

NACO National Association of Counties

CountyNews

The Voice of America's Counties

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'Waters of the U.S.' issue surfaces in new proposal

By JULIE UFFNER
ASSOCIATE LEGISLATIVE DIRECTOR

On Dec. 20, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) quietly sent a "waters of the U.S." guidance document to the Office of Management and Budget for review.

According to the EPA, a draft copy of the guidance will be released for public comment this spring, and the guidance will be finalized by this summer.

There is little indication on what this document contains and no drafts are available. Speculation centers on whether it relates to past "waters of the U.S." court decisions

or federal legislation that languished on Capitol Hill last Congress.

Guidance vs. Regulations

The term "guidance" is used broadly for agency interpretations, policy statements and advisory materials. It is used to clarify current regulations or statutes. Agency guidance is not to be used in place of regulations. Since guidance is generally used to interpret existing laws and regulations, it does not require official notice and a public comment period.

Regulations are the codification of the rules of agencies. They are the result of enacted legislation that has been passed by Congress and signed into law. Regulations are written by the appropriate agencies and must be "noticed" in the Federal Register and given a public comment period. Regulations are enforceable laws.

Under the Executive Order 13132 on Federalism, federal agencies are required to consult with state and local governments if a proposed regulation or rule breaches

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QuickTakes

5 Most Popular Areas to Move

Percentage of moves going into the state

District of Columbia	64.3%
Oregon	59.5%
North Carolina	57.8%
Idaho	57.6%
South Carolina	56%

Source: United Van Lines Migration Study, 2010



Photo courtesy of Salt Lake City Arts Council

The Living Traditions Festival in Salt Lake County, Utah (pictured above) is one example of how the arts can enhance a county's quality of life. A new National Endowment for the Arts grant program aims to connect arts and culture to property redevelopment, landscaping, livability and urbanization. Story on page 3.

U.S. House majority votes for budget reductions

By JEFF ARNOLD
DEPUTY LEGISLATIVE AFFAIRS DIRECTOR

In an effort to restrain federal spending, the U.S. House has voted to reduce FY11 spending to FY08 levels, which would have the effect of reducing most non-defense discretionary spending, other than homeland security. These reductions could have significant effects on programs counties rely upon for regular operations.

The resolution is short on specifics since most of the hard work will be done by the appropriations subcommittees, and it is too early

to gauge what the U.S. Senate will do with the House's actions.

The conservative Republican Study Committee, which represents most of the Republican conference, has been more specific in its recommendations. Here are some of their suggestions:

- **Eliminate all remaining "stimulus" funding** — \$45 billion total savings
- **Repeal the Medicaid FMAP increase in the "State Bailout"** — \$16.1 billion total savings
- **National Endowment for the Arts** — \$167.5 million annual savings

- **National Endowment for the Humanities** — \$167.5 million annual savings
- **Hope VI Program** — \$250 million annual savings

- **Amtrak Subsidies** — \$1.565 billion annual savings
- **Community Development Fund (CDBG)** — \$4.5 billion annual savings

- **Essential Air Service** — \$150 million annual savings
- **Department of Energy Grants to States for Weatherization** — \$530 million annual savings

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Judge decides against delaying EPA's proposed boiler rules

By JULIE UFNER

ASSOCIATE LEGISLATIVE DIRECTOR

A federal judge has ruled against the Environmental Protection Agency's (EPA) request to extend final publication on upcoming emission standard rules for existing or new industrial, commercial and institutional boilers. U.S. District Judge Paul Friedman ordered the agency to produce a final rule no later than Feb. 21.

In December 2010, the EPA requested an extension until April 2012, stating it did not have enough relevant information to move forward. The agency was under a court-ordered deadline to produce a final rule by Jan. 16.

On Jan. 21, the EPA sent the final rules to the Office of Management and Budget for review. According to EPA, the final rule is significantly different than the proposed rule. The agency plans to use the reconsideration process to work out any remaining issues.

The original proposed rule set up a tight timetable to reduce emis-

sions such as mercury, particulate matter (PM) and carbon monoxide (CO) from boilers. It established emission standards for boilers, based on size, fuel used and age.

As previously proposed, the boiler rule had a significant impact on local governments that used boilers or process heaters to produce electricity or heat. It would affect boilers used in county buildings that use natural gas, fuel oil, coal, or biomass.

EPA has estimated that more than 200,000 boilers are operating in industrial facilities, commercial buildings, hotels and universities located in highly populated areas and communities across the country.

A number of industry groups have opposed the rule saying it will negatively impact economic development, including job growth.

The rule will likely be challenged in the courts and possibly in Congress. Last year, 40 senators and more than 110 House members sent a letter in opposition to the proposed rule.

Friedman has given EPA one



Communal boilers like these would be subject to the new rules.

more month to finalize a set of limits on toxic air pollution from industrial boilers, saying the agency's concerns about the controversial rules don't justify its request for another 15 months to rework them.

The agency has not shown it would have been impossible to meet the previous deadline of Jan. 16, Friedman ruled Jan. 20. He sided with environmental groups, which had challenged EPA's request for more time.

The deadline was put in place after EPA lost a court challenge to the George W. Bush administration's handling of air pollution from industrial boilers, which provide power to paper mills, factories and many other large facilities. Under the regulations, these facilities would need to install the maximum achievable control technology (MACT) to limit their emissions of mercury, dioxins and other types of toxic pollution.

When the Obama administration issued a draft "boiler MACT" rule last summer, the proposed standards drew intense criticism from industry groups and many lawmakers in Congress, who worried the rules would force businesses to close and drive jobs overseas.

In the months leading up to the deadline, EPA officials started raising concerns about the proposed rules. Days before the agency announced that it wanted to go back to the drawing board, EPA air chief Gina McCarthy told reporters that the agency thought some facilities might not have been able to achieve the proposed standards (*Greenwire*, Dec. 2, 2010).

EPA asked Friedman for more time to overhaul the standards, but he ruled that the Clean Air Act sets clear deadlines.

"The policy arguments EPA

raises have no place in a case where Congress has mandated expedition, and its statutorily mandated deadlines have long since passed," he wrote in his opinion. "While EPA's view on the importance of its rules and the preferable course of conduct may have merit, at this stage EPA's remedy lies with Congress, not the courts."

Barring action on Capitol Hill, the agency now has until Feb. 21 to issue a final rule.

The divisive boiler standards are seen as a crucial prelude to upcoming toxic pollution standards for power plants, which the agency is legally obligated to propose in March.

Some advocacy groups grew critical of EPA after the agency asked for more time to finish the boiler standards, along with an unrelated rule that would tighten the national limit on smog. Though the agency said the decisions were driven by science, critics said it appeared the Obama administration was bowing to political pressure after an election in which Republicans campaigned against federal regulations.

Industry groups, which had praised the agency for taking a second look, bemoaned the court's decision. It will only lead to more litigation, Donna Harman, president and CEO of the American Forest & Paper Association, said in a statement after the ruling.

"Regulations such as the Boiler MACT rule have far-reaching implications for communities, workers and businesses across the country," she said. "The overriding mission should be to produce a sound rule that keeps Americans healthy and employed, and today's decision by the court fails to give the agency what it said it needed."

More than 100 cuts suggested to House for consideration

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• **New Starts Transit** — \$2 billion annual savings

• **Intercity and High-speed Rail Grants** — \$2.5 billion annual savings

• **Economic Development Administration** — \$293 million annual savings

• **Programs under the National and Community Services Act** — \$1.15 billion annual savings, and

• **Energy Star Program** — \$52 million annual savings.

These are only a few of the more than 100 suggestions provided to the House for its consideration. While not all of these will be enacted, they are indicative of the types of programs being considered for reduction or elimination.

The U.S. Senate is unlikely to sustain such significant cuts, but there is substantial pressure to cut federal spending. The President in his State of the Union address proposed a five-year freeze in non-defense discretionary spending which was warmly received by the congressional audience. NACo legislative staff will be working diligently to protect programs affecting county governments as directed by the NACo Board of Directors.

President endorses D Block reallocation

By JEFF ARNOLD

DEPUTY LEGISLATIVE AFFAIRS DIRECTOR

In a brief reference in the State of the Union, President Barack Obama spoke of fire fighters being able to "download the design of a burning building onto a handheld device," a subtle but important reference to reallocating the D Block spectrum for public safety.

In a conference call with White House Chief Technology Officer Aneesh Chopra just before the Jan. 25 speech, local and state government associations were briefed on the initiative and, while details are still to be worked out, the White House will be working with NACo and others to make a public safety broadband network a reality.

