed or approved.

Third, the Order at Paragraph 4(b)(3) and 4(b)(4) could prevent DOE contractors from responding to otherwise proper requests for information or access by the DNFSB without formal authorization.
from a designated DOE representative. These provisions discourage transparency and are contrary to the spirit if not the letter of 42 U.S.C. Section 2286(c)(a). DNFSB inspectors should have unfettered and unfiltered access to DOE contractors and their employees at defense nuclear facilities.

Fourth, the Order at Paragraph 7(h) provides a restrictive definition of “public health and safety” that appears to conflict with the provisions of the DNFSB’s enabling act. In the Order 140.1, “public health and safety” is limited to the “health and safety of individuals located beyond the site boundaries of DOE sites with DOE Defense Nuclear Facilities.” The DNFSB’s enabling act in no way restricts the Board’s mission to advising the Secretary on protecting the public health and safety of individuals living and working outside a defense nuclear facility. 42 U.S.C. Section 2286(a)(a) in fact expressly states that the DNFSB’s mission is to inform and advise the Secretary “in providing adequate protection of public and safety at such defense nuclear facilities,” and not just outside the facilities.

The DNFSB produces a weekly report which highlights all violations found at each facility in the country. If the DNFSB’s access to information is denied or blocked, it will greatly affect the quality of their weekly reports which will in turn prevent county leadership from receiving crucial information that would impact the health and safety of its constituents.

For example, the contractors at LANL’s Radiological Laboratory Utility Office Building noticed a leak emanating from a valve on the radioactive liquid waste system which may have incorrectly installed six carbon steel valves that are incompatible with radioactive liquid waste. If the DNFSB had been able to see the early design of the system, they would have caught this mistake.

Congress is debating the FY 2020 National Defense Authorization Act (NDAA) now, which is a major defense policy bill. U.S. Senators Tom Udall and Martin Heinrich have proposed an amendment to revise Order 140.1 in NDAA. This is likely to be the first such legislative attempt on Order 140.1 over the course of the next year.

**Fiscal/Urban/Rural Impact**: Exposure to nuclear materials and unsafe workers’ conditions leaves counties and their residents vulnerable.

**Sponsor(s)**: Anna Hansen, Commissioner, Santa Fe County, N.M.

**Proposed Resolution on any Future Administration’s Budget Request to Eliminate Gulf of Mexico Energy Security Act (GOMESA) Revenue Sharing Funds**

**Issue**: Amending or modifying the Gulf of Mexico Energy Security Act of 2006 (GOMESA) to redirect Outer Continental Shelf (OCS) oil and gas leasing activities and revenue sharing to the U.S. Treasury and away from eligible coastal states and their counties, and parishes.

**Proposed Policy**: The National Association of Counties (NACo) urges that Congress oppose any future Administration budget request to eliminate Gulf of Mexico Energy Security Act of 2006 (GOMESA) revenue sharing with eligible states, counties, and parishes in order to redirect the funds to the U.S. Treasury.
Background: On December 26, 2005, the President signed into law the Gulf of Mexico Energy Security Act (Pub. Law 109-432). The Act significantly enhances OCS oil and gas leasing activities and revenue sharing in the Gulf of Mexico (GOM). Specifically, the Act:

- Shares leasing revenues with Gulf producing states and the Land and Water Conservation Fund (LWCF) for coastal restoration purposes and
- Bans oil and gas leasing within 125 miles off the Florida coastline in the eastern planning area and a portion of the central planning area until 2022.

The Act created revenue sharing provisions for the four Gulf oil and gas producing states of Alabama, Louisiana, Mississippi and Texas and their coastal subdivisions (CPS’s) to be used for coastal conservation, restoration and hurricane protection. There are two phases of GOMESA revenue sharing:

Phase I: Began in FY 2007, 37.5 percent of all qualified OCS revenues, including bonus bids, rentals and production royalty is shared among the four states and their coastal political subdivision from those new leases issued in the 181 Area of the Eastern planning area, (also known as 224 Sale Area) and the 181 South Area. Additionally, 12.5 percent of the revenues are allocated to the LWCF. The final regulations for Phase I revenue sharing were issued on December 23, 2008 and specify that the Bureau intends to disburse funds on or before March 31st of the fiscal year following the fiscal year to which the qualified OCS revenues were attributed.

Phase II: The second phase of revenue sharing began in FY 2017. It expands the definition of qualified OCS revenues to include receipts from qualified OCS revenues to include GOM leases issued either after December 20 in 2006 in the 181 Call area, or in the 2002-2006 Planning Areas subject to withdrawal or moratoria restrictions. A revenue sharing cap of $500 million per year for the four Gulf producing states and their CPS’s and the LWCF applies from 2006 and 2055. The $500 cap does not apply to the qualified revenues generated in those areas associated with Phase I of the GOMESA program. The final regulations to implement Phase II of the GOMESA legislation were published in the Federal Register on December 30, 2015. The final rule is effective 30 days after its publication.

Fiscal/Urban/Rural Impact: If adopted and followed NACo’s resolution would make no change in GOMESA revenue sharing.

Sponsor(s): Jeff R. Branick, Judge, Jefferson County, Texas; Dennis Scott, Police Juror, Calcasieu Parish, La.; Constance Rockco, Supervisor, Harrison County, Miss.; Merceria Ludgood, Commissioner, Mobile County, Ala.

Proposed Resolution in Support of Liquid Natural Gas Export Facilities Nationally

Issue: Increasing liquid natural gas (LNG) infrastructure nationally will help stabilize the economic impacts in communities of impact; greater utilization of LNG as a source of domestic and international energy has the potential to reduce the carbon footprint and decrease air quality impacts; and exporting LNG to countries politically aligned with the United States increases global security.
Proposed Policy: The National Association of Counties (NACo) supports the further development of liquid natural gas export facilities nationally.

Background: LNG is a stable energy source of domestic and international energy that has the potential to reduce the carbon footprint and decrease air quality issues. LNG extraction activity provides greater economic stability to impacted areas within the U.S. and provides desirable employment. Multiple LNG deposits are found within the United States, such as the Piceance Basin in Western Colorado. This basin is a tight sands formation which is part of the Mancos Shale formation. The U.S. Geological Survey estimates the Mancos Shale formation holds about sixty-six trillion cubic feet of natural gas, making it the second largest deposit of natural gas reserves in the United States. Without LNG export facilities, this resource cannot be fully utilized, thereby not providing beneficial economic return for impacted communities, not allowing for greater potential to reduce the carbon footprint and decrease air quality impacts, nor allowing increased global security by providing the resource to countries politically aligned with the United States.

Fiscal/Urban/Rural Impact: Counties that have natural resource assets, including LNG resources, can experience positive and negative impacts. If the resource is allowed to be extracted, and if export facilities exist to allow LNG to be exported internationally, these communities experience great financial gains in the way of severance tax, federal mineral lease payments, increased values for property tax assessments, greater employment opportunities, greater economic stimulus and more. If the resource is not extracted these communities are deeply hit with financial burdens, and many counties are faced with extreme budget cuts, decreased economic stability, and deeply struggling communities that are not able to provide required services for their constituents.

Sponsor(s): Jeff Rector, Commissioner, Rio Blanco County, Colo.
FINANCE, PENSIONS AND INTERGOVERNMENTAL AFFAIRS

PROPOSED PLATFORM CHANGES

Proposed Platform Changes to the Sales and Use Taxes Section

SALES AND USE TAXES
NACo supports efforts to reduce the complexity of state and local sales and use tax laws, and urges Congress to pass legislation codifying the Streamlined Sales and Use Tax Agreement. NACo also supports granting counties with the authority to enforce the collection of already existing sales and use taxes from remote sellers.

Should Congress consider legislation related to the collection of remote sales taxes, the legislation should:

- Establish a definition of what constitutes a reasonable “nexus” between a state or locality and a vendor;
- Establish a consistent definition of “small business” and the small business exemption;
- Utilize a destination-based taxing system for online and remote sales;
- Support and consider codifying the Streamlined Sales and Use Tax Agreement;
- Ensure local sales taxes are included in collection and distribution methods; and
- These efforts, however, should Not be used by the federal government as a means to undermine county government taxing authority and revenue streams.

Sponsor(s): Kurt Gibbs, Board Chair, Marathon County, Wisc.

Proposed Platform Changes to Sections: Elections; Election Funding; Election Security; and Discounted Postage Rate

ELECTIONS
Counties administer the nation’s elections and must be an integral stakeholder in any meaningful reform of our election process. Counties have traditionally administered and financed elections in the United States because the vast differences in geographic and population sizes, language needs and other local requirements necessitate differences in elections administration. This local and disparate election administration also assists in elections security. Therefore, NACo opposes any legislation that imposes specific and impractical requirements regarding equipment, procedures, and personnel responsibilities, under the guise of federal election reform when said regulations directly impact the conduct of state and local elections. NACo Counties additionally opposes unfunded mandates and insufficient deadlines with regard to federal election reform. Counties administer the nation’s elections and should be included in any meaningful reform of our election process. NACo Counties further
asserts that counties should not be held liable for state failures to comply with election
requirements imposed by the federal government.

NACo strongly supports the role and functions of an the U.S. Election Assistance Commission
(EAC) that—which recognizes and focuses on the importance of rigorous testing of voting
equipment and appreciates the efficiencies and cost savings of voluntary federal certification.
NACo appreciates the important role the EAC plays in coordinating collaborative efforts among
local, state and federal government officials in addressing issues associated with the field of
election administration.

ELECTION FUNDING
Counties support a consistent, predictable, and dedicated federal funding stream to assist
counties with meeting the significant federal requirements already imposed on local
governments administering elections. Federal funding dedicated to election administration
should be administered in coordination and in consultation with local governments,
including an assurance that a portion of the funding be made available to the discretion of
local governments. A consistent federal funding stream would allow counties to prepare for
future technology and security updates, as well as to provide continued access to voters that
have challenges as required by existing federal laws such as the Voting Rights Act and
Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Additionally, any new
federal legislation or regulations on local election administration must be fully funded and
should acknowledge the substantial variety of administration techniques employed in states
and counties across the country.

ELECTION SECURITY
Counties believe secure elections are a central component of our nation. NACo supports
efforts by Congress to combat the cybersecurity threats that are already negatively
impacting public perception of the integrity of elections. Any legislation should involve
county election authorities in addressing these threats and include provisions requiring
information sharing between federal, state and local authorities.

NACo believes it is essential that election cybersecurity guidelines and grant administration
remain coordinated within the existing structure of the Election Assistance Commission
(EAC) rather than having a new federal entity develop potentially conflicting guidelines.

In general, NACo urges Congress to adhere to the following guidelines when enacting
election cybersecurity legislation:

- Increase the availability to local governments of interim election preparedness grants
  and the accessibility of these grants to counties, with criteria based on security
  principles rather than specific technologies:
• **Authorize a separate and sustainable allocation of funds for local governments;**
• ** Utilize advisory panels already in existence, such as the EAC, Government Coordinating Council, or Election Infrastructure Information Sharing and Analysis Center (EI-ISAC), or otherwise give significant representation to local authorities (including local government Chief Information Officers) on any new advisory panel on election cybersecurity;**
• **Maximize flexibility and opportunities for nimble, innovative and secure tabulation auditing protocols;**
• **Provide county election officials, government Chief Information Officers and other county technology offices with maximum information about cyber threats; and**
• **Avoid inclusion of a “hack the election” program, or else place it under the EAC.**

**DISCOUNTED POSTAGE RATE** THE POSTAL SYSTEM IS A PARTNER IN ELECTIONS

NACo supports a domestic and international mail system that supports our election system and ensures that all voters, including those in the military and overseas, are able to fairly and freely participate in our elections. Such a system would include high quality delivery methods, tracking and notice of changes in the system to impacted local governments.

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

**Sponsor(s):** Grant Veeder, Auditor, Black Hawk County, Iowa; Tonia Tunnell, Director of Government Affairs, Maricopa County, Ariz.

**PROPOSED RESOLUTIONS**

**Proposed Resolution Supporting a Complete and Accurate Census 2020 Count**

**Issue:** Supporting a complete and accurate Census 2020 Count.

**Proposed Policy:** The National Association of Counties (NACo) supports full funding for an accurate and complete count during and throughout the 2020 Census. NACo supports the forming of complete count committees at the local level. NACo urges Congress to provide enhanced funding to rural counties, where access to reliable internet is a challenge, in order to support a complete and accurate census count in rural communities.

**Background:** As rural communities lack reliable Internet connections, the risk for undercount is particularly high. Rural communities face the loss of significant resources should an undercount occur. Some of the programs funded, based on census count, include: 1. Highway Planning and Construction, 2. Grants for Title I, Special Education, School Nutrition and Head Start, 3.
Medicare, Medicaid, State Children’s Health Insurance Program, 4. Supplemental Nutrition Assistance Program (SNAP), Women, Infants and Children (WIC) 5. Section 8 and other housing assistance.

**Fiscal/Urban/Rural Impact:** A complete and accurate census count ensures that adequate federal resources are available in both rural and urban areas. Ensuring a complete and accurate count will help to guarantee that local governments have the necessary funds to deliver quality services on which community members depend.

**Sponsor(s):** Lena Fowler, Chair, Coconino County, Ariz.; Art Babbott, Supervisor, Coconino County, Ariz.; Liz Archuleta, Supervisor, Coconino County, Ariz.; Matt Ryan, District Supervisor County, Ariz.; Jim Parks, Supervisor, Coconino County, Ariz.

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

**Issue:** Resolution to Oppose the Affordable Care Act’s (ACA) 40 percent 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/or any new taxes which would apply to the health benefits that counties provide to their employees. NACo supports the passage of H.R.748/S.684, the “Middle Class Health Benefits Tax Repeal Act of 2019,” which would repeal the excise tax.

**Background:** The 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 2022. 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.

On March 6, 2019 Senators Martin Heinrich (D-N.M.) and Mike Rounds (R-S.D.) introduced S.684, the “Middle Class Health Benefits Tax Repeal Act” to fully repeal the 40 percent tax on employer-provided health coverage. This bipartisan legislation currently has 37 cosponsors. Similar legislation in the House (H.R. 748) has garnered 349 cosponsors.

According to the Center for Medicare and Medicaid Services (CMS) Actuary, 12 percent of insured workers would have been 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 proposed capping the tax exclusion for employer-based health benefits.
insurance through defined contributions made by employers. A recent Center for American Progress proposal would have limited 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 capped the tax exclusion for workplace coverage at the 75th percentile in 2014 (about $20,000 for family coverage), froze the cap until 2018, and then phased out the exclusion over 20 years. This proposal would have taxed 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 marketplaces. 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.

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

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

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

**Sponsor(s):** Christian Y. Leinbach, Commissioner, Berks County, Pa.; Mike Fricilone, Board Member, Will County, Ill.

**Proposed Resolution Supporting the Municipal Advisor Rule**

**Issue:** The Security and Exchange Commission’s (SEC) Municipal Advisor rule under the Dodd Frank Act.

**Proposed Policy:** The National Association of Counties (NACo) supports the 2013 rule released by the Securities and Exchange Commission (SEC) on the Registration of Municipal Advisors (MA), as well as the operational guidance released by the SEC. Counties support regulations separating the duties between MAs and financial advisors to prevent manipulation of government finances or use of government financial transactions for personal gain.
Background: In September of 2013, the Securities and Exchange Commission (SEC) gave final approval to the definition of a Municipal Advisor (MA), and in January of 2014 the SEC released guidance to assist municipal market participants in preparing for implementation of the new MA Rule. The Rule, which took effect on July 1, 2014, specifies which activities will be covered by the Dodd-Frank Act imposed fiduciary duty of a municipal advisor to its government client, which may result in the need for new written representations by issuers and may limit the manner in which the underwriters and other professionals interact with issuers. While the Rule does not regulate issuers directly, there are numerous indirect implications.

The practical effect of the MA Rule on issuers is to limit the ability of underwriters to provide advice to issuers. However, a few exemptions to the Rule may apply, thus allowing underwriters to continue to provide such advice.

Many counties work with an MA or financial advisor to help make monetary and debt decisions for the county, including bonds, loans and refinancing opportunities. This policy contemplates counties’ support for the SEC rule limiting the ability of financial advisors to manipulate government finances or generate private gain on a transaction, which is critical for properly serving constituents and ensuring the best use of taxpayer money.

Fiscal/Urban/Rural Impact: By formally setting out the role of municipal advisors in working with county governments, counties can be more certain they are receiving sound advice on financial activity and are making the best use of taxpayer dollars.

Sponsor(s): Laura Montoya, Treasurer, Sandoval County, N.M.

Proposed Resolution to Preserve Municipal Investment Options and Access to Capital for Public Infrastructure and Economic Development

Issue: Recent Securities and Exchange Commission (SEC) rules altering money market funds and reducing access to capital markets used to finance infrastructure development projects.

Proposed Policy: The National Association of Counties (NACo) supports legislation to 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. Such legislation should 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.

Background: Counties rely on robust capital markets to finance infrastructure projects ranging from hospitals to airports to affordable housing units. 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 were 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.

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.

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

On September 17, 2013, NACo cosigned a letter to the SEC with other state and local government organizations expressing concerns with their proposed rule at that time to change fixed net asset value of money market funds to a floating net asset value. Such a move, the letter notes, would eliminate the market for money market funds, and would lead to higher debt issuance costs for many state and local governments across the country, which could force the delay or cancellation of much-needed infrastructure projects that would have otherwise helped drive and support national economic output. Consistent with that assessment, the Government Accounting Standards Board (GASB), which sets accounting and financial reporting standards for external investment pools and pool participants, issued accounting statement No. 79 in December 2015. It requires LGIPs to meet many of the requirements of Rule 2-7a, such as average investment maturity, quality of portfolio assets, diversification of investments, and portfolio liquidity, but permits LGIPs to continue to transact with participants at a stable net asset value per share.

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

According to statistics released on April 20, 2015 by the SEC, gross yields on tax-exempt money market funds shot up from eight basis points in February to 35 basis points in March. While that benefits investors in those funds if they can meet the definition of “natural person,” harms state and local governments, school districts, port authorities, hospitals, universities and others that have to pay more for working capital or to finance infrastructure and economic development projects. Without enactment of S. 1802/H.R. 4216, tax-exempt money market fund assets will continue to shrink, and some financing authorities will have to use other, potentially more expensive borrowing sources.

Sponsor(s): Laura Montoya, Treasurer, Sandoval County, N.M.

**Proposed Resolution in Support of Restoring Tax Incentives for Automatic Fire Sprinkler Systems**

**Issue:** Fire sprinklers and other interior building improvements no longer meet certain expensing and depreciation qualifications.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to correct an unintentional drafting error in the Tax Cuts and Jobs Act of 2017 (TCJA; P.L. 115-97) to allow qualified improvement properties (QIPs) to be eligible for bonus and accelerated depreciation as intended by the TCJA.

**Background:** Automatic fire sprinkler systems are a proven way to reduce the chances of being killed or injured in a fire as well as significantly limit damage to a building. Data from the U.S. Fire Administration and National Fire Protection Association show that fire sprinklers can decrease civilian death rates in a fire by 87 percent and decrease firefighter injury rates by 67 percent. In December 2017, Congress recognized the effectiveness of fire sprinkler systems by including a provision in the TCJA allowing small business owners to deduct the cost of a fire sprinkler retrofit installation from their business’ taxes.

In addition to making fire sprinkler systems eligible for treatment under Section 179 of the tax code, Congress also intended to allow fire sprinkler systems and other QIPs eligible to receive bonus depreciation rates until 2027 and a 15-year depreciation schedule afterwards. This accelerated depreciation schedule would be a vast improvement from the current 39-year depreciation schedule for fire sprinkler systems installed in non-residential buildings. However, an unintentional drafting error in the TCJA prevents fire sprinklers and other QIPs from benefiting from this intended incentive. The Conference Report which accompanied the TCJA clearly indicates Congress’ intention to allow QIPs to qualify for this preferential treatment despite the unintentional omission of QIPs from this portion of the TCJA.

Several House and Senate members currently are developing bipartisan, bicameral legislation to address this drafting error. National fire service organizations are collaborating with other retail and construction-related organizations to encourage Congress to correct this drafting error at the first opportunity.
Fiscal/Urban/Rural Impact: Congress’ correction of this unintentional drafting error will allow more property owners to install fire sprinkler systems to protect the occupants of their buildings. This improved fire safety will allow fire departments to respond to fires more effectively and safely. Additionally, correction of this omission may spur additional construction and economic activities in counties.

Sponsor(s): International Association of Fire Chiefs; Steven Singer, Fire and Rescue Chief, Powhatan County, Va.

Proposed Resolution in Support for Reauthorization of the Volunteer Responder Incentive Protection Act

Issue: Tax protections of incentives for volunteer firefighters and emergency medical services (EMS) personnel expired in 2010 and must be reauthorized.

Proposed Policy: The National Association of Counties (NACo) urges Congress to support the Volunteer Responder Incentive Protection Act of 2019 (VRIPA) which would waive federal income taxes on nominal recruitment and retention incentives provided by local jurisdictions to volunteer firefighters and EMS personnel.

Background: Volunteer and combination fire departments across the United States continue to struggle with recruiting and retaining volunteer firefighters and EMS personnel. According to the National Fire Protection Association (NFPA), there were approximately 682,600 volunteer firefighters in 2017 which is a significant decrease from the 880,000 volunteer firefighters in 1984. The National Volunteer Fire Council reports that, on average, the service of each volunteer is valued at more than $18,000 per year. The declining number of volunteer firefighters and EMS personnel poses a critical risk to public safety in rural and suburban communities as it leads to slower response times and fewer first responders to mitigate natural, man-made, and medical emergencies. Many local jurisdictions have begun offering nominal incentives such as local property tax waivers, per-shift and per-call stipends, reduced municipal water rates, and uniform allowances.

Current Internal Revenue Service (IRS) regulations classify volunteer firefighters as employees of their fire departments. As a result of this status, any incentives that a local jurisdiction chooses to offer is considered taxable income for the volunteer and must be reported on a Form W-2. Small volunteer and combination fire departments often struggle to comply with the IRS’ burdensome regulations. The IRS has continued to levy costly fines against fire departments that fail to comply with all IRS regulations. Congress previously passed legislation which allowed volunteer first responders to receive tax-based incentives and up to $360 of other incentives without being considered taxable income. This regulation expired in 2010. Several national fire service and local government organizations are urging Congress to pass the VRIPA which would reauthorize this tax provision and increase the tax exclusion for non-tax-based incentives to $600 per year.

Fiscal/Urban/Rural Impact: Passage of the VRIPA would strengthen incentives to recruit and retain volunteer first responders and simplify the management of volunteer and combination fire departments.
Sponsor(s): International Association of Fire Chiefs; Steven Singer, Fire and Rescue Chief, Powhatan County, Va.

Proposed Resolution on Federal Tax Intercept of Unpaid Court Fees

Issue: Re-introduce and pass the Crime Victim Restitution and Court Fee Intercept Act to facilitate a federal tax intercept for recovering court debt.

Proposed Policy: The National Association of Counties (NACo) urges Congress to re-introduce and pass the Crime Victim Restitution and Court Fee Intercept Act.

Background: Recent proposed federal legislation, the Crime Victim Restitution and Court Fee Intercept Act, would have enabled states to forward legal debt information to the Secretary of the Treasury for collection through tax intercept. The bill was introduced July 23, 2014 as H.R. 5178, but was not enacted. Yuma County alone has millions of dollars of uncollectible debt, which includes victim restitution, owed to the Courts. A vast majority of this debt can only be collected through a federal tax intercept program.

Arizona courts participate in a state Fines/Fees and Restitution Enforcement program -- including a state Tax Intercept Program (TIP) -- that forwards information about debts and debtors to the Arizona Department of Revenue. After verification by the Arizona Department of Revenue, a debtor’s income tax refund and lottery winnings can be intercepted to pay for lawful state court debts. This program recovered an estimated $57 million in state court-ordered assessments, filing fees, victim restitution, and other valid court-related costs during FY2017.

Fiscal/Urban/Rural Impact: The following examples demonstrate the magnitude of nonpayment of restitution in Yuma County and are only three among hundreds of such examples:

- On June 4, 2009 an adult male was delivering goods to a local business early one morning when he was approached by three males. The victim was stabbed and robbed of his money and left to die. The three perpetrators were arrested and ultimately sentenced to prison. The court ordered the three to pay $38,391.50 to the victims and $5,000.00 to the Compensation Program. To date the victim was paid $107.12 and the Compensation Program was paid $58.61.

- The victim of an aggravated assault received a restitution order on July 10, 2016, requiring the defendant to pay the victim $6,095.27 and the Compensation Program $7,052.78. To date the defendant has paid only $498.53 of the $13,148.05 ordered.

- The victims of Theft and Fraudulent Schemes received a restitution order on April 4, 2016 requiring the defendant to pay the victims $93,831.38. To date the defendant has paid the victims $150.00 each.

Sponsor(s): Marco A. “Tony” Reyes, Supervisor, Yuma County, Ariz.; Martin Porchas, Supervisor, Yuma County, Ariz.
Proposed Resolution on Volunteer Driver Reimbursement Rates

Issue: Ensuring mileage reimbursement rates for volunteer drivers for counties.

Proposed Policy: The National Association of Counties (NACo) urges Congress to enact H.R. 2072, the Volunteer Driver Tax Appreciation Act of 2019 to ensure equal mileage reimbursement between the charitable and business mileage rates.

Background: Counties across the country rely on volunteer drivers for mobility and transportation services. Volunteer drivers help counties provide a variety of community services, including assisting older individuals in traveling to medical appointments and helping veterans get to meetings or to a local VA center. These drivers provide vital services to the community while decreasing potential costs for county taxpayers and extending the sense of community and volunteerism.

Under current federal law, nonprofits, including governments, may reimburse volunteer drivers for the mileage they incur. Recent law changes have limited drivers earning more than $600 in mileage reimbursements a year to only deduct $0.14/mile on their individual income tax forms rather than the full business mileage rate of $0.58, meaning that volunteers are having to pay taxes on $0.44/mile. The charitable mileage reimbursement rate or $0.14/mile is not adjusted to inflation and has not seen an increase in several years.

Many volunteer drivers are retirees or military veterans living on fixed incomes and are dropping out of these programs because they can’t afford to volunteer because of the low reimbursement rates. H.R. 2072 would equalize charitable mileage reimbursement rates with those of business travel ($0.54.5/mile), thus taking away the financial disincentives for these valued community services.

Fiscal/Urban/Rural Impact: Impacts any county who relies on volunteer drivers, urban and rural alike.

Sponsor(s): Susan Morris, Commissioner, Isanti County, Minn.; Bob Fox, Commissioner, Renville County, Minn.

