

## Senate legislation reauthorizes major surface transportation bill

By JESSICA MONAHAN  
ASSOCIATE LEGISLATIVE DIRECTOR

On May 12, the Senate Environment and Public Works Committee, which has jurisdiction over the highway title of the surface transportation authorization bill in the Senate, released draft legislation to reauthorize the Moving Ahead for Progress in the 21st Century Act (MAP-21).

The 150-page bill would autho-

alize federal highway programs for six years at current funding levels, plus inflation.

There are several provisions in the legislation of which counties should be aware. Specifically, the bill would:

- Provide a modest increase for programs that counties benefit from, including the Surface Transportation Program (STP)

- Continue core highway program structure from MAP-21

which includes the STP program, National Highway Performance Program (NHPP), Highway Safety Improvement Program (HSIP), and the Congestion Mitigation and Air Quality (CMAQ) Improvement Program

- Provide \$400 million annually for the Projects of National or Regional Significance Program, a discretionary program similar to the TIGER grant program, to support a variety of projects, including projects sponsored by local governments aimed at improving: 1) roadways that are vital to national energy security, 2) the movement of freight, 3) transportation safety and 4) rural connectivity and metropolitan accessibility

- Establish a new formula-based National Freight Program that would provide funding in fiscal years 2016–2020 to invest in infrastructure and operational improvements that would strengthen the nation's movement of freight, including investments on locally

## Supreme Court upholds prayer opening for local government board meetings

By LISA SORONEN  
EXECUTIVE DIRECTOR  
STATE AND LOCAL LEGAL CENTER

Susan Galloway and Linda Stephens attended Town Board meetings in Greece, N.Y. to speak about local issues. When they objected to the prayers that opened the meetings because the invocations violated

their religious or philosophical beliefs, town officials suggested they stand in the hall until the prayers ended. Instead, they sued the Town of Greece claiming that its prayer practices violated the First Amendment's Establishment Clause.

In a highly publicized decision, the U.S. Supreme Court held 5–4 that the Town of Greece did not violate the First Amendment by opening its meetings with a prayer. The court's decision in *Town of Greece v. Galloway* provides a roadmap of warnings counties can follow to stay out of trouble when beginning county government meetings with a prayer.

While anyone could offer a prayer at a Town of Greece board meeting, from 1999–2007, all those who offered prayers were Christian. Some referred to Jesus in their prayers. The town recruited “board chaplains” from a local directory, but nearly all congregations were Christian. An important note: Clergy crafted their own messages without any input from the town.

In their lawsuit, Galloway and Stephens argued that legislative prayer couldn't contain sectarian language or themes such as the



Photo by Bev Schlotterbeck

What's history smell like? Resiliency forum participants sniff out the answer at the Urban Olfactory exhibition during their mobile workshop trip to the SPUR Urban Center in San Francisco. More than 100 county officials attended the forum, Resilient Counties: Growing Stronger Places, held May 1–2 in the City and County of San Francisco. They joined federal, state and private-sector representatives in learning about current trends and best practices in community and economic resiliency. For a full report, see page 8.

## CountyNews Features

## NACo requests extension on WOUS public comment

By JULIE UFFNER  
ASSOCIATE LEGISLATIVE DIRECTOR



NACo has requested a 90-day extension of the public comment period for the newly proposed rule on *Definition of Waters of the United States Under the Clean Water Act* as published in the Federal Register.

The proposed “waters of the U.S.” rule was published on April 21 and is currently open for public comment until July 21. The proposal may increase the number of county maintained public infrastructure conveyances, such

as roadside ditches, floodwater channels and storm water that would fall under federal authority.

In a letter sent May 1, NACo requested an extension due to the “technical and complex nature and the potential unintended consequences this proposal could have on our communities...so that we and the communities we represent have ample opportunity to develop and submit comments that are as thoughtful and thorough as possible.”

The letter was co-signed by the U.S. Conference of Mayors and the National League of Cities.

## INSIDE THIS ISSUE



Read about NACo's most recent forums on juvenile justice and resilient counties > [Page 7 and 8](#)

Permanently extending Internet Tax Freedom Act provisions gaining traction > [Page 2](#)

More sheriffs refuse to hold people suspected of being in the country illegally > [Page 5](#)

County plans 100-mile bike ride to raise money and fitness levels > [Page 9](#)



# NACo election credentials forms due June 13

By **ALEX KOROKNAY-PALICZ**  
MEMBERSHIP COORDINATOR

Credentials and voting information for NACo's 2014 election were mailed May 9 to the chief elected official (CEO) and clerk of each member county. Registered attendees for the annual conference also received a link to credentials information via email.

In order to vote, a county must have paid its 2014 dues and have at least one paid registration to the annual conference. The CEO must indicate on the credentials form, the names of the voting delegate and alternate authorized to pick up a county's voting materials.