On the same day, Sen. Jay Rockefeller (D-W.Va.) reintroduced his legislation to reallocate the D Block to public safety. The bill, S. 28, is identical to one introduced in the last Congress, which had widespread support from state and local governments and the public safety community. Sens. Joe Lieberman (I-Conn.) and John McCain (R-Ariz.) will also reintroduce their

reallocation legislation, and Rep. Peter King (R-N.Y.) is expected to reintroduce his reallocation legislation from the last Congress. NACo will support every effort in this matter.

"It's critical that counties and all public safety agencies have maximum communications flexibility to respond effectively to emergencies and disasters," said NACo Executive Director Larry E. Naake. "NACo has long supported sufficient wireless spectrum to be dedicated to public safety uses and on a sufficient scale to allow for national interoperable response."

One of the key elements of both initiatives is how to pay for the development and deployment of a national public safety broadband network, particularly in these budget-conscious times.

The White House proposal would rely upon "incentive auctions" based on the release of unused spectrum in bands other than the D Block. This is not without controversy because much of that spectrum is held by traditional broadcasters.

NACo will be working with all parties to facilitate this reallocation.



Share your point of view ...

Letters to the Editor

Please include a phone number with your letter. Mail, fax or e-mail to:

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25 Massachusetts Avenue, N.W.,
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Local government to have voice in Gulf restoration initiative

By **STEPHANIE OSBORN**

DEPUTY DIRECTOR, COUNTY SERVICES

EPA Administrator Lisa Jackson agreed to form a local officials Gulf Coast Working Group and to help identify a federal advocate for local government claims against BP for lost revenue during a Jan. 12 meeting in Washington, D.C. with NACo President Glen Whitley and members of the NACo Counties and Parishes Oil Spill Task Force.

NACo requested the meeting with Jackson after she was appointed by President Obama in October 2010 to chair the Gulf Coast Ecosystem Restoration Task Force.

The federal task force comprises representatives from 11 federal agencies and the five affected states, and is charged with coordinating federal activities to restore the environment, economy, and health of the region in the wake of the Deepwater Horizon oil spill. There is no local representation on the task force.

County and parish officials welcomed the opportunity to serve on a local officials Gulf Coast Working



Photo courtesy of EPA

EPA Administrator Lisa Jackson (front row, center) poses with members of NACo's Counties and Parishes Oil Spill Task Force, led by NACo President Glen Whitley (second from right), after their meeting Jan. 12.

Group. This working group will complement EPA's Local Government Advisory Committee (LGAC) and interact with the federal Gulf Coast Ecosystem Restoration Task Force. On Jan. 14, NACo nominated eight elected county and parish officials from the region —

two each from Alabama, Florida, Louisiana and Mississippi — to serve on the group. It is anticipated that the working group will meet for the first time in February.

Also at the meeting with Jackson, NACo members asked for a high-level federal advocate to assist

them in acquiring reimbursements from BP for tax revenue losses. Jackson said she would work to identify such a person and discuss the request with Attorney General Eric Holder.

BP is required to cover economic and tax revenue losses under the

federal Oil Pollution Act, but local governments must negotiate their claims directly with BP, not with the federal government or through the third-party claims center administered by Kenneth Feinberg.

The economies in Louisiana and Florida were hit particularly hard by the oil spill: in Louisiana by the decrease in economic activity associated with the six-month deepwater drilling moratorium and in Florida by a major downturn in tourism. Statewide estimates of lost revenue approach \$1 billion over a three-year to four-year period in Louisiana alone.

Members of the NACo task force also met with Sen. Bill Nelson (D-Fla.) and Sen. Mary Landrieu's (D-La.) aides to advocate for a long-term Gulf Coast Recovery Fund. The establishment of such a fund, paid for by federal Clean Water Act penalties to be levied against BP, was recommended by Secretary of the Navy Ray Mabus in a long-term Gulf Coast recovery plan he submitted to President Obama in September.

It was not clear from the Capitol Hill meetings whether the Congress will take action on the recovery fund in 2011.

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National Endowment for the Arts creates new grant category for local governments

By **ROBERT LYNCH**

AMERICANS FOR THE ARTS

As county officials know, areas with thriving arts and cultural scenes generate large returns on investment and greatly enhance the quality of life for residents. On Jan. 16, National Endowment for the Arts (NEA) Chairman Rocco Landesman formally announced the agency's newest grant category called Our Town specifically to aid counties and cities in this effort.

This program will give a legitimate boost to counties looking to create their very first art districts or expand ones already in existence.

The inaugural Our Town grants call for a collective \$5 million to be distributed to approximately 35 cities of all sizes, with a special focus on economically downtrodden regions. Individual awards will range from \$25,000 to \$250,000. The deadline for statement of interests is March 1.

Our Town projects will bring to life the NEA's new strategic plan, which details a concerted

effort to raise awareness of, and involvement in, all that the arts have to offer.

The Our Town program consists of three main parts designed to strengthen American communities:

- Developing arts districts and promoting arts and artists as indispensable segments of community life and essential to community planning

- Placing art at the center of development, enhancing public spaces, and identifying solutions for more livable communities, while sensitive to environmental impacts, and

- Promoting arts as the core to community livability by enhancing their availability and accessibility, especially in new settings.

Over the past few years, county and city officials have been discussing the concept of creative placemaking through enhanced livability and sustainability initiatives. Our Town will strive to enact such practices by funding the growth of arts and



Photo courtesy of Salt Lake City Arts Council

The Twilight Concert Series keeps downtown Salt Lake City vibrant long after office workers knock off their nine-to-five jobs for the day.

See **ARTS** page 4

Salt Lake County mayor keeps door open to new ideas

By CHARLIE BAN
STAFF WRITER

Every other month, Salt Lake County, Utah Mayor Peter Corroon gives his undivided attention to whoever walks into his office, and hopes with all of his being that it turns out well.

Sometimes the visitor leaves after giving him a good idea and sometimes he winds up getting a laugh — and perhaps a plea to buy

the visitor's product.

"One gentleman suggested we develop a new rocket system for outer-space travel," he said. "That didn't fit with our county's plans moving forward. I've also gotten solicitations to buy arthritis cream."

For the most part, Corroon credits his "open door days" with an influx of new ideas directly from the people affected by county policies.

"The open doors have been helpful in soliciting ideas on how

to enhance the quality of life in Salt Lake County," he said. "About one-third of the people who come in and talk have an idea that grows legs and can move."

The program has been a mainstay of his administration since he was elected mayor in 2005, and he considers it part of his commitment to provide open, honest and accessible government.

"I thought citizens had lost faith in leadership, and there was no better way for them to regain it than to have an opportunity to speak directly to the mayor," he said.

After signing up on a first-come, first-served list, citizens get 10 minutes to speak directly to Corroon.

"We usually give them 15 minutes," he said. "On a slow day, they can talk for as long as they have something original to say."

His notes go to his cabinet members and his community relations staff to follow up and keep in contact with the speaker.

He cites suggestions to build a system of hiking and biking trails throughout the county that became the bike trail master plan. A change to the county code that allows homeowners to keep chickens in unincorporated areas started as a plea from a woman during an open-door session. Likewise, the county has responded to requests for public

garden land in county parks and an urban farming program.

"The urban farming program was a subtle gain for our county's personality as a home for international refugees," he said. "Few live in homes with yards, so having a space available to garden and grow some food helps their transition to the United States."

Not everyone who comes into the office with county business is helpful or amusing. Early in Corroon's first term, a man came in to protest the loss of his wife's county job several months earlier, before Corroon was elected.

"He told me I would be wise to have my affairs in order, because he was out to get the county for what it did to his wife," Corroon said. "After that we had our visitors tell us the topic they would be discussing

beforehand."

Corroon has also held town hall meetings since 2005, but they have not been widely attended, usually drawing just a handful of people. So he has instead been attending some of the 17 community council meetings in unincorporated parts of the county.

Still, the open-door meetings in his office will remain a function of his administration.

"It seems like whoever comes in always leaves smiling," Corroon said. "Maybe it helps that they have a chance to be heard."

"About a third of people who come in are lonely and just want someone to talk to. It might not help them solve a policy problem, but I guess in a small way, on a person-by-person basis, we're helping people."



Photo courtesy of Salt Lake County, Utah

Salt Lake County, Utah Mayor Peter Corroon, has made citizen accessibility a key part of his administration.

Cultural programs, arts can help economy

ARTS from page 3

cultural districts nationwide. Additionally, the program will generate greater access to arts and culture for larger demographics of individuals.

Municipalities that are currently undergoing economic hardships will receive special consideration for Our Town grants. Further, grantees will be required to engage in partnerships with local arts agencies in both the for-profit and nonprofit sectors. Funding will be provided for programs that can connect the arts to property redevelopment, landscaping, livability and urbanization. The programs generated from Our Town funding will have a long-term impact

on the communities in which they are implemented.

Salt Lake County, Utah offers a stunning example of how public funding for the arts can spur innovation and economic development at a regional level. For more than a decade, the county's voter-approved Zoo, Arts and Parks (ZAP) program has taken a penny of sales tax on every \$10 spent to fund cultural programs and organizations throughout the area.