Proposed Resolution Urging Congressional and Administration Commitment to Timely Enactment of Federal Budget Appropriations and No More Shutdowns

Issue: The purpose of this resolution is to urge Congress and the President to work together to enact all federal budget appropriations bills by Oct. 1 of each new fiscal year, thereby avoiding continuing resolutions and government shutdowns, which create costly delays and uncertainty in providing federal assistance and programs for US counties and their residents.

Proposed Policy: The National Association of Counties (NACo) urges Congress and the President to commit to working together to get agreement on all spending legislation by Oct. 1 of each year. This is a fundamental responsibility of both Congress and the President and should be taken more seriously. Counties work hard to get their budgets approved on a timely basis and Congress should do the same. Our citizens deserve no less.
**Background:** Congress has a dismal record in completing action on annual appropriations legislation that provides funds for the federal government to operate. In the last 40 years, Congress has managed to pass all its appropriations bills only four times by October 1, the start of the federal fiscal year. Since 1997, Congress has never passed more than a third of its regular appropriations bills on time, and usually has done considerably less than that. For instance, for six straight years (fiscal 2011 through 2016), not a single spending bill was passed by Oct. 1. Congress uses continuing resolutions as stop gap measures to keep the government running, and then combines all appropriations bills into omnibus packages that are packed with details and hard to understand in rushed circumstances. In the worst situations, the federal government without spending authority goes into shutdown like what we experienced this past winter. Many federal workers are furloughed, services and programs stop or are delayed, and confusion ensues. The result is chaos for US counties and their citizens, who rely on federal assistance programs and other programs for support.

NACo urges Congress and the President to commit to working together to get agreement on all spending legislation by Oct. 1 of each year. This is a fundamental responsibility of both Congress and the President and should be taken more seriously. Counties work hard to get their budgets approved on a timely basis and Congress should do the same. Our citizens deserve no less.

**Fiscal/Urban/Rural Impact:** The impact of delayed appropriations or a federal government shutdown is significant on US counties. Funding payments may be postponed or reduced, federal employees are furloughed or limited in their responsibilities, and information is unavailable for those seeking assistance. This results in an overall failure of the federal government to meet its responsibilities to its citizens, as well as substantial negative economic impact on US counties.

**Sponsor(s):** Bob Gardner, Supervisor, Mono County, Calif.
HEALTH

PROPOSED RESOLUTIONS

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:** The National Association of Counties (NACo) urges 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 (IMD) based solely on their status as inmates or residents; and b) requires states to establish a process under which an inmate or resident of an Institute for Mental Disease (IMD), who continues to meet all applicable eligibility requirements, is placed in a suspended status so that the state does not claim federal financial participation (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, require 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 reentry.

When a state terminates instead of suspends coverage, it can take months for an individual to be reapproved 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 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) supports federal legislation 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 or 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, National Association of County Behavioral Health & Developmental Disability Directors (NACBHDD) and National Association of Rural Mental Health (NARMH)

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 U.S. 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.”

The 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 preadjudicated. 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): Ron Manderscheid, Executive Director, National Association of County Behavioral Health & Developmental Disability Directors (NACBHDD)
Proposed Resolution on Integration of Mental Health and Addiction Care to Address the Opioid Crisis

Issue: Although opioid addiction very frequently follows the onset of depression, and opioid addiction frequently triggers depression within as few as 30 days, our patterns of care organization and funding do not make provision for a necessary linkage between mental health and substance use care.

Proposed Policy: The National Association of Counties (NACo) urges the federal government, specifically, SAMHSA, HRSA, CDC and CMS, to modify grant, technical assistance and service funding programs that support the development and operation of integrated care to include provision for the integration of mental health and addiction care, including care for depression and opioid addiction.

Background: County behavioral health programs currently are moving toward integration of mental health and primary care because many persons served in the public mental health system also suffer from chronic physical diseases, such as heart disease and diabetes. These efforts are supported by long-standing federal policy, grant and service funding programs from SAMHSA, HRSA, CDC and CMS. Within this environment, a subsequent step for counties is the integration of addiction care into this service framework. Because of the national opioid crisis, it is expected that new federal resources will become available for the improvement and implementation of this feature of addiction care. Depression screening and treatment are key steps required to prevent opioid addition, as well as to treat it.

Fiscal/Urban/Rural Impact: This effort would provide new federal funds to counties and community-based organizations. It would not require new county resources, but rather require the linkage of current clinicians and clinical practice from the two fields.

Sponsor(s): Ron Manderscheid, Executive Director, National Association of County Behavioral Health and Developmental Disability Directors and National Association for Rural Mental Health (NACBHDD)

Proposed Resolution on the Importance of the ACA and Medicaid Expansion

Issue: Covering over 70 million individuals, Medicaid is the country’s largest program providing health coverage and health care services to the nation’s low-income population. The Affordable Care Act (ACA) allowed states to expand their Medicaid programs, which provides billions of federal dollars to counties for indigent health care services, behavioral health services, preventative care, public health and coordinated care.

Proposed Policy: The National Association of Counties (NACo) supports maintaining the Medicaid program as a means-tested entitlement and further supports provisions in current law that allow for expanded program eligibility and coverage standards. NACo urges Congress and the administration not to repeal the Medicaid expansion. Maintaining eligibility and coverage under the current program is essential to sustain the strong federal-state-local partnership that underpins our nation’s health system.
Background: Medicaid was created in 1965 as a joint federal-state-county partnership. Under the Affordable Care Act (ACA) of 2010, the program was expanded to include adults up to 138 percent of the federal poverty level beginning in 2014. Thirty-four states and the District of Columbia have expanded their Medicaid programs and more than eight million people are now eligible for Medicaid who were previously not eligible. Six million additional individuals would be eligible if the 16 states that have thus far not taken up the expansion would choose to do so. Millions more have benefited from premium subsidies when purchasing comprehensive private insurance on the marketplace exchanges.

Under the ACA, and specifically in states that have expanded Medicaid, providers are changing the way that they deliver health care. Patients who have traditionally used the emergency room for primary care are now covered by Medicaid and they receive primary, preventative and wellness care, lowering costs. Medicaid is the largest source of federal, state and county funding for behavioral health. Prior to the ACA’s Medicaid expansion provisions, uninsured individuals were not receiving medications in a coordinated way. Covering new individuals through Medicaid has enabled counties to help more individuals reduce substance use and/or avoid returning to jail.

While the efforts of the administration and congressional Republicans to “repeal and replace” the ACA in 2017 came up short, the policy objective continues to be a public priority. Each of the replacement frameworks debated in 2017 -- and being floated currently – would have forced many counties to reassume the cost of caring for medically indigent adults, caused public hospitals to confront significant increases in uncompensated care and threatened the private insurance market with collapse, absent the ACA’s regulatory and subsidy structure.

Fiscal/Urban/Rural Impact: Repealing the ACA and its Medicaid expansion without a similar replacement would remove millions of people from the Medicaid rolls who would have been otherwise uninsured without the ACA.

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

Proposed Resolution Regarding the 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 prisons 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/Urban/Rural 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.

**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 individuals with Alzheimer’s Disease.

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

**Background:**
Alzheimer's Disease is reaching epidemic proportions. Across the nation, the number of Alzheimer's Disease related deaths has increased 145 percent from 2000 to 2017, and today is the sixth leading cause of death and a leading cause of disability. According to the Alzheimer’s Association, today an estimated 5.8 million people suffer from Alzheimer’s Disease in the United States, with the number expected to nearly triple by 2050 as the population ages. The impact that Alzheimer's Disease has on women, in particular, is staggering, given that one in six for women over the age of 71 experience the disease compared to one in nine men of the same age. Currently, Alzheimer’s Disease has no known prevention or cure.

In 2019, the direct costs among those experiencing Alzheimer's will total approximately $290 billion, with $195 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 the RAND Center for the Study of Aging projections. Additionally, 16.2 million Americans provide unpaid care for people with Alzheimer’s Disease or related dementias. In response, the federal government spent over $1.9 billion in 2018 on funding for Alzheimer's research, according to the National Institutes of Health.
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 to help stop, slow and prevent Alzheimer’s Disease.

**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, County of San Diego, Calif., Supervisor Dianne Jacob, Second District, San Diego County Board of Supervisors, San Diego, Calif. and Supervisor Kristin Gaspar, Third District, San Diego County Board of Supervisors, San Diego, Calif.

**Proposed Resolution on Federal Policy Changes Related to Immigrant Eligibility for Federal Benefits**

**Issue:** Changes to existing immigration policy that limits eligibility for federally-funded health care and public health programs could negatively impact county governments.

**Proposed Policy:** The National Association of Counties (NACo) opposes specific changes to existing immigration policy that would lead to increases in uncompensated care and shift federal and state costs and the administrative burden to counties, including preventing access to and/or penalizing immigrants for the use of federally-funded health care and public health programs including Medicaid and the Children’s Health Insurance Program (CHIP).

**Background:** On October 10, 2018, the U.S. Department of Homeland Security U.S. Customs and Immigration Services issued a Notice of Proposed Rulemaking titled “Inadmissibility on Public Charge Grounds” for public comment. The proposal seeks to expand significantly the number of federal programs falling under the definition of “public charge,” which is used by immigration officials to either deny admission into the U.S., deport persons, or deny them access to otherwise securing legal status. Since 1999, federal government policy prohibits consideration of an immigrant’s use of non-cash public benefits in citizenship petitions or other access to government services. The proposed rule could result in means testing for all federally-funded/federally-regulated health care and public health programs. It would also allow much more aggressive measures for federal agencies to sue sponsors of immigrants for reimbursement if an immigrant received a federal benefit. The proposed rule would require federal agencies to advise the U.S. Department of Homeland Security whenever an immigrant covered by this order receives a benefit, which would likely require counties to track such transactions, effectively employing counties to locally administer this federal responsibility.

NACo’s immigration policy supports policies that do not impose unfunded mandates on state and local governments; supports preserving the eligibility of legal non-citizens for federally-funded health benefits and supports a sustainable funding stream to counties for their cost of providing health services to legal non-citizens who are denied federally-funded health benefits. For lawfully-admitted refugees, NACo supports full Supplemental Security Income eligibility for those who may become disabled. NACo further supports the ability of states and counties to use their own funds to provide health care services to immigrants regardless of their status, without a reduction.
of federal financial responsibility for those services. Additionally, NACo supports federal
government assistance to local health departments to support public health services for immigrants
living and working in our counties.

Additionally, NACo’s platform on public health supports an ongoing enhanced focus on disease
and injury prevention and health promotion to improve the health of communities and reduce
health care costs. It emphasizes a broad-based local public health system designed to help prevent
chronic disease and respond to public health emergencies and other emergency management needs.
Perhaps most relevant to the proposed rule, NACo’s platform calls for policies to address health
inequity, the systemic, avoidable, unfair and unjust differences in health status and mortality rates,
as well as the distribution of disease and illness across population groups. The proposed rule
appears to stand in opposition to these positions.

**Fiscal/Urban/Rural Impact:** The policies will shift costs to counties, including the costs
protecting and serving immigrant children and protecting the public’s health. They would also
require county investment in systems to track and report benefits use to the federal government.

**Sponsor(s):** Kareem Murphy, Director, Intergovernmental Relations, Hennepin County, Minn.,
Toni Preckwinkle, Board President, Cook County, Ill.; Cathy Senderling-McDonald, Deputy
Executive Director, County Welfare Directors Association of California

---

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

**Issue:** There is more support needed at the federal level for local health departments’ mobile
support teams, who work closely with law enforcement agencies to promote safety and emotional
stability when a behavioral crisis occurs.

**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.

**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.

**Proposed Resolution on Reducing Disparities in African American Child Deaths**

**Issue:** African American children die at disproportionate rates across the United States, impacting families and communities.

**Proposed Policy:** The National Association of Counties (NACo) supports federal legislative efforts to fund local initiatives to reduce African American child deaths through collective impact models and targeted, community-based programs to reduce risks.

**Background:** Nationally, African American children die at twice the rate of children of other races. In some states and counties, the rate is even higher. Issues such as higher rates of low birth weight, prematurity and infant sleep related deaths have contributed to increased infant death rates for African Americans. Many of the factors that lead to infant and child death are preventable. Efforts to reduce African American child deaths through a collective impact model and through targeted, community-based programs to reduce risks are showing promising outcomes.

Sacramento County has engaged in this work for the past six years with promising results. When comparing 2013 to 2016, there was a 45 percent decrease in the African American infant death rate and a 76 percent decrease in disparity. The African American infant sleep related death rate decreased 54 percent and the disparity decreased 62 percent. The percent of African American babies born preterm decreased 18 percent and the disparity decreased 37 percent.

**Fiscal/Urban/Rural Impact:** Research indicates that every dollar invested in early childhood delivers a 13 percent annual return. Children represent the future thinkers, innovators, leaders, workforce, and structure for a community, its economy, and its viability. The issue of disproportionate child deaths affects the potential and trajectory of a community. If left unaddressed, families and communities must contend with the consequences and the significant medical and social costs.

Counties can and should take the lead in efforts to reduce disparities, particularly for African American children. While dedicated funding for targeted efforts may result, the benefits considerably outweigh the costs and positively influence how at-risk children are supported and served in a community. Counties have an opportunity to work with their communities to reduce known and preventable risks for illness and death. A collective impact model could shape the way systems interact with at-risk families, increase efficiencies and coordination across systems, impact policies, and reduce death rates. Investments of human and financial capital now can have long lasting impacts, providing families and communities with the opportunity to further develop and thrive.

**Sponsor(s):** Phil Serna, Supervisor, County of Sacramento, Calif.
Proposed Resolution in Support for Funding the Supporting and Improving Rural EMS Needs Grants

**Issue:** Rural fire and emergency medical services (EMS) agencies currently struggle to fund their EMS operations. In December 2018, Congress passed the Supporting and Improving Rural EMS Needs Act (SIREN Act), as part of the Agriculture Improvement Act of 2018 (P.L. 115-334), which restored and revised a grant program for rural EMS agencies. While the SIREN grants have been authorized, Congress must provide strong appropriations for this program.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to fund the Supporting and Improving Rural EMS Needs Act (SIREN) grants at $20 million for FY 2020. The SIREN grants will provide funding for rural fire and EMS agencies to recruit personnel, procure emergency medical supplies and provide emergency medical services (EMS) training classes. Only public and nonprofit agencies are eligible to receive these funds.

**Background:** Fire departments and other EMS agencies play an important role in the provision of healthcare in rural communities. Fire/EMS agencies routinely respond to a wide variety of emergency calls for assistance for critically ill and injured patients. Given the long transport time for patients in rural communities, firefighters and EMS personnel may be the first and only healthcare provider a patient sees in the first hour or two of their medical emergency. The costs associated with providing EMS care in a community can be significant. The cost of medical supplies, vehicles, training programs and personnel recruitment campaigns can be formidable challenges for rural communities. The lack of consistent and complete reimbursements from the Centers for Medicare and Medicaid Services further exacerbates the cost of providing EMS care, unfairly forcing fire/EMS agencies to absorb a significant share of the costs.

A strong appropriations level for the SIREN Act, such as $20 million for FY 2020, would help rural fire/EMS agencies in continuing to provide this valuable service to their communities. Once funded, the SIREN grants will be able to help these budget-challenged public and nonprofit agencies. These funds could be used to procure emergency medical supplies, recruit personnel, and provide important EMS training and licensure classes.

**Fiscal/Urban/Rural Impact:** Properly funding the SIREN grants would strengthen rural fire/EMS agencies by providing new funding for these agencies. These funds will be essential in supporting, and potentially expanding, the emergency medical services which are available in rural communities.

**Sponsor(s):** International Association of Fire Chiefs; Steven Singer, Fire and Rescue Chief, Powhatan County, Va.

---

Proposed Resolution Supporting Better Regulation in Nursing Homes

**Issue:** Better regulation is needed to support compliance, while ensuring unnecessary regulatory burdens do not take precedence over care and treatment.

**Proposed Policy:** The National Association of Counties (NACo) urges Centers for Medicare and Medicaid Services (CMS) to strengthen efforts to reduce administrative burden, increase...
efficiencies and improve the beneficiary experience by removing regulatory obstacles that diminish the ability to put patients/residents first over paperwork.

**Background:** Regulation is necessary and nursing home providers should be held to the highest quality standards through better regulation. However, doctors and nurses are finding that more and more of their time is being devoted to unnecessary regulatory requirements and paperwork and directing their time away from direct patient/resident care. Studies have demonstrated that human relationships between residents and care providers are crucial to the quality of life for the nursing home resident. While the foundation of many daily routine tasks and care provided is established through policies, procedures and best practices compliant with regulations, caring for residents is an ongoing, individualized person-centered process occurring within meaningful relationships. Frustration is growing that paper compliance not directly related to safety, quality outcomes or quality of life is taking precedence over care and treatment. Provider frustration can often be manifested by employees leaving long-term care, making existing staffing shortages worse and compounding the negative effect on direct resident care.

Person-centered care should prevail over complex and burdensome regulatory compliance that takes health care providers away from their residents/patients, with no measurable benefit to anyone. Necessary regulations and accompanying guidance should be clear, concise and consistently applied. Better regulation can be achieved by addressing unnecessary requirements through an open dialogue with healthcare providers and stakeholders.

**Fiscal/Urban/Rural Impact:** The fiscal impact is significant across all settings.

**Sponsor(s):** National Association of County Health Facilities (NACHFa)

**Proposed Resolution Supporting Better Staffing in Nursing Homes**

**Issue:** Nursing homes need adequate staffing levels to provide high quality care, safe care, person-directed care, and care that is consistent with state and federal regulations.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to amend federal law to allow disapproval for nurse aide training programs to be discretionary rather than mandatory and support the Nursing Home Workforce Quality Act.

**Background:** The Centers for Medicare & Medicaid Services (CMS) currently enforces a mandatory CNA training lockout for SNFs that are assigned Civil Monetary Penalties (CMP) exceeding roughly $10,000. This lockout is counterintuitive as it limits a SNF’s ability to train new qualified staff, which can perpetuate a substandard quality of care. The answer to improving quality and safety is not to restrict a SNF’s ability to train new qualified employees. Instead, federal policy should encourage SNFs to correct their deficiencies and train new employees to avoid these problems moving forward.

The CNA training lockout currently impacts nearly half of all SNFs in Wisconsin, while in some states that number is much higher. As baby boomers continue to live longer and become more reliant upon non-familial methods of senior care like nursing homes, SNFs will need the ability to meet growing labor demands.
This legislation would allow the Secretary to impose a training lockout based upon quality and safety concerns, rather than an arbitrary CMP threshold that doesn’t necessarily reflect a facility’s performance. If a SNF is Medicare and Medicaid compliant, can demonstrate a high standard of care, and its CNA training program has been approved, this legislation would allow them to once again train (or sponsor training for) new CNAs. If SNFs demonstrate a substandard quality of care, they will remain subject to the lockout until their deficiencies are corrected and the Secretary grants an approval. This encourages SNFs to quickly correct deficiencies so they can maintain a qualified workforce.

**Fiscal/Urban/Rural Impact:** The fiscal impact is significant. Staffing shortages may have a greater impact in rural areas over urban due to further distances from colleges, universities and training centers which affects the supply of available licensed and certified nursing personnel.

**Sponsor(s):** National Association of County Health Facilities (NACHFa)

**Proposed Resolution to Support Federal Action to Obtain Better Research on Kratom and to Promote Dissemination of Best Public Health Practices Related to Kratom**

**Issue:** Local communities need better data and research related to kratom that will aide the development of public health best practices related to the use of kratom in communities across the United States.

**Proposed Policy:** The National Association of Counties (NACo) should urge Congress to pass legislation and/or federal agency directives to fund and support efforts to research the health impacts related to the use of kratom. This includes federal action steps to devote the appropriate agency and staff resources to complete both: (1) a review of existing research on kratom in order to provide counties and other local government jurisdictions with immediate guidance on the most appropriate public health best practices related to kratom; and (2) to pursue more comprehensive research on kratom that can inform longer-term public health approaches related to the use of kratom.

**Background:** A public health professor from Syracuse University (Dessa Bergen-Cico) published an article in U.S. News and World Report on March 15, 2019, summarizing the emergence of kratom use in the United States and the current understanding of kratom’s possible health risks.

Kratom (Mitragyna speciosa) is an extract of a plant from Southeast Asia. Kratom is categorized as a novel psychoactive substance (NPS) because unlike virtually any other psychoactive compound, it can be both a central nervous system stimulant and depressant, depending on the dosage. At low doses of less than five grams it is a stimulant; at doses above five grams it produces depressant and analgesic effects like an opioid. It is sold as a powder in capsules, as a liquid concentrate and can infused into chocolates.

The Food and Drug Administration considers kratom to be a new dietary ingredient without established safety guidelines for dietary use. It is not yet regulated as a drug, though in 2018 the FDA found scientific evidence of the presence of opioid compounds in kratom, underscoring its potential for abuse as well as its potential to be used as an opioid type medication. A recent CDC study suggests that kratom might be dangerous, especially when used with other drugs.
analysis found that there were 152 drug overdose deaths from July 2016 to June 2017 in which the deceased tested positive for kratom. Of these deaths, kratom was listed as a cause of death for 91 people, including seven who tested positive for no other substance, although researchers cautioned that “the presence of additional substances cannot be ruled out.”

Some research suggests kratom is an effective means of pain management -- proponents use it to manage post-traumatic stress disorder, depression and anxiety -- and some use it to help manage symptoms of withdrawal from heroin and prescription opioids. If it is being used in these ways, then it appears that kratom should be managed under the same protections used for other plant based medical treatments, like cannabis. There have been reported instances in which newborn babies went through withdrawal associated with maternal use during pregnancy, and infants exposed to kratom through breast milk.

Currently Kratom is legal in all but six states - Alabama, Arkansas, Indiana, Tennessee, Vermont, and Wisconsin. In the states where it is legal, it is often sold as a dietary supplement. There is a need for well-controlled research to better understand the effects of kratom on humans, to determine if there are legitimate medical uses for kratom and to establish safe dosing guidelines.

**Fiscal/Urban/Rural Impact:** Counties are directly connected to the health impacts of kratom use. This is especially true related to any possible connections to kratom and opioids and could consist of positive or negative health impacts. Kratom use is becoming increasingly prevalent in both rural and urban areas of the United States and the financial implications of kratom are largely unknown in terms of health outcomes for individuals and needed public health best practices.

**Sponsor(s):** Commissioner Kelley Minty Morris, Klamath County, Ore.
HUMAN SERVICES AND EDUCATION

PROPOSED RESOLUTIONS

Proposed Resolution to Support Linking 2-1-1 Lines with Substance Use Disorder Crisis Lines.

Issue: 2-1-1 lines are not linked to substance use disorder crisis lines, requiring 2-1-1 to refer callers to a separate crisis line.

Proposed Policy: The National Association of Counties (NACo) urges Congress and the administration to enact legislative proposals that appropriate funding to link 2-1-1 lines with substance use disorder crisis lines.

Background: 2-1-1 is available to approximately 270 million people, or about 90% of the total U.S. population. It covers all 50 states (including 41 states with more than 90 percent coverage), the District of Columbia, and Puerto Rico. 2-1-1 allows public access to information and referral for health and human services and information about access to services after a disaster.

The 2-1-1 center’s referral specialists receive requests from callers, access databases of resources available from private and public health and human service agencies, match the callers’ needs to available resources, and link or refer them directly to an agency or organization that can help.

2-1-1 has served communities well as a point of entry to navigate toward appropriate health and human services agencies. However, in the case of a Substance Use Disorder crisis, referral specialists either provide the caller with the number of a separately operated crisis line or direct them to call 9-1-1.

Fiscal/Urban/Rural Impact: 2-1-1 is available to approximately 270 million people, or about 90% of the total U.S. population. It covers all 50 states (including 41 states with more than 90 percent coverage), the District of Columbia, and Puerto Rico. 2-1-1 allows public access to information and referral for health and human services and information about access to services after a disaster.

The 2-1-1 center’s referral specialists receive requests from callers, access databases of resources available from private and public health and human service agencies, match the callers’ needs to available resources, and link or refer them directly to an agency or organization that can help.

2-1-1 has served communities well as a point of entry to navigate toward appropriate health and human services agencies. However, in the case of a Substance Use Disorder crisis, referral specialists either provide the caller with the number of a separately operated crisis line or direct them to call 9-1-1.

Sponsor(s): Pam Roach, County Councilwoman, Pierce County, Wash.
Proposed Resolution Urging Congress and the Administration to Maintain County Child Welfare Flexibility and Funding

Issue: In February 2018, Congress passed and President Trump signed into law the Family First Prevention Services Act (FFPSA). The law provides new federal entitlement funding for optional foster care prevention services meeting stringent best practice benchmarks and creates new federal requirements relating to congregate (group home) care that would reduce federal IV-E reimbursement and shift costs to states and counties. The FFPSA did not extend federal IV-E waivers slated to expire on September 30, 2019.

Proposed Policy: The National Association of Counties (NACo) urges the U.S. Department of Health and Human Services (HHS) to provide administrative flexibility in the Family First Prevention Services Act (FFPSA) to minimize the anticipated cost-shifts to states and counties that will occur by denying FFPSA Title IV-E eligibility to children who would remain eligible for state or county-funded foster care and adoption assistance. Congress should also provide states and counties with sufficient flexibility to serve and protect abused and neglected children as done currently under some state laws. NACo further urges that Congress amend and/or HHS mitigate the law’s proscriptive provisions intended to reduce the use of congregate care so that states and counties already proceeding with similar efforts may continue to do so. Additionally, Congress should extend federal IV-E waiver authority through September 30, 2024 unless comprehensive child welfare finance reform that reflects NACo’s priorities is passed and implemented before waivers expire.

Background: Counties finance and provide services to about 42 percent of the nation’s federal foster care population and over 53 percent of federal foster care expenditures are in counties with child welfare responsibilities. County agencies work with individuals and entities in a child’s life to identify and provide prevention services or, as a last resort, a range of foster care placements that are in the best interest of the child.

The FFPSA does not invest any new funds in child welfare. The law’s new prevention services are funded in two ways: 1) by delaying financial eligibility and support for adoption assistance and; 2) by not reimbursing group homes for care provided to about 70 percent of children in homes presently due to homes being unable to meet the new federal mandates.

Counties in a number of states are implementing similar provisions contained in the law and called for changes to the measure so that child welfare agencies could continue to support relative families while the child’s parent(s) become more stable.

