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# CountyNews

NATIONAL ASSOCIATION OF COUNTIES ■ WASHINGTON, D.C.

VOL. 47, NO. 3 ■ FEBRUARY 9, 2015

## Congressional testimony underscores local concerns with 'Waters of the U.S.' proposal



Photo by David Hathcox

NACo First Vice President Sallie Clark testifies before a joint Senate and House panel on EPA's "Waters of the U.S." proposal. Clark is a commissioner from El Paso County, Colo. Also pictured is Commissioner Tim Mauck, Clear Creek County, Colo.

By BRIAN NAMEY  
MEDIA RELATIONS DIRECTOR

NACo First Vice President Sallie Clark voiced serious concerns on Wednesday, Feb. 4 at a joint congressional hearing on the federal government's proposal to redefine "Waters of the U.S." Clark, an El Paso County, Colo. commissioner, testified before the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works.

"NACo supports common-sense environmental protection. Expanded federal oversight and the proposal's vague language would create more uncertainty and delays in critical work without any proven environmental benefit," Clark said.

"Let me be clear, counties support clean water. Our goal is to ensure public safety and economic vitality while safeguarding water quality. The current proposal falls short of this goal."

After working closely with county technical experts — county engineers, attorneys, public works directors and storm water managers — who implement federal and state programs on the ground every day, NACo this past November called for the proposed rule to be withdrawn until further analysis and more in-depth consultation with state and local officials could be completed.

At the hearing, Clark discussed the main reasons that contributed to NACo's decision, including the proposal's impacts on counties; an inadequate consultation process with state and local governments; ambiguous and inconsistent terminology; and ongoing delays with the current permitting process.

"This issue is so important to

## Ohio county sues HHS over ACA fee

By CHARLIE BAN  
SENIOR STAFF WRITER

Warren County, Ohio has sued the U.S. Department of Health and Human Services, arguing that an Affordable Care Act fee is an illegal tax on state and local governments.

The suit, filed Jan. 26 in U.S. District Court, was jointly filed with the state of Ohio, the Ohio Department of Administrative Services and four public universities.

The plaintiffs hope to suspend part of the fees and recoup money they believe to be wrongfully taken.

"I'm surprised nobody else has noticed this," said David Young, president of the County Commission. "This is something that could affect local and state governments everywhere, to the tune of hundreds of millions of dollars. It blurs the line on one of

See ACA FEE page 3

## Joint forum probes health, justice linkages

By CHARLES TAYLOR  
SENIOR STAFF WRITER

Imagine health, mental health and criminal justice as cars at a three-way stop sign. Who goes first? In the intersection of these three disciplines, sometimes it seems that the rules of the road are being written on the fly.

NACo's first joint forum on Optimizing Health, Justice and Public Safety in Your County placed all three drivers — the Justice and Public Safety Steering Committee, and the Healthy Counties and Smart Justice initiatives — in a shared ride all headed in the same direction.

"When I'd go to the Health Steering Committee, they'd be talking about jails, and when I went to Justice and Public Safety, they would be talking about health," said Matt Chase, NACo executive director. The meeting, Jan. 21–23 in Charleston County, S.C. was designed to "bring them together to build an ecosystem to drive forward common missions."

County jails take in 11 million to 12 million people per year, more inmates than all state prisons, he added. And yet, until recently there was little focus on counties' roles

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## ANALYSIS

# Clash over immigration exec orders impacts counties

By HADI SEDIGH  
ASSOCIATE LEGISLATIVE DIRECTOR

When it became clear — in mid-2013 — that the 113th Congress would fail to reach agreement on legislation to overhaul the U.S. immigration system, many advocates of immigration reform called for President Obama to initiate changes through executive orders.

But given the political ramifications of taking executive actions on an issue that was too divisive to be addressed effectively in Congress, the president delayed his actions until after — but not long after — the midterm elections in November.

On Nov. 20, 2014, President Obama announced he would expand the existing Deferred Action for Childhood Arrivals (DACA) program — which gives legal status and work permits to certain undocumented immigrants who came to the U.S. as children, meet eligibility requirements and pass background checks. In doing so, he would establish a similar program called Deferred Action for Parents of American Citizens and Legal Permanent Residents (DAPA) that would benefit certain undocumented parents of Americans and permanent residents.

In response to the president's announcement, Republican lawmakers included only temporary funding through Feb. 27, 2015 for the Depart-

ment of Homeland Security (DHS) in the so-called "CRomnibus" spending bill (P.L. 113-235) that funded other departments through the remainder of FY15. This set the scene for a showdown over the president's executive actions in the

## SpeedRead » » »

- » New executive order would give legal status to parents of American-born children
- » 63 percent of undocumented immigrants already working
- » DACA would not grant access to Affordable Care Act insurance.

lead-up to the expiration of DHS funding, and, as predicted, GOP leaders in the House passed a DHS spending bill (H.R. 240) on Jan. 15 with amendments that would effectively end the DACA and DAPA programs.

Less than a month before DHS funding is set to expire, it remains unclear how — and when — this standoff will be resolved. Senate Republican leaders attempted to move H.R. 240 through their chamber on Feb. 3, but the measure was halted by Democrats who ensured that it did not receive the 60 votes needed to break a filibuster. A "clean" spending

measure — one without amendments to derail DACA and DAPA — could be introduced instead in either chamber, or a Continuing Resolution could be used to extend funding for the time being.

The remaining possibility, of course, is that DHS will no longer have funding after Feb. 27 and will carry out only "mission critical" functions, similar to its status during the federal government shutdown of 2013. Such an outcome would negatively impact county governments, since DHS would delay publishing guidelines for FY15 grants until it gained funding. In turn, counties would be unable to apply for FY15 DHS grants, including those under the Federal Emergency Management Administration (FEMA), until guidelines were published.

Interestingly, the status of funding for DHS will have little impact on the DACA and DAPA programs, which fall under DHS's United States Citizenship and Immigration Services (USCIS), a division that is almost entirely funded by fees tied to immigration applications.

When forms for the expanded DACA program and the new DAPA program are made available on Feb. 18, millions of undocumented immigrants in the U.S. will be eligible to apply. County governments, especially those in California and Texas, will be affected as these individuals enroll in DACA and DAPA.

According to the Migration Policy Institute (MPI), there are an estimated 11.4 million undocumented immigrants in the U.S., and nearly 50 percent of these individuals are eligible for DACA or DAPA. In California, 1.6 million individuals are eligible for DACA or DAPA, while in Texas, 744,000 individuals could apply to the programs.

Although many of these individuals will not actually be granted legal status through DACA or DAPA — whether because they are unable to meet eligibility requirements or pass background checks, or because they do not apply in the first place — millions of county residents throughout the U.S. will gain legal status in the next several months.

As these individuals gain legal status, their access to certain benefits will change in ways that impact counties. Most importantly, DACA and DAPA beneficiaries will receive legal work authorization. Although MPI estimates that 63 percent of undocumented immigrants are employed despite their immigration status, receiving legal work permits could increase the rate at which currently undocumented individuals pay taxes. In addition, DACA and DAPA beneficiaries could earn higher wages as documented workers and in turn contribute more to their local tax bases and economies.

Gaining legal employment

could also help DACA- and DAPA-eligible individuals attain health insurance. Counties are often the health care providers of last resort for the uninsured, and MPI estimates that roughly 63 percent — or 7 million — of undocumented immigrants in the U.S. have no health coverage. Although individuals granted DACA or DAPA would not gain access to the Affordable Care Act marketplace or other federal benefits, they would be eligible for health insurance offered through employers; as a result, the number of individuals who rely on counties to provide emergency health care could decrease.

Lastly, many counties play a role in facilitating adult education, including English as a Second Language (ESL) programs. Because DACA requires applicants to have a high school diploma or its equivalent, counties involved in adult education will likely see increased demand for their programs. Additionally, both DACA and DAPA applicants are more likely to seek ESL courses as they gain legal status and newfound employment opportunities. MPI estimates that roughly half of all undocumented immigrants in the U.S. lack English proficiency.

## Obama FY16 budget mixed bag for counties

President Obama's \$4 trillion FY16 budget proposal will set the tone for the remainder of his term in office. His request tells Congress how much money the president believes should be spent on the various Cabinet-level federal functions. It can also be used to inform Congress of any changes in federal spending or tax policy the president intends to recommend.

For local governments, President Obama's FY16 request holds much promise in some areas, but is troublesome in others.

Surface transportation gets a big boost in the president's plan. He asks for \$478 billion for a six-year surface transportation reauthorization proposal to succeed MAP-21. The long-term fix would be funded, in part, by a one-time tax on corporate earnings "repatriated" from their overseas accounts. The White House would expect such a move to raise \$238 billion in revenue.