Today, more than 150 organizations receive the benefits of the ZAP tax. By fostering growth outside of the traditional arts genres, such as the development of zoological programs and enhanced parks and

recreational services, ZAP programs increase citizen accessibility to creativity and culture. The county also established a multi-venue performing arts center, and plans to use arts and culture districts as key components of future economic development and urbanization.

Our Town expects to leverage additional financial resources for grantees and the areas they represent, from government and voter-approved funding in places like Salt Lake County, to working with state and federal agencies like the Department of Housing and Urban Development (HUD) that promotes similar outcomes. Our Town also expects to collaborate with organizations such as NACo.

To learn more about Our Town and the National Endowment for the Arts, go to www.nea.gov/Grants/apply/OurTown/index.html.

(Robert L. Lynch is president and CEO of Americans for the Arts, the nation's leading nonprofit organization for advancing the arts. Visit www.AmericansForTheArts.org.)

Profiles in Service



» Michele M. Sherrer

NACo Board Member
County Commissioner
Gem County, Idaho

Number of years active in NACo: 8

Years in public service: 8

Occupation: Mother

Education: BBA in marketing; BBA in management; completing MPA

The hardest thing I've ever done: is being divorced.

Three people (living or dead) I'd invite to dinner: Jesus, Abraham Lincoln, and my family.

A dream I have is to: to educate the public about civics and the ability to disagree without being disagreeable.

You'd be surprised to learn that I: lived on a fire lookout when I was younger — which means there was no running water or electricity.

The most adventurous thing I've ever done is: climb Mount Borah (highest peak in Idaho) after being bitten by a snake a couple weeks prior.

My favorite way to relax is: read a really good book.

I'm most proud of: my two boys — ages 17 and 14.

Every morning I read: the newspaper and a "Thought of the Day."

My favorite meal is: my next one.

My pet peeve is: people who don't try.

My motto is: "Life is not measured by the number of breaths we take, but by the moments that take our breath away."

The last book I read was: *The Big Burn* by Timothy Egan and *The Magnificent Catastrophe: The Tumultuous Election of 1800* by Edward Larson.

My favorite movie is: *The Princess Bride* or *The Pagemaster*.

My favorite music is: Christian rock.

My favorite president is: Abraham Lincoln.

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www.facebook.com/NACoDC

Facebook changes service terms to address government concerns

By CHARLES TAYLOR
SENIOR STAFF WRITER



Facebook's terms of service used to include language that was worrisome to some local and state governments with a presence on the popular social networking site — and to those considering it.

Not anymore.

Earlier this month, Facebook revised its standard terms of service for state and local governments, as a result of lengthy discussions with the National Association of State Chief Information Officers' (NASCIO) and the National Association of Attorneys General (NAAG), NASCIO recently announced.

"Terms of service problems have impeded broader use of Facebook and other social media tools, as states push to expand use of the tools to enhance services, openness and transparency," said Doug Robinson,

NASCIO's executive director. "This agreement will help many states leverage social media tools to enhance communication with constituents."

Governments were concerned that under the previous terms they would be liable for Facebook's legal fees if someone sued Facebook over content posted on a government agency's Facebook page, NASCIO said. The revised terms, announced Jan. 5, address that and other issues brought by NASCIO during more than a year of discussions with the

social media giant.

The revised terms resolve a number of legal issues that affected state and local governments, NASCIO said, including where legal disputes were to be heard. Previously, the agreement specified that all legal disputes had to be heard in California courts and adjudicated under California law. That provision has been removed.

"You would have been forced to learn the legal framework that exists in California rather than go to court in your own jurisdiction," said Charles Robb, a NASCIO senior policy analyst.

In addition, Facebook has specifically agreed to modify the provisions of its terms and conditions to:

- strike the indemnity clause except to the extent indemnity is allowed by a state's constitution or law;
- require that a public agency include language directing consumers to its official Web site prominently on any Facebook page; and
- encourage amicable resolution between public entities and Facebook over any disputes.

Facebook's "Amended Pages Terms for State & Local Governments in the United States" can be found at www.facebook.com/terms_pages_gov.php.

According to NASCIO, legal concerns are among the biggest barriers to wider adoption of social media by state and local governments, as documented in a survey it published last September titled Friends, Followers, and Feeds: a National Survey of Social Media Use in State Government (www.nascio.org/publications/documents/NASCIO-SocialMedia.pdf).

NASCIO's Social Media Legal Workgroup and a NAAG task force began working with Facebook more than a year ago. Legal staff from CIOs' offices and attorneys general agencies in Colorado, Massachusetts, Michigan, New York, Pennsylvania and Washington participated in the discussions.

NASCIO expects the Facebook agreement will be used as a model going forward, as the legal workgroup continues efforts to produce similar models for other social media providers.

Robb said YouTube is "our other major focus," and discussions are ongoing. "Beyond that, there's significant interest in Twitter [and] Flickr, to a degree."

2011 NACo Achievement Award Program

These FAQs can help with your application

As the Feb. 11 deadline for 2011 Achievement Award applications approaches, here are some of the most frequently asked questions about the program. For more information and other commonly asked questions, please visit www.naco.org/achievementawards or contact Kathryn Murphy at kmurphy@naco.org or 202.661.8806.

What is the Achievement Award Program?

The Annual Achievement Award Program is a non-competitive awards program that recognizes innovative county government programs in a variety of categories. Since this is a non-competitive program, each submission is judged on its own merits based on the criteria outlined in the application information. In these tough times, the Achievement Award program provides a way for counties to recognize not only innovative programs, but also the dedicated employees who make these programs successful.

What types of programs should be submitted?

The Achievement Award program seeks to recognize new and innovative methods to carry out county services and programs. Programs can be submitted in one of 21 categories such as Children and Youth, County Administration, Criminal Justice and Public Safety, Information Technology, Health and Parks and Recreation. County staff is encouraged to submit unique initiatives that have improved service delivery, achieved greater cost efficiency, provided better customer service or helped to develop a better-trained work force.

What are the eligibility standards?

All programs must have started after Jan. 1, 2006, county officials or staff must have played a significant role in developing and implementing the programs as a part of their official duties, the program must have been in operation long enough to have measurable results, all steps in the application process must be followed, and the program must meet the criteria outlined in the application instructions under Program Criteria.

What are the steps to apply?

There are two parts to the application process. The first part is the completion of the online application form with the title and category of the program. The entry fee may also be paid at this time. Once the online portion is completed, an email confirmation page will be sent which must be printed and signed by the CEO of the county.

The second portion is the completion of the program narrative. This seven-page narrative must cover the sections outlined in the application instructions. Please see the application instructions for more details on what should be included in each of these sections. The confirmation page must be stapled to the program narrative and postmarked by Feb. 11.

What format should the narrative have?

The narrative can be in any typed font, single- or double-spaced, but cannot be more than seven pages. Please see the application instructions for suggested page lengths of each section. No report covers or binding are necessary.

When are the applications due?

Applications for the 2011 Achievement Award program must be postmarked by Feb. 11.

When are the awards announced?

Award notification letters to all applicants will be mailed to the contact person listed on the application form the first week in June. Notification letters to non-winners will also be mailed at this time.

What will I receive if my program is selected as an award winner?

If the program is selected as an award winner, the contact person on the application form and the chief elected official of the county will receive an award notification letter and an award certificate. You will also receive an invitation to the Awards Reception at NACo's 2011 Annual Conference in July in Multnomah County (Portland), Ore.

Word Search

Counties that End in "S"

N I C H O L S C X K Q S O Y O X X Q N D
E F T T P J E P T S K T C F Y L D A E B
Q X V R G Q Y L L N U S T A G Z I Q D R
K A C S X A R C A E E C E N S C I N M N
F S T M R E A B N S H D O X A Y V Q I O
G D E A I B D B O M L P Z Y L R D L O H
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D E F B S S I D L C Q D V Z S L O H C E
F T F L C R Y Y T G P Y B W R J D R D P

ANDREWS (Texas)
ARANSAS (Texas)
BANKS (Ga.)
BATES (Mo.)
BRAZOS (Texas)
BROOKS (Texas)
BUTTS (Ga.)

CABARRUS (N.C.)
CASS (Texas)
COLES (Ill.)
DALLAS (Iowa)
DOUGLAS (Ga.)
ECHOLS (Ga.)
EDWARDS (Kan.)

EVANS (Ga.)
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New year brings new governance to two counties

By CHARLES TAYLOR
SENIOR STAFF WRITER

The Cuyahoga County commission's first act at its meeting on June 6, 1810 was to set the bounty for wolf scalps at "one Dollar each for the year ensuing."