Without IV-E waivers, IV-E funding can only be used for monthly maintenance payments for the daily care and supervision of eligible children; administrative costs to manage the program; training of staff and foster care providers; recruitment of foster parents; and costs related to the design, implementation and operation of a state-wide data collection system. Through federal IV-E waivers, states have developed innovative practices to prevent children from entering out-of-home placement including residential/congregate care. Waivers give counties and states flexibility to test innovative approaches to child welfare service delivery and financing. Under waivers, states design and demonstrate a wide range of approaches to reforming child welfare and improving outcomes in the areas of safety, permanency and well-being.
The Family First Transition and Support Act of 2019 (S. 1376; H.R. 2702) has been introduced by Senator Brown (D-CO) and Representative Bass (D-CA). The measure would provide additional resources to implement FFPSA. The State Flexibility for Family First Transitions Act (S. 107; H.R. 3116) has been introduced by Senators Rubio (R-FL) and Feinstein (D-CA) and Representative Bacon (R-NE). The bill would extend child welfare demonstration waivers for two years.

**Fiscal/Urban/Rural Impact:** The FFPSA will shift costs to states and counties unable to meet the congregate care requirements. Federal IV-E waivers provide states and counties with the flexibility to design their prevention systems to meet local needs.

**Sponsor(s):** Cathy Senderling-McDonald, President, National Association of County Human Services Administrators (NACHSA)

---

**Proposed Resolution to Fully Fund and Update the Temporary Assistance for Needy Families (TANF) Program**

**Issue:** The Temporary Assistance for Needy Families (TANF) program expires at the end of the fiscal year.

**Proposed Policy:** The National Association of Counties (NACo) supports a reauthorization of the Temporary Assistance for Needy Families (TANF) program to provide greater state and county flexibility to create and provide services that support families and help move them off welfare, including allowing more flexibility in TANF program design, such as allowing higher education to count as work; realistic time limits on education and allowing states to use TANF funds to support post-secondary educational expenses. NACo supports congressional efforts to measure client outcomes instead of administrative processes but is concerned that Workforce Innovation and Opportunity Act (WIOA) metrics may not be the best benchmarks to determine programmatic success.

NACo urges Congress to, at a minimum, retain and enhance state flexibility to use TANF funds for subsidized employment. Given the demonstrated success of TANF subsidized employment programs, NACo urges Congress to increase funding for those programs but not at the expense of existing funding for the TANF block grant or contingency fund. Given that Congress has not increased the $16.5 billion allocated for the TANF program since its enactment in 1996, NACo urges Congress to ensure that reauthorization includes a provision increasing TANF funds annually at an amount commensurate with the rate of inflation. NACo supports continuing the ability of states to transfer up to ten percent of their TANF block grant to the Social Services Block Grant (SSBG) in order to address locally-identified needs, such as responding to the opioid crisis. NACo further supports continued ability of states to directly utilize TANF block grant funds for child care expenses for families. Additionally, NACo urges transparency regarding the use of TANF block grant and state “maintenance of effort” (MOE) funds.

**Background:** Current TANF law and 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 and counties to make choices about what will best benefit their residents.

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 measure outcomes demonstrating a client’s progress toward economic independence. 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. This rule puts states and counties in the untenable position of having to decide whether to eliminate assistance for these vulnerable children.

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

**Sponsor(s):** Cathy Senderling-McDonald, President, National Association of County Human Services Administrators (NACHSA)

**Proposed Resolution to Minimize the Negative Impacts of Immigration Enforcement on Families and Children**

**Issue:** The need to carry out enforcement of immigration law in a matter that does not increase reliance on local social safety-net services or increase administrative costs for counties.

**Proposed Policy:** The National Association of Counties (NACo) urges the federal government to carry out its enforcement of immigration law in a manner that minimizes negative impacts on families and children and does not increase reliance on local social safety-net services or create new demands and administrative costs for counties.

**Background:** Collectively, counties invest over $140 billion annually in health and human services, playing a major role in providing health care and public assistance to individuals regardless of immigration status. Across the nation, counties fund and administer federal, state and local programs that support the health and successful development of all residents, including immigrant populations. Federal immigration policies that impact families or children can unintentionally affect the ability of counties to provide supportive services to residents, often resulting in additional strain to local budgets.

**Fiscal/Urban/Rural Impact:** Federal immigration policies may unintentionally affect the ability of counties to provide supportive services, often resulting in additional strain on local budgets.

**Sponsor(s):** Marion Greene, Commissioner, Hennepin County, Minn.; Tina Wenger, Councilwoman, Elkhart County, Ind.

**Proposed Resolution to Maintain Current Levels of Legal Migration**

**Issue:** The health of our economy and communities and our economic growth as counties depends on a robust legal immigration system.
Proposed Policy: The National Association of Counties (NACo) supports legislative or regulatory proposals that at least maintain current statutory legal immigration levels and opposes any efforts that would significantly reduce legal immigration to the United States.

Background: Immigrant labor and expertise is vital to local economies, industries and agriculture in most states across the country. Counties have an interest in ensuring that our employers and industries of all types can reliably hire and retain a qualified and legal workforce that meets their needs, boosts their competitive advantages and strengthens local economies. Population growth and economic growth are inextricably linked, and strategies to promote immigration, the integration of immigrants and citizenship make our communities stronger. The United States has a unique history of absorbing immigrants and refugees into the fabric of our society to the benefit of all Americans. The best strategy to reduce illegal immigration is to create a robust legal immigration system that welcomes and harnesses the human and economic potential of immigrants.

The current administration, however, is implementing numerous administrative changes that would have the net effect of dramatically and harmfully reducing the number of legal immigrants entering our country:

- Administrative policies that have drastically reduced asylum and refugee resettlement in the United States have created heartache and hardship for existing residents.
- Regulatory proposals that have raised bars to entry for immigrants with desirable skills, including entrepreneurs, students and leaders in research and technology fields, are harming our economic competitiveness in an increasingly global marketplace of ideas and industries.
- Administrative actions that have led to historic backlogs and delays in the naturalization process, in visa applications, in our immigration courts and in other immigration benefits are leaving immigrants and their employers in limbo as they await resolution on immigration cases.
- Expanded immigration enforcement initiatives, including increased deportation proceedings of unauthorized immigrants, de-naturalization investigations of U.S. citizens and ramped up worksite enforcement is creating significant uncertainty and fear for immigrants, their families and their employers.
- Regulatory proposals to eliminate eligibility for fee waivers in the naturalization process and to expand utilization of public charge policy to render more lower-income immigrants ineligible for immigration benefits are driving families eligible for services away from programs for which they are eligible, harming the overall health of our communities.

At the administration’s direction, Congress has introduced, but not passed, legislation that would institute a so called “merit-based” system of immigration that would hinder the unification of families and reduce levels of legal immigration by roughly 50 percent. Family unification has been one of the primary objectives of our immigration policies, in part because keeping families together helps promote a stable workforce and communities. This proposal fails to acknowledge the advantages of families as vital social units to support entrepreneurship, growth in small businesses, and the proposal reverses a bedrock principal of the American dream by discriminating against immigrants who may arrive with little but can rise through hard work in our society.
**Fiscal/Urban/Rural Impact:** According to the Center for American Progress, immigrants added an estimated $2 trillion to the U.S. GDP in 2016. Over the long run, the net fiscal impact of immigration is positive for state and local governments. From 2011 to 2013, children of immigrants contributed $1,700 per person to state and local budgets, and immigrants’ grandchildren contributed another $1,300. Across three generations, immigrants’ net contribution, per person, was $900. The impact of immigration on the wages of U.S.-born individuals is small but positive over the long run.

**Sponsor(s):** John Wilson, Assessor, King County, Wash.

### Proposed Resolution on Early Childhood Development

**Issue:** Increase funding for early childhood development programs and services.

**Proposed Policy:** The National Association of Counties (NACo) supports legislation to increase investments in high quality early childhood development, including greater coordination among pre-school programs in schools and county-run programs such as home visitation, child wellness, Head Start, Early Head Start and high-quality childcare. Additionally, NACo supports legislation to fully fund early intervention entitlements through the Office of Special Education programs.

**Background:** New attention is being given to the need for pre-school programs, including:

- Greater funding for Head Start and Early Head Start in federal appropriations and the introduction of the Strong Start for America’s Children Act, which is based on the president’s proposal to fund universal pre-K.
- While the legislation focuses on serving all 4-year-old children under 200 percent of poverty, it also encourages coordination among different programs, allows 15 percent of funds to serve infants and toddlers and expands coverage to 3-year-old children in areas that are already covering 4-year-olds.
- Research has demonstrated the importance of the early years in child development. Additionally, investment in early childhood development programs can reduce future expenditures in chronic health care services, child welfare, the juvenile justice system and welfare.

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

**Sponsor(s):** Debbie Lieberman, Commissioner, Montgomery County, Ohio

### Proposed Resolution Supporting Two-Generation Efforts to Reduce Poverty

**Issue:** Poverty is a national problem and requires a national solution. In order to combat the harmful impacts of intergenerational poverty, federal, state and local partners should promote new methods of addressing these issues.
Proposed Policy: The National Association of Counties (NACo) encourages the federal
government to pursue policies that support and enable state and local jurisdictions to coordinate a
two-generation approach to combat poverty. 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, and that local and state governments are best positioned to help their
citizens when federal programs are flexible and support all generations within a family.

Background: A two-generation approach to supporting families focuses on creating opportunities
for and addressing the needs of children and their parents together. These approaches can be found
along a continuum, with some being child-focused with parent elements, and others being parent-
focused with child elements. Aspects of a two-generation approach include but are not limited to:
early childhood education, child care, asset building, housing, mental health and substance abuse
counseling, access to health care, employment pathways and others.

Counties are well-positioned to deploy two-generation programs and many already are. To boost
these efforts, NACo encourages an intentional effort by federal stakeholders to help align and link
systems and funding streams and ensure equity across programs. Additional steps to help
individuals and families access multiple programs at once, rather than needing duplicative
applications, are also encouraged.

Fiscal/Urban/Rural Impact: No new funds are being requested.

Sponsor(s): Debbie Lieberman, Commissioner, Montgomery County, Ohio.

Proposed Resolution to Enact the American Dream and Promise Act or Similar Legislation

Issue: The National Association of Counties (NACo) should support the American Dream and
Promise Act or similar legislation.

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

Background: The American Dream and Promise Act offers immigrant status eligibility to two
categories of immigrants who currently lack a path to permanent legal protection in the United
States. These categories include immigrant individuals protected under special humanitarian
programs (Temporary Protected Status, or TPS, and Deferred Enforcement Departure, or DED),
as well as individuals known as “dreamers” who have lived in the United States without official
authorization since arriving to the country as minors.

If enacted, the legislation would enable TPS and DED holders to apply for green cards – which
they are currently unable to seek – and apply for American citizenship after five years. Meanwhile,
dreamers would have to first apply for “conditional permanent residency,” which they would be
granted in return for passing background checks, demonstrating good moral character and meeting
education requirements.
Extending immigrant status eligibility to these two categories of immigrants would enable counties to better support the health and successful development of all residents, including immigrant populations.

**Fiscal/Urban/Rural Impact:** Counties are responsible for delivering health, human services and public safety services to all residents, regardless of immigration status, which helps promote the well-being of all county residents.

**Sponsor(s):** Toni Carter, Commissioner, Ramsey County, Minn.

### Proposed Resolution to Address Sexual Abuse in Families

**Issue:** A need for additional resources and education to prevent sexual abuse in families.

**Proposed Policy:** The National Association of Counties (NACo) urges the U.S. Department of Health and Human Services’ (HHS) Administration for Children and Families’ (ACF) Children’s Bureau to support programs, research and monitoring systems that prevent child abuse and neglect in families while ensuring that children who are victims receive treatment and care.

**Background:** Child Sexual Abuse (CSA) in families has been in existence all through recorded history, often occurring generationally. It occurs at every income level and negatively impacts every aspect of society. Yet despite significant punishment for perpetrators, one in four girls and one in seven boys are sexually abused within their own family before eighteen. A 2012 study shows that each CSA victim costs society $210,000*. The annual cost of each victim, assuming a life expectancy of 70 years, is $3,000. Of that cost, a major portion is the cost to government at the federal, state and local level. The remaining portion of the cost to society is mostly due to the loss of productivity and the healthcare of victims of CSA. The estimated average lifetime cost include $32,648 in childhood health care costs; $10,530 in adult medical costs; $144,360 in productivity losses; $7,728 in child welfare costs; $6,747 in criminal justice costs; and $7,999 in special education costs. The estimated average lifetime cost per death is $1,272,900, including $14,100 in medical costs and $1,258,800 in productivity losses. The total lifetime economic burden resulting from new cases of fatal and nonfatal child maltreatment in the United States in 2008 is approximately $124 billion. These are conservative numbers. In sensitivity analysis, the total burden is estimated to be as large as $585 billion.

CSA causes a lifetime of dramatic and costly emotional and physical issues, including eating disorders, sleep apnea, post traumatic stress disorder (PTSD), stress, bi-polar, substance abuse, including opioid addiction, prostitution, to name a few. Because of false shame and fear of destroying the family, most familial CSA is unreported and underreported, meaning the incidence is in fact much higher. Given the unfortunate secrecy in so many families and the devastating cost to individuals and to society, it only makes sense, from both a humanitarian and a fiscal standpoint, to prevent sexual abuse in families from happening in the first place.

Easy access to online pornography that both perpetuates and stimulates CSA creates even greater urgency to address this.

**Fiscal/Urban/Rural Impact:** Estimated cost to society in the United States is $137 billion per
year, of which a major portion are costs are the burden of federal, state and local governments.

**Sponsor(s):** Todd Devlin, Commissioner, Prairie County, Mont.

**Proposed Resolution to Support the Development of Pilot Programs for Innovative Delivery of Federal Social Services Programs that are Offered through Local Governments**

**Issue:** Local governments are responsible for delivering several federal health and human services programs. These crucial social services programs help low-income families buy food, afford utility payments, and provide job training opportunities. Local governments have separate offices spread across cities and counties to deliver specific federal programs. This decentralized system is oftentimes inefficient and overly complicated, leading to lower program enrollment and less support for vulnerable populations.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress and the administration to support legislative and regulatory efforts that would provide additional resources to create, support the development of, and fund pilot/demonstration programs for innovative delivery of federal social services and workforce training programs that are offered through local governments. Further, NACo urges that this funding would go directly to local governments, which are responsible for operating programs that increase the efficiency of delivery of federal social services programs through the use and adoption of technology and centralized community resource centers, which allow for citizens to apply for several federal social services in a single location, reducing the burden on the constituents and ensuring cost effective allocation of federal resources.

**Background:** Federal social service programs are crucial forms of support for low-income families and individuals. These programs offer assistance with the cost of food, housing, utilities, and offer job training, school readiness, and housing support. These programs aid women and children, homeless populations, and our nation’s veterans. However, accessing all of the various federal social service programs can be overly complicated, time-intensive, and costly. Local governments run these programs in different offices located across their jurisdiction, making it difficult and costly to access every office, resulting in under enrollment and low-income or at-risk groups not receiving the benefits they are qualified to receive.

Creating centralized program delivery centers allows citizens to easily access many of the programs of which they qualify. Offering several federal programs in the same office enables people to reduce their time spent applying for benefits, ensures eligible recipients maximize their federal benefits, helps beneficiaries save on travel costs and provides significant cost savings to the local government administering the federal programs because of reduced administrative costs. Increasing awareness and access of these programs will improve the welfare of qualified individuals and families. Innovative and consolidated delivery processes will increase federal program efficiency and help support stronger communities across the United States.

**Fiscal/Urban/Rural Impact:** Federal social services programs offer critical support to low-income families in communities across the United States. Support for innovative program delivery projects will help more people receive the benefits they qualify for and create a more efficient
delivery system. The development of centralized community resource centers will help citizens across the country access federal programs and save taxpayer dollars.

Sponsors: Anthony Trotman, Assistant County Manager, Mecklenburg County, N.C.
Proposed Resolution on State Criminal Alien Assistance Program (SCAAP)

**Issue:** Restore full reimbursements to states, counties, and cities for the costs of housing criminal aliens as provided in the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322.).

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to appropriate funding that fully reimburses states, counties and cities for the costs of housing criminal aliens.

**Background:** The State Criminal Alien Assistance Program (SCAAP) reimburses state and local governments for the costs of incarcerating unauthorized immigrants. Originally authorized by the Immigration Reform and Control Act of 1986, the program was not funded until the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322.).

Funding for SCAAP peaked in FY 2002 at $565 million. Funding has never fully covered state costs and has decreased significantly since FY2009. In FY2010, the U.S. Department of Justice (DOJ) proposal zeroed out funding for SCAAP. In the following year, the DOJ budget proposed restoring SCAAP to $330 million. However, Congressional appropriations decreased in FY2011 to $273 million and again in FY2012 to $240 million. For FY2013, the President’s budget allocated $70 million; the House proposal was $165 million, and the Senate proposal was $255 million. The final FY2013 allocation for SCAAP, after the rescission, was $238 million, and the allocations for FY2014-15 through FY2016-17 totaled $180 million, $185 million, and $210 million, respectively.

**Fiscal/Urban/Rural Impact:** Using Yuma County, Arizona as an example, from FY2009-FY2016 the County received $683,711 in reimbursements under the SCAAP program. However, the County claimed $9,319,639.76 in expenses related to the costs of incarcerating criminal aliens, leaving a deficit of $8,635,928.76. This equates to a reimbursement percentage of 7.34 percent. For the County, this inadequate level of reimbursement has resulted in deferred capital maintenance and machinery replacement at the Jail District, including such items as HVAC and fire alarm systems, security and surveillance systems, roof repairs, and door control upgrades.

For all Arizona counties requesting SCAAP reimbursement during this period, the counties claimed $334,985,627.11 in expenses for incarcerating criminal aliens but only received $21,720,008.00, leaving a deficit of $313,265,619.11. This equates to a reimbursement percentage of 6.48 percent.

**Sponsor(s):** Marco A. “Tony” Reyes, Supervisor, Yuma County, Ariz.; Russell McCloud, Supervisor, Yuma County, Ariz.
Proposed Resolution Urging the Federal Emergency Management Agency (FEMA) to Conduct an Assessment and Develop an Improvement Plan on FEMA Individual Assistance Programs

Issue: Citizens, businesses and governments impacted by disasters should be afforded a simple process, clear guidelines and timely assistance to recover from a disaster.

Proposed Policy: The National Association of Counties (NACo) urges Congress to direct the Federal Emergency Management Agency (FEMA) to conduct a study on FEMA’s Individual Assistance programs to measure the simplicity, clarity and expediency of applying for assistance and take appropriate actions to refine the programs based on results.

Background: Brunswick County was impacted by two hurricanes within a 30-day period. Like many counties across the nation that have experienced recent natural disasters, communities suffered millions of dollars of damage to homes, businesses and government infrastructure. Many homes and businesses continue to be in disrepair and citizens displaced many months after the storms. The amount of reimbursement available is unclear and guidelines that must be followed are technical and often change.

Fiscal/Urban/Rural Impact: A study and refinement of FEMA Individual Assistance programs to simplify and expedite the process would benefit all communities impacted by a disaster.

Sponsor(s): Ann Hardy, County Manager, Brunswick County, N.C.

Proposed Resolution Urging the Federal Emergency Management Agency (FEMA) to Clarify FEMA Debris Removal Guidelines for Private Roadways and Gated Communities

Issue: Citizens, businesses and governments that are located on private roads or within private gated communities and are impacted by disasters should be provided a simple process, clear guidelines and timely reimbursement assistance to recover from a disaster.

Proposed Policy: The National Association of Counties (NACo) urges Congress to direct the Federal Emergency Management Agency (FEMA) to clarify FEMA’s debris removal reimbursement guidelines for private roadways and gated communities to simplify and expedite the process.

Background: Brunswick County was impacted by two hurricanes within a 30-day period. Homes, businesses, and government infrastructure suffered millions of dollars of damages. Debris collection within the unincorporated areas of the county totaled in excess of $6 million. The county health director determined that the amount of debris accumulating on the private roadsides and in gated communities was an immediate public health hazard. Per FEMA guidelines, Brunswick County submitted a request for reimbursement of the cost associated with private property debris removal. Due to the lack of expediency, the county was forced to move forward with debris removal operations without assurance of reimbursement for millions of dollars associated with the debris removal cost. Interpretation of policy at the FEMA field level has been inconsistent, resulting in confusion between the county, state and on-ground FEMA officials. The homeowners within gated communities and those situated on private roads are taxpayers. They receive other
government services such as postal, garbage collection and school bus transportation. Local
governments have no clear guidelines on how to assist the private roads and gated communities.
The rules often change, leading to inefficiency and added expense as well as creating a threat for
the public. The county reimbursement for debris collection on private roads and in gated
communities is unknown.

Fiscal/Urban/Rural Impact: A study and refinement of FEMA debris removal reimbursement
guidelines to simplify and expedite the process by making it presumptively in the public interest
to remove debris from private roadways and within gated communities would benefit many
communities impacted by disasters.

Sponsor(s): Ann Hardy, County Manager, Brunswick County, N.C.

Proposed Resolution Urging the Federal Emergency Management Agency (FEMA) to
Coordinate with Local Government Stakeholders on FEMA After-Action Reports

Issue: Citizens, businesses and governments that are impacted by disasters should be provided a
simple process, clear guidelines and timely reimbursement assistance to recover from a disaster.

Proposed Policy: The National Association of Counties (NACo) urges Congress to direct the
Federal Emergency Management Agency (FEMA) to coordinate with local government
stakeholders and residents on FEMA After-Action Reports.

Background: Brunswick County was impacted by two hurricanes within a 30-day period. Like
many counties across the nation that have experienced recent natural disasters, communities
suffered millions of dollars of damage to homes, businesses, and government infrastructure. It is
important that governments impacted by disaster share their experience with FEMA so that the
process can be improved, and lessons learned incorporated into future disaster planning models.

Fiscal/Urban/Rural Impact: By requiring FEMA to consult with local government stakeholders
and residents on FEMA After-Action Reports, counties will be better prepared for and able to
respond to costly natural disasters.

Sponsor(s): Ann Hardy, County Manager, Brunswick County, N.C.

Proposed Resolution in Support for Deflection Initiatives

Issue: Communities across the country are facing a behavioral health crisis related to substance
abuse and mental health. To provide resources needed to combat the devastating impacts of the
crisis, law enforcement agencies are implementing deflection programs. These innovative
programs are intended to divert non-violent individuals experiencing addiction, substance use and
mental health disorders from jails into community treatment programs while protecting public
safety and connecting individuals directly to needed services.

Proposed Policy: The National Association of Counties (NACo) urges Congress to increase
financial support for measures that maximize the ability of counties to develop and support
programs that deflect non-violent individuals experiencing behavioral health crisis into treatment

2019 NACo Annual Conference – Proposed Resolutions and Platform Changes 72
driven by a complete, integrated and accessible continuum of care. NACo encourages federal legislative action to expedite the creation of collaborative deflection initiatives that offer immediate pathways for non-violent individuals to treatment and other services as an alternative to traditional involvement in the criminal justice system.

**Background:** In collaboration with various community partners, law enforcement agencies across the country have implemented deflection programs for non-violent individuals in need of treatment for addiction, substance abuse and mental health disorders. Programs such as ‘A Way Out’ in Lake County, Illinois empower participants to get treatment to end the destructive cycle that substance abuse, dependency and addiction can cause. Regardless of insurance or ability to pay, anyone who wants help can get it just by going to a police department and asking. Based on the success of these programs, states such as Illinois (P.A. 100-1025) passed legislation which support deflection programs and provide potential funding for police departments to establish these programs.

In approximately 500 of 18,000 police departments in the U.S., have implemented deflection programs, within the past three years. With over 80 percent of police calls generally classified as non-crime related, most law enforcement call responses are social service calls that do not lead to arrests. As a result, law enforcement officers are in the unique position to refer individuals in need of help, especially when encountering the same person over and over. The deflection solution provides law enforcement officers with non-enforcement options, such as referrals to case management, counseling services, emergency shelters, mental health services, and transportation.

The mental health and substance use disorder is a national public health emergency. The statistics in the United States are staggering - in a given year, 1 in 5 adults experience mental illness; every day, more than 115 people die after overdosing on opioids; and drug overdose deaths exceed gun deaths. The Centers for Disease Control and Prevention estimates that the total "economic burden" of prescription opioid misuse alone in the United States is $78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement.

**Fiscal/Urban/Rural Impact:** This policy change would better enable local behavioral health providers and law enforcement the opportunity to help prevent unnecessary relapses, recidivism, and even fatalities.

**Sponsor(s):** Sandy Hart, Board Chair, Lake County, Ill.; Mary Ross Cunningham, Board Vice-Chair, Lake County, Ill.

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

**Issue:** Consolidation or elimination of existing Homeland Security and Emergency Management grants, particularly if these grants are moved to administration 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, 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 Congress to preserve, maintain, and enhance the Emergency Management Performance Grant and other all-hazard grants related to disaster recovery and mitigation as fully funded programs separate from grants directed at terrorism-related issues.

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 percent 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 at least 35 urban areas at greatest risk of disastrous event from all hazards including, but not limited to, acts of 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(s):** Judson Freed, Director, Emergency Management and Homeland Security, Ramsey County, Minn.; Anthony Dimas, County Manager, McKinley County, N.M.

**Proposed Resolution Urging Congress and FEMA to Ensure County Involvement in the Implementation of Emergency Management Strategic Goals**

**Issue:** In 2018 the Federal Emergency Management Agency (FEMA) released a new five-year strategy for the agency. As part of that strategy, FEMA set forth a new concept for coping with the rising cost of major disasters and emergencies and the limited capacity of the agency to adequately manage all emergencies.

The keystone of this new strategic approach is that FEMA will oversee major emergencies and disasters in a new way, which is federally funded, state managed and locally executed. The FEMA strategy document does not, however, detail any partnership between FEMA and local government in the policy, prevention, planning, response, and mitigation and recovery realms.
In the aftermath of changes to FEMA leadership, NACo believes that it is critically important that the agency continue to involve local government in the development and implementation of policy and procedures to implement strategic goals, and to enact such procedures that will clarify and simplify the local role in national emergency management.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress and the Secretary of Homeland Security to ensure that FEMA actively consults with and involves counties in the development, analysis and implementation of emergency management policy and procedures in the United States to ensure that “state management” of emergencies and disasters is carried out with transparency and due attention to the needs of local government. NACo also urges Congress to ensure that due attention is given to the development of adequate local capacity to execute appropriate emergency management activities in the counties.

**Background:** Much of the nation’s capacity to cope with major disaster and emergencies is built on the ability of local government to send assistance throughout a given state and between the various states. So-called “state teams” and national-level response teams consist of personnel hired, trained and maintained by local governments and equipped with tools maintained by those local governments. Their ability to respond in assistance to others requires adequate capacity to do so while still maintaining the ability to provide service in their own jurisdiction. The FEMA strategy does not adequately reflect this reality and NACo adopted policy to address this issue in 2018. NACo seeks to ensure that Congress and DHS/FEMA leadership keep the needs of the hometown in mind while seeking to protect the homeland.