"NACo is encouraged to see a

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- » Would provide long-term funding for surface transportation projects
- » Takes a swipe at tax-exempt municipal bonds
- » Would roll homeland security grants programs into one master program

longer-term vision for the nation's surface transportation programs through the six-year GROW AMERICA Act proposal," said Jessica Monahan, NACo associate legislative director for transportation. "It would provide increased funding for critical programs that benefit counties as well as additional resources to help counties address safety and invest in transportation infrastructure."

But that good news is offset by several troubling proposals.

Once again, the Administration

is making an effort to limit the value of many tax deductions — most especially municipal bonds — to 28 cents on the dollar. If successful, the cap would significantly increase the borrowing costs for local governments who rely on municipal bonds — the flagship for state and local financing — to finance community-critical infrastructure projects such as new roads and bridges.

In another repeat from previous budget proposals, the president wants to consolidate several state and local Homeland Security grant programs into one master program dubbed the National Preparedness Grant Program, or NPGP.

The NPGP proposal would convert the current suite of homeland security grant programs into state-administered block and competitive grant programs in which funding decisions are based on state and multi-state threat assessments without clear local involvement.

NPGP has been rolled out in

nearly every Obama budget since he took office, but a strong coalition of state and local government groups has so far preserved the flexibility of the various grant programs.

And in another re-run from several previous budgets, the Administration's 2016 proposal takes aim at the Community Development Block Grant Program. It seeks a \$200 million reduction in the \$3 billion program, which provides resources for local economic development efforts.

Counties use the flexibility of CDBG to partner with the private and nonprofit sectors to address local community and economic development, housing, water, infrastructure and human service needs, according to Daria Daniel, NACo associate legislative director for community, economic and workforce development.

NACo will provide an in-depth look at the FY16 budget in a future issue of *County News*.

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# Supreme Court to hear case on ADA vs qualified immunity

By **LISA SORONEN**  
EXECUTIVE DIRECTOR  
STATE AND LOCAL LEGAL CENTER

When police officers entered Teresa Sheehan's room in a group home for persons with mental illness, she threatened to kill them with a knife she held, so they retreated. When the officers reentered her room soon after leaving it, Sheehan stepped toward them with her knife raised and continued to hold it after the officers pepper sprayed and ultimately shot her.

Title II of the Americans with Disabilities Act (ADA) provides that individuals with a disability must be able to participate in the "services, programs, or activities of a public entity," and that their disabilities must be reasonably accommodated.

Sheehan, who survived the shooting, argues that Title II of the ADA applies to arrests and that the officers should have taken her mental illness into account when reentering her room. Her proposed accommodations included: respecting her comfort zone, engaging in non-threatening communications and using the passage of time to defuse the situation.

The 9th U.S. Circuit Court of Appeals agreed with Sheehan in *City and County of San Francisco v. Sheehan* that Title II of the ADA applies to arrests. The ADA applies broadly to police "services, programs, or activities," which the 9th Circuit interpreted to mean "anything a public entity does," including arresting people. The court refused to dismiss Sheehan's ADA claim against the city reasoning that

whether her proposed accommodations are reasonable is a question of fact for a jury.

The 9th Circuit also concluded that reentry into Sheehan's room violated the Fourth Amendment because it was unreasonable. Although Sheehan needed help, "the officers had no reason to believe that a delay in entering her room would cause her serious harm, especially when weighed against the high likelihood that a deadly confrontation would ensue if they forced a confrontation."

State and local government officials can be sued for money damages in their individual capacity if they violate a person's constitutional rights. Qualified immunity protects government officials from such lawsuits where the law they

violated isn't "clearly established."

The 9th Circuit refused to grant the officers qualified immunity related to their reentry: "If there was no pressing need to rush in, and every reason to expect that doing so would result in Sheehan's death or serious injury, then any reasonable officer would have known that this use of force was excessive." The U.S. Supreme Court will review the 9th Circuit's qualified immunity ruling.

The State and Local Legal Center's *amicus* brief argues that the ADA should not apply to arrests. While few police departments have the resources to adopt specialized approaches to responding to incidents involving the mentally ill, no conclusive evidence indicates that these approaches reduce the rate or severity of injuries to mentally

ill suspects. No one-size-fits-all approach makes sense because police officers encounter a wide range of suspects with mental illnesses. And even psychiatrists—much less police officers who aren't mental health professionals—cannot predict with any reasonable degree of certainty whether an armed suspect with a mental illness will harm himself or herself or others in an emergency. Finally, because the officers in this case could not predict whether Sheehan would harm herself or others if they did not reenter her room, they are entitled to qualified immunity.

*(The SLLC's amicus brief was joined by the National League of Cities, NACo, the International City/County Management Association and the United States Conference of Mayors.)*

## County claims 'Obamacare' fee violates Tenth Amendment

ACA FEE from page 1

the most important things we do in government — tax the people. This blurs the line as to who is doing it."

At issue is whether the fee, contributions collected by the transitional reinsurance program, which subsidizes the health insurance exchange marketplaces through 2017, is a tax. Those fees are collected from insurance companies, private self-insured plans and state and local governments that provide self-insured plans for employees. Warren County asserts that its self-insured group health care plan is not taxable under the Transitional Reinsurance Program statute, particularly because individuals participating in those plans are already assessed a fee for that purpose.

Proceeds from the fee are split between funding the administrative costs for the reinsurance program, and the U.S. Treasury for the 2014, 2015 and 2016 benefit years.

The portion that goes to the treasury is about 17 percent of the total fee, according to Warren

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- » Fee vs. tax issue in question
- » County contends health insurance plan non-taxable
- » Feds have 60 days to respond to lawsuit

County Prosecuting Attorney David Fornshell, with the county's total for 2014 coming to \$113,652, including \$18,942 for the U.S. general fund.

It was Young who noticed a line item on the county budget which led to him realizing what the fee meant for the county. It's where the plaintiffs see their opening — that the federal government is using the fees to fund unrelated programs.

The suit argues that such taxation would radically alter the balance of authority between the federal government and the states, and would violate the Tenth Amendment, the anti-commandeering doctrine and the doctrine of intergovernmental tax immunity.

"It undermines the whole system of federalism in our country," Young said. "When you start saying one governmental entity can tax another, the question of taxation without representation becomes a legitimate question."

Fornshell said inquiries to the Health and Human Services Department for clarification were never answered completely, but any ambiguity regarding whether local governments would be included in the fee disappeared when the federal government took the money set aside for the fees.

"We paid the \$94,000 and that

account cleared, so the federal government intended to collect it," Fornshell said. "If the statute was ambiguous but they didn't mean it that way, they wouldn't have taken the money, so the intent was clear."

Despite the confusion, Warren County paid, due in large part to the penalty for nonpayment—\$100 per employee per day.

"That totaled about \$180,000 a day," Fornshell said. "To say that's

punitive would be an understatement, and noncompliance would bankrupt the county in a short amount of time, so we paid and turned around and filed this suit."

The federal government has 60 days to respond to the suit.

"We don't anticipate it would be heavy on discovery, there won't be a lot of contested issues," Fornshell said. "Hopefully we can get the answers we need and the money back."

Young said if the federal government needs the 20 percent of the transitional reinsurance program payments, it should clearly establish the tax for that purpose.

"If they need the money, stand up and tax us as individuals, like our congressman would," he said. "Don't come after the tax dollars that are intended to pave our streets, pay our deputies and do all the things we do in local government."

### Quick Takes



**Counties with the Highest Percentage of Graduates Bachelor's Degree or Higher & 25-years or older (2011–2012)**

- Arlington County, Va. 71.2 %
- Fairfax County, Va. 58.2 %
- Boulder County, Colo. 58 %
- Loudoun County, Va. 57.9 %
- Montgomery County, Md. 56.9 %

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# COUNTY INNOVATIONS AND SOLUTIONS

Sonoma County, Calif.

## River Safety Patrol Spurs Major Turnaround

By CHARLIE BAN  
SENIOR STAFF WRITER

It was a bad record.

Over the course of 10 years, 21 people drowned in Sonoma County, Calif.'s Russian River, with five dying near county parks along the river in 2012.

That prompted the creation of the Russian River Water Safety Patrol, and in 2013, the team pitched a shutout — no drownings with 17 saves. In 2014, they repeated that clean sheet.

For David Robinson, an aquatics specialist with the county's regional parks department who manages the patrol, the success came in a new approach that required a step back and a look at vulnerabilities. Though outreach to children and Spanish-speaking swimmers had cut down fatalities in targeted populations, people kept dying on the river.

"We already provided a youth outreach program," he said. "We gave free swimming lessons, held water safety events and gave discounts for additional lessons."

Robinson and his colleagues found the gap between the people they had reached with their educational efforts and the people who were drowning involved visitors

from outside the county or older youth.

The parks department shifted their efforts to focus more on public outreach to those visitors who had fallen through earlier cracks. That meant adding lifeguards to aug-

ment the existing park ranger staff, Thursday through Sunday — the river's busiest days in season.