Two hundred years and six months later, the commission's last action — metaphorically — was to turn out the lights on the county's old form of governance and make way for a new one.

Cuyahoga County, Ohio is one of two large, urban counties in the northeast that began 2011 with new forms of government. The county, seated at Cleveland, went from a three-member board of commissioners to an elected county executive and 11-member county council.

Macomb County, Mich. now has its first elected CEO and shrank its board from 26 to 13 members.

The reasons for the change differ, but both counties now face similar challenges and opportunities as they remake government from the ground up.

In Cuyahoga County, population 1.3 million, scandals under the prior structure prompted voters to push for revolutionary change. For Macomb, part of the Detroit metropolitan area, it was an evolutionary step in growing up for this once "sleepy" county that now boasts more than 831,000 residents.

Participants and observers agree that whatever outcomes the voters who approved the new governments had in mind, they'll need to be patient.

"It's going to be a slow process. Just because you've changed doesn't mean everything else is going to change overnight," said Summit County, Ohio Executive Russ Pry. His is the only other Ohio county with a council-executive government. As with Cuyahoga, the change in Summit County followed a government scandal, albeit 30-plus years ago. (In Cuyahoga County, for more than two years, a federal corruption probe has been underway that resulted in 26 charges against former Commissioner Jimmy Dimora, including allegedly taking bribes and kickbacks — he denies the charges — and guilty pleas to 21 crimes by former county Auditor Frank Russo.)

The federal indictments' broad brush has unfairly tarnished the county's reputation, says C. Ellen Connolly, a former Cleveland municipal court judge and president of the new Cuyahoga County Council. "Some very good, fine people have been tainted just because they worked here," she said.

But she and her 10 colleagues — none of them holdovers from the previous government — have hit the ground running to try to change perceptions and realities.

"We're working as hard as we can, but it's like a battleship; you don't change the direction in one turn of the wheel," she said.

One recent week, Jan. 12–19, found the new county executive, Ed FitzGerald, making four new appointments to his staff: an inspector general — a new position — acting fiscal officer, deputy chief of justice and communications director.

With so many changes, there's understandable "angst" and "anxiety" among the county's 8,000 employees, said Peter Lawson Jones, the last chair of the County Board. He could have run for the new County Council but chose not to, not wishing to extend his elected service. He was an early critic of the proposed change in governance but thinks it can work.

"When all is said and done, it's not the structure that's determinative of how well the government functions; it's the people who are sitting in the seats," he said. "As long as you have a good executive — thoughtful, visionary executive — you're probably better than having the three-headed hydra that is the Board of County Commissioners."

Cuyahoga County

FitzGerald has pledged to lead an open, transparent government. "My job as county executive, in partnership with the County Council, will be to craft a strategy which builds on our assets and to implement that strategy with a government that is efficient, transparent, honest and effective," he said at his inauguration Jan. 9.

He's the right man for the job, according to Pry, who has given advice to several of the transition teams created to usher in Cuyahoga's new government. "He's a lawyer by profession; he's a former FBI agent," Pry said of FitzGerald. "So I don't think we're going to see a lot of corruption in his administration."

Under the new structure, county departments that formerly reported to the county commissioners — as well as newly created ones — now report to FitzGerald.

After his election last November, FitzGerald also spearheaded creation of a loaned executive program, a public-private partnership to provide technical expertise on various aspects of the transition to the new government. Members included executives from the Cleveland Clinic Foundation and PNC Bank, among others.



Photo courtesy of Macomb County, Mich.

Mark Hackel (r), Macomb County, Mich.'s first county executive, is sworn in by county Clerk Carmella Sabaugh at a ceremony Dec. 31 in Mt. Clemens, the county seat.

The council has given FitzGerald the authority to execute contracts under \$250,000 during the first 90 days of his administration, "just to keep everything running," Connolly said.

Thus far, the pace of change has been unrelenting. "It's been very hectic," she added. "We got sworn in on Monday night, the third, and the next morning at 9 o'clock we were doing interviews for candidates for the Board of Revision," a panel that hears property tax assessment challenges that already has a backlog of cases.

Under the new government, council members each represent a single district, versus running countywide as the previous three commissioners did. This could give rise to more parochialism and ward politics. But Connolly says her members are staying focused on the

big picture while also attending to the needs of their constituents.

Macomb County

Growth and development are among the factors that led Macomb voters to approve a new charter in November 2009. Before the change, only three of the state's 88 counties had home-rule governments: Oakland and Wayne counties, also in the Detroit area, and Bay County.

Macomb County residents voted in favor of creating a charter commission on May 6, 2008. Commissioners were elected the following November and began drafting the charter one month later. Gov. Jennifer Granholm subsequently approved the charter, and it was placed on the November 2009 ballot, where it passed 60 percent to 40 percent.

"I think that the citizens of Ma-

comb County felt like they needed to move in that direction in order to be more progressive," said Tim McGuire, executive director of the Michigan Association of Counties.

The Detroit-area counties, along with the Motor City, comprise what some Michiganders call the Big Four. The jurisdictions account for about 40 percent (4 million) of the state's 10 million residents. But for all its size, Macomb was the region's "red-headed step-child," according to Brooks Patterson, Oakland's long-time county executive.

And he said the county's former structure could be a hindrance when the Big Four were acting in the interest of the region, or to Macomb's benefit, for that matter. Oakland and Wayne, and Detroit with its strong mayor, could act more decisively — having a single point person at the table during discussions and negotiations. "In the past Macomb always had to drop out and come back in six weeks after they had a vote of the board," Patterson said.

Now, "It's apples to apples as we begin to map out programs," he added. "You have a person who's going to step up, and frankly, the buck stops at his desk."

Behind that desk sits Mark Hackel. The new county executive was elected last November, after serving as the county's sheriff for a decade.

"We're now going to be an equal partner with an equal voice," he said. "With that, we're also looking for an equal share."

As with FitzGerald in Cuyahoga, Hackel is spending a lot of time "making sure I'm finding the right staff — people that are business professionals who understand how to organize and design a business."

The business in this case isn't a manufacturing operation; its task will be the business of governing.

Preamble to the Cuyahoga County Charter

We, the people of Cuyahoga County, Ohio, desire a reformed County Government to significantly improve the County's economic competitiveness. With it, the taxpayers of Cuyahoga County can have: (1) focused, effective and accountable leadership; (2) job creation and economic growth as a fundamental government purpose, thereby helping the County do a better job of creating and retaining jobs and ensuring necessary and essential health and human services; (3) collaborative leadership with Cleveland, suburbs and others within the public and private sectors; (4) an improved focus on equity for all our communities and citizens; (5) long-term regional and global competitiveness; and (6) significant taxpayer savings by streamlining and eliminating unnecessary elected offices.

Desiring to secure for ourselves and for our successors the benefits of self-determination as to local matters that are afforded by the assumption of home rule powers for this County and the establishment of a county government that provides for the separation of administrative and legislative powers and for a more representative and accountable form of governance for this County, We, the people, adopt this Charter of Cuyahoga County.

The charter, in its entirety, can be found at <http://charter.cuyahogacounty.us/en-US/charter.aspx>.

For Macomb County's home rule charter, go to www.macombcountymi.gov/clerksoffice/charter/charter-final.pdf.

Federal, local partnerships crucial to justice, public safety

By **DALEN HARRIS**

ASSOCIATE LEGISLATIVE DIRECTOR

AND **DONALD MURRAY**

SENIOR POLICY ADVISOR

County officials from across the country explored local, state and federal intergovernmental partnerships and priorities at NACo's recent Justice and Public Safety Symposium in Orleans Parish (New Orleans), La.

"The symposium provides an opportunity to hear directly from experts on many of the critical justice and public safety issues affecting counties across the country," said Sebastian County, Ark. County Judge David Hudson, NACo's Justice and Public Safety (JPS) Steering Committee chair. "The critical matters explored at the meeting will improve and enhance public safety in states and local communities nationwide." The annual gathering was hosted by Orleans Parish, the Police Jury Association of Louisiana and NACo Jan. 19-21.

Steering committee members heard from some of the nation's foremost disaster recovery and justice experts, including Lynn

Overmann, deputy counselor, Access to Justice Initiative, U.S. Department of Justice. They also discussed how county officials can best shape policies to ensure that services are enhanced for residents in their communities.

NACo's new policy seeking reform of the indigent defense system was also highlighted. The association and several national organizations are seeking assistance from the Justice Department in setting up demonstration programs for establishing rural public defender systems. Counties play a significant role in indigent defense counsel programs, and NACo has long supported the need for multi-government funding and training in this area.

The U.S. Supreme Court ruled nearly five decades ago, in *Gideon v. Wainwright*, that states must provide competent counsel to indigent defendants in felony cases. That mandate has been upheld by the high court and expanded in subsequent cases.