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


---

**Proposed Resolution Supporting Inflationary Increase to the Emergency Management Performance Grant**

**Issue:** The Emergency Management Performance Grant (EMPG) is the sole all-hazards grant currently extant, and the most demonstrably successful Department of Homeland Security (DHS) grant program for local governments. NACo has long supported the EMPG program. For nearly a decade, the EMPG program has remained steady at $350,000,000 per year while inflationary costs have risen, eroding the fund. The National Emergency Managers Association (NEMA) and the International Association of Emergency Managers (IAEM) are working with Congress in light of the new spending caps to increase the EMPG funding by at least 5 percent to account for inflation. In 2018, the House recommended a one time increase to the EMPG

**Proposed Policy:** The National Association of Counties (NACo) requests that Congress provide for an inflationary increase in the Emergency Management Performance Grant (EMPG).

**Background:** The Emergency Management Performance Grant is the only all-hazard funding program for county Emergency Management agencies. NACo has policy in place for several years
supporting the continuation of EMPG and advocating for fair pass-through of the funds to America’s counties. This policy support has been very effective in maintain the EMPG overall. However the amount funded has remained static without regard to inflation, effectively eroding the fund overall. Now that Congress has approved changes to legislative funding caps, there is a unique opportunity to address the inflationary change. The National Emergency Managers Association (NEMA) representing the states, and the International Association of Emergency Managers (IAEM) have also worked with Congress on this issue. NACo adopted policy on this issue in 2018 and seeks to continue this policy.

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


**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 many 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. On several occasions, the President and/or Congress has proposed reductions to or elimination of the EMPG as a whole, or incorporation of EMPG into other programs.

**Proposed Policy:** The National Association of Counties (NACo) requests that Congress guarantee that the Emergency Management Performance Grant (EMPG) program continue and that it 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. NACo requests that Congress require that a minimum of 70 percent of EMPG funds be passed through to local government while continuing the 50-50 local match requirement.

**Background:** NACo has had this policy in place for many years and has continually worked with Congress in a bipartisan manner to maintain the EMPG. 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 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(s):** Judson Freed, Director, Emergency Management and Homeland Security, Ramsey County, Minn.; Nick Crossley, Emergency Management and Homeland Security, Hamilton County, Ohio.; Anthony Dimas, County Manager, McKinley County, N.M.
Proposed Resolution Urging Congress and FEMA to Ensure County Involvement in the Implementation of the Disaster Recovery Reform Act (DRRA)

**Issue:** On Oct. 5, 2018, President Trump signed the Disaster Recovery Reform Act of 2018 into law as part of the Federal Aviation Administration Reauthorization Act of 2018. These reforms acknowledge the shared responsibility for disaster response and recovery, aim to reduce the complexity of FEMA, and build the nation’s capacity for the next catastrophic event.

The law contains approximately 50 provisions that require FEMA policy or regulation changes for full implementation, as they amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act. It touches multiple funding programs and responsible federal agencies but includes major changes to processes and grant funding managed primarily by FEMA. Through the DRRA, Congress provides greater flexibility for applicants to build what they need rather than simply restore or replace what was damaged. It also mandates financial support for greater resiliency in rebuilding and mitigation and aims to improve expediency of the project process and dispute resolution.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress and the Secretary of Homeland Security to ensure that FEMA actively consults with and involves counties in the continuing development, analysis and final implementation of the DRRA. NACo also urges that Congress ensure that due attention is given to the development of adequate local capacity to execute appropriate emergency management activities in the counties as a result of any new polices or procedures required due to DRRA changes implemented by FEMA.

**Background:** Our Country’s resilience, the ability to survive and recover quickly from storms and disasters without the significant loss of life or property, involves preparedness for and mitigation against the greatest risks and hazards. The new and expanded authorities in DRRA have been critical to supporting state and local efforts to promote resilience and disaster readiness.

Today, county emergency managers are the immediate and integral partners in responding to and recovering from disasters and mitigating against future risk. Emergency managers at every level are grateful to Congress for the transformational tools and authorities contained in DRRA. This law illustrates Congress’ commitment to resilience and changing the conversation to reduce disaster costs and losses across the country. The provisions within this law support state, local and tribal governments, as well as FEMA, to build more resilient communities, lessen the impacts of disasters, and ultimately help individuals and communities recover quickly.

This law focuses on pre- and post-disaster mitigation to reduce the cost of disasters. Key provisions in this law enable greater investment in pre-disaster mitigation; support efforts to reduce risks from future disasters after fires; increase state and local capacity to manage disaster recovery; and provide greater support and flexibility to survivors with disabilities. These changes are critical to county success when responding to and recovering from disasters. Specifically, some of the most significant provisions incentivizing resilience and building capacity include:

- **Build State and Local Capacity and Ease the Administrative Burden.** DRRA authorizes reimbursements to state and local governments for the management and administrative costs incurred to manage federal disaster funds.
• **Facilitate and Incentivize Resilience.** One of the most significant provisions of DRRA is the creation of the National Public Infrastructure Pre-Disaster Mitigation Grant Program, which provides a significant, reliable, and consistent source of funding for states to invest in pre-disaster mitigation projects helping states take actions to prevent the threat of disasters.

• **Mitigation for Wildfire Prevention.** DRRA makes permanent the authorization which allows states that receive Fire Management Assistance Grants to receive post-fire hazard mitigation assistance to help communities recover and prevent deadly floods and mudslides after wildland fires.

There is much work left to be done on the implementation of DRRA and counties must be consulted prior to policy and procedure implementation. FEMA will need considerable oversight and monitoring to ensure they meet their requirements, commitments, and the intent of Congress. As FEMA moves forward toward continuing to implement these provisions, it will be critical that they continue to engage and work with the entire community engaged in building resilience throughout the country, including other federal partners, state, local, and tribal governments, and the private sector.

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

**Sponsor(s):** Nick Crossley, Director, Emergency Management and Homeland Security, Hamilton County, Ohio; Judson Freed, Director, Emergency Management and Homeland Security, Ramsey County, Minn.

**Proposed Resolution Urging Congress and FEMA to Reduce Unnecessary Burdens on Public Assistance to Counties Following Presidential Declarations**

**Issue:** Following approval of post-disaster recovery projects, FEMA’s inconsistent processes, personnel and exceptionally burdensome paperwork result in unreasonable delays in reimbursement of Public Assistance costs.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress and the Secretary of Homeland Security to ensure that FEMA follows through on its stated strategic goal to reduce the complexity of FEMA, particularly in the case of Public Assistance (PA) reimbursement.

Specifically, NACo asks that Congress requires FEMA to:

- Address bureaucratic obstacles in the PA process
- Reduce the complexity of compliance requirements and processes in the PA process
- Eliminate inconsistent guidance, training, experience and accountability for FEMA field operations and staff assigned to Public Assistance and other roles
- Streamline the oversight of disasters by adhering to their stated intent to realign FEMA so that disasters are “federally supported, state managed and locally executed.”

**Background:** On May 30, 2019 Rep. Collin Peterson (D MN) released a statement on FEMA’s Public Assistance (PA) program’s burdensome and slow processes for reimbursement following the completion of disaster-related restoration projects. Citing several examples in Minnesota and
referencing issues for counties nationwide, Rep. Peterson called on FEMA to follow through on reimbursement agreements in a timely fashion.

In 2017, FEMA adopted a new Strategic Plan aimed at building preparedness, preparing the nation for catastrophic disasters, and reducing the complexity of FEMA. NACo has policy in place asking that FEMA better coordinate development of policy and procedures with county stakeholders generally. However, certain programs within FEMA, particularly the Public Assistance (PA) program have a long history of dysfunction, confusion and delay. These delays adversely and disproportionately affect America’s counties and parishes.

The typical process for PA is already a long and arduous one for county Emergency Management Agencies (EMAs). Communities that are impacted by major incidents of course bear the burden of the immediate response to disasters as well as the need to restore systems and services as quickly as possible to protect public safety, the environment and the economy – all without any guarantee of reimbursement for these unpredictable, massive expenses.

County EMAs coordinate these activities and begin a long process to determine if any reimbursement is possible. If various requirements and restriction thresholds are met, Counties may seek state and federal assistance up to and including asking the Governor to request the President of the United States to issue a Presidential Declaration of Disaster or Emergency. Depending on the nature and scope of the situation, that request may take many weeks before it is approved or denied. Counties and local communities must continue to take necessary steps to secure and restore while waiting.

Once the President issues a Declaration, FEMA begins a detailed and difficult oversight and documentation process for each and every project. County EMAs work with state and local entities to document each step of each project and gain specific approval from FEMA’s regional program staff assigned to each disaster. Many of these staff are part time or intermittent employees with varying level of expertise and training, and their decision-making process can vary greatly from project-to-project, state-to-state, year-to-year. Each decision requires significant paperwork and documentation (Project Worksheets), review and editing and often, appeals. Once approved, projects are closely monitored and routinely audited. Errors of omission or commission often result in a jurisdiction being required to repay part of approved projects months or years after they are completed.

One source of these errors is FEMA’s process itself. FEMA will typically take months to approve completed projects and issue reimbursement to the affected jurisdiction. Six months has become typical, but in many cases the delay is nine to twelve months. In the meantime, the inconsistent processes followed by individual member of FEMA’s cadre result in delay, error and even undue pressure. Rep. Peterson mentioned several Minnesota Counties in his memorandum, and other Minnesota counties allege pressure from FEMA staff to withdraw their PA requests or face punitive audits. For each step of the process, Counties are the lead coordinators of the process through their overburdened EMAs.

**Fiscal/Urban/Rural Impact:** Policy impacts all counties affected by disaster or other FEMA processes and policies

Proposed Resolution to Support National Standards for Emergency Management Programs and the Emergency Management Accreditation Program

Issue: Since 2001 Congress has sought metrics for understanding the capabilities and capacities of local government to respond to, and be resilient in the face of, terrorism and other emergencies and disasters. NACo recognizes that the capacities and resources of county programs for emergency management will always vary. However, NACo has long invested time and effort into the development and maintenance of national standards for county emergency management programs through involvement with the Emergency Management Accreditation Program Commission and the Emergency Management Standard.

Proposed Policy: The National Association of Counties (NACo) supports the use of the Emergency Management Accreditation Program (EMAP) Emergency Management Standard administered through the Emergency Management Accreditation Program as the national standard for assessment of the capability of county emergency management programs. Additionally, NACo supports the current processes and procedures the EMAP Commission uses to update and evaluate the Standard. The Standard should be free from requirements not supported in the ANSI standard setting guidelines or the EMAP Commission management process.

Background: Use of the Emergency Management Standard as a measure of capability that provides a significant set of metrics for counties, Congress and others to assess the capability and capacity of county government to handle emergencies of all types. In addition, the EMAP Emergency Management Standard provides measures of capability that are independent of the size or finances of a county. The Standard is a stand-alone document that is developed through the due process and consensus body of EMAP and should have no undue influence from any outside entity imposing rules, guidelines, auditing principles within the process. NACo first adopted this policy in 2017 and seeks to continue the policy.

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

Sponsor(s): Nick Crossley, Director, Emergency Management Hamilton County, Ohio; Judson Freed, Director, Emergency Management and Homeland Security, Ramsey County, Minn.; Roy Waite, Director, Emergency Management, Clarke County, Ala.; Anthony Dimas, County Manager, McKinley County, N.M.
Proposed Resolution in Support of Amending U.S. Code Title 16. CONSERVATION
Chapter 12. FEDERAL REGULATION AND DEVELOPMENT OF POWER, Subchapter
I. REGULATION OF THE DEVELOPMENT OF WATER POWER AND RESOURCES
Section 803. Conditions of License Generally

Issue: A resolution urging the United States Congress to amend 16 U.S. Code § 803 (a)(2)(B), to include recommendations from Local agencies exercising administration over flood control in the issuing of licenses for water power and resources.

Proposed Policy: The National Association of Counties (NACo) urges the United States Congress to amend 16 U.S. Code § 803 (a)(2)(B) as follows: (B) The recommendations of Federal, and State, and Local agencies exercising administration over flood control, navigation, irrigation, recreation, cultural and other relevant resources of the State in which the project is located, and the recommendations (including fish and wildlife recommendations) of Indian tribes affected by the project.

Background: Local governing authorities are required by states, which have delegated responsibility to local governments, to adopt regulations designed to minimize flood losses. This is a requirement for Local governments to participate in and comply with all applicable federal flood plain management and flood insurance programs. Without such, as are necessary to comply with the requirements and the regulations adopted by the Federal Emergency Management Agency, citizens within the boundaries of these local governments are unable to secure flood insurance.

Fiscal/Urban/Rural Impact: Local governing authorities are mandated to comply with federal flood programs and currently have no codified input into the licensing process which creates an excessive burden.

Sponsor(s): N.R. “Rusty” Williamson, Parish Juror, Beauregard Parish, La.; Gerald “Mike” McLeod, Parish Juror, Beauregard Parish, La.

Proposed Resolution on National Flood Insurance Program Reauthorization and Program Improvements

Issue: Including 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 for the reauthorization of the National Flood Insurance Program that:
- Provides long-term reauthorization with a focus on affordability, efficiency, fairness, accountability and sustainability of the program.
- Invests in mitigation, reforms the administration and claims processes, and bolsters NFIP solvency.
- Modernizes flood mapping and flood risk accuracy.
- Increases accountability and consumer protections in the NFIP and private markets.
Specifically:

- **Affordability** – Limit rate increases to no more than five percent per year on any policy, inclusive of any surcharges and fees, especially given potential rate increases due to FEMA’s Risk Rating 2.0 initiative. Preserve grandfathering. Place a hard cap on annual premiums of one percent of the total coverage of the property. Rates should be maintained as affordable for all policy holders.

- **Mitigation** – Increase federal investment in property and community mitigation, not only through loans, however; provide mitigation credits to residential property owners for proven flood proofing methods, beyond elevation; oppose unfunded mandates on local governments for mitigation efforts; modernize Increased Cost of Compliance to encourage mitigation.

- **Mapping** – Improve transparency, use the most effective technology, and include input from local governments; develop a method to pay for elevation certificates.

- **Solvency** – Further address repetitive loss properties; limit NFIP payments to Write Your Own (WYO) companies; increase the pool of policyholders through enforcement and expansion of the preferred risk policy; forgive the NFIP debt and reallocate interest payments to mitigation and solvency.

- **Consumer Protection** – Create a policy review process; regionalize Flood Insurance Advocates; amend force-placing provisions to keep policyholders in NFIP instead of a surplus line.

- **Privatization** – Require private insurers to cover the entire spectrum of risk (i.e. no cherry-picking of preferable policies); allow consumers that leave NFIP for the private market to re-enter NFIP; ensure private insurance market development does not undermine community flood mitigation through the Community Rating System.

**Background:** The National Flood Insurance Program has more than five million flood insurance policies providing 1.28 trillion in coverage with approximately 23,000 communities in 56 states and jurisdictions participating. The National Flood Insurance Program’s current authorization expired in 2017. Several national groups, such as the NACo NFIP Task Force 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 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 will be greatly impacted as home values plummet and local economies collapse. Because coastal counties generate 46 percent of the national GDP, and are typically the economic engines in their respective states and regions, the economic consequences will be significant, and will reverberate well beyond the coasts.

FEMA’s new Risk Rating 2.0 will bring significant changes to NFIP and rates. We urge greater transparency, information sharing, and consideration of potentially significant impacts to premiums for properties in coastal and riverine communities of this new rating system in any new reauthorization.

Sponsor(s): Heather Carruthers, Commissioner, Monroe County, Fla; Police Jury Association of Louisiana; Julia Fisher-Perrier, Council, St. Charles Parish, La.; Timmy Roussel, Parish President, St. James Parish, La.; Pat Brister, Parish President, St. Tammany Parish, La.; Natalie Robottom, Parish President, St. John the Baptist Parish, La. Arlanda Williams, Council, Terrebonne Parish, La.; Dennis Scott, District 6 Police Juror, Calcasieu Parish, LA; James Cantrelle, President, Lafourche Parish, La.; Robby Miller, President, Tangipahoa Parish, La.; Benedict Rousselle, District 5 Councilman, Plaquemines Parish, La.; Paul Naquin, District 9 Councilman At-Large, St. Mary Parish, La.; Marty Black, Director of Coastal Restoration & Preservation, Terrebonne Parish, La.; Larry Cochran, Parish President, St. Charles Parish, La.; Michael Yenni, Parish President, Jefferson Parish, La.

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 percent 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 percent 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 percent 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 percent 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, Director of Government Affairs/Natural Resources, San Miguel County, Colo.

**Proposed Resolution to Maintain Local Control and Public Safety Priorities Under Federal Immigration Laws**

**Issue:** Maintain local control and flexibility under federal immigration laws.

**Proposed Policy:** The National Association of Counties (NACo) supports the autonomy of counties in decisions related to the allocation of local law enforcement resources and setting of public safety priorities under federal immigration laws.

**Background:** Maintaining safe communities is one of the most important functions of county governments. Counties invest over $70 billion annually in providing justice and public safety services to all residents, working together with all levels of government to improve public safety, safely reduce jail populations and fight recidivism. Additionally, counties are often involved in the apprehension and detention of undocumented immigrants at the request of our federal agency partners.

State and local law enforcement do not generally enforce federal immigration laws since regulating immigration, including the identification and deportation of unauthorized persons, is primarily an administrative function of the federal government. Further, the federal government is generally
prohibited from requiring state and local governments to enforce federal administrative statutes. While state and local law enforcement agencies can enforce federal criminal statutes, most of immigration law is administrative, not criminal in nature; it would ordinarily be outside of state or local jurisdiction to enforce those provisions related to immigration detention and removal.

Public safety is an overarching and principal duty of counties, and local officials support law enforcement and the rule of law. Federal courts have concluded that immigration enforcement is a federal responsibility, but when it comes to dealing with immigrants who encounter the criminal justice system, counties increasingly face various and often conflicting pressures, including costly litigation as a result of compliance with the United States Constitution rights and processes, threats against critical federal funding streams and community protests.

**Fiscal/Urban/Rural Impact:** Federal immigration laws imposes additional costs to counties through costly litigation or reduction of federal funding streams.

**Sponsor(s):** Bill Truex, Commissioner, Charlotte County, Fla.; Marion Greene, Commissioner, Hennepin County, Minn.; Tina Wenger, Councilwoman, Elkhart County, Ind.
PUBLIC LANDS

PROPOSED PLATFORM CHANGES

Proposed Platform Changes to the Public Lands Policy Section

STATEMENT OF BASIC PHILOSOPHY

Public lands are a defining feature of the United States, particularly in the West. 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 through the coordination process mandated by federal law (16 U.S.C. 1604 (a) and 43 U.S.C. 1712 (b)). Counties serve as conveners and can offer a local, detailed level of expertise on resource management issues that is beneficial to all levels of government and helps to achieve mutual goals.

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 fair, equitable payments to counties, including revenue sharing from all forms of economic production, are necessary for federal agencies to meet their obligations as land managers.

NACo believes that environmental and socioeconomic values must be balanced through a philosophy of multiple use management that allows diversity of activities on public lands to support local economies. Federal agencies must coordinate their management of public lands to ensure they are consistent with local land use or natural resource management plans to the fullest extent required by law. Federal agencies must also treat counties as governing partners and co-regulators.

FEDERAL LANDS PAYMENTS

A. Payments to Federal Lands Counties: All federal lands are tax-exempt, but still require local government services. NACo supports program(s), including full-funding of the Payments In-Lieu of Taxes (PILT) program, that compensate counties for these tax-exempt lands on a basis that is equitable to both the federal and local taxpayer that are non-discriminatory in nature. NACo supports the creation of a similar program to compensate counties with tax-exempt military lands. All payments to public lands counties should not be sequestered by the federal government, nor should they be delayed, reduced or otherwise negatively affected by any federal shutdown activity.

B. Resource Revenue Sharing Payments: NACo recognizes that natural resource extraction can impact local infrastructure and increase demand for services in surrounding counties. Therefore, NACo supports additional payments over and above other payments to local governments based on the revenue generated from the natural resource use and extraction within those counties’ jurisdiction. Such payments shall not be subject to sequestration and the federal government should release any previously sequestered natural resource revenue sharing payments.
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 in which the mineral was extracted, and the historic balance of the 50/50 split is restored.

NACo supports the sharing of federal leasing and rights-of-way revenues from renewable energy development, forest stewardship contracts on federal lands and Good Neighbor Agreements (GNAs) with county governments where those developments and contracts occur. Any revenue sharing program should not negatively impact the PILT program. Receipts sharing for forest stewardship contracts and GNAs should be based on the total merchantable value of the products, rather than merely the net in excess of the contract amount.

C. Secure Rural Schools and Community Self-Determination Act: NACo supports federal stopgap payments to counties facing lower federal resource revenue sharing payments due to substantially decreased activity in natural resource use, harvest, and extraction as a result of federal regulations that have restricted or prohibited the use, harvest, and extraction of the resource. NACo supports the reauthorization and enhancement of the Secure Rural Schools program (PL 110-343). Reauthorization should maintain coupling between payments to counties and active natural resource management, and the connection between sustainable natural resource management and the stability and well-being of forest counties and communities.

NACo urges Congress and federal agencies to restore responsible, multiple use and sustained-yield industries on public land. These industries are necessary to provide economic, social, educational, and cultural stability for resource communities. NACo supports robust bridge funding to arrest catastrophic declines in resource production and county revenue sharing and a restoration of active public land management.

D. Compensation to Counties by Businesses Operating on Federal Lands: NACo supports additional payments to counties for any fees generated from any businesses—such as concessionaires or enhanced-use lessees—who operate on federally owned land to compensate local taxing jurisdictions equal to the property taxes that are otherwise paid by any other commercial business in the county.

FEDERAL LAND USE PLANNING

A. Current and Future Federal Land Management Agency Land Management Plan Revisions: Federal land management agencies shall coordinate with local government officials and maintain maximum consistency with local plans and policies when conducting current and future revisions of Resource Management Plans (RMPs) and Forest Management Plans. Counties should utilize the coordination process and/or serve as cooperating agencies in the NEPA process as counties see fit and be provided meaningful opportunities for involvement in the revision process from start to finish. Once land management agency plans become approved management practices or policies, new agency actions should not contradict those plans. Plans should provide for economic and social sustainability, emphasize multiple use management and commodity production and require that federal decisions be made at the most local level of the federal agency.
B. National Environmental Policy Act (NEPA) Improvement: NACo supports the revision of NEPA to strengthen the involvement of local governments in the federal decision-making process, expedite project analysis and make final decisions in a timely but effective manner. NACo supports requiring federal agencies to coordinate with local governments, offer cooperating agency status and negotiate mutually agreeable memoranda of understanding (MOU). NACo encourages increased opportunities for involvement of the public during the legally mandated public comment process, including opportunities for verbal input during town halls, hearings and listening sessions within or in close proximity to the impacted communities and, when possible, increased time to provide written input and testimony.

C. Endangered Species Act: NACo recognizes the importance of the Endangered Species Act (ESA) as an essential safeguard for America’s fish, wildlife and plants, and therefore supports updating and improving it to better achieve its goals. NACo supports the delisting of species when recovery goals are met.

NACo supports reforming the ESA to mandate that the federal government treat state and county governments as equals through government-to-government coordination to decide jointly with appropriate federal agencies when and how to list species, designate habitat and plan and manage for species recovery and delisting.

NACo supports reforms that would require federal agencies to perform cumulative and quantitative economic analyses before the designation of critical habitat that would measure the effects of such a designation on all affected local governments and local stakeholders, including the effects on possible uses of land, property values, employment and revenues available for state and local governments. This information shall be considered as a part of their decision-making process.

D. Gateway Communities: NACo recognizes counties as gateway communities to our nation’s federal lands and that the economies and ecologies of county, state, and federal governments in gateway regions are interwoven. NACo believes that diverse recreation and tourism opportunities are critical to counties and their communities. Furthermore, NACo recognizes that federal policies frequently drive significant impacts to gateway communities and the services they provide to visitors to ensure their pleasure, safety and comfort.

Federal government shutdowns have an enormously negative impact on counties and gateway communities. NACo urges land management agencies to partner with state and local government to keep these facilities open and adequately staffed during federal government shutdowns. Local and state governments that temporarily open and staff these facilities should also have the opportunity for reimbursement by federal lands agencies.

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 consultation with the affected counties.

B. Public Land Acquisition and Ownership: Acquisition or disposal of new land, conservation easements and water rights by any federal agency should be subject to coordination with the
C. Special Use Designations: Special federal land use designations impact the long-term use and status of public lands, which in turn has significant impacts on neighboring counties. The federal government shall coordinate with affected state and local government as early as possible when considering special land use designations. NACo supports those special use designations of federal lands that are approved by county governments and supported by stakeholders in the area in which the designations are proposed and are consistent with existing resource management plans. There must be compliance with the requirements of the National Environmental Policy Act (NEPA), including open public comment sessions in the impacted counties. Adding private lands to wilderness and other special designation areas shall require congressional approval.

NACo supports amending the Antiquities Act to require state and local government approval to provide transparency and accountability in the designation of national monuments. In cases where such state and local government approvals have been obtained, continued federal coordination and consultation with state, county, and tribal governments and consistency with their natural resource management plans should be required to the maximum extent allowed by law.

NACo opposes efforts to require inventoried roadless areas to be managed in accordance with the US Forest Service Roadless Area Rule issued in January of 2001. NACo supports petitions of individual states to amend the Roadless Area Rule to allow state-specific management guidelines for inventoried roadless areas in that given state.

NACo opposes policy and management decisions (such as Wilderness Study Area creation) that allow federal agencies to manage public lands for long, undefined periods of time as wilderness without congressional designations and with restrictions on the use of private lands in the proximity to a Wilderness Study Area.

D. Access: For public lands counties and gateway communities, access is a central issue. NACo supports retaining and enhancing public access to public lands for public safety, forest and ecosystem health, recreation and tourism, resource extraction, research and education, and private property rights.

Roads are the primary infrastructure for access to public lands, and public lands road systems must be retained and maintained. NACo opposes road closures, road decommissioning,
moratoria against road building and other limiting policies and practices without coordination and consistency with county natural resource plans or management policies.

NACo recognizes the importance of the system of historic roads, trails and other rights-of-way across federal lands established under R.S. 2477. NACo supports legislative efforts to create a clear, consistent administrative process coordinated with local government plans for confirming historic rights-of-way on federal lands for qualifying roads, including but not limited to a waiver of the statute of limitations regarding timely filing of such applications where qualifying roads cross “reserved” land. The Administration should work cooperatively with local officials to obtain administrative, judicial, and legislative recognition of county R.S. 2477 rights-of-way claims on federal land. NACo opposes any federal action designed to change or diminish the scope of these rights and supports shifting the burden of proof for R.S. 2477 rights-of-way closures to the federal government to justify such action.