Between Memorial Day and Labor Day, when the parks saw the most visitors, park rangers and life guards were out *enforce*. Grants

paid for additional life jackets, which were set up in loaner stations at the four beaches the team patrolled, which team members then helped visitors properly fit.

How those team members operated also involved some changes.

"We had park rangers wearing different uniforms and taking a different approach to their jobs," Robinson said. "They weren't out there to enforce the rules, they were there to help. If they saw someone breaking the rules, like drinking on beaches that didn't allow alcohol, they would call it in for someone else to handle, but they were out

there to talk to people, stay on the public's positive side."

Lifeguards also patrolled the river in kayaks.

The program allocated \$30,000 to lifeguards and \$25,000 to park rangers, along with \$10,000 in equipment in 2013. In 2014, the county added \$20,000 in lifeguard help to expand operations to Mondays.

*County Innovations and Solutions features award-winning programs. The Russian River Water Safety Patrol was named Best in Category for Parks and Recreation for the 2014 NACo Achievement Awards.*



Photo courtesy of Sonoma County, Calif. Parks and Recreation

A Sonoma County, Calif. lifeguard lets two young park visitors run off after successfully fitting them for lifejackets.

## New guide helps local leaders improve road safety in communities

The *2014 Roadway Safety Guide: A Primer for Community Leaders*, published by the Roadway Safety Foundation (RSF), is now available online at [www.roadwaysafety.org](http://www.roadwaysafety.org).

The *Roadway Safety Guide* is a hands-on, user-friendly document designed to provide local elected officials and community leaders with basic information to improve roadway safety in their communities.

Originally published by RSF in 2000, this updated version includes information on numerous new technologies and engineering treatments like modern roundabouts and median barriers that have been revised with years of safety research and data now supporting their implementation.

According to the National Highway Traffic Safety Administration, motor vehicle crashes and fatalities increased in 2012 after six consecutive years of declining highway fatalities on the nation's highways. In 2012, roadway crashes claimed 33,561 lives, compared to 32,479 in 2011.

The guide includes helpful information such as checklists for identifying roadway trouble spots, information on building successful coalitions and tips for getting concerns prioritized by the right people who can address them.

Written for non-engineers, it retains the readability that made the first edition so popular, and draws people from all backgrounds into the roadway safety conversation.

The guide is easy to navigate

and includes many features that make it user-friendly. It includes a tool that makes it searchable by word, as well as direct links to each chapter from the table of contents, Web links to resources and social media sharing links.

The guide is sponsored by several RSF members and safety partners, including the AAA Foundation for Traffic Safety, the American Association of State Highway and Transportation Officials, the American Traffic Safety Services Association, State Farm, the National Association of County Engineers, the American Bus Association and Transpo Industries.

For more information, please contact Cathy Gillen at [cathygillen@roadwaysafety.org](mailto:cathygillen@roadwaysafety.org) or at 443.463.4449.



## Profiles in Service

**Rick Yzaguirre**

NACo Board of Directors  
County Commissioner  
Ada County, Idaho

**Number of years active in NACo:** 12 years

**Years in public service:** 27 years

**Occupation:** County commissioner

**Education:** B.A. in business administration, Boise State University

**The hardest thing I've ever done:** is run for office against an established incumbent.

**Three people (living or dead) I'd invite to dinner:** my father, the Pope and President Abraham Lincoln

**A dream I have is to:** take a cruise around the world.

**You'd be surprised to learn that I:** am proud of my Basque heritage and that Boise, Idaho has the largest population of Basques outside of Spain.

**The most adventurous thing I've ever done is:** go bear hunting in Alaska.

**My favorite way to relax is:** I like to spend time with my grandkids at our cabin.

**I'm most proud of:** my family.

**Every morning I read:** from a book of daily thoughts, then the newspaper.

**My favorite meal is:** steak with an Idaho baked potato.

**My pet peeve is:** people that show up late for meetings.

**My motto is:** "Live by the Golden Rule."

**The last book I read was:** Unbroken.

**My favorite movie is:** *Cinderella Man* (Love Actually for the holidays).

**My favorite music is:** Motown.

**My favorite president is:** Abraham Lincoln.

**My county is a NACo member because:** of the training and educational opportunities that NACo offers. The U.S. Communities Alliance is a great program for our county.

# Veteran services funded by almost \$100M over 12 years

By CHARLIE BAN  
SENIOR STAFF WRITER

With more than 127,000 current or former members of active duty U.S. military, Reserves and National Guard out of its 1.9 million residents, King County, Wash. has made care for veterans a priority — one that residents roundly support.

The county's veterans' levy has meant not just increased funding for programs aimed at aiding veterans, but also a more focused approach from other stakeholders in the arena and improved coordination among them to increase efficiency.

The levy has allowed the county to reach more members of the military community than were receiving any care, according to Pat Lemus, assistant division director for the county's community services division, which includes the county's veterans services program.

"Now we can provide services to members of the National Guard — the VA doesn't include them — so

the levy has dramatically increased the number of people we can reach."

The six-year King County veterans and human services levy has twice been approved by county voters — increasingly so — in 2005 (with 58 percent approval) and 2011 (69 percent approval). In 2011, the levy was projected to raise \$101.6 million over six years. The original levy raised more than \$90 million.

Proceeds are split evenly between programming for veterans, military personnel and their families that supplement Veterans Administration benefits, and other, non-veteran-focused human services programs.

The levy, \$0.05 of every \$1,000 of assessed valuation in 2012, reduces one percentage point every year until it reaches \$0.045 of every \$1,000 in 2017. Individuals seeking support from either levy-funded programs identify as veteran or non-veteran. Care cannot be accessed from both, according to program staff. Some human services programming is identical in veteran and non-veteran

**SpeedRead » » »**

- » Real estate levy will raise \$95.8 million over 12 years
- » Levy funds programs at more than 200 sites throughout King County
- » Veterans services can now expand to National Guard

tracks, and some is specific to individuals with military backgrounds.

Prior to the levy, the county's veterans services program subsisted on a steady \$2 million budget. In the levy's first year, that increased by \$6.5 million.

Levy-funded veterans' programs now serve as a focal point for various veterans' services offered by the U.S. Department of Veterans Affairs, the local VA Hospital and the Washington State Department of Veterans Affairs. Representatives from those organizations now meet regularly to coordinate services, Lemus said.

Levy proceeds fund programs

aimed at reducing veteran homelessness and emergency medicine costs, involvement in the criminal justice system and increasing self-sufficiency by helping them find and keep jobs.

Four main strategies have guided program implementation: enhancing services and access, ending homelessness, increasing access to behavioral health services and strengthening families at risk.

Those goals are addressed at 304 levy-service sites throughout the county that receive funding from one or both components of the levy, roughly 200 of which serve veterans. Examples range from the Seattle Pacific University's Vets Corps to private practitioners like Diane Adams, a private counselor and licensed psychologist in Renton who specializes in post-traumatic stress disorder treatment.

Lemus touts the county's Veterans Court, which diverts veterans into mental health and substance abuse treatment programs. "We put a lot of emphasis on getting veterans into community-based care," she said.

Addressing homelessness is one of the county's goals, and the levy funds measures to address veteran homelessness.

"We can be proactive in helping service members with reintegration after they are discharged," said Sherry Hamilton, the community and human services department communications manager. "Actually, we work with bases nearby before they are discharged, to help identify who might need help planning their housing and employment situations. Partnering has helped us do that more efficiently."

Issues that staffers want to target in the future include reaching homeless veterans earlier so they endure less distress; better handling of victims of military sexual trauma, primarily women; and increasing the local living wage to help make the post-service transitions and domestic stability easier. Analysis shows that more than 17,000 of those veterans are living below 200 percent of the poverty level, with almost 6,000 more living below the poverty level.

## County officials tapped for new governor's cabinet

By BEV SCHLOTTERBECK  
EXECUTIVE EDITOR

As Pennsylvania Gov. Tom Wolf's new executive team takes the field in Harrisburg, two former county officials will be playing key roles. Wolf (D) has tapped former Montgomery County Commissioner Leslie Richards to serve as his secretary of transportation. She would oversee approximately 11,000 PennDOT employees and 41,000 miles of roadway in the Keystone State.

Also slated for the new Cabinet is Dennis Davin. Davin, who's been selected to head up the Department of Community and Economic Development, served most recently as director of Allegheny County's

economic development department.

According to reports, Richards has extensive leadership experience in the management of transportation projects from her work in local government, as well as her private sector work in the planning and engineering fields over the past two decades.

Prior to her nomination, she served as chair of the Montgomery County Board of Commissioners, chair of the Delaware Valley Regional Planning Commission and was a member of the Southeastern Pennsylvania Transportation Authority board. She played an active role working with state legislators to educate them on the importance of passing Act 89, the state's 2013 transportation funding law.