County governments, however, have struggled to shoulder the states' responsibilities under *Gideon* and later rulings. Leaving



Photo by Donald Murray

Scott Taylor, director, Multnomah County, Ore. Department of Community Justice, discusses bail reform during a panel on the topic. Also pictured is El Paso County, Colo. Commissioner Sallie Clark, chair of NACo's Courts Subcommittee.

rural counties responsible for administering and funding indigent defense services can be a financial burden, especially at a time when resources are scarce.

Other issues discussed at the symposium included: the cost effectiveness of bail reform,

enhancing long-term disaster recovery and emergency communications, the benefits of effective floodplain management, the importance of intergovernmental partnerships for lowering jail and prison populations, and juvenile detention.

Featured federal, state and local government speakers included Jon Wool, director, New Orleans office, Vera Institute of Justice; Kim Allen, former director, Louisville-Jefferson County Criminal Justice Coordinating Council; Paul Rainwater, commissioner of administration, State of Louisiana; Walter Maestri, former director of emergency management in Jefferson County, La.; Michael Hunnicutt, mitigation compliance director, Louisiana Recovery Office, Federal Emergency Management Agency; Story County, Iowa Sheriff Paul Fitzgerald, incoming president of the National Sheriffs' Association; Sheila Bedi, deputy legal director, Juvenile Justice Policy Group, Southern Poverty Law Center, and Katherine Guidry, JDAI site coordinator, Louisiana Commission on Law Enforcement.

For more information on the symposium or NACo justice and public safety policies, visit the Legislative and Policy section of the NACo website at www.naco.org, or contact Dalen Harris (dharris@naco.org) or Donald Murray (dmurray@naco.org) at NACo.

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FROM THE NATION'S COUNTIES

Fulton County, Ga.

Travel Abroad Opens Students' Horizons

By CHARLIE BAN
STAFF WRITER

Though its boosters want people to think Fulton County, Ga. offers everything they could ever need in life, the county's Global Youth Leadership Program prepares the county's teens for a life well connected to the outside world.

Created in 2008, the program introduces high school sophomores and juniors to the international community and focuses them on the customs and culture of one country each year, which they visit, serving as Fulton County ambassadors.

Formerly conducted by the Fulton County Youth Commission, the ambassador program is now autonomous. That autonomy means more latitude in determining its mission and the number of participants, said Claire McLeveighn, director of external affairs for the County Commission chair. The program is also independent of the various school systems in the county.

"It empowers young people to be competitive internationally on a foundation of preparation, scholarship, community service and international travel," Program Coordinator Neiger Green said.

This year Fulton County plans to send 36 students to Brazil for two weeks in the summer, though organizers have not finalized the itinerary. Three prior trips have taken students to South Africa, Germany and Turkey.

Fulton County's human services department budgets \$171,700 for preparatory instruction, provided at county facilities. Funding for the trip comes from corporate donations and public fundraising, with each student responsible for raising \$1,000 of the approximately \$3,500 that the trip will cost.

John Eaves, chairman of the Fulton County Board of Commissioners, chooses destination countries based on how they treat human rights, social justice and income disparity. Of particular interest are countries that have had human rights histories that students can compare with the

American civil rights movement. Those have included examination of the anti-apartheid movement in South Africa, the Holocaust in Germany and the Armenian genocide in Turkey.

"We'll look at broadening the policy areas upon which we decide destinations," McLeveighn said. "We'll start looking at how other countries address sustainability, environmental protection and the growth of technology."

Ambassadors complete an eight-week curriculum on international relations focusing on criteria set by the United Nations. These criteria include reducing child mortality, improving maternal health, gender equality, eradicating poverty and hunger, reducing HIV and AIDS, and achieving universal primary education.

Each class includes an exercise. For example, the poverty and hunger segment requires students must budget a week's worth of food with \$7.

"The program improved dramatically when we added education component," Green said. "We wanted students to have to buy-in before they traveled, more than just looking at pictures and maps of where they would go. They know the



Photos courtesy of Fulton County (Ga.) Global Youth Leadership Program

Brianna Fullwood, Erin Dabbs, Jailyn Baugh, Ankita Shirahatti, Camille Sims, Tavia Bell, Wesley Mannings, Neil Sethi, and Ki Pyo Jeon visited *Anıtkabir* the mausoleum of Atatürk, and the founder and first president of the Republic of Turkey, in Ankara in 2010.

history and themes in the countries we're visiting and are equipped to maybe surprise a tour guide with an insightful question."

They also focus on public speaking—35 hours of instruction—followed by 75 hours of foreign language instruction. By the time they head to Brazil, Green said the students will have a sufficient grasp of Portuguese—Brazil's official language—to conduct

basic-to-intermediate conversations. Native Portuguese speakers in Fulton County have volunteered to supplement the instruction by being available to help students practice their diction and recognize nuance in the language.

"Besides wanting to teach the students a new language, we want to warm the Brazilians to our presence," Green said. "We don't want anyone thinking, 'here come those stubborn Americans who expect us to speak in English.' We want to disarm them with the effort we make to participate in their culture."

Green said Fulton County would work to arrange host families for the students. In prior trips, they have done so, in addition to staying in Turkish hostels near the centers of the towns they visited.

She hopes the students' foreign language skills will also help ingratiate them further to their hosts.

"When foreigners take that extra step to try an interaction in the native language, you see people's shoulders relax and an exchange of understanding," she said. "That's when you break down and have more than just generic conversation. Both sides are then a lot more patient in trying to break down the language barrier."

Throughout the education portion of the program, which the county funds, students will do community service projects arranged through the Brazilian consulate.

"The exposure these students

get is the most valuable part of this program," Green said. "We see students who, for some, the extent of their cycle is a few miles from their home and school. This program changes their perspective on what life has to offer."

She recounts one student, dead-set on a career in physical education, who changed her college major to international business after traveling to Germany.

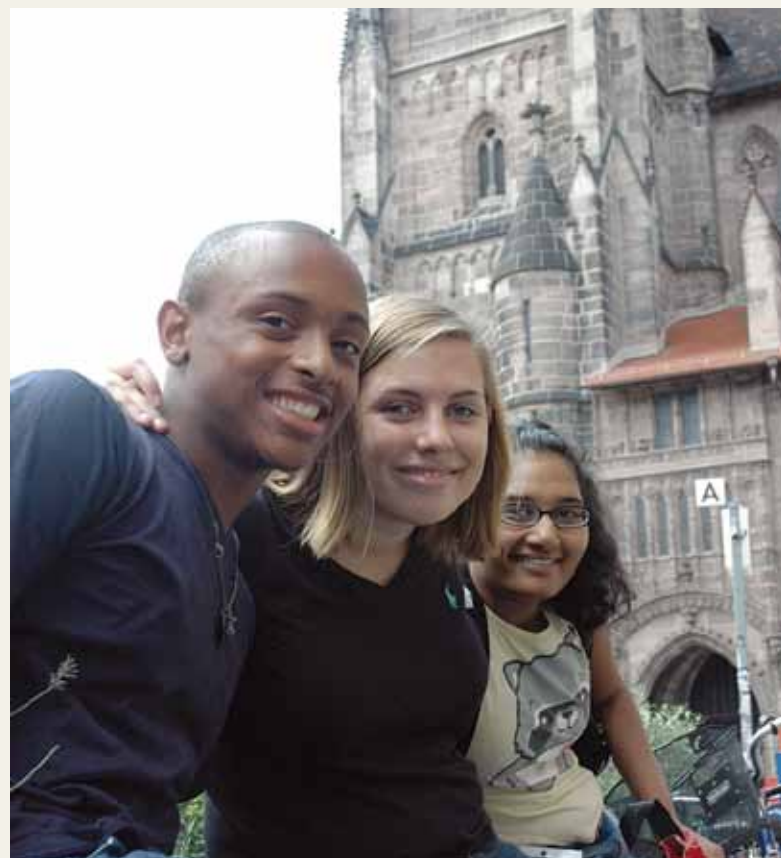
Upon return, student ambassadors present their findings to school and community organizations. The students also prepare to play host to students from the countries they visited, as part of a reciprocal program.

While in the states, visitors travel to Birmingham, Ala. and other historical sites, including the King Center, related to the civil rights movement.

And, officials hope, they fall in love with Fulton County and the Atlanta area.

"We had one visitor from South Africa who ended his trip with his heart set on going to Moorhouse College," Greensaid, referring to the historically black college in downtown Atlanta. "I'm now his legal guardian so we can expedite his student experience while he's here."

(For more information on Fulton County's Global Youth Leadership Program, please contact Neiger Green at 404.613.1020 or at neiger.green@fultoncountygga.gov.)



Wesley Mannings, Amanda DuPart and Prachi Fulay visited Nuremberg, Germany in 2009 through the Fulton County, Ga. Global Youth Leadership Program.