E. Water: NACo believes in state primacy in water resources administration, management and allocation. Before any decision is made to continue drawdowns, removal or breaching of dams, a full review of all the relevant scientific and socioeconomic implications of such actions should be made and coordinated with affected counties. Water supplies for millions of individual Americans and agricultural producers begin on federal lands, and land management policy should prioritize, protect and uphold watershed health and water yield. Water rights holders must be given access for maintenance and control of water structures located on public lands.

NACo supports changes in current federal policy to allow the use of mechanized equipment for maintenance of dams within designated Wilderness areas and Wilderness Study Areas.

NACo urges the U.S. government to acknowledge the importance of adopting definitive Arctic policies in order to protect national security and to further U.S. commerce.

F. Domestic Livestock Grazing: Domestic livestock grazing on public lands is essential to local economies and is often an activity of cultural and historic significance. Livestock grazing is also an important method for the management of the landscape for public safety. NACo supports the enhancement of a viable rangeland livestock industry. Grazing is an excellent tool for the reduction of fire fuels, control of some noxious weeds, and other, less noticeable benefits such as hoof action allowing for better native seed to soil contact.

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 civil actions to diminish public lands livestock grazing rights brought against industry and federal land management agencies when final decisions are made by the appropriate federal agencies after cooperative efforts to determine best land-use practices.
NACo opposes legislative efforts to allow for the permanent retirement of grazing permits through the buyout of grazing permits by non-ranching third parties. If a permit is vacated, NACo supports reissuing the permit to an active grazer only.

G. Wild Horse and Burro Management: Wild horse and burro management on public lands is an increasingly urgent environmental crisis resulting in inhumane conditions for wild horses and burros that must be addressed through balanced, science-based decision-making and reproductive management practices.

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 federal law. Further, NACo supports the sale, adoption or humane slaughter of excess animals and the funding and utilization of sterilization technology and methods proven to be effective in controlling herd sizes.

NACo supports 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.

H. Energy and Mineral Resource Development: Like any other permitted activity on public land, energy and mineral resource development and production should be conducted in coordination with impacted counties and consistent with local natural resource plans to the maximum extent allowed by law. NACo supports the development and implementation of comprehensive and consistent national policies and regulations for energy and mineral production on public lands. This includes conservation efficiency, exploration, and research that provide for the siting, permitting, production, utilization, transmission, and delivery of traditional and alternative/renewable energy and mineral resources. Every effort should be made by land management agencies to reduce obstructions that cause significant project delays and costs, including conducting oil, gas and mineral lease sales on all federal lands categorized in their land use plans for such leasing.

NACo recognizes that U.S. energy independence requires expanded alternative and renewable resources that are available on federal public lands. NACo supports the expanded use of solar, wind, water, and other traditional and renewable energy resources to provide secure, clean, affordable energy by utilizing the best methods available. Infrastructure for renewable energy on public lands should be developed in coordination with impacted county governments and after thorough analyses showing that the local economy will not be negatively impacted.

When mitigation is required as a condition of mineral or energy development, NACo encourages federal agencies to adopt consistent procedures that provide for mitigation other than through land transfer from private to public ownership, unless supported by 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 developers 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.
I. **Forest and Rangeland Health:** NACo supports forest health initiatives that include fuels reduction, fuel breaks, and managing for diseases and pests, while maintaining the multiple use mandates and utilizing the best available, peer-reviewed science. NACo also supports broader use of categorical exclusions under NEPA, especially in cases of imminent threats to community watersheds, to timely and effectively address the threat of catastrophic events to our public forest and rangeland resources, and to allow for harvest of resources while they have economic value. Federal land management agencies shall utilize an appropriate mix of management practices including categorical exclusions and increased private, local and state contract and partnerships for pre-fire management, effective fire suppression, and restoration of federal forest and rangelands.

As a goal, NACo supports legislation directing federal forest management agencies to reduce Fire Regime Condition Class (FRCC 3) to a standard of FRCC 1 in all federal forests, excepts designated Wilderness Areas, by the year 2050, through means of active landscape management, fuels reduction and immediate post-fire restoration. Due to the increased frequency and severity of wildfires caused by excessive fuel loads on federally managed public lands, NACo urges Congress and the Administration to use whatever tools available to reduce FRCC in a more expedited manner where possible.

J. **Cooperatively Combating the Growing Threat of Wildfire to Public Lands Counties:**

Wildfire season is a year-round issue for public lands counties. Wildfires destroy public lands, endanger access to vital resources, decrease biodiversity, hinder economic opportunity, decimate municipal watersheds, and negatively impact public health and safety. County officials believe federal, state and local governments must work together to combat this growing threat to communities, livelihoods and the environment. This effort must include accelerated harvest and fuels reduction to levels that can be managed into the future, active forest management in areas that have recent fuels treatments, post-fire recovery and restoration efforts, addressing regulatory burdens, stopping frivolous lawsuits, engaging in scientifically-endorsed grazing practices and reinstating closed grazing allotments, reforestation, and appropriating sufficient funds to effectively combat wildfire on public lands without jeopardizing other accounts.

With the severe damage and threat to municipal water systems caused by increasingly frequent and destructive wildfires, NACo calls on the federal land management agencies to pursue at the earliest seasonal opportunity, a region-wide emergency project to thin-cut forest vegetation and clear deadfall and understory in all U.S. Forest Service lands where mapped city and town watersheds exist until the threat of catastrophic wildfire to those watersheds is eliminated.

K. **Noxious Weeds & Invasive Species:** NACo calls for a well-funded, coordinated and integrated management approach to noxious weed control on public lands. NACo supports an early detection and rapid response approach by all agencies and an accelerated completion of all environmental documentation to allow the use of all the tools needed to accomplish integrated pest management NACo calls on all federal land management agencies to coordinate with counties to better protect environmental resources from the threats and devastating impacts of invasive species.
NACo supports regulations to reduce importation of plants, exotic animals and insect species into the U.S. to help in the prevention of pest invasion. NACo supports state and federal prohibitions on the transportation of any state or federally listed invasive species, as well as efficient and effective agency action that stops other pathways of spread.

L. 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. Recreation and Tourism: Our public lands and historic sites draw millions of visitors each year. NACo acknowledges the value of the outdoor recreation economy as a $700 billion contributor to the nation’s Gross Domestic Product, and that most of this recreation takes place on federal public lands.

NACo supports the Federal Lands Recreational Enhancement Act to allow federal land 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.

O. Funding for Our Public Lands Infrastructure: NACo calls on Congress to adequately fund infrastructure in its national parks, national forests, and other public lands. This includes funding to support roads, bridges, trails, campgrounds, visitor centers, interpretive projects, and related facilities. NACo supports increased funding for overdue capital and deferred maintenance projects for public lands management agencies. NACo reminds Congress these public lands management agencies provide multiple use activities including mineral extraction, forest products, subsistence resources, recreation, and tourism opportunities for millions of visitors and national resource users that make substantial economic impacts on our counties and gateway communities. The significant federal investment in public lands infrastructure over the years is at risk due to the lack of funding for needed repair and replacement projects and must be recognized as a critical element in public lands management.

**Sponsor(s):** Bill Harvey, Commissioner, Baker County, Ore.
PROPOSED RESOLUTIONS

Proposed Resolution to Repair and Maintain the Public Land Survey System

**Issue:** The Public Land Survey System (PLSS) is in a varying degree of deterioration nationwide due to the lack of resources provided to counties.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to provide additional funding to counties to support the existing Public Land Survey System (PLSS). NACo further urges the federal government to enforce existing guidelines and rules for the PLSS.

**Background:** The Public Land Survey System or PLSS, is the land survey network created and used historically and today to identify and locate land parcels, roadways, easements and natural resources on the ground, in the vast majority of our country (approx. 72 percent). The land survey system consists of a series of physically placed monuments identifying Sections, Townships and Ranges. All public and private property is described and measured utilizing this system. Thus, the PLSS is the foundation of property rights. NACo recognizes the federal government has a substantial and common interest in the PLSS as the system relates to the location and utilization of resources within federally owned lands as well as private lands.

**History:** The right to the “quiet enjoyment of property” is one of the basic founding principals in our country. The system was originally proposed by Thomas Jefferson after the Revolutionary War when the federal government became responsible for large areas of land west of the original thirteen colonies. The Land Ordinance of 1785 was the beginning of the PLSS. Government used the system to identify, locate and distribute/patent land to private ownership to facilitate raising money and collecting taxes to run government and provide citizen services. As the U.S. expanded Westerly, the system was perpetuated for these purposes. All States excepting the lands that were within the original thirteen colonies, Texas and Hawaii rely on the PLSS for property distinction.

**Today:** The PLSS still functions as the foundation of property rights and the integrity of all land boundaries in PLSS States. Every land deed describing property, easements, and road right of ways, RS 2477 roads, and all publicly owned lands rely on the PLSS being intact and protected. Additionally, the PLSS is the foundation of property tax collection for Counties, which relates directly to providing many County services, utilities, economic development and utilization of natural resources.

**Fiscal/Urban/Rural Impact:** The PLSS is threatened on a daily basis by development, construction, landowners, government land clearing and restoration projects and general neglect. Many of the original monuments have already been lost, destroyed, or are decaying and deteriorating from the lack of investment in this critical infrastructure. Therefore, the foundation of property rights, location of resources, economic development and the tax base is in jeopardy. This directly ties to the ability of government to provide protection and services to the public. In other words, without these PLSS monuments, there can be no identification of what is rightfully owned on the ground.
Reality: The responsibility of the caretaking of the PLSS on private lands has been delegated to Counties through federal and state code. Many counties with high percentages of federally owned lands lack the tax base, expertise, resources and funding to carry out these duties. This policy was adopted as an interim policy resolution at the 2017 NACo Legislative Conference. The resolution was adopted again by the NACo Public Lands Steering Committee at the 2017 NACo Annual Conference.

Sponsor(s): National Association of County Surveyors (NACS); Reid Demman, County Surveyor, Salt Lake County, Utah

Proposed Resolution on Amending the Recreation and Public Purposes Act

Issue: Support congressional action to amend the Recreation and Public Purposes Act to require the U.S. Department of the Interior to establish a pilot program that authorizes commercial recreation concessions on land patented or leased under the act.

Proposed Policy: The National Association of Counties (NACo) supports legislation which would allow counties which have federal lands within their park system the opportunity to offer concessions operated by third 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 in a variety of agreements with federal agencies such as Bureau of Land Management (BLM), Bureau of Reclamation (BOR) and the U.S. Forest Service. The County has been denied authorization by the BLM to bring third 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 allow 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 on the Removal of Salt Cedar

Issue: Support congressional action to address the permitting process and funding for the removal of invasive species from many of the rivers throughout the southwest.

Proposed Policy: The National Association of Counties (NACo) supports federal legislation and/or regulatory policies that would allow county governments to comprehensively remove the salt cedar from rivers within their jurisdictions.

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. The quick
spreading salt cedar have 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 U.S. 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, Supervisor, Gila County, Ariz.

**Proposed Resolution on Amendments to Payments in Lieu of Taxes (PILT) Side B Funding - Establishing a Minimum**

**Issue:** Counties, boroughs, townships and parishes with large federal entitlement acreage and small populations have monetary caps within the Payments in Lieu of Taxes (PILT) formula that place them in an unfavorable position in relation to the majority of all other Counties.

**Proposed Policy:** The National Association of Counties (NACo) supports amending the Payments in Lieu of Taxes (PILT) formula to establish a base funding to all counties by setting the per-acre variable on the Alternative B to a minimum funding level adjusted by the CPI every year. In 2018, this number was $0.38 per acre. The maximum payment to counties would not be adjusted. The current population threshold would remain at 50,000.

**Background:** In October 1976, Congress passed Public Law 94-565, commonly referred to as the "Payments in Lieu of Taxes Act" (PILT). This Act provides for payments to local units of government containing certain federally owned lands. At the establishment of the current PILT program, Congress put together a very complicated formula with deductions and caps. These restrictions were added to reduce amounts paid out because $100 million was the original amount appropriated for PILT. NACo has policy to decouple Prior Year Payments (deductions), but has never fully addressed the "population caps."

Local governments with large federal entitlement acreage and low populations are not treated fairly and equitably in the PILT formula. Currently, there are 37 counties in the nation that receive less than the minimum funding level established on the alternative B side. These counties, due to their low population in comparison to the large federal entitlement land mass, are funded below a base minimum that is adjusted yearly by the CPI.

This is not fair or equitable. To achieve fairness and equality, there needs to be a minimum payment based on an acre of land. This can be achieved by simply adjusting the Alternative B side of the formula to read:

*Alternative B: $0.38 for each acre of "entitlement land" within the unit of government. Here, no deductions are made for the Federal land payments received by the unit of government in the*
preceding fiscal year. Entitlement land payments to each unit of general local government will only be subject to the maximum population payment cap of 50,000.

**Fiscal/Urban/Rural Impact:**

1. This amendment would have no negative impacts to any counties in context of the proposed amendment and current statute.
2. According to Headwaters Economics calculations, 37 counties would have received an increase in PILT payments in FY2018.
3. According to Headwaters Economics, in FY2018 this would have been an increase of $30.8 million to fully fund PILT.

**Sponsor(s):** Mark Owens, Commissioner, Harney County, Ore.

**Proposed Resolution Supporting Presidential Executive Order 13855 of December 21, 2018 Ordering the Secretaries of Interior and Agriculture to Achieve Specific Goals in 2019 to Improve Conditions and Reduce Wildfire Risk in America’s Forests, Rangelands and Other Public Lands**

**Issue:** Decades of amassed tree, understory and shrub growth that have placed communities, homes, industry, agriculture, and water supply systems and people at serious risk for damage and death from catastrophic wildfires, and following through on the specific 2019 performance goals of Executive Order (EO) 13855 for fuels treatment and wood products harvesting.

**Proposed Policy:** The National Association of Counties (NACo) supports rigorous and timely accountability and performance reviews by the respective Inspector Generals (IG) of the U.S. Department of Interior (DOI) and U.S. Department of Agriculture (USDA), as well as the Office of Management and Budget (OMB), to assess and report on the progress and performance by the DOI and USDA Secretaries in meeting the specific 2019 goals of EO 13855.

**Background:** The specific 2019 performance goals of EO 13855 include: treat 750,000 acres of DOI lands and 3.5 million acres of U.S. Forest Service (USFS) lands to reduce fuel loads; produce 600 million board feet (bf) of timber from DOI lands and 3.8 million bf from USFS lands through fuels reduction; treat 2.2 million acres of USFS lands to reduce erosion and flooding; treat 750,000 acres of USFS lands for invasive species; perform road maintenance on DOI and USFS lands to provide access for emergency services and restoration work; and coordinate to maximize use of unmanned aerial systems to accelerate forest management and support firefighting and postfire rehabilitation and restoration.

Rigorous IG and OMB performance review and accountability measures, supplemented with appropriate congressional committee oversight, must be applied to ensure timely and meaningful agency compliance with EO 13855.
**Fiscal/Urban/Rural Impact:** Protect urban and rural communities westwide from damage to property, the economy and local customs and way of life due to the effects of catastrophic wildfire.

**Sponsor(s):** Leland Pollock, Commissioner, Garfield County, Utah; Bruce Adams, Commissioner, San Juan County, Utah; Darin Bushman, Commissioner, Piute County, Utah;

**Proposed Resolution to Require Federal Land Management Agencies to Offset Acquisition of New Land to Mitigate Financial Impact on Impacted Counties**

**Issue:** Private lands either sold or donated to the federal government result in such property becoming exempt from local property taxation; thereby, reducing overall taxable market value of affected counties.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to enact federal legislation to require federal land management agencies to take into account the impact of transferring private land to federal ownership on counties and their tax payers, including the ability of county governments to provide necessary public services and the extent of any tax shift or loss of county property tax revenues that will occur as a result of the acquisition. Federal land management agencies, where possible, should be required to offset any acquisition of new land with a similar relinquishment by trade or sale of public land to private ownership within the same county. If additional federal land acquisitions are deemed necessary or agreed to by the impacted county, such lands may be acquired without offset. In all instances, federal land management agencies must coordinate with affected counties and disclose the financial impact to counties reflecting the loss of tax base and land use prior to new land acquisitions taking place.

**Background:** Dating back to the 1970’s counties around the country have seen an increase in private entities purchasing property from private landowners and either selling or donating the newly acquired land to the federal government for land and wildlife conservation purposes. While this may be desirable in certain circumstances for preserving wildlife habitat, it is not without consequences to counties (especially to counties with large concentrations of federally managed, tax exempt public lands).

Whenever private land is removed from county property tax rolls, it results in a loss of taxable market value in the affected counties. A loss of taxable market value may result in a tax shift in which all other taxpayers within a county pay more in property taxes to maintain current levels of critical county services. In states that have legislated property tax caps, a loss of taxable market value may also result in a loss of property tax revenues. Any loss of county property tax revenues results in a reduction or loss of critical county services.

**Fiscal/Urban/Rural Impact:** Would require federal land management agencies, where possible, to relinquish public lands to private ownership prior to acquiring new lands, thus protecting the affected local property tax base and stabilizing local property tax revenue. The fiscal impact is the same to both urban and rural counties where future federal land acquisitions may occur.

**Sponsor(s):** Wayne Butts, Commissioner, Custer County, Idaho
Proposed Resolution Supporting Increased Federal Public Lands Agency Funding

**Issue:** Federal public land agency operating budgets have a substantial impact on county economies. Proposed decreases in these budgets will hurt counties dependent on recreation for jobs and revenue.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to fully fund federal public lands agency budgets in order to ensure the greatest amount of recreational access to federal public lands and to support gateway communities economically reliant on tourism and recreation.

**Background:** Through tourism and recreation programs many counties create and maintain jobs and build revenues for county operations and investments. Future decreases in spending for public lands agencies, as proposed by the current Administration over the past three years, would restrict the continued growth and health of counties heavily dependent on tourism and recreation. Fortunately, Congress has not enacted these proposed reductions, but has increased or at least maintained public lands budgets.

Also, most federal public lands agencies have massive deferred maintenance backlogs. While some progress has been made to address this backlog, much more funding needs to be provided. Substantial US investments in visitor facilities and other infrastructure are being wasted as buildings deteriorate each year.

NACo urges Congress to maintain current funding levels, and if possible, provide additional funding for federal public lands agency operating budgets and for deferred maintenance. These increases are especially critical as several federal agencies accelerate efforts to improve overall forest health management. The National Park Service, the U.S. Forest Service, the U.S. Fish and Wildlife Service and the Bureau of Land Management all have a positive impact on counties with economies heavily dependent on tourism and recreation.

**Fiscal/Urban/Rural Impact:** Increased funding for federal public lands agencies will enable US counties to build their recreation-based economies, including adding jobs and expanding businesses through increased tourism and visitation.

**Sponsor(s):** Bob Gardner, Supervisor, Mono County, Calif.

Proposed Resolution Supporting Robust Remediation of Abandoned Uranium Mines as a Critical Priority for the United States

**Issue:** Throughout numerous counties across the nation, for example the Navajo Nation within the Four Corners area, abandoned uranium mines continue to jeopardize public safety and the environment. Uranium mining has resulted in elevated uranium and radon radiation levels at over 400 locations on the Navajo Nation.
Proposed Policy: The National Association of Counties (NACo) urges Congress to enact legislation for the aggressive treatment of abandoned uranium mines across the United States to protect public health and the environment.

Background: Beginning in the 1940s, nearly four million tons of uranium ore were mined at various locations throughout the Navajo Nation's 27,000 square mile reservation. Uranium mining has resulted in elevated uranium levels at over 400 locations on the Navajo Nation, which will take additional time to address. In June 2008, the U.S. Environmental Protection Agency (EPA), in partnership with the Department of Energy (DOE), the Bureau of Indian Affairs (BIA), the Indian Health Service (IHS) and the Nuclear Regulatory Commission (NRC) finalized a five-year plan (2008-2012) for cleaning up abandoned uranium mines on the Navajo Nation. The plan, requested by the House Committee on Oversight and Government Reform, was the first coordinated approach created by the five federal agencies. The plan detailed a strategy and timeline for cleanup over the next five years. Between 2008 and 2012 EPA, BIA, NRC, DOE, IHS and the Agency for Toxic Substance and Disease Registry (ATSDR) spent more than $100 million to address uranium contamination on the Navajo Nation. These six Federal agencies have drafted a Five-Year Plan (2014-18) to address uranium contamination the Navajo Nation.

Fiscal/Urban/Rural Impact: Remediation of abandoned uranium mines is a rural issue which will need federal government investment to resolve.

Sponsor(s): Lena Fowler, Chair, Coconino County, Ariz.; Art Babbott, Supervisor, Coconino County, Ariz.; Liz Archuleta, Supervisor, Coconino County, Ariz.; Matt Ryan, Supervisor, Coconino County, Ariz.; Jim Parks, Supervisor, Coconino County, Ariz.

Proposed Resolution Supporting the Use of Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Grant Funding to Engage in Forest Thinning and Restoration Activities on Public and Private Lands

Issue: The need for adequate, robust and timely forest restoration to mitigate the threat of future catastrophic crown fires and reduce the risk associated from post wildfire flooding and debris flow events is critical to reducing the threat to public safety that many western forested counties confront.

Proposed Policy: The National Association of Counties (NACo) calls on Congress to pass legislation increasing appropriations for and allowing the use of Federal Emergency Management Agency (FEMA) pre-disaster mitigation grant funding for forest thinning and restoration activities, including using FEMA flood mitigation assistance for forest restoration to reduce the threat of catastrophic fire, post wildfire flooding and debris flows.

Background: In 2010, the human-caused Schultz Fire on the Coconino National Forest northeast of Flagstaff, Arizona burned a total of 15,075 acres on its first day. Over a thousand residents were evacuated from nearby housing developments during the fire. Ultimately, no structures were directly impacted from the fire. However, following the fire, heavy rains from the 4th wettest monsoon on record resulted in debris flows, erosion, and substantial flooding of downstream residential areas. Up to four miles downstream from the burn area, multiple sediment and ash containing floods caused extensive damage to neighborhoods, homes, property, and infrastructure.
Worse, a life was lost by this tragic fire. The costs associated with the fire were staggering and estimated to cost between $133 million and $147 million by Northern Arizona University’s Ecological Restoration Institute. The costs associated with restoring an area the size of the Schultz Fire burn area would be between $2,250,000 and $15,000,000. If 15,000 acres had been thinned at $1,000 per acre, the cost would have been about 10.21 percent of the total high estimate cost of the Schultz Fire. If only 30 percent of 15,000 acres had been treated at $500 per acre, the cost would have been about 1.69 percent of the total low estimate cost of the Shultz Fire.

In 2018, a study by the conducted by Northern Arizona University and the Alliance Bank Economic Policy Institute found that potential damages from a catastrophic wildfire and subsequent post wildfire flooding and debris flows in the Bill Williams Mountain watershed could cost between $379 million and $694 million. However, the Kaibab National Forest estimates the costs of forest restoration on the mountain between $8 million to $10 million, which is a substantially smaller price to pay than the hundreds of millions of dollars lost in post wildfire flooding and debris flows.

Fiscal/Urban/Rural Impact: The use of FEMA pre-disaster mitigation grant funding to engage in forest thinning and restoration activities, including using FEMA flood mitigation assistance, for forest restoration would both positively impact rural and urban areas by reducing the threat of catastrophic fire and post wildfire flooding and debris flows. The return on investment (ROI) is significant as illustrated in both the study of the Schultz Fire and the recent study conducted by Northern Arizona University’s Alliance Bank Economic Policy Institute. Thus, it is recommended that NACo and its members support efforts in federal investments in pre-disaster mitigation grant funding.

Sponsor(s): Lena Fowler, Chair, Coconino County, Ariz.; Art Babbott, Supervisor, Coconino County, Ariz.; Liz Archuleta, Supervisor, Coconino County, Ariz.; Matt Ryan, Supervisor, Coconino County, Ariz.; Jim Parks, Supervisor, Coconino County, Ariz.

Proposed Resolution Supporting Federal Funding to Promote and Expedite Building Forest Industry in Regions with Low to No-Value Trees

Issue: The wood products industry is a valued partner in restoring our forests and reducing the threat of catastrophic wildfire. Without a viable wood products industry that can consume the forest products that are removed from the forest through various restoration activities, communities will continue to face an elevated threat of catastrophic wildfire.

Proposed Policy: The National Association of Counties (NACo) supports federal funding to promote and expedite the building of the wood products industry in regions with low to no-value trees to allow consumption of forest products as a pathway to forest restoration and reduction of the risk of catastrophic wildfire.

Background: The reintroduction of the forest industry needs to be a priority for the success of forest restoration, particularly in the Southwest where local forest industry was lost in the 1990s. Arizona, New Mexico and Colorado are in similar situations with regards to the need for a robust forest industry as a critical partner in forest restoration efforts on landscapes with no to low value trees, particularly ponderosa pine vegetation. To attract the forest industry, the obstacles to market
entry must be reduced to remove the impediments to restoration operations. The Forest Service should commit to making policy changes in a timely manner rather than moving the decision up and down the chain of command that ultimately takes several years before a decision is even made.

**Fiscal/Urban/Rural Impact:** Providing incentives for forest industry to return to regions with low to no value timber will cost significant resources, but the return on investment is far greater than reacting to catastrophic wildfire in forests that are in dire need for restoration. The benefits of supporting the forest industry will include both rural and urban communities. Immediately, the impact of providing incentives for the forest industry will impact rural regions as jobs will be created and rural communities will benefit from the successful treatment of the forests. However, the long-term benefits of supporting a robust forest industry will also affect urban areas as public lands are often the recipient of urban tourists. A restored forest is much more likely to survive wildfire and is much more resilient. Ensuring a robust forest industry will help to protect our natural resources and help to safeguard our forests from the threat of catastrophic wildfire.

**Sponsor(s):** Lena Fowler, Chair, Coconino County, Ariz.; Art Babbott, Supervisor, Coconino County, Ariz.; Liz Archuleta, Supervisor, Coconino County, Ariz.; Matt Ryan, Supervisor, Coconino County, Ariz.; Jim Parks, Supervisor, Coconino County, Ariz.

**Proposed Resolution Urging Congress to Support the Return of 40 Percent of Federal Mineral Lease Revenue to the County in Which it Was Generated**

**Issue:** The right for a reasonable share of federal mineral lease and mineral lease bonus revenues to be returned to the counties who are socially or economically impacted by mineral development.

**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 percent 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. 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.

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. 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):** Jeff Rector, Commissioner, Rio Blanco County, Colo.

**Proposed Resolution Urging That U.S. Fish & Wildlife Service Policies Include Counts of Utah Prairie Dogs and Other Threatened and Endangered Species on Private and State Trust Lands as Well as Federal Lands for the Purpose of Measuring the Success of Species Recovery Efforts**

**Issue:** Including inventory counts of recovering Utah Prairie Dogs and other recovering Threatened and Endangered (T&E) Species.