As the director of Allegheny County's Department of Economic Development since 2004, Dennis Davin led 75 employees who oversaw site development, job creation initiatives, community development and affordable housing projects. In 2008, his department successfully completed a three-year planning process when the County Council unanimously adapted "Allegheny Places," the county's first "comprehensive plan" on land use, transportation, housing, economic development, infrastructure and greenways.



*What issues are driving state associations' legislative agendas? What are the latest and most persistent challenges your county colleagues in other states are facing? What looks to be looming on the horizon?*

*State-to-State explores these questions and helps keep you in touch with your fellow leaders across the country.*

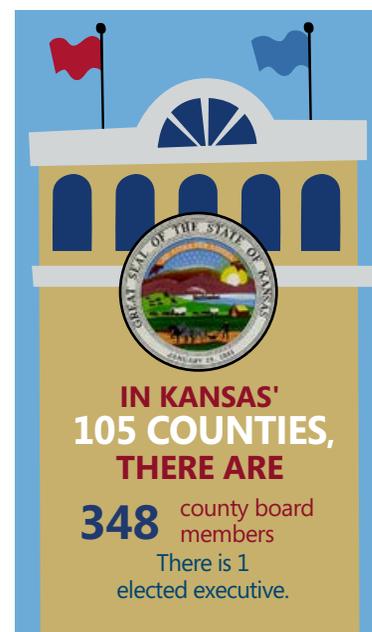
### Kansas

Nearly one month into its 2015 session, the Kansas State Legislature will continue to wrestle with a "very severe" debt crisis, according to Kansas Association of Counties (KAC) officials. The budget shortfall is pegged at about \$280 million for the fiscal year ending June 30, according to Melissa Wangemann, KAC's legislative services director.

"For counties, we're just watching to see what they do to us," she said, adding that the state is poised to transfer transportation funding to the state's general fund. "Projects just won't get done; the big effects, we think, will be on maintenance. We have yet to figure out how we're going to deal with that."

The situation is due to tax cuts passed in previous sessions, including one that cut the state's income tax.

Declining oil prices are also having an impact on the local tax revenues



and the state's finances. Wangemann said Kansas isn't expected to collect as much oil tax revenue as previously forecasted. The falling price of oil means less oil severance tax revenue for the state.

It wasn't all bad news last session. She said there was a "pretty good outcome" for counties when a compromise was reached on a bill intended to clarify the definition of "real property," which would have lowered county revenues from real property taxes.

In Kansas, personal property

is exempt from taxation, whereas real property is not, Wangemann explained. "There's been this movement afoot to take 'fixtures' — which are generally things that are affixed to the land ... and become part of the real property — to deem those to be personal property instead.

"It greatly reduces the property tax on very large, complex property. We had oil refineries saying that 90 percent of their oil refinery was personal property," she said, which would have made it tax-exempt.

A compromise with the state Chamber of Commerce and other interested parties resulted in giving county assessors a "three-part fixture law test" to help them classify property as personal or real.

Sunflower State lawmakers dealt counties another blow in 2014 by repealing a mortgage registration fee that had been on the books since the 1920s.

"It generated huge amounts in some of our big urban counties," Wangemann said. "And the (Kansas) Bankers Association wanted to repeal that fee, and they were successful in the end."

Asked about any bright spots on the horizon, Wangemann, who is also KAC's general counsel, couldn't foresee any.



**Welcomes**  
its new member counties

Kent County, Mich.  
Banner County, Neb.  
Dodge County, Neb.  
Lancaster County, Neb.  
Saratoga County, N.Y.  
Shelby County, Ohio  
Menominee County, Wis.

# New conversations started at justice and health forum

FORUM from page 1

and responsibilities, or recognition at the federal level.

The forum was designed to change the conversation. It brought together experts on racial and ethnic disparities in county health and justice systems, securing health insurance coverage for jail inmates, and how behavioral health and justice can cooperate to lower county costs and achieve better outcomes.

“When I became a judge, I had no idea I was actually becoming the gatekeeper to the largest psychiatric facility in Florida,” said Judge Steve Leifman of Miami-Dade County court’s criminal division. He was a panelist, along with former U.S. congressman Patrick Kennedy, dur-

ing the session, Behavioral Health and Justice: Working Together, Looking Ahead.

Miami-Dade County is addressing the problem: it has closed the county jail’s overcrowded psychiatric ward (which was under federal and state investigation), and moved hundreds of mentally ill inmates to a more hospitable correctional center in the county.

In addition, 4,400 law enforcement officers in the county have been trained in “crisis intervention team policing,” which seeks to divert potentially dangerous mentally ill people — who might, under other circumstances, be jailed — to community-based facilities where they can be evaluated, treated and referred.

Last year, Leifman said Miami-Dade County and the city of Miami handled more than 10,600 mental health calls; only nine resulted in arrests.

Diversion prior to arrest is complemented by a post-arrest diversion program, he added, which is reducing re-arrests. “If you get arrested on a misdemeanor and you have a serious mental illness, within 24 to 48 hours you’re out of jail, you’re sent to a crisis stabilization unit, you’re stabilized and you don’t get rebooked.”

Leifman said, “There’s no place where we can make a bigger difference in curtailing incarceration of people in our jails and prisons than to address the trauma that befalls too many of our children, while growing up in incredibly harsh, stressful environments.”

Issues such as these were the subject of an earlier session, Addressing Racial and Ethnic Disparities and Social Determinants of Health When Integrating County Health and Justice Systems. Social determinants of health include factors such as unemployment, low educational attainment and poor nutrition.

“Like the county jail, the youth justice system has become the default warehouse for low-risk, high-needs youth whose social and developmental needs should be met by other public systems,” said James Bell, founder and executive director of the Burns Institute in Oakland-Alameda County, Calif. The institute has worked in more than 100 counties nationwide to eliminate racial and ethnic disparities by using a community-centered response to youthful misbehavior that is equitable and restorative.

Research, he added, has identi-



Photo by Charles Taylor

Commissioner Kay Cashion (l), Justice and Public Safety Committee, chair, and Commissioner Joan Garner, Healthy Counties Advisory Committee chair, pose with former congressman Patrick Kennedy after a forum session in which he was a panelist.

fied some of the root causes of disparate treatment of minority youths. Bell cited a U.C.L.A. study, *The Essence of Innocence*, which showed that among a group of otherwise similar 7-year-old boys, the African-Americans were perceived to be 11 or 12; Latino boys, 9 or 10; and white boys were seen as 5 years old.

“The black boys and the Latinos were seen as older and more culpable than the white kids that did the same behavior,” he explained. “There are numerous studies that document that youth of color are bearing the brunt of decisions that incarcerate first and ask questions later.”

And it’s not just in the justice system. Bell said when faced with youths’ antisocial behavior, clinicians are more likely to judge the white kids as having a mental disorder, and direct them to treatment and resources. But black and Latino youths are seen as having behavioral issues and are funneled

into the justice system.

“Justice demands that we be creative in order to change the balance of power regarding who will be the keeper and who will be kept,” he said; “who will be the servers and who will be the served. And who will suffer abuse and who will be protected from harm.”

When individuals do land in jail, some counties have been able to lessen the burden on their budgets.

Ninety-seven percent of U.S. counties own jails and are mandated to provide some level of health care. But about 90 percent of inmates have no insurance. Two million of the people booked into jails have serious mental illness, such as schizophrenia, and about two-thirds of them have co-occurring substance abuse problems, according to Jim McDonough, a Ramsey County, Minn. commissioner who

See FORUM page 8

## WORD SEARCH

### Burleigh County, N.D. Facts

Learn more about this featured county in ‘What’s in a Seal?’

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

- APPLE CREEK** (township in Burleigh County)
- BISMARCK** (county seat, state capital)
- BISMARCK-MANDAN** (metropolitan area in Burleigh County)
- BLUFFS** (geographic feature)
- CORN** (lead producer of varying kinds)
- DOUBLE DITCH** (a historic Native American earth lodge)
- DRISCOLL** (unincorporated community)
- FAR WEST** (a steamship that carried news, supplies, wounded men in the Great Sioux War of 1876)
- FLORENCE LAKE** (National Wildlife Refuge)
- HIAWATHAS** (a fleet of trains named for a poem; one ran through Burleigh County in the 1970s)
- JOSEPHINE** (the “sister-ship” to Far West)

- MENOKEN SITE** (a historic village of Menoken tribe earthen homes)
- NORTH PACIFIC** (railroad that became a main mode of transport for Burleigh Co.)
- OLIVER** (adjacent county to the west)
- PATTERSON** (first name: Edward; owned and operated two prominent luxury hotels)
- REED AND STEM** (architects who built or designed parts of several prominent buildings)
- REGAN** (city in Burleigh Co., population: 44)
- RIVERBOAT** (primary form of transportation until the railroad was extended)
- STAGECOACH** (another popular form of transportation to and through the county)
- WALTER** (last name: Burleigh; county’s namesake)

Created by Sarah Foote



Photo by Shawn R. Smetana

Mobile workshop participants listen to panelists during a session at the Charleston County Judicial Center.