Research News

Counties Integrate New Technology in Novel Areas

The idea of adopting new technology can be daunting. With the expansion of programs such as global positioning system (GPS), geographic information system (GIS) and smart phone applications however, county departments are taking the lead in integrating these new technologies in a variety of program areas. These innovative programs are using the new options available in order to make programs more efficient and provide better services to county residents.

The Johnson County, Kan. Park and Recreation District in partnership with Lenexa, Kan. created GPS-based reference points on sign posts at key positions in parks and trails to assist park patrons in case of an emergency. Johnson County, has more than 280 miles of trails that serve thousands of residents annually.

With such a large interconnected trail system, residents were often unaware of their exact location on the trails. The signs provide geo-referenced locations so that residents can communicate their exact location via the unique identification number on the nearest 911 sign if emergency services are needed.

Maricopa County, Ariz. integrated GPS and GIS technology to ensure that contract work for street

sweeping on county roads was being completed efficiently. Previously, to verify completed work, random field inspections were performed by county staff. With more than 650 miles of roads under contract, this process was limited and inefficient. Using GPS devices on the trucks, county staff was able to monitor trucks' progress and ensure that they were abiding by speed limits and other regulations in the contract. GIS is used to process the data gathered from the trucks and monitor the completion of the required areas. The integration of GIS and GPS in the monitoring of this contract has reduced the number of field inspec-

tions and improved accountability for contract compliance.

The Department of Cultural Affairs in Miami-Dade County, Fla., has developed an iPhone and iPod Touch application especially aimed at students to promote cultural events throughout the county. Available free of charge through the iTunes store, the application delivers direct and up-to-the-minute event and ticket information and ticket availability alerts to students via their iTouch or iPhone.

This system provides program details, content and ticket availability immediately to the prospective ticket buyer. In addition, the application of-

fers Miami-Dade County's performing arts organizations and museums a cost-free marketing vehicle to sell tickets, and to broadcast performance news and behind-the-scenes video footage.

The Montgomery County, Md. Department of Technology Services teamed up with the county's Department of Health and Human Services to develop a database and mapping program to provide up-to-date information about the H1N1 influenza outbreak last year. The program used school absenteeism data due to flu-like symptoms to provide county staff with useful geographic data to help determine if schools should be closed.

The timely maps were generated quickly and accurately to help communicate with school administrators, teachers and parents. The technology provided the Health and Human Services Department with vital and up-to-date information in order to make the best decisions for residents.

Despite the abundance of avail-

able GIS tools on the parish website, staff in Calcasieu Parish, La., noticed that many residents of the community were unfamiliar with the array of useful features of the information. After the promotion of the data through standard public relations did not yield a large increase in use, staff created a program to target the youth of the parish who would then help educate parents.

Through the program called Amazing Race: Calcasieu, classes were sent mathematical problems that resulted in coordinates to locate parish landmarks on the map using the GIS system. Groups of students would race to solve the problems and locate the landmarks on the map. Students also had take-home assignments and hand-outs to share with parents. The program successfully educated youth on using GIS systems and helped increase awareness of the parish data available online.

(Research News was written by Kathryn Murphy, research associate.)

Water 'guide' published without consulting local groups

WATER from page 1

the unfunded mandate threshold or creates a preemption of state or local government authority. A guidance, regardless of its impact on state or local governments, does not trigger this consultation rule.

State and local government groups, including the NACo, were not consulted for this "waters of the U.S." guidance even though

they both regulate and are regulated under the Clean Water Act. Any changes or clarifications to the "waters of the U.S." definition will impact all levels of government.

Another issue: what force of law will the guidance have behind it? A guidance is generally used to clarify existing language. However in the past, both the Corps and the EPA have used non-regulatory language to implement policy.

One example is the promulgation of the Migratory Bird Rule. Using the term "rule" is misleading, since the Migratory Bird Rule was never a true agency rule. It was instead part of a preamble to a 1986 rule on the definition of "waters of the U.S." A preamble is essentially an introduction and is not considered enforceable language.

This preamble, composed by the U.S. Corps of Engineers, included a definition of "waters of the U.S." as interstate waters that have no connection to navigable waters but were or would be used as habitat for migratory birds. From 1986 until 2001, the Corps used the Migratory Bird Preamble to regulate isolated, intrastate, non-navigable waters nationwide.

But, in 2001, the Supreme Court overturned the Migratory Bird Rule in *Solid Waste Agency of Northern Cook County (SWANCC) vs. U.S. Army Corps of Engineers*. The court said the Migratory Bird Rule raised serious constitutional and federalism concerns, and the Corps went far beyond their authority as granted under the Clean Water Act (CWA).

Financial Services News

U.S. Communities Offers Food Service Contracts

U.S. Communities' lead public agency, North Carolina State University, has announced a new Food Distribution and Related Supplies and Services contract that provides significant savings and the best overall solutions for food distribution, supplies and services.

Premier Inc. was awarded a competitively bid contract that provides U.S. Communities' participating agencies immediate access to Premier's food service programs, delivered in conjunction with the alliance's broad-line food service distributor, U.S. Foodservice.

Premier's solutions address budgetary and environmental challenges, and sustainable and healthy lifestyle needs. The program enhances supply chain processes related to inventory, invoices, accounts payable and consolidated purchase history for both individual facilities and systems.

Some of the advantages participating agencies can expect under the new U.S. Communities Food Distribution contract with Premier are:

- aggressive distribution program through U.S. Foodservice,

- more than 190 active contracted manufacturer agreements (CMAs) driving discounts up to 20 percent on over 32,000 products,

- immediate savings on national-branded products covering multiple quality tiers, including the full complement of foodservice categories: dry, frozen and refrigerated grocery; center of the plate; dairy and milk; disposables; small wares and equipment; chemicals and produce,

- operational incentives based on drop size, accounts payable, new business, and

- wellness, sustainability and cost-management components throughout the program.

To learn more about the products and solutions available under the new U.S. Communities Food Distribution and Related Supplies and Services Contract, please visit www.uscommunities.org/premier-usfoodservice.

(Financial Services News was written by Nancy Parrish, director, NACo Financial Services Corporation.)

What's in a Seal?

» Inyo County, Calif.
www.inyocounty.us



Known as the Adventure Capital of the World, Inyo County was formed in 1866 from the territory of the unorganized Coso County and parts of Mono and Tulare counties. It acquired more territory from Mono County in 1870, and Kern County and San Bernardino County in 1872.

For many years it has been commonly believed that the county derived its name from the Mono Tribe's name for the mountains in its former homeland.

Inyo is home to Mount Whitney, the highest peak in the lower 48 states, and Death Valley, the lowest point in the U.S. The Great Basin bristlecone pines, which are the oldest life forms in the world, are also found in the county.

The seal shows Death Valley in daytime and the granite peaks of the High Sierra at night.

(If you would like your county's seal featured, please contact Christopher Johnson at 202.942.4256 or cjohnson@naco.org.)



News From the Nation's Counties

► ARIZONA

MARICOPA COUNTY officials and lawyers are trying to **settle out of court** at least some of the \$56 million in legal claims filed against the county in the wake of investigations, lawsuits and criminal complaints pursued by Sheriff Joe Arpaio and former County Attorney Andrew Thomas.

Court documents filed in U.S. District Court indicate "all parties are presently pursuing early settlements of these cases," and the first official confirmation that settlement discussions are under way to help end several years of bitter legal and political wrangling, the *Arizona Republic* reported.

Seven lawsuits involving eight plaintiffs have been filed in court. Only three have been delivered to the plaintiffs, and those three were moved from Maricopa County Superior Court to U.S. District Court. Settlement talks have begun on those three.

Administrative claims filed by plaintiffs as a prelude to the lawsuits ranged from \$1.75 million to \$10 million apiece.

► ARKANSAS

A three-month **fitness challenge** is pitting **LONOKE COUNTY** cities against one another for bragging rights.

Cities will compete to get healthier during the Lonoke County Fitness Challenge, ending in March.

The Lonoke County Hometown Health Improvement Coalition started the challenge in 2003 after a behavioral risk survey showed that citizens were overweight and had high blood pressure. The challenge aims to address obesity and lack of exercise, healthy food and nutrition choices, and lifestyle choices for exercise, the *Lonoke Democrat* reported.

Eligible exercises, including walking, running and jogging water aerobics or swimming laps; bicycling; aerobic dance; court sports and using aerobic machines, yield points for every 30 minutes of exercise. Losing one pound earns participants five points. Participants turn in their exercise logs every 15 days, and the city earning the most points is the overall winner.

► CALIFORNIA

• **AMARIN COUNTY** sewage **spill** into Corte Madera Creek may have been the work of saboteurs.

A 30-inch-diameter PVC pipe was clogged with large chunks of road asphalt, thick pieces of the kind of rubber used on running tracks, rolls of wire and even construction helmets. The junk was enough to

fill a small dump truck, Ross Valley Sanitary District manager Brett Richards said.