**Proposed Policy:** The National Association of Counties (NACo) urges the U.S. Fish and Wildlife Service (USFWS) to modify its policies to include the counting of Utah Prairie Dogs and other recovering threatened and endangered wildlife on private lands and state trust lands as well as federal public lands for the purpose of measuring the success of species recovery efforts.

**Background:** Many threatened or endangered wildlife species are demonstrated to be recovering much better when periodic counts by USFWS include animals found on private lands and state trust lands as well as federal public lands. The Utah Prairie Dog is an example of this. Counting such species only on federal public lands gives a distorted and scientifically inaccurate scenario. Counting such species on both private lands and state trust lands as well as federal public lands would give a more accurate scientific assessment of the success of overall species recovery efforts.

**Fiscal/Urban/Rural Impact:** Scientific accuracy is enhanced in determining the true recovery scenario for threatened and endangered species when counts include animals on private lands and state trust lands, benefitting both the species and the human environment. This will hasten the conclusion of unnecessary and onerous T&E related restrictions that negatively impact rural counties economically and culturally.

**Sponsor(s):** Leland Pollock, Commissioner, Garfield County, Utah; Darin Bushman, Commissioner, Piute County, Utah

**Proposed Resolution Urging the U.S. Forest Service and the Bureau of Land Management (BLM) to Allow Permitless Gathering of Wood Products from Areas Where Those Products are Already Planned for Controlled Burn, Slashing, Chipping and Other Treatments**

**Issue:** Permitless gathering of wood products by the public off of Forest Service and the Bureau of Land Management (BLM) lands, before the agencies destroy those wood products in a planned treatment project.

**Proposed Policy:** NACo urges the U.S. Forest Service and the Bureau of Land Management (BLM) to give members of the public notice and opportunity for permitless gathering and private
or commercial use of wood products from areas where the agencies are planning controlled burn, slashing, chipping, bull hogging and similar destructive treatments. This permitless gathering of wood products by members of the public would occur during an announced window of time after agency final approval of the treatment project but before the project is actually carried out.

**Background:** Annually the Forest Service and BLM destroy untold volumes of wood products, products that members of the public might otherwise gather and put to use. In cases where wood products have already been approved for agency burn, destruction, chipping, removal or other treatment, it is reasonable and efficient for the Forest Service and the BLM to notify and give members public an opportunity for permitless gathering of those products during an announced window of time between agency final approval of the project and the project’s actual implementation.

**Fiscal/Urban/Rural Impact:** The public’s gathering of wood products prior to a prescribed burn would only reduce fuel load, which could reduce the risk of losing control of that burn. Economic savings to county residents who gather and make use of such forest products. Less burden on the Forest Service and the BLM who have fewer wood products to destroy, remove or otherwise treat.

**Sponsor(s):** Darin Bushman, Commissioner, Piute County, Utah; Leland Pollock, Commissioner, Garfield County, Utah; Mark Whitney, Commissioner, Beaver, Utah

**Proposed Resolution Calling on the U.S. Forest Service to Timely Increase Active Animal Unit Months (AUMs) on Grazing Allotments That Have Undergone Vegetative Treatments or Undergone Conversions Between Cattle and Sheep**

**Issue:** Forest Service’s refusal in many cases to update and increase grazing allotment active Animal Unit Months (AUMs) following vegetative management projects or following the conversion of approved grazing animals between sheep and cattle.

**Proposed Policy:** NACo urges the U.S. Forest Service to timely update and increase active Animal Unit Months (AUMs) on grazing allotments that have undergone vegetative management treatments of any kind, or that have undergone a conversion of approved grazing animals from sheep to cattle or from cattle to sheep, in order to update, reflect and implement the Active AUM carrying capacity of those allotments for the operator. If any studies and reports are necessary, such as occupancy studies or National Environmental Policy Act (NEPA) related studies, then the Forest Service should commence those studies immediately after the vegetation project or conversion in question has been completed. NACo also urges the U.S. Forest Service to include grazing and Active AUM impact analyses within NEPA and other environmental studies conducted before vegetative treatments.

**Background:** Many vegetative treatments are happening for Forest Service allotments. Sheep to cattle and cattle to sheep conversions are being approved for some allotments. But Forest Service in many cases have arbitrarily stalled and outright refused to update active AUMs to reflect these changes. In some cases, the Forest Service claims the need to conduct studies first, such as occupancy studies and NEPA studies, but then the agency stalls for years to commence those studies. This stalling and inaction effectively negate the good grazing related benefits of the vegetative treatments.
Fiscal/Urban/Rural Impact: Protect urban and rural communities westwide from damage to the livestock industry and the economy and local customs and way of life due to the lack of a Forest Service commitment to recognize the results of vegetation treatment projects and grazing conversions.

Sponsor: Darin Bushman, Commissioner, Piute County, Utah; Leland Pollock, Commissioner, Garfield County, Utah; Bruce Adams, Commissioner, San Juan County, Utah; Mark Whitney, Commissioner, Beaver County, Utah; Tammy Pearson, Commissioner, Beaver County, Utah

Proposed Resolution Urging the U.S. Forest Service to Address its Backlog of Needed Restorations and Replacements of Aging and Deteriorating Grazing Infrastructure

Issue: Aging and deteriorated grazing infrastructure on U.S. Forest Service (USFS) allotments nationwide, where fences, stockwatering fixtures for catchment, conveyance and access, and other grazing related infrastructure on USFS lands have deteriorated beyond the ranching operators’ ability to perform routine maintenance on them.

Proposed Policy: The National Association of Counties (NACo) supports legislation and cabinet-level administrative orders to require the U.S. Forest Service to inventory the backlog of needed restorations, replacements and repairs of aging and dilapidated grazing infrastructure, such as fences, stockwatering fixtures for catchment, conveyance and access, etc., that have deteriorated so badly as to be no longer maintainable by the ranchers on a routine basis, and require regional foresters to devise and carry out region-by-region plans to prioritize and address this backlog.

Background: U.S. Forest Service grazing permitees (ranchers) carry out routine maintenance on Forest Service grazing infrastructure such as fences and stockwatering systems. But much of this infrastructure has aged and deteriorated over the decades, to the point it is no longer maintainable by the ranching operators. It is well past time for the U.S. Forest Service to step up and provided major overhauls and outright replacement of infrastructure in many cases.

Forest Service should follow the example of former Secretary of the Interior Ryan Zinke, who ordered a nationwide systematic inventory and catalogue of similar needed actions, and a plan for addressing backlog. The plans to address this U.S. Forest Service inventoried backlog could be carried out on a region by region basis within the system of national forests.

Fiscal/Urban/Rural Impact: Protect urban and rural communities westwide from damage to property, the economy and local customs and way of life due to the lack of a U.S. Forest systematic plan to keep grazing infrastructure maintainable.

Sponsor(s): Darin Bushman, Commissioner, Piute County, Utah; Leland Pollock, Commissioner, Garfield County, Utah; Bruce Adams, Commissioner, San Juan County, Utah; Mark Whitney, Commissioner, Beaver County, Utah; Tammy Pearson, Commissioner, Beaver County, Utah
Proposed Resolution Urging the Bureau of Land Management (BLM) to Follow Federal Land Policy Management Act (FLPMA) and Place Maximum Feasible Reliance on the Local County Sheriff for all the BLM’s Law Enforcement Needs, Before Deploying BLM Law Enforcement Officers, or in the Alternative Urging Congress to Abolish the BLM’s Law Enforcement Program If the BLM Will Not Follow FLPMA’s Direction

Issue: The Bureau of Land Management (BLM) has not followed the direction of the Federal Land Policy Management Act (FLPMA) to place maximum feasible reliance on available local law enforcement including county sheriffs and their officers for all the BLM’s law enforcement needs, before the BLM deploys its own law enforcement officers.

Proposed Policy: The National Association of Counties (NACo) urges all The Bureau of Land Management (BLM) field offices, district offices and state offices to follow the Federal Land Policy Management Act’s (FLPMA) direction in 43 U.S.C. 1733(c)(1) to achieve maximum feasible reliance upon willing and available local law enforcement officials in enforcing federal land management laws and regulations, paying fair amounts for available sheriff services pursuant to contracts entered into for those services, before the BLM deploys its own law enforcement officers. If the BLM refuses to follow FLPMA’s direction in this regard, then NACo urges Congress to amend 43 U.S.C. 1733(c)(1) to abolish the BLM law enforcement program altogether and require the BLM to turn to County sheriffs for all law enforcement assistance pursuant to fair contracts to pay for sheriff services.

Background: BLM’s law enforcement operations are fraught with too many cases of officer misconduct and mishandled investigations, investigations which County Sheriff’s offices are inherently more capable of handling professionally and competently. Combining resource management and criminal law enforcement in one land management agency has proven unworkable over the years. This is why FLPMA was enacted in 1976 on the assumption that the BLM would take seriously FLPMA’s direction in 43 U.S.C. 1733 to achieve maximum feasible reliance on local law enforcement to enforce the BLM’s land management laws and regulations. County Sheriffs should not be forced to enter into such contracts unless they have resources available at their disposal to meet the BLM’s law enforcement needs and unless the Sheriff’s offices are fairly compensated for their services pursuant to contract.

Fiscal/Urban/Rural Impact: The burden on local citizens of being subjected to law enforcement practices of unknown and unaccountable BLM officers. The value to local citizens of having local accountable Sheriffs and Sheriff deputies handle law enforcement matters.

Sponsor(s): Leland Pollock, Commissioner, Garfield County, Utah; Darin Bushman, Commissioner, Piute County, Utah; Tammy Pearson, Commissioner, Beaver County, Utah; Mark Whitney, Beaver County, Utah, Brad Horrocks, Uintah County, Utah, Bruce Adaams, San Juan County, Utah.
Proposed Resolution Urging Congress to Prevent the Establishment of a National Monument in a State Without That State’s Approval

Issue: The growing abuse of the Antiquities Act of 1906 to enable huge national monuments, amounting to one-sided presidential lockups of public lands with no input from Congress or the affected States and counties.

Proposed Policy: The National Association of Counties (NACo) supports congressional legislation modifying the Antiquities Act to prevent designating a national monument in a State without that state’s approval.

Background: Although the Antiquities Act of 1906 gives the president the power to declare a national monument, the original intent was to protect distinct archeological resources of the southwest and to limit the monuments to very small geographic areas. Over the years, that limited power has morphed into huge presidential land grabs with no input from Congress or the states and counties most impacted by the designation. Because of past abuses of the Antiquities Act in Wyoming and Alaska, legislators from those states were successful in exempting those states from the Antiquities Act. The present resolution supports NACo giving all states the option to accept or reject proposed national monument designations.

Fiscal/Urban/Rural Impact: Reduce impacts to local economies and local customs and way of life. Free up BLM lands for multiple use and eventual release from special designations.

Sponsor(s): Leland Pollock, Commissioner, Garfield County, Utah; Darin Bushman, Commissioner, Piute County, Utah; Tammy Pearson, Commissioner, Beaver County, Utah; Mark Whitney, Beaver County, Utah; Brad Horrocks, Uintah County, Utah; Bruce Adams, San Juan County, Utah; Jack Lytle, Dagget County, Utah

Proposed Resolution Supporting Presidential Proclamation 9682 Dated December 4, 2017 That Modified and Reduced the Boundary and Size of the Grand Staircase-Escalante National Monument Under the Authority of the Antiquities Act

Issue: The President’s authority to act on December 4, 2017 under the Antiquities Act to modify and reduce the boundaries and size of one national monument in southern Utah, over a million acres in size, and to order a new management plan for the reduced monument, done at the behest of the State and county wherein the national monument is located.

Proposed Policy: The National Association of Counties (NACo) supports, in light of the unified support that came from the government leaders of the affected state, the county wherein the monuments are located, as well as the state’s congressional delegation, the actions and proclamation of the President on December 4, 2017 to modify and reduce the boundaries and size of the Grand Staircase-Escalante National Monument, designated in 1996, under the authority of the Antiquities Act that requires any reservation of land as part of a national monument be confined to the smallest area compatible with the proper care and management of the objects of historic or scientific interest to be protected, and to order the issuance of a new management plan for the reduced monuments.
Background: Of the approximately 1.7 million acres originally designated in 1996 as the Grand Staircase-Escalante National Monument, the President in proclamation 9682 dated December 4, 2017 found that approximately 861,874 acres are no longer necessary for the proper care and management of the objects to be protected within the monument. This action had the support of Utah’s governor and legislature, the county commissions of Garfield and Kane Counties, Utah wherein the Grand Staircase-Escalante National Monument is located, and all members of Utah’s congressional delegation.

Fiscal/Urban/Rural Impact: Reduce impacts to local economies and local customs and way of life. Free up BLM lands for multiple use and eventual release from special designations.

Sponsor(s): Leland Pollock, Commissioner, Garfield County, Utah; Darin Bushman, Commissioner, Piute County, Utah; Tammy Pearson, Commissioner, Beaver County, Utah; Mark Whitney, Beaver County, Utah; Brad Horrocks, Uintah County, Utah

Proposed Resolution on the Council of Environmental Quality’s Revisions to the National Environmental Policy Act Implementing Regulations

Issue: The Council of Environmental Quality (“CEQ”) is in the process of updating its National Environmental Policy Act (“NEPA”) implementing regulations.

Proposed Policy: The National Association of Counties (NACo) supports revising NEPA implementing regulations to require federal agencies to regularly provide meaningful opportunities for states and counties to be involved in the NEPA process for planning and projects on federal lands that may affect the economy, society and culture of constituents. NACo asks that the CEQ work closely with state and local governments to revise the NEPA regulations.

Background: NEPA, passed in 1970, establishes a process by which federal agencies must consider the potential impacts of proposed projects on the environment. To oversee implementation of the Act, NEPA also established the CEQ, the federal agency charged with developing regulations for the implementation of NEPA. NEPA regulations have been substantively updated only once since 1978.

NEPA provides that it is the “continuing policy of the federal government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” (42 U.S.C. § 4331(a)).

Despite NEPA’s policy of including state and local governments in the NEPA process, the existing NEPA regulations do not require federal agencies to provide counties with meaningful opportunities for cooperation and collaboration in decision-making on public lands. Further, the NEPA process is often duplicative, inefficient and time consuming.


2019 NACo Annual Conference – Proposed Resolutions and Platform Changes
Infrastructure Projects.” EO 13807 directs the CEQ to enhance and modernize federal environmental review. In response to EO 13807, CEQ issued an advance notice of proposed rulemaking, soliciting comments on potential revisions to update and clarify NEPA regulations.

NACo submitted comments in response to CEQ’s request on August 20, 2018. CEQ is now in the process of reviewing comments and considering whether and how to update the NEPA regulations.

**Fiscal/Urban/Rural Impact:** Support for the proposed revision to NEPA implementing regulations will increase the opportunity and role of local governments in the rulemaking process. Revising the NEPA regulations to be more inclusive of counties in the NEPA process will give counties more opportunities to be involved in federal decision-making processes.

**Sponsor(s):** Joel Bousman, Commissioner, Sublette County, Wyo.; Terrence Wolf, Commissioner, Washakie County, Wyo; Wyoming County Commissioners Association

**Proposed Resolution Supporting a Coordinated Effort Between Federal, State and County Officials to Eradicate the Spotted Lanternfly (Lycorma delicatula), an Invasive Species Plaguing the Mid-Atlantic States**

**Issue:** The spotted lanternfly was accidentally introduced to Berks County, Pennsylvania in September 2014 through an international shipment from Asia. Since then, the invasive species has caused significant agricultural, environmental and economic damage, especially harming the grape industry and other businesses in the Mid-Atlantic United States. Because the spotted lanternfly is attracted to and takes nourishment from the “Tree of Heaven” (Ailanthus) in order to procreate—an invasive plant found in nearly 90 percent of the United States—most of the nation is threatened by this invasive insect.

**Proposed Policy:** The National Association of Counties (NACo) supports a coordinated effort between the federal, state and local governments to eradicate the spotted lanternfly, an invasive species that targets important agricultural and forest commodities as well as quality of life issues. NACo also calls on the federal government to provide significant financial resources to assist the Commonwealth of Pennsylvania and county governments in combating the spread of this invasive species.

**Background:** The spotted lanternfly is native to Southeast Asia and can thrive within a wide range of host plants. It was accidentally introduced to South Korea in 2006 and is known to have attacked at least 65 different plant species. It was first identified in Berks County, Pennsylvania in September 2014, and has expanded dramatically. This is the only known infestation in the western hemisphere.

**Fiscal/Urban/Rural Impact:** Of particular concern is the spotted lanternfly’s damage to grape crops, hops, hardwoods, and orchard trees in Pennsylvania. In the hardest hit regions outdoor activities are virtually impossible during the adult stage due the number of insects and the “honey dew” secretions they spray. This secretion causes “sooty mold” on leaves and the ground surrounding trees, and coats decks and other surfaces with a substance that is difficult to remove. The United States Department of Agriculture (USDA) and Pennsylvania Department of...
Agriculture have coordinated efforts to combat this invasive species. USDA has issued warnings at ports of entry throughout the United States to inspect for the spotted lanternfly. It will take an intergovernmental and interdepartmental approach to eradicate the spotted lanternfly, including a significant financial investment estimated at $40 million.

**Sponsor(s):** Christian Y. Leinbach, Commission Chairman, Berks County, Pa.

**Proposed Resolution Urging Congress to Amend and Update the Endangered Species Act of 1973**

**Issue:** The Endangered Species Act (ESA) of 1973 has not been significantly modified in 40 years.

**Proposed Policy:** The National Association of Counties (NACo) urges the Congress of the United States to amend the Endangered Species Act (ESA) to reflect its intended purpose "to protect endangered species and the ecosystems on which they depend" and to ensure that the rights of people are also protected.

**Background:** The ESA was adopted in 1973 and the Act is in need of updating. Through the 40 plus years of the ESA, Federal courts have liberally interpreted the Act, which in turn, has caused a loss of billions of dollars to state and local governments. The ESA has failed to protect and restore viable populations of endangered species as the law intended.

The ESA needs to be amended in the following manner:

1. Favor decisions to list plant or animal species as threatened or endangered (T&E listing decisions) that are made through best available science with increased transparency and timelines for decisions.
2. In states where the proposed Federal land use plan amendment and the state species management plan are inconsistent, postpone T&E listing decisions for a period of at least six years or until the plans become consistent.
3. Encourage or direct the Secretary of Interior (Secretary) to share critical data, research and scientific information to assist such states and counties in their conservation efforts.
4. Direct federal land management agencies to amend their land use plans to comply with state and county-based conservation efforts.
5. Strengthen the influence of local participation so that local coordination processes and recommended species management policies are not overridden.
6. Authorize the ESA to recognize and allow consideration of the predation of threatened or endangered species by natural events (such as predator impacts, weather-related events and physical health threats) as well as human activities.
7. Revise “taking” definition to protect private property rights in conformance with the United States Constitution.
8. Provide full compensation to individuals for current and long-term takings. Require mandatory costs-benefits analysis for all adverse socio-economic and cultural impacts on the affected human population.
9. Require that the science used to make any determination be subject to independent and objective third party review.
10. Mandate that a listing of endangered species be reviewed every seven years to determine if a listing is still 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 interstate 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, Commissioner, Chaves County, N.M.

### Proposed Resolution on Amendments to PILT Population Caps

**Issue:** Counties, Boroughs, Townships, and Parishes with populations of under 5,000 have monetary caps within the Payment in Lieu of Taxes (PILT) formula that place them in an unfavorable position in relation to counties with populations greater than 5,000.

**Proposed Policy:** The National Association of Counties (NACo) supports amending the Payment in Lieu of Taxes (PILT) formula to extend the population multipliers to include additional multipliers for local governments with populations in the range of 4,000; 3,000; 2,000; and 1,000. The increase in the 4,000 multipliers would have the same ratios as the difference in 50,000 and 40,000 population when compared to 5,000 population. The increase in the 3,000 multipliers would have the same ratios as the difference in 40,000 and 30,000 population when compared to 4,000 population. This will continue on for counties with 1,000 and less population. All local governments would have a minimum payment no less than the population cap of local governments of 1,000 population.

**Background:** In October of 1976, Congress passed Public Law 94-565, commonly referred to as the "Payments in Lieu of Taxes Act" (PILT). This Act provides for payments to local units of government containing certain federally owned lands. At the establishment of the current PILT, Congress put together a very complicated formula with deductions and caps. These restrictions were added to reduce amounted paid out because $100 million was the allowed amount. NACo has policy to decouple Prior Year Payments (deductions), but has never addressed the "population caps."

Currently, counties under 5,000 have to use the same multiplier as those with a population of 5,000. To show how unfair this is look at the following example. If a county of 10,000 had to use the
same multiplier as a county of 50,000, their population cap would be reduced by 43 percent. So, if a county with a population of 10,000 currently has a cap of $1,000,000, that would be reduced to $570,000.

The above example is what happens to every local government with a population of less than 5,000 that qualify for PILT payments.

Population caps does not mean a county receives those population cap amounts. In order for population caps to come into play, enough qualified federal land acres must be within the said local government's jurisdictional boundaries.

**Fiscal/Urban/Rural Impact:**

1) This amendment would have no negative impacts to any counties in context of the proposed said amendment and current statute.

2) According to the Department of Interior calculations, 46 counties would have received an increase in PILT payments in FY 2014 with populations less than 5,000. This may vary from year to year because of fluctuation of Prior Year Federal Revenue Sharing dollars.

3) According to the Dept. of Interior, in FY 2014 this would have been an increase in PILT dollars, nationwide, of $3,663,349.

4) Would also give more certainty to rural counties when anticipating non-tax revenue for budgets.

**Sponsor(s):** Todd Devlin, Commissioner, Prairie County, Mont.

**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:** On October 21, 1976 the Federal Land Policy Management Act of 1976 (FLPMA) was passed and signed by the President. In that law it allows for wilderness characteristic inventory that would to be implemented to accomplish the intent and goals of the Wilderness Act of 1964:

Sec. 603. [43 U.S.C. 1782] (a) Within fifteen years after the date of approval of this Act, the Secretary shall review those roadless areas of five thousand acres or more and roadless 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.

**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): Todd Devlin, Commissioner, Prairie County, Mont.

**Proposed Resolution to Cease Wilderness Characteristic Inventory in Alaska**

**Issue:** Federal Land Policy Management Act of 1976 still allows wilderness characteristic inventory in Alaska that is not allowed in the lower 48 and Hawaii.


**Background:** On October 21, 1976 the Federal Land Policy Management Act of 1976 (FLPMA) was passed and signed by the President. That law allows for wilderness characteristic inventory that would be implemented to accomplish the intent and goals of the Wilderness Act of 1964. The federal land management agencies acknowledged that they would not be able to complete the wilderness characteristic inventory within the statutory timeline of 15 years that ended on October 21, 1991. An amendment was added to FLPMA in 1980 that allowed continued wilderness characteristics inventory after 1991 for Alaska only. The two parts of FLPMA that address wilderness characteristics are included below.

Sec. 603. [43 U.S.C. 1782] (a) Within fifteen years after the date of approval of this Act, the Secretary shall review those roadless areas of five thousand acres or more and roadless 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. Sec 603. 43 U.S.C. 1784. Lands in Alaska; Bureau of Land Management Land Reviews.

[P.L. 96-487, title XIII, §1320, 1980]: Notwithstanding any other provision of law, section 1782 of the Federal Land Policy and Management Act of 1976 shall not apply to any lands in Alaska. However, in carrying out his duties under sections 1711 and 1712 of this title and other applicable laws, the Secretary may identify areas in Alaska which he determines are suitable as wilderness and may, from time to time, make recommendations to the Congress for inclusion of any such areas in the National Wilderness Preservation System, pursuant to the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.]. In the absence of congressional action relating to any such recommendation of the Secretary, the Bureau of Land Management shall manage all such areas which are within its jurisdiction in accordance with the applicable land use plans and applicable provisions of law.

**Fiscal/Urban/Rural Impact:** No fiscal impacts to local government.

Sponsor(s): Todd Devlin, Commissioner, Prairie County, Mont.
Proposed Resolution Supporting the Utilization of Domestic Livestock Grazing as a Cost-Effective and Viable Method for Hazardous Fuels Reduction Goals in Executive Order 13855, Promoting Active Management of America's Forests, Rangelands and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk

**Issue:** Allowing grazing as an acceptable form of active forest and vegetation management to reduce hazardous fuel loads.

**Proposed Policy:** The National Association of Counties (NACo) urges the Trump Administration to instruct federal land management agencies to utilize domestic livestock grazing as a cost-effective and viable method of hazardous fuels reduction on public lands in the West. In accordance with Executive Order 13855, counties urge the administration to require agencies to reactivate all suspended non-use Animal Unit Months (AUMs) when requested by permittees, unless the agencies can produce peer-reviewed, irrefutable scientific evidence that doing so would be detrimental to the range. Additionally, counties recommend that all grazing permits be treated as outcome-based in order to grant federal agencies greater flexibility to respond to conditions on the ground.

**Background:** Wildfires burned 8.6 million acres of land nationwide during the 2018 fire season, threatening the lives, property, and livelihoods of the residents of public lands counties. Fire suppression costs to federal land agencies for the 2018 fire season were approximately $2 billion on top of the untold billions of dollars lost to local economies.

Scientific studies prove that livestock grazing is the most effective means of reducing fuel loads in fire-prone ranges and targeted grazing also has been proven to be effective at reducing the severity and spread of fire in areas dominated by cheatgrass. Additionally, increased grazing could be a net revenue source for federal land management agencies as permit fees are paid and economic activity intensifies.

**Fiscal/Urban/Rural Impact:** Reduced fuel loads on federal lands can reduce the threat and intensity of wildfire, which reduce the amount federal agencies spend on wildfire suppression. Increased grazing could be a net revenue source for the federal government as permit fees are paid and economic activity intensifies.

**Sponsor(s):** Commissioner Rex Steninger, Elko County, Nev.

---

Proposed Resolution Regarding Wildland Fire Regulations and Policies

**Issue:** Federal agencies, including the United States Forest Service (USFS) and the Bureau of Land Management (BLM), have adopted regulations, policies, and guidelines that allow lightning-caused fires to burn on Federal lands at all times and that permit the use of prescribed fires, regardless of ignition source, on Federal lands at all times. (See, e.g., Federal Wildland Fire Management Policy & Program Review, December 18, 1995 and Guidance for Implementation of Federal Wildland Fire Management Policy, February 13, 2009).
**Proposed Policy:** The National Association of Counties (NACo) supports greater coordination between federal land management agencies and local governments in implementing wildland fire suppression policies and strategies, with the understanding that a blanket, one-size-fits-all policy is untenable on diverse landscapes. Federal agencies must work with local governments to accomplish their (Federal agencies) land management goals, including wildfire suppression and risk reduction, and ensure such efforts do not jeopardize the health, safety, and welfare of local residents.