# 2015 NACo

# Second Vice President Candidate:

## Q: Why are you interested in serving as a NACo officer?

NACo has been good to me as an elected official. It has provided me with a great support system in order to succeed as an elected official. I believe NACo is the premiere advocacy organization representing the best of what public service has to offer. I believe NACo can be smarter, faster and better and I plan to do everything in my power to help accomplish that end. I want to give back to an organization that frankly has given so much to me. I hope to be a bridge for the next generation of leadership in NACo, and I believe now is the time to begin that work.

## Q: What do you consider to have been your most important contribution — to date — to the National Association of Counties? — to your state association of counties?

I believe my most important contribution has been in the formation of Next Generation NACo, an organization founded by former NACo President Chris Rodgers. This organization's mission is to solidify the next generation of leadership within NACo. This was an important moment of service for me because we converted this from a one-year Presidential Initiative into a sustained organized group within NACo. I believe this was an important feat for NACo because it put a direct focus on preparing and equipping the Next Generation of leadership in NACo for years to come. It was duly voted upon by the Board of Directors to formally be established as a program within NACo. It is now a part of the fabric of NACo.

I also believe the focus on the Next Generation of leadership has also had an effect within our Georgia State Association (ACCG) as well. This has been a primary focus of our dynamic Executive Director Ross King, and he has put a lot of effort in drawing the next level of leadership in Georgia and has made this a strong focus through its leadership development initiatives.

## Q: What do you consider to be the two or three most important challenges facing NACo in the near

## Lee May

**Interim CEO and Commissioner  
DeKalb County, Ga.**

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PHONE: 404.371.6325  
CELL: 678.612.3987

1300 Commerce Drive  
Decatur, Ga. 30030



## future on which the officers/ Executive Committee/Board of Directors should focus? Why?

I believe the most important challenges facing NACo are as follows:

1. Becoming the most influential advocacy organization on Capitol Hill and within the Administration
2. Bridging the gap between the current generation of leadership and the next generation of leadership
3. Building stronger relationships with our state associations

We must be intentional about developing relationships with the large mass of new legislators who don the steps of Capitol Hill. We must be strategic to build upon current relationships, but we have to be proactive to create new ones

as well. In addition, in less than two years we will have a new occupant of the White House with a new administration. We must be ready to build new inroads into the administration to best position NACo for years to come.

In addition, there is a new group of young county commissioners, judges, freeholders, and supervisors that are taking leadership in our local communities. We must bridge the gap to bring them into the fold of NACo both now and well into the future. We must create a NACo that develops a support system that empowers county officials to lead both locally and within our great organization.

We must continue to look at ways of strengthening NACo's relationships with our state associations. The stronger this

relationship, the better we will be both collectively and individually. We must continue to share with one another, learn from one another and participate with each other in a dynamic way. The relationship between the state associations and NACo is critical for the future of all of our organizations. Facing these three challenges head on will make us a stronger, faster and better organization both now and in the future.

## Q: What do you consider to be the two or three most important issues local officials are facing in their counties that should be on the NACo agenda? Why?

I believe the issues facing most local officials deal with the following:

1. How to better draw down federal dollars to our counties.
2. How to best empower local officials to conduct the business at home. Helping them to build capacity to better manage the day-to-day affairs of their counties.

We must build an agenda that empowers counties and its leaders to better engage the federal government. We must show counties how to gain access to federal resources and technical assistance to help us succeed at the local level. We must

give a road map to local officials about the process for accessing both dollars and resources.

In addition we must offer assistance to county officials that will help them succeed at home. NACo should be a resource that assists county officials with areas in which they need help—whether it's creating budgets, developing policy, engaging constituents or communicating to the media and the public. We can and should be a vehicle of continued training to help our members succeed. NACo must continue to focus on its members building greater capacities to lead at home.

## Q: What measures would you recommend to increase and retain NACo membership and to encourage broad participation in NACo by elected officials and employees of NACo member counties? What specific role would you be willing to assume to help build and sustain membership in NACo?

My recommendation to help increase and retain NACo membership is to fully embrace social media as another way to increase communication strategies with NACo members and counties. We can no longer rely primarily on email, paper correspondence and other periodicals to relay information to our members. We have to show the successes of NACo endeavors, but the successes will only resonate with current and potential members if and when we adequately communicate it to them. We must use all that technology has to offer to accomplish our membership goals both to attract and to retain.

By better engaging our membership, as well as non-members, we can provide better educational opportunities as a way of showing the value of NACo. This will also allow us to better deploy NACo members for advocacy activities to influence budgets and policies.

I will take this on as a presidential focus area, internally, to focus on retention and the attraction of new members through technology. Our organization will only be as strong as our membership and we must use every avenue we can, including technology, to help us sustain our membership.

### ■ Please describe your public service experience, including all elected and appointed positions in local or other levels of government.

I was elected as a DeKalb county commissioner representing District 5 in July 2006. In this capacity, I served as chair of the Planning-Economic Development Committee for two years. Following this appointment I was appointed chair of the Finance-Audit-Budget Committee, where I served for five years.

In 2013, I was elected by my peers as the presiding officer of the Board of Commissioners. In addition, in July of 2013, I was appointed by the governor of Georgia as the Interim CEO (County Executive) of DeKalb County, Ga.

### ■ Please list all NACo service, including steering and standing committees, Executive Committee, task forces, caucuses and affiliates. For each, list the year(s) of service, and any leadership positions held.

Upon being elected as a DeKalb County, Ga. commissioner in 2006, I immediately became active in NACo. I was elected in July of 2006 and attended my first Annual Conference weeks later in Cook County, Ill.

During my time in elected office I have served

in the following capacities within NACo:

- Community and Economic Development Committee, Member, 2007
- Community and Economic Development Committee, Vice Chair, 2008–2009; 2012–present
- County Leadership Institute Class, 2008
- LUCC, Member, 2007–present
- Membership Committee, Member, 2008
- NOBCO, Member and Board of Directors, 2008–present
- Community and Economic Development Committee, chair, 2010–2012
- NACo, Board of Directors, 2010–present
- Next Generation NACo (Presidential Initiative, Founding Chair and Member) 2012–2013

### ■ Please list all state county association services, such as Board of Directors, committees, and task forces, the year(s) of service, and leadership positions held.

- Georgia Association of Black Commissioners, Member, 2007–present
- Georgia Association of Black Commissioners, Vice Chair, 2010–2012
- Economic Development Committee, 2009

# Sessions focus on lowering jail health care costs, recidivism

FORUM from page 6

moderated the session Health Coverage Enrollment for the County Jail Population.

Among the speakers were corrections officials from Marion County, Ore. and Cook County, Ill., and Christian Heiss, senior program officer, HealthCare Strategies Inc.

There's a compelling case for jail inmates to have health insurance before and after incarceration, and jails can play a role in the latter. Compared to the general population, inmates have four times the risk of active tuberculosis and eight to nine times the risk of HIV/AIDS, Heiss said. Further, 55 percent of jail inmates have diagnosable substance use disorders. Fourteen-and-a-half percent of men and 31 percent of women in U.S. jails have a serious mental illness. Of all seriously mental inmates, 72 percent have a co-occurring substance use disorder.

"So the opportunity to get those folks connected to coverage and then to the services to address those conditions is really critical to trying to stop that revolving door of people going back to the jail," he said.

Sheila Lorange, Marion County's jail commander, gave a mid-size (pop. 315,000) county's perspective, while Marlena Jentz, deputy director of programs for the Cook County Sheriff's Office, shared strategies used in her metro-Chicago-area county of 5.2 million residents.

A recent review of jail health care spending in Marion County found that over a two year period, \$1.5 million was spent on inmate medical care — \$30,000 on inmates' medications alone.



Commissioner Robert Harrison, Madison County, Ala., asks a question of panelists during a session on reducing racial and ethnic disparities in the juvenile justice system.

Photos by Charles Taylor

Oregon counties are lucky; the state Legislature last year passed a bill that prohibits insurance companies from cancelling an inmate's coverage when they're taken into custody. It also requires that health care providers seek payment from insurance companies first, then the individual and lastly the jails.

In Cook County, jail staff help pre-release inmates enroll in CountyCare, a Medicaid expansion program under the Affordable Care Act, according to Jentz. As a result, released inmates can more seamlessly transition into health insurance coverage, which improves their chances of getting the care and services they need and not returning to jail.

At the end of the day, when counties have taken care of everyone else's physical and mental health needs, they should look inwards as

well — in a physician heal thyself sort of way — particularly during crises that require a county response. That was a key takeaway from the session, Taking Care of Our Own.

San Diego County has an online training that every employee — not just first responders — is required to take about coping with disasters, said Lt. Jeffrey Duckworth of the county's Sheriff's Department. The county has experienced major wildfires within the last dozen years. The stress of coping with such crises brings first responders'

needs into focus. They are often required to work while their families might be in harm's way. "On a personal level, having a family plan in place is something that we preach in our department and countywide," he said.