"There is no rational explanation for that stuff to be in the pipe. The only way for that debris to get inside the manhole is for someone to open the manhole cover and put it in there."

He told the *San Francisco Chronicle* he believed someone either sabotaged the sewer line or a construction worker threw the debris down a manhole instead of taking it to the dump.

"It is not uncommon to find garbage and other debris stuffed down manholes, but usually its just small stuff," he said. "We have wheelbarrows full of debris. There is some malice involved in this. We just don't know who."

• **PLACER COUNTY** law enforcement and schools are offering huge discount on at-home **alcohol and drug-screening kits** as part of an aggressive new anti-drug initiative.

The sheriff's department and the county's six high schools will soon begin selling a drug-screening kit for a quarter of its normal \$40 price. Alcohol test strips will be available for \$2. The drug kit will test for marijuana, cocaine, meth and other illicit drugs. Deputy Laurie Bettencourt told the *Sacramento Bee* that authorities would not encourage parents to turn in their kids if they test positive, but rather to use it as an opportunity to promote safety and spark honest dialogue between family members.

► FLORIDA

• **HILLSBOUROUGH COUNTY** commissioners asked the county attorney to draft an ordinance regulating medical clinics that are often a key component of **auto insurance fraud**. The ordinance would allow the county to better track owners and screen employees.

Drivers and passengers involved in staged accidents are taken to the clinics, usually with no doctor on staff and instructed on how to fill out paperwork to make insurance claims.

Commissioner Kevin Beckner, who has been working with the Sheriff's Office since July on the rising insurance fraud problem, said he hopes the ordinance will be as successful as the one commissioners passed last year to crack down on illicit pain management clinics, also known as "pill mills." The ordinance required the clinics to register with the county and have a licensed physician be responsible for all written prescriptions.



Photo by Vinora Hamilton

Miami-Dade County Library Director Raymond Santiago and contest winner Amy Araya show off Amy's prize-winning bookmark.

► FLORIDA

• Amy Araya, 9, a patron of the Miami Beach Regional Library was recently selected as the winner of the **MIAMI-DADE COUNTY** Public Library System's 2011 **Make-a-Bookmark** contest. Her bookmark design was chosen out of 2,000 entries submitted by children at all 48 branches in the countywide system.

The annual contest, sponsored by the Miami Dolphins Foundation, was open to children ages 6-12, who were asked to submit a drawing with the theme "Let's Celebrate the Library's 40th Birthday," a milestone that the library will commemorate starting in January.

More than 20,000 bookmarks, with Amy's design, will be distributed throughout the library system in 2011.

The fraudulent claims take advantage of loopholes in Florida's personal injury protection insurance, also known as "no fault."

► MICHIGAN

The *Detroit Free-Press* reports **MACOMB COUNTY** County Public Works Commissioner Anthony Marrocco wants the Detroit Water and Sewerage Department to **reimburse the county sewer district** more than \$2.8 million in payments to contractor Bobby Ferguson on a sewer repair contract. If not, Marrocco said Thursday, "we will go to court on this issue if need be."

Ferguson was indicted Dec. 15 on federal racketeering charges.

He and others are accused of attempted or actual extortion and contract rigging, including conspiring to have a \$350,000 payment made to Ferguson for work at a

site where allegedly no work was done. The project cost more than \$54 million, 80 percent of which, Marrocco said, was paid by the county sewer district.

► MONTANA

GALLATIN COUNTY commissioners recommended that citizen boards take up the responsibility of **granting conditional-use permits**.

The recommendation came after the deputy county attorney advised commissioners that it may be improper for them to hold hearings regarding the special permits. The commissioners will transfer that task to citizen groups called boards of adjustments, the *Bozeman Daily Chronicle* reported.

► NEW YORK

SARATOGA COUNTY will begin charging people convicted

of drunken driving or other similar crimes \$25 to attend **victim impact panels**, *The Post-Star* reported.

The sessions feature testimonials from police and family members of victims of DWI and related offenses. Several surrounding counties already charge a fee for the panels.

Saratoga County District Attorney Jim Murphy recommended that Saratoga follow suit because people convicted in other counties were attending panels in Saratoga to avoid the fee. "Hopefully this will level the playing field and help balance the attendance," he said.

Judges will be able to waive the fee for those who can't afford it.

► NORTH CAROLINA

• **ROBESON COUNTY** commissioners have passed an ordinance requiring **pawn shops** to maintain an online inventory of items they take in. They also approved the purchase of new law enforcement software that will help the Sheriff's Office track stolen goods. The software license will cost the county \$10,000 a year.

"This will really help our guys solve a lot more property crimes in this county," Commissioner Raymond Cummings told the *Fayetteville Observer*.

• **MECKLENBURG COUNTY** Park and Recreation plans to clear 100 acres of **loblolly pine trees** to improve biodiversity in its nature preserves.

The trees were originally planted for logging, but are not indigenous and pose a threat to a healthy, natural environment, according to Chris Matthews, parks and recreation natural resources manager, *The Charlotte Observer* reported.

"Our department is not in the business of growing trees and cutting them down. We've got a situation where these pine plantation trees are overcrowded," Matthews said. "We're trying to provide the best habitat we can and trying to ensure for long-term diversity in our nature preserves."

The county will sell the timber and use the money to plant short-leaf pine trees, a disappearing native species in the area. Any money left over will go toward restoring nature preserves around the county, he added.

► OREGON

A state legislator has proposed a bill to study consolidating **MULTNOMAH, CLACKAMAS**

The H.R. Doctor Is In

Dishonorable Conduct in 3D

South Florida's "reality" TV programs, otherwise known as the evening news, have been more littered and sensational than usual in the past year following the stories of the arrests and subsequent convictions of several local government elected officials.

Most of the charges related to money being paid illegally in the hope and expectation that the official would steer business in the "proper" direction.

County commissioners, a city commissioner, school board member and others were seen being escorted to a very overcrowded jail in handcuffs, despite consulting with highly paid attorneys and thinking about plea bargain possibilities. The outbreak of ethical cholera, with its cluster of cases keeping the FBI busy in South Florida, appears to be part of a wider epidemic in the U.S. and the world.

At the end of October 2010, the annual Corruption Perception Index report of Transparency International saw the U.S. move in the wrong direction to number 22 among the 178 countries covered in

the report. This is attributed in part to the widespread sense that Congress may be owned and operated by special interests. While that has always been a feeling throughout American history, it is now tracked relative to other nations via a standard worldwide survey.

A reader e-mailed me recently asking for comments concerning another side of the situation — the evil effects on staff morale and organizational productivity that occurs following an elected official's arrest and conviction.

Members of the public and employees of the public in this area have watched with a mixture of sadness, disgust and increasing sarcasm as the FBI, state prosecutors, ethics commissions and others have had their job security increased as a result of investigating elected officials. Charges have ranged from brandishing a weapon to eluding police with their election for self-enrichment instead of the public good.

As investigations move on, and their outcomes attract more media attention, the public enters a

hypnotic state in which corruption is presumed to be a new norm in government. The media is extremely helpful in harping on the subject of afflicting the comfortable. This loss of faith is a greater risk to the nation's future than the particular crime committed.

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My colleague is correct in her assumption that there is a definite harmful effect throughout the organization when the behavior or performance of a leader has been rendered toxic by their own ethical and legal failures. The same is true of appointed leaders such as city or county managers, directors, or even top law enforcement officers. Toxic behavior may first appear publicly in scandals such as an arrest. However,

in most cases the behaviors and poor judgments, which end up in courtroom dramas, usually play out in the workplace before they reach the press.

Arrogance and breakdown of ethical judgment are also symptoms of bullying. A bully who acts in an evil way is likely to have had prior incidents of acting out or behaving poorly. Being honored and deferred to in public all the time can infect the brains of a few folks with the false notion that they are somehow above and immune to honoring the standards of civil behavior. This is no different than other workplace behaviors which might well get a normal employee fired or otherwise sanctioned. The behaviors inevitably are noticed by and affect other people.

At least twice a year going back more than a decade, the HR Doctor is approached at a conference or other event by a colleague who asks, often in hushed tones, for advice in handling a situation in which some elected official they know openly bullies, screams at, or asks a subordinate to do things that make the employee feel trapped, frustrated, sad, or just not knowing what to do. They are dealing with a personal crisis in which they worry about their job, their family and their futures. They often tell me that they are single parents or otherwise the primary wage earner.

There is no one simple answer or prescription to follow. However, for those employees who may be in a circumstance like my colleague there are some basics. The first one is the principle of taking the action which is in the best interests of the stakeholders not the individual. In other words, when feeling bullied by an elected official's conduct, think about how important it is to the community that this person's behavior not be ignored. Ignoring poor behavior is tantamount to endorsing or enabling it to happen again. The official's behavior will likely be reflected in how public policy decisions are made.