**Background:** The Federal Government owns significant percentages of the land in the Western States. In Nevada, 84.9 percent of the State is in Federal ownership; Utah, 64.9 percent; Idaho, 61.6 percent; Alaska, 61.2 percent; Oregon, 52.9 percent; Wyoming, 48.1 percent; California, 45.8 percent; Arizona, 38.6 percent; Colorado, 35.9 percent; New Mexico, 34.7 percent; Montana, 29.0 percent; and Washington, 28.5 percent. The Western States have suffered historic wildfires over the past several years, a significant portion for which the source of ignition is on Federal lands. These wildfires, the related smoke, and other impacts have a dramatic impact on the health, safety, and welfare of the residents of these states.

USFS and BLM policies and guidelines allowing these wildfires to burn and to authorize the management ignition of additional wildfires during a declared wildfire season have significant negative impacts on the residents of these States. Residents’ real and personal property and health are put at an enhanced risk when wildfires are allowed to burn and prescribed fires are allowed to be ignited during a State-declared wildfire season. While prescribed burns are useful management tools for Federal agencies, such burns should not be permitted when residents’ health, safety, and welfare are already at jeopardy due to wildfire season conditions.

**Fiscal/Urban/Rural Impact:** Counties should not see any additional fiscal impacts. This Resolution does not seek to require additional resources be appropriated for Federal agency actions. The urban and rural citizens’ health, safety, and welfare would be enhanced by directing Federal agencies to focus on extinguishing fires during the enhanced risks associated with a State-declared fire season.

**Sponsor(s):** Colleen Roberts, Commissioner, Jackson County, Ore.
TELECOMMUNICATIONS AND TECHNOLOGY

PROPOSED PLATFORM CHANGES

Proposed Platform Changes Under “Statement of Basic Philosophy,” Subsection E.
Wireless Communications Facilities Siting and Subsection J. Broadband Deployment and Adoption

STATEMENT OF BASIC PHILOSOPHY

Counties play a major role in the nation’s communications system as regulators, service providers, and consumers of communications services. County officials have a responsibility to ensure that the public interest is being served by communications providers, regardless of the delivery platform. The social goals and public good expected from our citizens must be ensured. This includes public educational government access, public and homeland security matters, and protecting the interests of special needs citizens.

Expanding communication has become a critical component of a successful economic development policy, as counties work to Access to affordable high-speed internet is critical to attract and retain skilled jobs and industries, and counties labor and industries, as first responders to homeland security threats and events. Additionally, homeland security requires has required a much wider an integral role for counties in securing the Nation. Adequate communications systems and information access are vital to meet this growing important responsibility. It is therefore imperative that county officials play an key increasing role in the future of communications policy.

E. Wireless Communications Facilities Siting: Counties have a regulatory role regarding the siting of tower and antenna facilities. With the exception of decisions based on the health effects of radio frequency (RF) emissions, local authority is preserved with minimal limitations supporting nondiscriminatory, timely action. Even in the case of RF emissions, the law clearly requires that the facilities operate in compliance with RF emission standards.

NACo believes any disputes between counties and the industry should continue to be resolved in the courts on a case-by-case basis. No federal actions should undermine local government’s zoning authority.

Counties have an obligation to their constituents to ensure that, to the extent possible, the public health, safety and welfare are not endangered or otherwise compromised by the construction, modification or installation of broadcast facilities towers. NACo believes nothing should preempt local government authority to reject new tower sitting applications upon finding of adequate existing facilities.

NACo supports policy and/or legislation giving more consideration to public health and safety needs when locating cell towers broadcast facilities on public lands in rural areas with little or no service.
J. Broadband Deployment and Adoption: NACo strongly supports legislation and administrative policies that help counties rapidly expand public-private partnerships and to attract affordable, abundant, redundant and reliable high-speed broadband services that meet or exceed federal broadband speed definitions regardless of population or technology used. NACo supports legislation and/or policy that achieves any of the following: streamlined federal ROW and permitting processes for structures on lands controlled by any federal agency; access to federally owned dark fiber for use by government or quasi-governmental organizations; location maps and open access to broadband infrastructure that deployed with public funds; creation of fair refusal of service process where the incumbent has the option to provide service at the same level as a new deployment serving a high cost or underserved area within 180 days or must get out of the way; development of fiber optic broadband infrastructure where public funds are used; and a minimum broadband speed requirement of 25Mbps down and 3Mbps up. This also includes supporting legislation that provides tax credits to telecommunications providers that develop broadband in rural and underserved communities, and provides for broadened eligibility and additional federal agency loan authority or extension of credit to telecommunications providers that deploy broadband in rural communities.

In supporting expanded broadband service, where minimum broadband speeds are achieved, NACo shall maintain a neutral position on the differing technologies and policy initiatives promoted by the various elements of the communications industry that are seeking to obtain a competitive advantage in retaining or expanding market share. NACo believes all levels of government should work cooperatively with the private sector, nonprofits, and academia to develop robust awareness, adoption, and use programs for broadband.

Sponsor(s): Jason Brinkley, County Judge, Cooke County, Texas

PROPOSED POLICY RESOLUTIONS

Proposed Resolution Calling on Congress to Actively Engage Counties Prior to Developing 5G Wireless Infrastructure

Issue: As Congress works on legislation to help grow our nation’s wireless broadband infrastructure, it is imperative that they engage local leaders to ensure that new wireless infrastructure built on locally owned property is done so with the prior approval of the governing jurisdiction, and does not preempt or limit local zoning authority.

Proposed Policy: The National Association of Counties (NACo) urges Congress to work with local officials when drafting legislation that would encourage the use of locally owned land, including public rights-of-way, to build new wireless infrastructure including fifth generation (5G) wireless networks. NACo further urges Congress to oppose any legislative or regulatory proposals that would limit, or preempt local zoning authority, or the ability of local governments to charge reasonable fees for the use of locally owned land to build wireless infrastructure.

Background: The deployment and constructions of next generation 5G wireless telecommunications networks requires the use of either publicly or privately-owned land. In instances where locally owned land, including rights-of-way, are deemed necessary to build such
networks it is imperative that Congress does not pass legislation that limits the rights of local
governments to manage land use within their jurisdictions.

Fiscal/Urban/Rural Impact: If Congress takes legislative or regulatory action that limits the
authority of local governments in land use, or zoning decisions it would also limit the ability of
local governments to charge the builder of such infrastructure for the use of the locally owned land
asset.

Sponsor(s): Jason Brinkley, County Judge, Cooke County, Texas

Proposed Resolution in Support of Empowering Counties to Be Active in the Deployment
and Operations of High-Speed Internet

Issue: High-speed internet is an essential element to modern commerce but local governments in
many states are prohibited from being an active participant in the deployment of these services.

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 is becoming as essential as sewer, water and roads to the
commerce of our nation but unlike these classic infrastructures, the private sector does an
admirable job of supplying it in most cases. There are however specific areas in many counties
where due to terrain, low population density or other situation which contribute to a low potential
return on investment that 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 from providing
water and sewer, it needs to be an option for counties to consider in underserved areas. In some
cases, the successful deployment may only require the use of a county owned asset such as a tower
or existing microwave system. It may be as simple as the county laying in fiber as a part of their
road maintenance and then leasing the fiber to an ISP or in some cases; the county may have to
build the entire infrastructure needed to fill the gaps between commercial coverage. Although
NACo does not endorse the concept of all counties becoming ISPs we do support local
government’s ability to enter into cooperative agreements with the private sector and if necessary,
act as a public utility to provide this crucial service.

Accordingly, we call on our member’s state associations to work to repeal any laws that restrict
their counties’ activities concerning supplying Internet services. Further, we call for the federal
government to remove any restrictions on the use of federally funded infrastructure for the
providing of internet service in underserved areas so long as this use would not adversely affect
national security.

This policy is currently contained in the NACo Telecommunications and Technology policy
statements.
Fiscal/Urban/Rural Impact: The global economy, healthcare delivery systems, emergency response systems and many aspects of our daily lives are now dependent on instant information access via wired and wireless broadband communications. The success of our local economies is increasingly influenced by the connectivity that our community enjoys. Those communities who lag in this arena are at a disadvantage economically, socially and educationally. The fiscal and human capital penalty to an area that is connectivity underserved is growing with each passing year. High-speed internet access is rapidly transitioning from a luxury to a basic essential.

Sponsor(s): Joe Briggs, Commissioner, Cascade County, Mont.

Proposed Resolution Encouraging Congress to Undertake a Systemic Rewrite of the Telecommunications Act of 1996

Issue: The Federal Telecommunications Act has not been updated by congress since 1996. Since that time, there have been substantial changes in not only the telecommunications technology in use but the also the manner it is used in daily life. The lack of congressional attention to this matter has placed an inordinate burden on the Federal Communications Commission (FCC) to set policy that is better suited to our elected representatives.

Proposed Policy: The National Association of Counties (NACo) believes that the time has come for Congress to engage in a systemic rewrite of the Telecommunications Act of 1996. We believe this action is necessary to realign the telecommunications policies of the United States to match current and developing technologies.

Additionally, we believe that NACo can be a valuable resource during this process due to our unique relationship with this issue. NACo and its members are not only critical users of these Telecommunications systems, elected representatives of the consumers of these systems, facilitators of deployment of these systems but also in some states, regulators of these systems.

Background: In the years since 1996 we have seen revolutionary change in telecommunications in general but particularly in the area of personal communications. In 1996 when the latest revision of the Telecommunications Act was passed the internet was largely still as dream rooted in military circles and academia. Cell phones were analog, uncommon and limited to making and receiving voice calls. These bulky devices were a far cry from today’s smart phones both in size and usefulness and the concept of wirelessly streaming on demand video was science fiction.

In the intervening years since 1996 the FCC and other regulatory agencies have done an admirable job of attempting to fit modern services within woefully out of date statutory definitions and policies but this has become increasingly difficult. The advent of 5g technology and its deployment by local government in the management of its operations creates yet again another set of privacy and access issues not addressed by the Telecommunications Act. The proliferation of the quantity, quality and selection of online content has generated issues such as “net neutrality,” throttling and varying definitions of “high speed” across the regulatory landscape.

The importance of these technologies and the myriad issues they create requires our elected policy makers to reengage and set in place statutes and policies that not only address the current state of technology but also set the framework for future advances.
Further, we believe that NACo members can provide valuable assistance in the drafting of a revised Telecommunications Act and that it needs to be a priority for our association to continue to be involved in this process.

*This policy is currently contained in the NACo Telecommunications and Technology policy statements.*

**Fiscal/Urban/Rural Impact:** The US economy is now tied to the instant communication and information resources made available by our telecommunications system and its continued development and deployment are critical to every county in America.

**Sponsor(s):** Joe Briggs, Commissioner, Cascade County, Mont.

**Proposed Resolution Encouraging Congress to Pass Legislation that Would Ensure Local 911 Service Fees Are Only Used for Emergency Communications**

**Issue:** Funding for 911 comes for a variety of sources, including monthly fees that are set by the state and paid on consumers’ telephone bills. Yet this rate may vary by phone type within a state. As consumers shift their telecommunications preferences from wired to wireless phones, some states have seen a dramatic decrease in dedicated 911 funding as existing statutes have not been updated to account for these shifts. Subsequently, it is not uncommon for the revenue from 911 fees to fall short of the cost of running a 911 call center, also known as a public safety answering point (PSAP). Additionally, many states collect 911 fees and remit the revenues to local governments. However, in 2015 over $220 million in 911 fees were diverted by states throughout the country for purposes other than maintaining and upgrading PSAPs. As counties receive less in dedicated 911 revenue due to both states withholding funds and shifts in telecommunications preferences, they must turn to general fund money.

**Proposed Policy:** The National Association of Counties (NACo) encourages Congress and the Federal Communications Commission (FCC) to adopt legislation or take regulatory action that ensures that fees collected for local 911 services are only used to repair, replace or improve communications technology at our nation’s public safety answering points or 911 call centers.

**Background:** As telecommunications technology for consumers has changed exponentially since the creation of Voice Over Internet Protocol (VOIP) phone services, as well as the expansion of cellular telecommunications and smart phones our nation’s 911 call centers or PSAPs have not kept pace with current technical advances.

Currently, many communities lack the funding necessary to update their PSAPs to receive commonly used digital communications such as: text messages, voice recordings, pictures and videos even though many states already collect 911 services fees directly from consumers that should be used exclusively for updating and maintaining technology at Public Safety Answering Points.

NACo believes that Congress and the FCC should act to ensure that funding intended for technological upgrades at PSAPs can only be used for its designated purpose.
This policy is currently contained in the NACo Telecommunications and Technology policy statements.

Fiscal/Urban/Rural Impact: Increased access to funding for PSAPs across the country will help counties in urban and rural areas upgrade their 911 systems and enable them to receive better information prior to dispatching first responders to the scene of an emergency.

Sponsor(s): Joe Briggs, Commissioner, Cascade County, Mont.

Proposed Resolution Encouraging Congress to Pass Legislation to Formalize the Process Through Which Data Gathered by the TestIT App is Used to Modify the Broadband Coverage Maps.

Issue: The National Association of Countes (NACo), through efforts from NACo’s Telecommunications and Technology Steering Committee and the Rural Action Caucus (RAC), is at the forefront of the issue of creating accurate broadband coverage maps. The current maps tend to inflate the availability of service across the nation but particularly in more rural areas. These maps are an important source document in the development of national broadband deployment policy and the deployment of federal funds for broadband development. Having accurate coverage maps is essential to the development of good federal policy on broadband deployment.

Proposed Policy: The National Association of Counties (NACo) encourages Congress to adopt legislation to create a formal process by which the data gathered by the TestIT app can be used to create new or update the existing Federal Communications Commission (FCC) broadband coverage maps.

Background: In recognition of the importance of creating accurate broadband coverage maps, NACo and partnering organizations have created the TestIT app. TestIT is a free application for both the android and Apple platforms that measures and reports Broadband speeds wherever and whenever the application is activated. Unlike other reporting methods, this application provides not only the availability of service, but also the upload and download speeds at any place in the U.S. as well as the physical location that the test was run. Compilation of the gathered data will create for the first time, an accurate map of broadband coverage. Gathering the data is however only the first step in the process of correcting the current flawed coverage maps. The second required action is the creation of a process by which this data can be integrated into the National Broadband Maps so that it is utilized in the broadband deployment decision process.

Fiscal/Urban/Rural Impact: The private sector is very adept at providing high quality broadband service in areas where there is a high return on investment such as affluent high population areas but less adept at providing these services into areas with lower subscriber rates. To improve the coverage in areas that are underserved, the federal government utilizes grants through the Universal Service Fund to incentivize broadband carriers to improve service in underserved areas. Having more accurate broadband coverage maps will allow the FCC and the Universal Service Administrative Company (USAC) to better deploy the grants to where they are most needed.

Sponsor(s): Joe Briggs, Commissioner, Cascade County, Mont.
Proposed Resolution in Support for Federal Legislation to Implement Next Generation 911

Issue: There is an urgent need to implement Next Generation 911 (NG911) systems and services nationwide to ensure that members of the public and first responders (i.e., 911, police, fire, EMS) benefit from modern emergency communications services.

Proposed Policy: The National Association of Counties (NACo) urges Congress to pass legislation that affirms nationwide implementation of Next Generation 911 (NG911) as a national imperative and national priority, and provides funding to facilitate implementation across all states, U.S. territories, tribal lands, and the District of Columbia.

Background: Today’s legacy 911 systems rely on obsolete technologies that impose an increasing cost burden on state and local governments and 911 service providers and make it difficult to maintain these systems. The current state of 911 also inhibits the ability of 911 authorities to integrate emergency communications systems with the advanced communications systems used by the public and first responders. A failure to implement NG911 systems places the nation at risk, undermining public safety and national security.

It is important that Congress pass legislation that affirms the importance of upgrading the nation’s 911 systems to NG911 and provides funding to incentivize the transition to NG911. By enabling the transmission of data, photos, video, and other non-voice forms of communications, NG911 will align the nation’s 911 systems with the evolving needs and expectations of the public, while also facilitating access for those citizens for which voice communications is not an option (e.g., individuals with a hearing or speech impairment). NG911 also will enable the nation’s 911 emergency communications centers (ECCs) to collect and utilize a variety of data (e.g., photo of suspect, vehicle crash data, environmental sensor data), empowering first responders to more effectively leverage data to improve situational awareness and emergency response. In addition, NG911 will enable significant improvements in redundancy and resiliency, helping ensure continuity of 911 operations during large-scale disasters by allowing 911 calls and data to be routed to other ECCs.

NG911 systems are, and will remain, under the control of state, regional, and local authorities. To ensure NG911 is implemented across all jurisdictions in the most effective and efficient manner, it must use non-proprietary, open standards-based technology, and be interoperable regardless of technology deployed. Congress must promote these objectives with appropriate grant conditions and guidance to ensure accountability in how the funds are used.

Fiscal/Urban/Rural Impact: Passage of NG 911 legislation will provide matching grant funds and enact policies to help local jurisdictions to upgrade their legacy 911 systems.

Sponsor(s): International Association of Fire Chiefs; Steven Singer, Fire and Rescue Chief, Powhatan County, Va.
Support Preserving Public Safety’s Access to the T-Band (470-512 MHz)

Issue: On February 22, 2012, President Barrack Obama signed Public Law 112-96. The law requires that the Federal Communications Commission (FCC) begin auctioning the public safety T-Band spectrum (470-512 MHz) by February 2021 and clear all public safety operations from the band within two years of auction close.

Proposed Policy: The National Association of Counties (NACo) urges Congress to support the Don’t Break up the T-Band Act of 2019 (H.R. 451), which requires the auction of the spectrum and the relocation public safety incumbents from the T-Band spectrum.

Background: The T-Band, i.e. television channels 14-20, is a key spectrum resource allocated for land mobile communications in 11 major urban areas. Public safety is one of the main incumbents on this band, others include local broadcasters and industrial and business entities. The existence of these other users is not accounted for in PL 112-96. If the T-Band is auctioned, they too will lose their spectrum rights.

While law provides that auction revenues can be applied toward the cost of relocating public safety operations to other spectrum bands, it is silent on identifying a new spectrum home for these users. Most public safety entities in the T-Band jurisdictions have no excess spectrum to which to migrate. The value of the band has not been estimated and could be far below the projected costs of moving public safety off the band. The National Public Safety Telecommunications Council has estimated that the latter will cost $5.9 billion dollars.

The communications infrastructure of many of the T-Band jurisdictions are built on access to the band, and this auction requirement threatens these sophisticated systems. The pending auction has already impacted the daily operations of public safety officials in communities across the country, as a result of the FCC licensing freeze on the band. Losing the T-Band will mean reversing years of investments made by these communities in their local public safety organizations.

Fiscal/Urban/Rural Impact: The T-Band supports land mobile radio communications in urban and surrounding communities within a 50-mile radius. Repealing the mandated auction will ensure that public safety has the secure spectrum access it needs to continue serving local communities across the T-Band jurisdictions. It will also prevent counties from having to expend large amounts of money to relocate the public safety communications in which they have invested and reverse the licensing freeze that is currently preventing public safety entities from applying for or renewing their access to the band.

Sponsor(s): International Association of Fire Chiefs; Steven Singer, Fire and Rescue Chief, Powhatan County, Va.

Proposed Resolution in Support of the Creation of a Nationwide 2-1-1 System

Issue: While 2-1-1 service is available to many parts of the country, there remain gaps in coverage and gaps in service levels for millions of Americans due to a lack of federal resources to support the network’s 24/7 nationwide capacity that has the ability to link vulnerable residents to critical services.
Proposed Policy: The National Association of Counties (NACo) supports the creation of a nationwide 2-1-1 system to connect unconnected residents to 2-1-1 services anywhere in the United States by leveraging the 240-plus 2-1-1 providers that currently cover 94 percent of the population, and should be used as the non-emergency number during regional and statewide disasters to connect residents to critical information and resources.

Currently 94 percent of Americans have access to a 2-1-1 service in their local communities, but serious gaps in access to a 2-1-1 service remain for millions of Americans due to a lack of federal resources to support the network’s 24/7 nationwide capacity. More work is needed for the 2-1-1 network to attain its full potential to be a nationwide resource that can strengthen families and local communities. We urge our federal partners to help bridge the gap of access for Americans by supporting the creation of nationwide 2-1-1 texting capability so every American can connect with vital services 24/7; supporting opportunities for 2-1-1 to secure funding from federal agencies to expand their current capabilities to reach unconnected communities and regions; and supporting investments in 2-1-1’s disaster recovery services through partnerships with government agencies like the Federal Emergency Management Agency (FEMA).

Background: 2-1-1 is a critical service that connects millions of Americans to vital, non-emergency, health and human services in local communities across the United States. This free and confidential referral service connects individuals and families to important services such as food assistance, healthcare assistance, veteran specific services, housing and sheltering information, financial crisis support programs among so many other services. In times of natural disasters or public health crises, 2-1-1 is a region’s trusted source to critical preparedness, response information and is a vital partner with local and state governments in recovery efforts.

Fiscal/Urban/Rural Impact: 2-1-1 services allow counties to “Connect the Unconnected” residents to critical services to build and sustain healthier lives. In times of need, most Americans do not know where to go for help. A centralized entry point like 2-1-1 gets individuals and families connected to services provided by county government and other levels of government, non-profits, faith-based groups, businesses and other entities. Coordinating regional programs and services through a 2-1-1 connections center increases efficiency while alleviating duplicity and unnecessary use of resources and staffing.

Sponsor(s): Greg Cox, Supervisor, San Diego County, Calif.; James Gore, Supervisor, Sonoma County, Calif.; Jim Schmidt, Commissioner, Lincoln County, S.D.

Proposed Resolution on Preserving Local Franchise Obligations

Issue: The Federal Communications Commission (FCC) is considering a Notice of Proposed Rulemaking (05-311) that a cable operator be able to reduce its cable franchise fees by the market value of franchise obligations such as services to schools and libraries and Public, Educational and Governmental (PEG) Channels.

Proposed Policy: The National Association of Counties (NACo) affirms the importance of cable franchising in granting permission for cable companies to use valuable public property for their
lines and opposes any regulatory proceeding or legislation that seek to alter the terms of existing franchises, including any effort to require that non-financial obligations be subject to offset against franchise fees.

**Background:** For the past 35 years, since passage of the Cable Act, franchise provisions have sought to ensure cable service and use of the rights of way are tailored to the local needs of each municipality. As such, cable franchises often require cable operators to meet the community needs and interests by including non-financial franchise obligations such as: Public Education and Government (PEG) channels, including high-definition (HD) format and in some cases video on demand; financial support for the capital expenses associated with creating and running programming on PEG channels; complimentary connections to city and school buildings and the provision of lines for municipal use (I-Net) and carriage of local emergency alerts, which because they relate to local emergencies are typically not carried on the federal emergency alert system. The FCC Fourth Further Notice of Proposed Rulemaking (FNPRM) would allow cable companies to establish a market value for the non-financial franchise obligations and then allow the cable operators to deduct that amount from the franchise fees owed under the franchise agreements.

**Fiscal/Urban/Rural Impact:** Should the FCC adopt the “In-Kind” proposal, it could cost local governments up to seventy percent of franchise fees.

**Sponsor(s):** Craig Rice, County Councilmember, Montgomery County, Md.; Hans Riemer, County Councilmember, Montgomery County, Md.

**Proposed Resolution Calling for the Federal Communications Commission to Address the Lack of Cellular Phone Coverage for Unserved and Underserved Areas of the United States**

**Issue:** Many areas of the United States, particularly in rural areas, are either underserved or not served at all by cellular phone carriers preventing residents and visitors from accessing emergency services through E-911.

**Proposed Policy:** The National Association of Counties (NACo) urges the Federal Communications Commission (FCC) to direct additional funding for the build-out of additional cellular communications capabilities in the unserved and underserved areas of the United States through the High Cost Program administered by the Universal Service Administrative Company (USAC).

**Background:** Americans are increasing their dependency on cellular phones for voice communications. According to a study released in May of 2017 by the Center for Disease Control, 50.8 percent of U.S. households rely solely on cellular phones - up from 24.5 percent from 2009. The percentage of young adults and renters who rely solely on cellular phone service is significantly higher with those aged 25-29 years old at 72.7 percent cellular reliance and adult renters at 71.5 percent cellular reliance. Consumers are moving to cellular reliance at a considerable rate, yet many rural areas throughout the U.S. remain either unserved or underserved by cellular carriers.
The sizable percentage of individuals who rely solely on cellular phone service, combined with the unserved and underserved areas of rural areas presents a substantial concern for public safety. Cellular phones and the requisite cellular coverage are, in many cases, the first link of our emergency response chain. Without adequate service, Americans who live in the unserved or underserved areas, along with visitors and travelers through these areas cannot reach emergency services when they become necessary.

The FCC designates the USAC to administer the Universal Service Fund. The USAC established the High Cost Program to provide funding to telecommunications carriers for the purpose of delivering service to rural areas where the market alone cannot support the cost to provide telecommunications services. In 2017, the USAC delivered more than $4.6 billion to telecommunications carriers; however, many areas in rural America remain unserved or underserved.

NACo urges the FCC to provide adequate funding to telecommunications carriers to ensure cellular build-out to the unserved and underserved areas of the United States.

**Fiscal/Urban/Rural Impact:** Would provide cellular service to rural areas that will alleviate public safety concerns and strengthen economic development opportunities.

**Sponsor(s):** Arthur Wright, Supervisor, Saratoga County, N.Y.; Dan Degear, Supervisor, Madison County, N.Y.
TRANSPORTATION

PROPOSED PLATFORM CHANGE

Proposed Platform Changes to the Funding and Financing Tools Section, Subsection D. Passenger Facility Charge (PFC)

Funding and Financing Tools Section
Subsection D. Passenger Facility Charge (PFC)
NACo supports the continued collection of PFC fees for every boarded passenger by public agencies that control commercial airports. **NACo also supports efforts by Congress to lift the cap on PFCs in order to provide more local control over investment decisions; relieve burdens on federal taxpayers; and, increase airline competition.**

Sponsor(s): Bill Holen, Commissioner, Arapahoe County, Colo., Chair, NACo Transportation Committee Airports Subcommittee

Proposed Platform Changes to the Highways Section, Subsection F. Trucks and Vehicle Size and Weights

Highways Section
Subsection F. Trucks and Vehicle Size and Weights
NACo believes adequate federal funding should be provided to compensate state and local governments for any infrastructure upgrades necessary to accommodate the vehicle size, weight, and configurations mandated by Congress. **NACo opposes any increases in truck size or weight until Congress requires a full impact analysis that any increases may have on the national transportation system, including the added cost on State and Local governments. NACo supports full funding of these impacts by Congress and expects Congress to fund any additional impacts suffered by local infrastructure in Congress’ performing of the analysis.** NACo also supports the continued requirement that all trucks have underride protection devices and believes that the National Highway Traffic Safety Administration (NHTSA) should periodically review the adequacy of such regulations

Sponsor(s): Daniel Fedderly, Executive Director, Wisconsin County Highway Association

PROPOSED POLICY RESOLUTIONS

Proposed Resolution on Regulating Air Ambulances Under the Airline Deregulation Act (ADA)

**Issue:** Air ambulance emergency services have grown significantly in recent decades, as have their cost. The average air ambulance trip can cost tens-of-thousands of dollars and patients are not readily provided this information until they receive their bill. 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 the Airline Deregulation Act (ADA) and to
ensure other federal laws do not prevent states from regulating air ambulance billing rates 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.