Circling back to county health and justice systems, disasters can leave residents of a community who have mental health issues more vulnerable, said Ron Manderscheid, executive director of the National Association of Behavioral Health and Disability Directors. During a

multi-day emergency, medications may run out, making it likelier that a person's mental condition could deteriorate, which in some cases, could lead to an arrest.

Manderscheid said it's important to have a crisis-prepared system that can operate continuously during a disaster or emergency. That includes having mental health "warm lines." Unlike hotlines, which deal with more serious mental health crises — such as a person contemplating suicide — warm lines are designed to provide peer support to people who may be feeling depressed or anxious.

A similar concept could apply to county officials managing a disaster, according to NACO Immediate Past President, Linda Langston, a Linn County, Iowa supervisor. It, too, involves a phone call.

In 2008, her county flooded to historic levels, even prompting the county jail to be evacuated. When devastating tornadoes plowed through north-central Alabama in 2011, Langston called a NACO colleague, Stan Batemon, then a St. Clair County, Ala. commissioner, and offered a sympathetic ear, she said.

"If I were in a really bad place, who are the five people I would call? Write down their names and cellphone numbers," she said, "and keep it slotted somewhere you can find it."

## Charleston County specialty courts are getting results

By SHAWN R. SMETANA  
PIO, CHARLESTON COUNTY, S.C.

One of two concurrent mobile workshops during the forum highlighted the county's Drug Court and Mental Health Court programs.

"Drug courts started in Miami, Fla., in 1989 when authorities were dealing with rampant drug use and were looking for a more effective way to handle the problem," said Carson Fox, chief operating officer, National Association of Drug Court Professionals. Other presenters included mental health experts, and local and state judges.

Charleston County's Adult Drug Court works with high-risk, high-need cases where the defendants are nonviolent offenders. It has proven to be a cost-effective alternative to traditional prosecution and incarceration of nonviolent offenders with substance abuse problems, court officials said. As a result, crime numbers are reduced and the offenders can find a road to recovery.

Attendees heard testimonials from Drug Court graduates, who now — clean and sober — are involved in helping other drug-dependent individuals. "Our graduates who spoke to the group are a testimony to the power of recovery and the importance of giving people a second chance," Probate Judge Irvin Condon said.

Session speakers advised that engaging various stakeholders is key when developing a Drug Court diversion program, such as educating people about the program, inviting legislators to view programs that are current and working, and using evidence-based facts and best practices to help guide your decision making.

Similarly, Charleston County's Mental Health Court is designed specifically for mentally ill defendants arrested for non-violent felonies or misdemeanors. The treatment program has specific admission guidelines, and the offenders' victims are given a voice in the proceedings, but not veto power over the court's treatment decisions.

The county's mental health initiative showcases its comprehensive and provider-guided services. These include a tele-psychiatry program that serves rural areas, staff assigned to detention centers for continued mental health care and mental health mobile RVs that serve rural areas.

The Mental Health Court operates in conjunction with the Charleston Dorchester Community Mental Health Center. "We believe these specialty courts are effective and have a positive impact on those whom the courts are designed for," said Debbie Blaylock, the center's executive director. "Not to mention they have a positive impact on the community as well."



Charleston County's Emergency Operations Center sits at a "towering" 49 feet above sea level — the highest point in the low-lying county, which was devastated by Hurricane Hugo in 1989. It was the site of one of two mobile workshops.

# WOTUS language confusing on implementation

WOTUS from page 1

counties because we build, own and maintain a significant portion of public safety infrastructure. The proposed rule would have direct and extensive implications," she said.

Local governments own nearly 80 percent of all public road miles and half of the nation's bridges. Counties also own water quality systems and other infrastructure like roadside ditches, storm water systems, "green" infrastructure and drinking water facilities.

The proposed rule introduc-

es new and unclear terms like "tributary," "significant nexus," "adjacency," "riparian areas," "floodplains" and "neighboring." Depending on how these terms are interpreted, additional types of public infrastructure could fall under federal jurisdiction.

"The proposed rule only adds to the confusion and uncertainty over how it would be implemented consistently across all regions," Clark said.

She emphasized the importance of the local, state and federal partnership in crafting practical rules and implementing Clean Water Act

programs on the ground.

"Counties are not just stakeholders in this discussion — we are key partners in the federal-state-local intergovernmental system," she said.

"This is an opportunity to reset the clock and work together. NACo looks forward to working with Congress and federal agencies to craft a clear, concise, workable definition of 'Waters of the U.S.' to achieve our common goal: to protect water quality without inhibiting the pub-

## SpeedRead » » »

Three main drivers of NACo's opposition to the current WOTUS proposal include

- » an inadequate consultation process with state and local governments
- » ambiguous and inconsistent terminology, and
- » ongoing delays with the current permitting process.

lic safety and economic vitality of our communities."

Clark concluded, "In the eyes of county governments, this is not a political issue. It is an issue of practicality and partnership."

Since the proposal was unveiled in April 2014, NACo has advocated for greater clarity and launched an online resource hub and action center.

To read Clark's full testimony on behalf of NACo and for more information, visit [www.naco.org/WOTUS](http://www.naco.org/WOTUS).

## NACo on the Move

### ► In the News

• **Emilia Istrate**, research director, was featured for a televised interview on CNBC's show *Squawk Box* on Jan. 29 to discuss NACo's 2014 County Economic Tracker.

### ► NACo Officers and County Officials

• Immediate Past President **Linda Langston** represented NACo in Baltimore, Md. for the HUD New Partners for Smart Growth Conference Jan. 29–31, where she spoke on resilience and smart planning for economic recovery.



Bryan Desloge

• Second Vice President **Bryan Desloge** spoke at the Police Jury Association of Louisiana's Annual Conference in Orleans Parish Jan. 29–31. On Feb. 3, Desloge spoke about NACo and Why Counties Matter during the business meeting and luncheon at the New York State Association of Counties' Legislative Conference in Albany County.

• Immediate Past President **Linda Langston** and Executive Director **Matt Chase** spoke about Why Counties Matter on Feb 3 in Ada County for the Idaho Association of Counties Midwinter Legislative Conference.

• On Feb. 3, NACo President **Riki Hokama** represented NACo at the *Governing Magazine's* Outlook conference in Washington, D.C. He spoke about the current issues facing counties, including transportation and MAP-21 reauthorization, mental health and jails, among other topics.

### ► NACo Staff

• **Jen Horton**, program manager, represented NACo at the 2015 New Partners for Smart Growth Conference in Baltimore, Md. on Jan. 30. She moderated a conference session, "Relying on a Foundation: the Case for Community Foundations as Placemakers," which explored the roles that local philanthropic organizations play to support quality, asset-based economic development.

• **Bert Jarreau**, chief innovation director, represented NACo at the U.S. Department of Justice Global Justice Information Sharing Initiative Advisory Committee meeting on Jan. 27.

• **Emilia Istrate**, research director, presented NACo's 2014 County Economic Tracker findings to U.S. Department of Agriculture, Rural Development Jan. 22.



#COUNTIESINNOVATE



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#### Health Coverage in Jails: Provisions that Can Save Counties Money

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NOVEMBER 17, 2014

#### Health Coverage in Jails: Why Should it Matter to Counties?

In the first episode of this series, we sit down with

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# News From the Nation's Counties

## ► CALIFORNIA

• **SAN DIEGO COUNTY'S** Board of Supervisors has authorized county staff to come up with a plan to **implement Laura's Law**. State lawmakers passed the law more than a decade ago, but each county can decide whether to implement it locally, the *San Diego Union-Tribune* reported.

Laura's Law allows courts to order treatment for certain mentally ill persons who refuse voluntary treatment, such as those who are a threat to themselves or others. Another requirement is that the person has a "substantially deteriorating" condition.

"This is one more tool in the toolbox," Supervisor Dianne Jacob said. "It's not going to fix everything, but it is something I believe is going to save lives."

County staff has until April to come up with an implementation plan.

• The **CALIFORNIA STATE ASSOCIATION OF COUNTIES' (CSAC)** continuing education program has turned a former skeptic into a believer. Rick Haffey, **NEVADA COUNTY** executive officer, was among the first to go through the **CSAC Institute for Excellence in County Government**. Initially, he wasn't sure of its value for his senior staff or members of the Board of Supervisors.

Now, Nevada County is the first in the state to require that all senior executives — within the first two years of their employment — earn the excellence in government credential.

Staff members see it as a valuable tool for breaking down silos and providing insight into other county operations.

All five of members of the Board of Supervisors have earned a credential from the institute. Supervisor Nate Beason said it helped him become a better elected official. "Any opportunity to gain more knowledge is important."

## ► COLORADO

Remaining drug-free is a new requirement to continue receiving benefits from **EL PASO COUNTY'S** Temporary Assistance for Needy Families (TANF) program.