Based on that test, if the employee feels that the behavior is wrong and may be polluting the wellspring from which public policy emerges, keep notes and disclose your concerns to someone you trust. Hopefully, that should include your own director or other work colleagues. First, however, decline to be a participant in unlawful or unethical behavior.

The final of the "3D" response, besides decline and disclose, is to

defer. That is, advise the elected official that this is a decision best made by someone else, such as the city manager, rather than taking on the burden as a subordinate. A city or county manager will usually be in a better position to have a frank discussion with the elected official and to hopefully move the person in a better direction. The organization may also have an internal audit or whistleblower policy. There is an organizational responsibility to prevent the liabilities which come from retaliation.

The three Ds are difficult for anyone to use in these cases since an elected official is someone who should be looked to as a positive role model. When the official flunks the role-model test, especially when criminal misconduct, drunk or drugged driving or bullying threats is involved, the illusion of being a positive role modeling is shattered.

My colleague is correct that poor behavior by a leader echoes throughout the organization. However, so does the brave and proper action taken by a colleague who doesn't walk by a serious problem when the difficulties are viewed in "3D."

A reasonable and ethical response to a fundamentally disheartening situation will allow the employee to sleep better at night than the defrocked elected official can from the chilled environment of a prison cell.

Phil Rosenberg

Phil Rosenberg
The HR Doctor • www.hrdtr.net

Snohomish County, Wash. turns 150

NEWS FROM *from page 10*

and WASHINGTON counties.

Rep. Mitch Greenlick's House Bill 2645 would create a seven-member panel, appointed by the governor, to study consolidation and report to the Legislature by the end of December 2012, the *Portland Tribune* reported.

"I think we absolutely have to be talking about these kinds of alternatives over the next 10 years," Greenlick said. "We need to take a serious look at this in this day and age of tight budgets and falling revenue. That's what this bill is trying to do."

Washington County Commission Chairman Andy Duyck says the bill's timing "stinks." "Looking at it from just a funding perspective, funding is difficult right now for all of us," he said. "We're all looking at ways to save money. And it costs a lot to do these kinds of studies."

► SOUTH CAROLINA

CHARLESTON COUNTY has launched a pilot single-stream recycling residential program in selected neighborhoods.

"Our goal is for non-recyclers to begin participating in the curbside

program and for current participants to recycle even more," said Nancy Carter, a spokeswoman for the county's Environmental Management Department.

Approximately 4,600 homes are participating and received either 95-gallon or 65-gallon roll-carts for all their recyclable materials.

► UTAH

The SALT LAKE COUNTY auditor has called for a criminal investigation into a retired library accountant suspected of embezzling \$40,000 from a government account over seven years.

The accountant, whom the auditor did not name, had returned most of the money before he was caught, according to the *Salt Lake Tribune*. But about \$10,000 remains unaccounted for.

Library Director Jim Cooper said the library has taken steps to ensure accounts are secure, including hiring a fiscal manager, and creating separate accounts for reimbursements to patrons and staff.

► WASHINGTON

Happy 150th birthday to SNOHOMISH COUNTY, which kicked off its sesquicentennial

celebration earlier this month. County Executive Aaron Reardon and County Council Chairman Dave Somers were on hand for the event Jan. 14 in downtown Everett, the county seat.



Fertile farmland, easy water access and abundant forests attracted settlers in the mid-1800s. As the population grew, settlers petitioned the territorial legislature to create a separate county. On January 14, 1861, that petition was granted. Washington became a state in 1889. Today, the county is known for its aerospace, biotech and clean-energy industries.

(News From the Nation's Counties is compiled by Charles Taylor and Charlie Ban, staff writers. If you have an item for News From, please e-mail ctaylor@naco.org or cban@naco.org.)

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Job Market & Classifieds

►HEALTH AND HUMAN SERVICES RESOURCE DIRECTOR – PINELLAS COUNTY, FLA.

Salary: \$110,246 – \$165,369 annually + excellent benefits; DOQ.

Pinellas County Government (Clearwater, Fla.) is seeking an articulate, dynamic individual with excellent leadership skills to serve as Director of the Health and Human Services Department. With a budget of \$40

million and 84 employees, this agency provides direct and contract health and social services to needy residents of our community. Communication and presentation skills are a must, as is the ability to develop community partnerships.

Minimum Qualifications: MSW, MBA, MPA or related master's degree and at least 5 years of responsible administrative or managerial experience

in human services. Apply by Friday, Feb. 25. County application required. Application and additional information available at pinellascounty.org under Jobs or by calling 727.464.3367. Pinellas County is an equal opportunity employer. Women and minorities are encouraged to apply.

►HUMAN RESOURCES DIRECTOR – GENESEE COUNTY, MICH.

Salary: DOQ.

Genesee County is recruiting for a Human Resources Director. To review the job announcement and related information, please visit Genesee County's website at www.co.genesee.mi.us.

►COUNTY ADMINISTRATOR – SUSSEX COUNTY, DEL.

Salary: DOQ.

Sussex County seeks qualified applicants for the position of County Administrator to lead a staff of approximately 485 employees in Delaware's fastest growing county.

Situated along the mid-Atlantic coast, Sussex County is Delaware's southernmost and geographically largest county, home to nearly 200,000 residents. Founded in 1683 by William Penn, Sussex County is proud of its natural beauty, rich history, and popular attractions that can be found

from its beaches in the east to the wide open farms of the west. Rural and urban lifestyles intersect in Sussex County. Sandy beaches and fine dining draw millions of visitors to our resorts each year, while homespun country festivals and all-you-can-eat chicken and dumpling dinners are staples in our traditional farming communities. It's no surprise that agriculture and tourism are the prominent industries in Sussex County. Yet, the retail, manufacturing and health care sectors all have an important place in our diversifying economy. Low taxes and our proximity to major metropolitan areas, including Washington, D.C., Baltimore and Philadelphia, make Sussex County an attractive tourist and retirement destination. County government provides a variety of local services to the residents of southern Delaware, including land use, building permits, paramedic and 911 service, assessment, tax collection, public sewer, dog licensing, libraries and more.

The County Administrator reports directly to the elected five-member County Council, and acts as the chief administrative officer of the County government. Among the principal duties, the County Administrator directs and supervises the administration of all departments; sets policy; prepares reports and makes recommendations

to County Council; ensures all laws, ordinances and policies set forth by the County Council are executed; and prepares, submits and executes an annual budget and capital program. Sussex County has an annual budget of approximately \$140 million.

The successful candidate must have the ability to establish and maintain an effective working relationship with department heads, employees, the general public, and County Council; ability to communicate effectively, both verbally and in writing; ability to prepare written reports and give presentations; ability to maintain a high degree of confidentiality; have a comprehensive knowledge of local, county, state and federal government activities; ability to present a professional image; and ability to maintain a high level of accuracy and organizational skills. Qualified applicants must hold a master's degree from an accredited college or university, or have any equivalent combination of education and experience that provides the required knowledge, skills, and abilities to be an effective public manager. *Salary:* DOQ.

Application Deadline is 4:30 p.m. Tuesday, Feb. 8. Submit resumes to: Sussex County Personnel Office, PO Box 589, Georgetown, DE 19947. For more information about Sussex County, Del., visit www.sussexcountysde.gov.

NACo on the Move

» NACo Officers and Elected Officials

• **Lenny Eliason**, NACo first vice president, spoke about NACo's 2011 priorities at the New Mexico Association of Counties Annual Conference in Santa Fe County (Albuquerque) Jan. 17.

• **Rebecca Hunter**, director, Hamilton County Human Resources and member of NACo's Deferred Compensation Advisory Committee, was recently named commissioner of the Tennessee Department of Human Resources.

» Coming Up

Ilene Manster, membership coordinator, will be exhibiting on behalf of NACo membership recruitment and retention at the Idaho Association of Counties Legislative Conference in Ada County Feb. 7–10.

On the Move is compiled by Christopher Johnson, editorial assistant.

NACo Prescription Discount Card FREE to your county and your residents

HAMILTON
COUNTY, TN

Total Savings
To-Date
\$7,624,884

NACo National Association of Counties
The Voice of America's Counties

Spotlight on Hamilton County, Tennessee

Hamilton County, TN launched the NACo Prescription Discount Card Program in February 2007. Since the program's inception, 16% of the population of 310,935 in Hamilton County have utilized the program and saved millions of dollars.

Contact Andrew Goldschmidt, Director, Membership Marketing at 1-202-942-4221 or Ilene Manster, Membership Coordinator at 1-202-942-4291, or visit www.naco.org/drugcard for program information.

This is NOT insurance. Discounts are only available at participating pharmacies.
Operated by CVS Caremark.

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