**Background:** Air ambulances provide emergency services for critically ill patients, transporting them from the scene of an accident or from a medical facility to a hospital with a higher level of care. Air ambulance transportation services have a beneficial impact on survival and recovery for trauma victims because the patients receive rapid medical attention and treatment, especially in more remote, rural areas.

While air ambulance services are beneficial, the cost of these services have increased rapidly. A 2017 Government Accountability Office (GAO) study found that, “between 2010 and 2014, the median prices providers charged for helicopter air ambulance service approximately doubled, from around $15,000 to about $30,000 per transport.”

While air ambulance services are meant for severely injured, trauma patients, they have increasingly been used in non-emergency situations. A 2015 study, *Overuse of helicopter transport in the minimally injured: A health care system problem that should be corrected*, found that “Nearly one third of patients transported by helicopter were minimally injured. Policies to identify patients who do not benefit from helicopter transport should be developed. Significant reduction in transport cost can be made by judicious selection of patients.”

Several states, including North Dakota, West Virginia, and Texas have attempted to regulate air ambulance costs but were blocked by federal courts. The Airline Deregulation Act of 1978 (ADA), prohibits states from regulating the prices air carriers charge for air ambulance services. Congress will have to pass federal legislation to amend the ADA and regulate the costs of air ambulance services.

**Fiscal/Urban/Rural Impact:** Air ambulance services are an essential tool to provide trauma patients the immediate, high-quality care they need. New regulations and price controls will benefit citizens around the country by providing greater transparency and reducing the indebtedness of patients who require these services.

**Sponsor(s):** Denise Winfrey, Jackie Traynere, Will County Board, Ill.

**Proposed Resolution Supporting Funding for the Assistance to Local Emergency Response Training (ALERT) Grant**

**Issue:** The Consolidated and Further Continuing Appropriations Act of 2015 (P.L. 113-235) allowed the Pipeline and Hazardous Materials Safety Administration (PHMSA) to use money recovered from prior year Hazardous Materials Emergency Preparedness (HMEP) grants to fund the Assistance to Local Emergency Response Training (ALERT) grants. The language reauthorizing the grant must be re-entered in the appropriations language every year. Funding levels depend on how efficiently states use their HMEP grants. Over the past few years, states have begun to utilize their funding more efficiently, leaving little money for those who are first on the front line.
Proposed Policy: The National Association of Counties (NACo) urges Congress to designate $61 million in dedicated funds for the Assistance to Local Emergency Response Training (ALERT) grant program, administered by the Pipeline and Hazardous Materials Safety Administration (PHMSA).

Background: The United States has over 2.4 million miles of pipeline and 74,000 miles of rail for crude oil, gas, and hazardous materials transportation. These rail and pipeline systems touch thousands of rural communities across the U.S. The goal of the Assistance to Local Emergency Response Training (ALERT) grant is to provide rural and remote emergency responders with additional hazmat response training opportunities.

Thus far, two ALERT grants have enabled the International Association of Fire Chiefs (IAFC) to reach over 8,000 U.S. rural and remote responders. A “blended training” approach makes training available in electronic and instructor-led formats, providing access to training for a large number of emergency responders while providing permanent online resources for reference. For example, the IAFC has developed a comprehensive online library of its courses, all of which remain accessible on its website.

In-person training sessions have occurred in multiple locations across 23 states, including Iowa, Illinois, Massachusetts, Pennsylvania, Florida, and Texas.

In addition to online and in-person training, the grant has allowed for the creation of printed guidebooks that assist responders in working with their given railroads to develop emergency response plans, such as the IAFC “Rural Guide for Rail.”

Consistent funding levels will enable the organizations that develop with hazardous materials response training to grow the ALERT impact through curriculum enrichment and responder outreach. This funding will also allow such organizations to create lasting, mutually beneficial partnerships that will lead to further knowledge sharing and thus further preparedness in fire and emergency services.

Fiscal/Urban/Rural Impact: Dedicated appropriations for the ALERT grant will give first responders across the country the knowledge and practical experience they need to safely and effectively respond to hazardous materials incidents. It reduces the severity of rail and pipeline accidents by preparing these responders to handle hazmat incidents.

Sponsor(s): International Association of Fire Chiefs; Steven Singer, Fire and Rescue Chief, Powhatan County, Va.

Proposed Resolution Supporting a National Voluntary Registry of Persons with Invisible Disabilities When Applying for a Government Issued Identification Document

Issue: Persons with invisible disabilities drive, work and play in our society and the recognition of such disabilities by law enforcement is paramount to everyone’s safety.
**Proposed Policy:** The National Association of Counties (NACo) urges the federal government to support a nationwide, individual state driven model that allows persons with hidden disabilities to voluntarily register that they have such a disability when applying for a government issued identification card and/or driver’s license.

**Background:** According to the Invisible Disabilities Association (IDA), in 1997, there were 26 million Americans considered to have a severe disability, yet only seven million of these individuals were found to utilize an identifiable support, such as wheelchair, cane, crutch or walker. This means that there are as many as 19 million Americans who may be considered to have a medically recognized disability but no external readily identifiable support. “We often do not realize that a person can have hindrances that come from inside and may not be visible on the outside.”

Wisconsin, through the implementation of Collin’s Law (2017 Wisconsin Act 244) published on April 4th, 2018, allows those individuals, who voluntarily choose to do so, when applying for a Wisconsin Driver’s License to state; “I have an invisible disability that I wish to disclose to law enforcement officers and that may include….”

NACo supports efforts that would encourage other states to allow for the voluntary registration of those individuals wishing to do so on government issued identification documents and/or drivers licenses, their invisible disability. Examples of invisible disabilities include, appearing deaf or unable to understand, difficulty speaking or communicating, engaging in repetitive or self-stimulating behaviors such as rocking or hand flapping, appearing anxious, nervous or upset, becoming agitated due to physical contact or stressful situations, and acting indifferent or unresponsive.

**Fiscal/Urban/Rural Impact:** This change would have no fiscal impact on counties.

**Sponsor(s):** Louie Okey, Supervisor/Chair, Barron County, Wisc.; Mark Servi, Highway Commissioner, Barron County, Wisc.

---

**Proposed Resolution Urging Federal Policy Makers to Include Support for Transit Options in Any Upcoming Infrastructure Package and/or List of Expanded Legislative Principles**

**Issue:** Counties and local jurisdictions desire transit options to reduce traffic congestion, spur economic development and job growth, and enhance regional connectivity and mobility.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress and the U.S. Department of Transportation (DOT) to provide funding mechanisms in any proposed infrastructure package, including incentives for private investment such as public-private partnerships, to state and local governments for purposes of expanding, installing, and maintaining transit systems; including but not limited to bus rapid transit, heavy rail, and light rail systems.

**Background:** Counties and other local governments, both urban and rural, increasingly recognize the benefits of a transit system tailored to their needs. The benefits of a well-designed transit system are many; including job growth, mobility, connectivity, improved traffic congestion,
enhanced air quality through traffic reduction, and delivery of services to citizens, including rural healthcare. As Congress and the administration begin drafting a legislative package to modernize America’s infrastructure, it is imperative they include transit options to local jurisdictions. NACo urges Congress and the U.S. DOT to provide funding mechanisms for transit projects to local governments and to allow local jurisdictions to decide which transit project best suits their needs, if any. In considering funding mechanisms, NACo further urges Congress and the U.S. DOT to incentivize private funding mechanisms to reduce public costs.

Fiscal/Urban/Rural Impact: Would provide funding mechanisms for transit options to be determined by counties and local jurisdictions.

Sponsor(s): Liz Hausmann, Commissioner, Fulton County, Ga.

Proposed Resolution in Support of Direct Funding to Local Governments for the Improvement and Maintenance of Local Roads in America within any Proposed Infrastructure Spending Bill

Issue: Include direct funding for roads owned and operated by local governments to address America’s rapidly deteriorating transportation network and create jobs.

Proposed Policy: The National Association of Counties (NACo) urges the president and Congress, through any proposed infrastructure spending bill, to create dedicated funding allocated directly to local governments for the improvement and maintenance of local road and bridge infrastructure in America.

Background: Most trips in this country begin and end on a local road. Local roads are critical for moving people, providing services and delivering goods to market reliably and safely. Citizens do not distinguish between government agency ownership when it comes to their daily commutes. Counties play a critical role in the nation’s transportation system: they own and operate 45 percent of all public roads. Coupled with the 33 percent of public roads owned and operated by cities and townships, local governments (counties and cities) own and operate 78 percent of this nation’s road network.

NACo seeks to partner with our country's federal leadership to restore, improve and maintain our nation’s local assets. Preserving our local roads today can cost ten times less than repairing failed local roads in the future. Specifically, NACo believes that new federal funding should include a component directly allocating funding to local governments to improve and maintain local infrastructure.

Goals of new federal revenues allocated directly to local governments, for improvement, maintenance and preservation are to:

- Introduce federal transportation funding into the community as soon as possible to create and preserve American jobs, both in the private sector and the public sector;
- Maximize purchasing power by eliminating the burdensome additional administrative process and cost associated with multiple layers of government between funding and construction of shovel ready improvement and maintenance projects; and,
• Fund the critical first and last mile of each journey of goods, people, and services - local roads of America – thereby providing certainty for businesses and the laying of foundation for lasting economic growth.

This nation must commit to finding ways to support the improvement and maintenance of the existing local transportation infrastructure by prioritizing federal revenue to 78 percent of this country’s road network now. NACo desires to be a major partner to the administration and Congress in restoring this country’s local infrastructure and securing the nation’s position of economic competitiveness in the global economy.

Fiscal/Urban/Rural Impact: Sustainable and dedicated federal funding to local road improvement and maintenance, allocated directly to local governments, will significantly transform transportation funding in America and create jobs.

Sponsor(s): National Association of County Engineers (NACE); California State Association of Counties (CSAC); Steve Lavagnino, Supervisor, County of Santa Barbara, Calif.; Scott Haggerty, Supervisor, County of Alameda, Calif.; Daniel Fedderly, Executive Director, Wisconsin Highway Association; Richie Beyer, County Engineer, Elmore County, Ala.; Scott McGolpin, Public Works Director, County of Santa Barbara, Calif.

Proposed Resolution in Support of Eliminating Regulatory Impediments for Effective Delivery of Federal Aid Projects

Issue: Federal regulatory impediments hinder the effective delivery of federal aid projects.

Proposed Policy: The National Association of Counties (NACo) urges the administration and Congress to implement measures that would eliminate regulatory impediments on local and state sponsored federal aid projects to achieve our shared goals of strengthening transportation networks, improving public safety and advancing our economic competitiveness.

Background: Counties face financial challenges because, in many cases, state legislatures limit our ability to raise revenue to fund critical infrastructure projects. The main general revenue sources for a great many counties are property and sales taxes. However, while counties in 45 states collect property taxes, many can only keep about a quarter (23.7 percent) of what is collected. Limitations like these significantly impact counties’ ability to effectively raise additional revenue to pay for services and infrastructure, especially unforeseen expenses such as emergency repairs. Due to these state and local funding constraints, counties depend on a strong federal-state-local partnership to deliver transportation investments that are critical to our communities and our national economy. Our nation’s 3,069 counties build and maintain 45 percent of public road miles and 40 percent of bridges. Counties also operate over one-third of the nation’s public airports and 78 percent of transit systems. Not only do county roads, bridges and highways connect our counties and states, they serve as a lifeline for rural counties and our citizens, playing a critical role in the movement of freight and other goods and services.

When county projects utilize federal funding, higher project costs and longer delivery times are the norm. Bureaucratic red tape and duplicative or cumbersome environmental reviews slow projects down and drive labor costs up. Currently, counties are required to follow the same
exhaustive federal requirements on a small sidewalk or preservation project as they would for
 mega-projects, such as new major corridors and complex interstate interchange projects. This
 simply does not make sense.

NACo and its affiliate partner, the National Association of County Engineers (NACE), seek to
 partner with our country's federal leadership to implement the following two recommendations as
 part of the overall plan to ensure we are providing our citizens the best possible services given our
 limited resources:

1. NACo and NACE recommend that Congress build on the principles introduced in MAP-
 21 and furthered in the FAST Act by creating an exemption from all federal requirements
 if the transportation project receives less than $5,000,000 in federal funding. The state and
 local governments would apply the appropriate state or local standards and specifications
 to their projects and follow state law to bid for, award and execute their projects. State and
 local governments could also perform work under force account, provided there is a
 substantial cost savings to the public by doing so. No state or federal oversight would apply
 to these projects, which will ensure more funding makes it to tangible projects. Low risk
 projects, as defined in the FAST Act, could easily be grouped into this exemption, but
 strong consideration should be given to defining bridge replacement projects where no
 major relocation occurs as an exempt action, as well; and,

2. Creation of an exemption that removes all federal requirements from emergency repairs to
 any transportation facility damaged by a disaster would expedite restoration of services to
 our citizens, lower the costs of repairs and refocus federal resources to be available to
 support and assist with recovery efforts. The FAST Act and MAP-21 both included
 provisions exempting emergency repair work when federal assistance is involved, but they
 do not go far enough, as there are still a multitude of project types that are susceptible to
 review regardless of the scale of its undertaking.

Fiscal/Urban/Rural Impact: Reduction in time and cost to delivery vital transportation
improvements to the citizens of our nation.

Sponsor(s): Richie Beyer, Chief Engineer and Operations Officer, Elmore County, Ala.; National
Association of County Engineers (NACE); Daniel J. Fedderly, P.E., P.L.S., Executive Director,
Wisconsin County Highway Association; Josh Harvill, County Engineer, Chambers County, Ala.;
Timothy Hens, Supt of Highways, Genesee County, N.Y.; Brian Keierleber, Engineer, Buchanan
County, Iowa; Scott McGolpin, Public Works Director, County of Santa Barbara, Calif.; Kevin
Russel, Highway Engineer/ Engineer, Harrison County, Ind.; Richard Sanders, County Engineer,
Polk County, Minn.; Brian Stacy County Engineer, Pierce County, Wash.; Chris Champion,
County Engineer, Henry County, Ala.; Todd Kinney, County Engineer, Clinton County, Iowa; Jeff
Blue, County Engineer, Champaign County, Ill.
Proposed Resolution Supporting Increased Consideration of Alternative Congestion Mitigation Measures

**Issue:** Federal funding for automated technologies has been focused mostly on the development of driverless cars and shuttles which can enhance mobility and improve first/last-mile accessibility, but have limited ability to reduce road congestion, and may increase vehicle miles traveled before mitigation measures can be implemented.

**Proposed Policy:** The National Association of Counties (NACo) urges the U.S. Department of Transportation (DOT) to make road congestion mitigation a top priority by exploring, implementing and funding automated shuttles and transit network systems for congestion mitigation that reduces the impact of driverless vehicles on road congestion, and increases usage of Automated Transit Networks (ATN) to relieve travel demand on roads.

**Background:** Waymo, Google's driverless car division, is already testing driverless vehicles with no attendant behind the wheel. Completely autonomous driverless taxis with no attendants, remote monitoring, or no vehicle-to-infrastructure communications could be in public service in a year or two. These vehicles will likely cost much less to use than taxis or Uber/Lyft type services; are likely to have high demand and utilization (over 50 percent of 24 hours as compared to less than 5 percent for privately owned cars). Thus, a small penetration of the vehicle fleet could result in high vehicle miles traveled (VMT), traveling empty part of the time, likely inducing additional trips not presently undertaken, and adding to growth in VMT. These effects are projected short term, long before potential automation will relieve congestion (e.g. by closer spacing of cars) can be realized.

Congestion will continue to get worse, perhaps at an accelerated pace, over the next few decades. Thus, it is important for the U.S. DOT to seek to reduce the impact of driverless vehicles on road congestion with implementation near term. U.S. DOT should also undertake research, and demonstration/pilot projects involving transit systems that have their own infrastructure, such as Automated Transit Networks (ATN). ATN have the potential to attract large numbers of riders to transit, and cost effectively reduce cars on roads.

**Fiscal/Urban/Rural Impact:** Research and development projects are fundamental to economic development. ATN is a promising new industry that can provide jobs and economic benefits in addition to improved public transit at a lower cost.

**Sponsor(s):** William (Bill) Altimus, Parish Administrator, Bossier Parish, La.

Proposed Resolution Urging Congress to Amend the Electronic Logging Device (ELD) and Hours of Service (HOS) Final Rule to Provide an Agricultural Exemption

**Issue:** Federal regulation mandating the use of an electronic logging device (ELD) for agricultural transportation drivers does not take into account delays drivers will encounter in the process of loading, unloading and transporting livestock, which could result in inhumane animal treatment, devalued livestock pricing, and further economic hardship to rural counties across the United States.
Proposed Policy: The National Association of Counties (NACo) urges Congress to amend the Federal Motor Carrier Safety Administration (FMCSA) Electronic Logging Devices (ELD) and Hours of Service (HOS) final rules to exempt agricultural trucking activity from this regulation.

Background: The Federal Motor Carrier Safety Administration (FMCSA) Electronic Logging Devices (ELD) and Hours of Service (HOS) final rule (Federal Register / Vol. 80, No. 241 / Wednesday, December 16, 2015 / Rules and Regulations https://www.gpo.gov/fdsys/pkg/FR-2015-12-16/pdf/2015-31336.pdf) was designed to improve commercial motor vehicle safety, reduce the paperwork burden for motor carriers and drivers and improve compliance with HOS rules. Drivers are allowed 11 hours of operation per day within a 14-hour period, which must be followed by 10 hours of rest.

In many agricultural instances, livestock haulers require their vehicle to idle for several hours to accommodate weather issues, delays experienced during livestock sorting, weighing and loading, road construction, accident delays or road closures. Once a driver’s 11 hours of operation have expired, which may include several hours of idling, they must stop for 10 hours, resulting in loaded livestock being forced to remain on the truck in confined spaces for a longer time period. The ability of drivers to unload livestock during transit, due to driver HOS limitations, is extremely limited as few bio-secure livestock holding facilities are available. This regulation also results in extended transport times to deliver livestock, creating additional transportation costs and higher market prices that negatively impact the livestock producer and the end consumer and devaluing rurally located livestock when compared to livestock operations located closer to processing plants, feedlots and other livestock storage facilities, as rural producer pricing must increase to absorb the additional trucking requirements. This regulation will significantly impact the economic stability of agricultural producers and the counties that depend upon this industry for tax collection, jobs, and more.

Fiscal/Urban/Rural Impact: Offering an agricultural exemption to the Federal Motor Carrier Safety Administration (FMCSA) Electronic Logging Devices (ELD) and Hours of Service (HOS) final rule will eliminate economic hurdles currently facing livestock producers and transport companies, eliminate potential market risk for commodity prices, and ensure rural counties experience less economic decline in the agriculture industry.

Sponsor(s): Jeff Rector, Commissioner, Rio Blanco County, Colo.

Proposed Resolution to Establish NACo’s Legislative Position for the U.S. Department of Transportation’s Budget Appropriation for FY 2020

Issue: The nation’s counties rely on a strong federal-state-local partnership to successfully meet the transportation and infrastructure needs of their constituents. This partnership has included the federal government providing, through the annual appropriations process, funding to assist the needs of local government.

Proposed Policy: The National Association of Counties (NACo) supports the U.S. Department of Transportation (DOT) annual appropriations for FY 2020 to be maintained, at minimum, at the
authorized FY 2019 level, and whenever possible, be increased to assist projects that support the economic output, mobility, and safety of the American people.

**Background:** With the economic recession of the last decade, federal budgets have shrunk while the cost for transportation and infrastructure upkeep, improvement, and creation has increased. Counties often find themselves unable to move forward with critical projects due to the financial constraints of local budgets. In recent years, the administration and Congress have differed on appropriate amounts of spending for U.S. DOT. While all agree that enhanced infrastructure investment is long overdue, the federal financial resources have been inadequate to address the needs of the nation.

**Fiscal/Urban/Rural Impact:** Adoption of this policy resolution will have a significant impact upon both urban and rural counties as increased federal funding for transportation and infrastructure projects will directly lead to improved safety conditions and opportunities for new channels of economic development.

**Sponsor(s):** Gary Moore, County Judge/Executive, Boone County, Ky.

**Proposed Resolution Directing Federal Policymakers to Improve Indian School Bus Routes**

**Issue:** Poor maintenance of dirt school bus routes on Indian reservations prevents students from getting to school and contributes to the Native American absentee rate that is four times that of non-Native students.

**Proposed Policy:** The National Association of Counties (NACo) urges the improvement of dirt school bus routes on Indian reservations through three key measures:

1) Increasing annual funding for the Bureau of Indian Affairs (BIA) Road Maintenance Program (RMP);

2) Prioritizing additional RMP funds for dirt school bus routes on Indian reservations that are persistently impassable; and,

3) Including counties in tribal roads meetings hosted by the BIA and Office of Federal Lands Highway.

**Background:** In May 2017, the Government Accountability Office (GAO) issued a report to Congress (GAO-17-423) that identified lack of federal investment in tribal roads maintenance as a major cause contributing to chronic absenteeism (defined by the U.S. Department of Education as missing more than 15 days of school per year) of Native American students. Since the 1990s, the U.S. Bureau of Indian Affairs (BIA) has received just $25 million annually in RMP funding. Flat funding the RMP has rendered many dirt school bus routes on Indian reservations nearly impassable, causing students to spend as much as four hours per day on a bus just to get to and from school.
County interest in improving the maintenance of Indian school bus routes is significant. Counties own 47 percent of the roads on Indian reservations. County school districts transport Native American students to school and risk funding when students are absent. Bus fleet budgets are severely strained by the wear and tear and replacement costs that unmaintained dirt bus routes cause.

NACo urges Congress to increase annual RMP funding, to require the BIA to prioritize such increases for dirt school bus routes on Indian reservations identified in the GAO report and to urge both BIA and the Federal Highway Administration (FHWA) to include counties in all tribal roads policy meetings.

**Fiscal/Urban/Rural Impact:** Would provide new federal funds to maintain dirt bus routes within counties whose jurisdictions include Indian reservations.

**Sponsor(s):** Jesse Thompson, Supervisor, Navajo County, Ariz.

**Proposed Resolution Directing Congress and the U.S. Department of Transportation (U.S. DOT) to Assist Economically Disadvantaged Counties by Waiving the Local Match Requirement**

**Issue:** Economically disadvantaged counties must rely heavily on federal grants that require matching funds to pay for critical repairs and capital improvements; however, economically disadvantaged counties often times have no means to contribute to the match which further disadvantages these communities and their residents.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to waive the match requirement when a grant is awarded to an economically disadvantaged county. An economically disadvantaged county, as defined in 42 U.S.C. 3161, shall possess one or more of the following characteristics:

- Has a per capita income of 80 percent or less of the national average;
- Has an unemployment rate that is, for the most recent 24-month period for data are available, at least one percent greater than the national average; or
- Has experienced or is about to experience a special need arising from actual or threatened severe unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions

**Background:** The roads, bridges and other infrastructure of economically disadvantaged counties with limited industrial bases have seriously deteriorated. These economically disadvantaged counties do not have enough local revenues to pay for critical repairs and capital improvements and must rely heavily on federal grants to fund these necessary expenses. However, the federal grants available for infrastructure repairs and capital improvements commonly require a significant amount of matching funds to be paid by the recipient which effectively precludes economically disadvantaged counties from competing for the grants and places them in an adverse position compared to other economically strong counties.
**Fiscal/Urban/Rural Impact:** Would waive the federal match for infrastructure funds, provided through a competitive grant process, for economically disadvantaged counties, thereby allowing these communities to better compete for these grants.

**Sponsor:** Richard M. McCormic, Police Juror, Sabine Parish, La.; Bill Weatherford, Secretary Treasurer, Sabine Parish, La.

**Proposed Resolution to Amend Federal Law Regarding the Use of Federal Highway Administration (FHWA) Emergency Relief (ER) Funds**

**Issue:** Current law governing the use of Federal Highway Administration (FHWA) Emergency Relief (ER) funds does not allow enough time for counties with projects to repair roads damaged in federally declared disaster areas to advance to the construction stage.

**Proposed Policy:** The National Association of Counties (NACo) urges Congress to amend federal law, specifically 23 CFR 668.105(h), to allow entities receiving Federal Highway Administration (FHWA) Emergency Relief (ER) funds six years after a disaster occurrence to advance projects to the construction obligation stage, as opposed to the two year requirement in current law. Additionally, NACo urges the Federal Highway Administration (FHWA) to suspend its recent practice of rejecting extensions to the two-year rule while Congress debates a change to current law.

**Background:** After federal-declared disasters, it is common for Congress to provide emergency funding to federal agencies to address damages in communities impacted by the events. The U.S. Department of Transportation (U.S. DOT) Federal Highway Administration (FHWA) has an Emergency Relief (ER) fund that is funded by Congress to assist with severe road damages.

Current federal law governing the FHWA ER account says that, “Any project that has not advanced to the construction obligation stage by the end of the second fiscal year following the disaster occurrence will not be advanced unless suitable justification to warrant retention is furnished to the FHWA.”

The process of bringing a road repair project into the construction stage is time-consuming for a number of reasons: right-of-way acquisition and construction easements; scoping with FHWA; backlogs from previous emergencies; litigation; environmental review and permitting requirements; and, limitation on contractor availability in smaller communities, to name a few. As a result, it is a common occurrence that recipients of FHWA ER assistance need more than two years to bring a project to the construction stage.

In these situations, FHWA has nearly always acknowledged that delays in these processes are not for lack of effort on the part of the communities in need of assistance, and extensions to the two-year rule have been frequently provided. However, in recent months, the extension requests have been rejected.

If FHWA continues this practice, it is estimated that $73 million for 114 projects in the state of California alone will be jeopardized. In Santa Cruz County, CA alone, there is $35 million for 77 projects from storms in 2016 and 2017 that will lose funding if extensions are not granted.
Fiscal/urban/rural impact: None. All of the funds discussed in this proposal would already be enacted by Congress in disaster assistance supplemental appropriations bills in response to natural disasters.

Sponsor(s): Zach Friend, Supervisor, Santa Cruz County, Calif.; California State Association of Counties (CSAC)