"We must be sure that TANF dollars are not supporting drug use," Commissioner Amy Lathen said. "If folks are clean, this will not impact them. If they are not, they need to get help in order to receive TANF."

Under this policy, if there's

"reasonable suspicion" a **TANF recipient may be abusing substances**, the individual may be required to participate in a substance abuse screening by a certified addiction counselor in order to stay in the program.

The criteria that will trigger drug screening include admitting to substance abuse, presence of physical symptoms such as impaired motor function, slurred speech, incoherent or irrational behavior, the smell of marijuana or alcohol, or a Child Protection referral indicating suspected substance abuse.

## ► IOWA

State legislators in Des Moines are considering a bill that would give voters a say if a **county seat were to be moved**. Under current state law, a decision to move a county's seat of government can be made by a majority vote of the Board of Supervisors.

The issue arose after **LEE COUNTY** — the only Iowa county with two county seats (Madison and Keokuk) and courthouses — considered making Madison the sole center of government.

State Sen. Rich Taylor, the bill's sponsor, said the current process doesn't allow for sufficient public input in such decisions, according to *The Des Moines Register*.

## ► LOUISIANA

• The **TERREBONNE PARISH** Council voted unanimously to allow the words "**In God We Trust**" to be displayed on the wall of their meeting room. Other parishes that have already taken this step include **ST. JOHN** and **ST. MARTINVILLE parishes**.

It's part of a movement started by a Bakersfield, Calif. city councilwoman called In God We Trust America, *Houma Today* reported. The Parish Council voted unanimously to join more than 450 cities, counties and parishes from across the country that have passed similar measures.

Councilman John Navy proposed the measure, saying, "I wanted to remind this nation, remind this community and remind this council that we are a praying nation. That's what our founding fathers founded this country upon."

• **ST. JOHN THE BAPTIST PARISH** is the latest of 19 parishes to join in a Multi-Parish Emergency Mutual Aid and Assistance Agreement.

The agreement was drafted

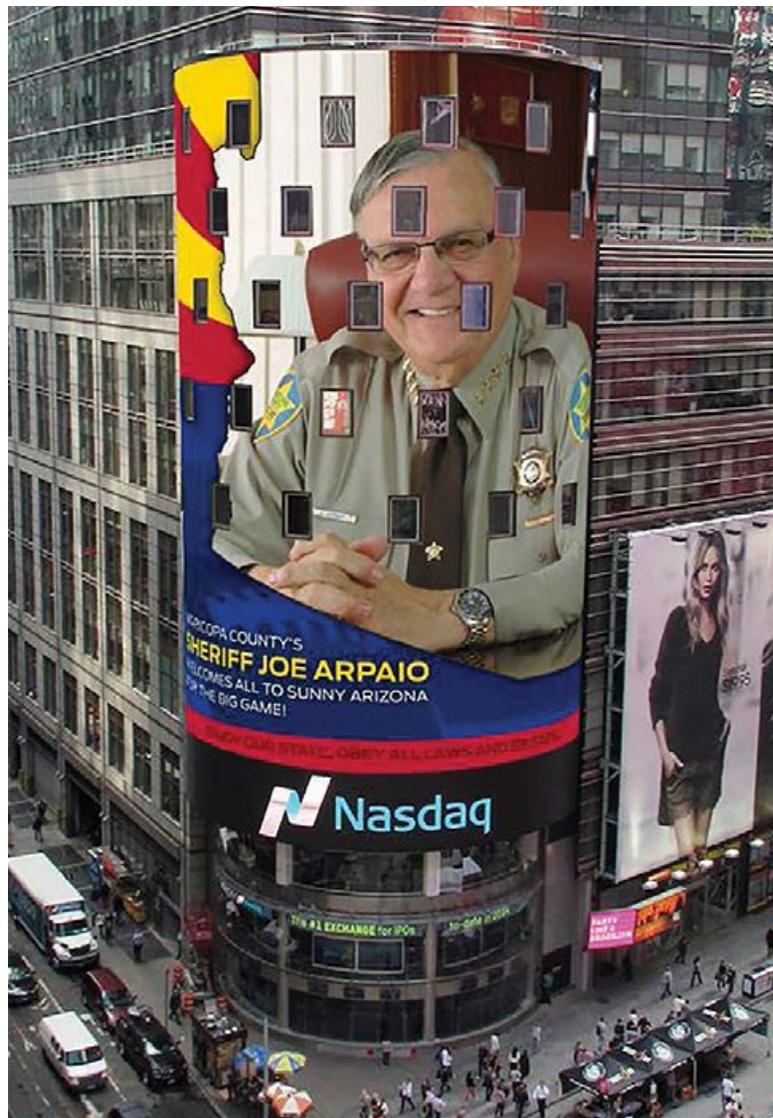


Photo courtesy of Maricopa County, Ariz. Sheriff's Office

## ► ARIZONA

**MARICOPA COUNTY** Sheriff Joe Arpaio rolled out the welcome mat to the home of this year's Super Bowl in a big way — 120 feet by 84 feet, to be precise. That's the size of an **electronic billboard** in New York City's Times Square that "welcomes all to sunny Arizona."

He said normally such display might seem out of place. "But safety and security is foremost in the collective mind of all law enforcement in the Phoenix metropolitan area during this event," Arpaio said.

by parish presidents in Louisiana Parishes Against Coastal Erosion to "allow cooperating parishes to access FEMA reimbursements," parish President Natalie Robottom said.

She added that the **regional compact** will make it easier to obtain backup resources and assistance from other municipalities during emergencies, the *L'Observateur* newspaper reported.

Among other cooperating parishes are **ORLEANS, ST. TAMMANY, CALCASIEU and TANGIPAHOA**.

## ► MARYLAND

Three counties have repealed — or are considering rolling back — the state's so-called "**rain tax**" on urban counties. A law passed by the Legislature in 2012 required 10 counties (or equivalent) to impose stormwater fees on urban and suburban residents and businesses to

help clean up the Chesapeake Bay.

It applies to **BALTIMORE, CARROLL, HARFORD, HOWARD, ANNE ARUNDEL, FREDERICK, MONTGOMERY, PRINCE GEORGE'S and CHARLES** counties, and the **CITY OF BALTIMORE**.

Harford just repealed its stormwater fees; Baltimore County is mulling cutting its fees by a third, and Howard County's new county executive is considering whether to seek a reduction, according to *The Baltimore Sun*.

Advocates for the bay say that while other pollution sources are decreasing, stormwater runoff is increasing, and localities should bear some of the cost of lessening its impacts.

## ► NEVADA

Economic development officials in are trying to get approval to do

**commercial drone testing in ELKO COUNTY**.

The *Elko Daily Free Press* reported the Northeastern Nevada Regional Development Authority and the Elko Regional Airport want to contract with the Nevada Institute for Autonomous Systems to establish specific areas where the testing could be done.

## ► NORTH DAKOTA

A bill in the Legislature could **allow the state to bill counties** if they send too many prisoners to state lockups.

Lawmakers are considering a proposal to set a county-by-county allocation at state prison facilities using a formula based on population. Counties that exceed their quota would be billed, *KFGO Radio* reported.

State's attorneys and law enforcement officers say the proposal could pit counties against one another, and put prosecutors and judges in difficult positions when it comes to giving offenders proper sentences. It also doesn't address North Dakota's rising population and crime rates.

**NORTH DAKOTA ASSOCIATION OF COUNTIES** spokesman Aaron Birst said the quota proposal "is quite offensive to county government."

## ► OKLAHOMA

The **OKLAHOMA COUNTY** Sheriff's Office is offering Oklahomans a **safe place to close online deals** at their offices and substations, *KFOR-TV News* reported.

The plan was prompted by news of a Georgia couple being found dead after contacting a car seller on Craigslist.

The sheriff says that offering this safe haven will give folks some peace of mind.

## ► PENNSYLVANIA

• The Sen. John Heinz History Center will preserve and maintain **ALLEGHENY COUNTY'S historical records and document books** under legislation being considered by the County Council.

The museum will act as custodian of the records while also ensuring continued public access to the documents, the *Pittsburgh Business Times* reported.

That will include more than 130 years of documents reflecting the daily business and decisions that provide a picture of what events, issues and initiatives were historically important. It will also include 160 books of minutes from the

## The H.R. Doctor Is In

# HR pro leaves lasting legacy for county

Last week Broward County, Fla. suffered a great loss. So did the employees of the county, as did everyone in the professional human resources community. The loss was the sudden and unexpected illness which claimed the life of Susan Dellcioppia.

For 25 years, Susan worked with honor, diligence, innovation and great care to create one of the nation's finest employee training and development programs. She fulfilled that "creation" mission she received in 1989 when, as county HR director, I first met her. The mission was to recognize the potential for outstanding contributions inside every employee of the organization and to go figure out cost-effective and innovative ways to bring out the



Susan Dellcioppia

best in performance and behavior. My job as head of HR was to be a top supporter and proponent of her work and that of her wonderful staff. Then it was to get out of her way and not micromanage.

That approach — to find and recognize great talent — allows it to

flourish and was the same one Susan used as a great manager. She took the county's programs to a higher level than ever before, creating opportunities for accountability, fun and added value to the organization.

Perhaps the greatest legacy Susan leaves behind is a program she was instrumental in creating to prepare the next generation of county employees to provide excellent service to the public.

The Public Service Internship program identified outstanding graduating high school seniors from all over the county. It was based on their demonstrated interest in public service, work habits and attendance. The selected students became the next year's class of public service interns: paid, full-time county

employees, each with an assigned mentor and each working in a different department.

The result was a great boon to county recruiting and the launching of many fine careers in public administration. The program generated excitement and great value for a small investment. Susan's mentoring and caring about the advancement of others created an amazing memorial in this and many other areas.

Other areas included a partnership with the community college, an innovative public service academy for new employees, new supervisory hires or promoted persons. It involved innovative management training and "Sun-Sational" customer service values.

Looking back at 25 years of engagement with Susan professionally has given me a chance to realize, beyond the day-to-day working relationships, how immense her value to employees and to the organization was.

Susan was a champion whose loss to the county and to our profession as a whole is profound.

The enduring work of Susan Dellcioppia lives on in Broward County and in a much wider community. Her spirit of commitment to excellence and innovation is indeed a lasting memory — perhaps the best one any of us can hope to leave behind.

Phil Rosenberg  
The HR Doctor

## South Dakota county sheriff's deputies to receive body cameras

NEWS FROM *from page 10*

County Commission meetings — the county's former governing body — dating back to Jan. 23, 1868.

• Two years after forming, the **WESTMORELAND COUNTY** Veterans Court has its first case.

The program was established by court officials for **veterans charged with misdemeanor** or summary offenses, but until late January, no one had gone through it. The program requires participants to receive counseling, social services and meet other conditions set by the judge, the *Greensburg Tribune-Review* reported.

The first case involved an attempt to return a stolen microwave oven to get a cash refund.

► **SOUTH CAROLINA**  
• **CHARLESTON COUNTY** Environmental Management has been named the 2014 **Composter of the Year** by the U.S. Composting Council, the national trade association for compost manufacturers.

The county began composting yard waste in 1993 and averaged about 20,000 tons per year. The compost facility currently occupies 28 acres, employs 18 people and processes 100 percent of the yard waste generated and accepted at the landfill, nearly 60,000 tons a year. In 2011, the county implemented a yard waste plastic bag ban to improve the quality of the finished compost product by eliminating the presence of plastic contaminants.

► **KERSHAW COUNTY** has the first 911 dispatch center in the state that **accepts text messages**.

"The only drawback to this is with a voice call, my staff and most of the 911 telecommunicators can listen to the background noises and they can kind of listen to the caller and get a feel for what's going on," Kirk Stropes of the Department of Safety and Emergency Services told WIS-TV News.

"Basically if the caller is distraught, get them under control. Whereas when you're frantically texting, we don't know what's going on on the other end of the device."



Photo courtesy of the Association of County Commissioners of Georgia

► **GEORGIA**

The 2015 class of Georgia's newly-elected commissioners spans the generations. Pictured here with ACCG Executive Director Ross King (left) are Rabun County Commissioner Bob Fink, 81; and Lumpkin County Commissioner Rhett Stringer, 21.

► **SOUTH DAKOTA**

Sheriff's Departments throughout the state are receiving grants to outfit deputies with **clip-on body cameras** from a pool of money seized in drug cases throughout the state.

**BROOKINGS COUNTY** received \$5,000, according to Kelo News, which will pay for eight cameras.

► **WASHINGTON**

**Refinancing bonds** for its wastewater treatment division will yield \$160 million in savings for **KING COUNTY** over 33 years. It's the

largest savings in the county's history for a bond refinance.

After Moody's and Standard & Poor's gave King County and its Wastewater Treatment Division Aa2 and AA+ ratings, respectively, the county refinanced \$728 million in outstanding bonds, which will save King County \$15.9 million over the next three years alone, the *Courier and Herald* reported.

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

## What's in a Seal?

### Burleigh County, N.D.



Burleigh County was organized in 1873. It was named for Dr. Walter Burleigh, a physician, Indian agent, trader and delegate to the 39th and 40th Congress. Through his support of President Lincoln and his strong political ties, Burleigh was named Indian agent of Dakota Territory (Yankton, S.D.).

Burleigh County, home to the state capital of Bismarck, was a transportation hub, and the riverboat on the county seal portrays this aspect of the economy. Until the railroad reached Montana, Bismarck, along the Missouri River, was a primary port of call for riverboats carrying cargo from St. Louis to Fort Benton, Mont. Bismarck became a center of long lines of stagecoaches and supply wagons in all directions. The railroad line to Bismarck was completed June 5, 1873 with the rail line moved to the bluffs, through what quickly became present-day Bismarck.

Burleigh County has a population of 88,457. Agriculture, one driver of the county's economy, is represented on the seal by a stalk of corn; in fact, Burleigh County was an early area leader in development of northern corn varieties.

*Kevin Glatt, Burleigh County auditor-treasurer, contributed.*

## Financial Services News

# Communicating about Retirement Savings

It's hard to read a newspaper or magazine or hear financial news without knowing that individual retirement savings — or the lack thereof — grab regular headlines.

Other headlines focus on the dismal status of many public pension systems. While most county employees participate in defined benefit plans (pensions), the need to supplement that benefit by participating in a supplemental retirement savings program (like the NACo Section 457 Deferred Compensation Program) is critical today and will become more so in the future.

Communicating about retirement readiness and working with county employees to understand their role in saving for retirement is

addressed in a recent paper, *Engagement, Communications, and Confronting the "Information Age Tidal Wave,"* released by the National Association of Government Defined Contribution Administrators (NAGDCA).

The issues addressed include the challenges of traditional communication, the vast array of new communications tools, and melding these among the generations. The challenge facing counties as plan sponsors is to provide county employees with information without overwhelming or boring them. In addition, the authors state the broad demographics of the county workforce (due to age and education) also point to the need to be appropriately relevant.

Plan sponsors as well as the private sector administrators of Section 457 plans are all involved in trying to provide easy access to information as well as information that is easy to understand. Employees will need and want access to plan information when it is convenient for them, delivered through smartphones and tablets. The need to stay technologically current is essential.

NAGDCA discusses the variety of communications approaches that deliver plan and investment information:

- Print media: can be effective but with mailing and printing costs there are, at some point, diminishing returns.

- Traditional field activities: face-to-face interactions, whether in group or one-on-one settings continue to be popular. NAGDCA asks whether this efficiently communicates with the largest number of employees.

- Social media and mobile computing: the advantages and disadvantages of a variety of tools — Facebook, Twitter, Google+, LinkedIn and YouTube are reviewed.

NAGDCA recognizes that “one size does not fit all.” The paper focuses on international as well as domestic lessons on effective communications about retirement savings. In the U.S., targeted communication has been effective — i.e., for investing for women, targeting young workers or other demographic slices.

It is also necessary to match the medium and the message to the correct target audience. For instance, NAGDCA cites a study by the Pew Research Center shows that social networks are used by about twice as many Generation Y employees (in their 20s to mid-30s) as by older Baby Boomers. Pew also noted that Generation Xers (aged 35 to 50) and Boomers are more likely than Generation Yers to get financial information over the Internet. The suggestion from NAGDCA is that technology can be used across all age groups, as long as it is used strategically.

The bottom line for plan sponsors and providers of these services is:

- Know your audience
- Realize that less is more

- Think like a marketer
- Make the message actionable
- Document the impact
- Most importantly, participant communication will continue to evolve.

*(Financial Services News was written by Lisa Cole, senior director, NACo Financial Services. For more information on the NACo Deferred Compensation Program, she may be reached at lcole@naco.org or 202.942.4270.)*

## Job Market & Classifieds

### Chief Executive Officer – Spokane County, Wash.

Salary: \$160,071/year + executive benefits

Spokane County is seeking an innovative, customer-oriented leader to fulfill the key role of Chief Executive, reporting to the Board of County Commissioners (BOCC).

Please apply through our website at: [www.spokanecounty.org/hr](http://www.spokanecounty.org/hr), or call 509.477.5750. Spokane County is an Equal Opportunity Employer.

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We urge you to register for NACo's 2015 Legislative Conference, which will be held February 21–25 at the Marriott Wardman Park Hotel in Washington, D.C. At the conference, you will join with fellow county officials to shape NACo's policy priorities, learn key issues from Administration and Congressional officials, and most importantly, join with your colleagues in advancing the federal policy priorities of county government.



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For up-to-date information on the 2015 Legislative Conference visit the NACo website at [www.naco.org](http://www.naco.org).