There can only be one alternate designated on the form.

The credentials form attests to a county's eligibility to vote. The form contains information on the number of votes a county is eligible to cast, as well as the identity of the delegate who is authorized to cast the county's vote.

State association of counties' presidents will pick up unclaimed ballots on the evening before the election unless a county's CEO indicates on the credentials form that the state association president cannot pick up the ballot. State association presidents may cast unclaimed ballots at their discretion. A county may also choose

not to cast its ballot.

Each member county must return a form, signed by the chief elected official, in order to vote. In addition to being mailed, the credentials form is also available via a link on the NACo website at [www.naco.org/credentials](http://www.naco.org/credentials). The deadline to return the form is Friday, June 13.

This year's election will be held on Monday, July 14 at 10 a.m. during the Business Meeting at the NACo Annual Conference in Orleans Parish, La. Counties will vote on resolutions that set NACo legislation and association policy for the coming year. Delegates will also elect NACo officers for

the coming year. The position of second vice president is typically contested.

The number of votes per county is determined by the amount of dues it pays. Dues are based on population. NACo's bylaws allot one vote per \$500 in dues.

- Counties with dues of \$450 to \$499 receive one vote.

- Counties with dues of \$500 to \$999 receive two votes.

- Counties with dues of \$1000 to \$1,499 receive three votes, and so on.

The maximum number of votes a county can receive is 112.

The Credentials Committee ensures that all member coun-

ties participating in the election process, either for NACo officers or policy, are able to do so in the most efficient and fair manner. The committee confirms requests for credentials pickup, helps guarantee that the process runs smoothly, resolves credentials disputes and assists during the election itself.

The 2014 Credentials Committee members are: Judge Glen Whitley, Tarrant County, Texas, chair; Supervisor Efren Carrillo, Sonoma County, Calif.; Kim Hackney, deputy chief administrative officer, Shelby County, Tenn.; and Councilwoman Arlanda Williams, Terrebonne Parish, La.

The NACo bylaws also provide for a parliamentarian, reading clerk and tally clerk to aid in the election process. They are: Marc Hamlin, district clerk, Brazos County, Texas, parliamentarian; George Hartwick, commissioner, Dauphin County, Penn., reading clerk; and Aisha Bell, commissioner, Wayne County, Mich., tally clerk.

*If you have any questions, please contact Alex Koroknay-Palicz, membership coordinator at [akpalicz@naco.org](mailto:akpalicz@naco.org) or 888.407.NACo (6226) x291 or 202.942.4291.*

## Lawmakers would permanently preempt state, local Internet taxing authority

By **MIKE BELARMINO AND YEJIN JANG**  
ASSOCIATE LEGISLATIVE DIRECTORS

Even though the list of legislative accomplishments for the 113th Congress remains relatively small (and the likelihood of more accomplishment will potentially dwindle as the November elections approach), there is a movement afoot in both chambers to tackle the Internet Tax Freedom Act (ITFA).

ITFA essentially prohibits state and local governments from taxing Internet access, although at the

time of enactment 10 states were grandfathered in and allowed to continue taxing access.

When ITFA was passed in 1998, the law only imposed a two-year moratorium on taxing Internet access, in addition to prohibiting multiple or discriminatory taxes on electronic commerce. In general, the taxation of Internet access refers to applying state and local taxes to the monthly charge that subscribers pay for access to the Internet through an Internet service provider (ISP). Since then, ITFA was extended a

### SpeedRead » » »

- » Bill would permanently prohibit taxing Internet access
- » As more services move to the Internet, taxing authority becomes murky
- » Marketplace Fairness Act may tag along on a moratorium extension

few times — most recently in 2007. The current extension expires Nov. 1, 2014.

Throughout ITFA's history, NACo, along with other state and local groups, has supported only a temporary moratorium on state and local taxation in light of the initial argument that it was needed to encourage the growth of the Internet. NACo did not disagree with that general principle behind the legislation, but remained wary of the impact of a preemption of state and local authority.

Despite the fact that the Internet and its use has exponentially grown since 1998, proponents of ITFA would now like to make the preemption permanent. There are two bills now in Congress that seek to accomplish this goal (S. 1431, H.R. 3086).

### CORRECTIONS

► NOBCO Board Member Andrea Harrison, councilmember, Prince George's County, Md., was misidentified in a photo on page 8 of the May 5 issue of County News.

Prohibiting taxes on Internet access or on e-commerce may seem benevolent, but with the advancements in technology and ever-changing markets, the issue has become much more complicated as it relates to state and local tax structures. That complication is the reason why counties should care about ITFA.

From a general standpoint, a primary argument for counties against the moratorium is that permanently preempting state and local authority would set a dangerous precedent and fundamentally alter the nation's system of federalism. One could only imagine the line of other industries that would seek the same preferential treatment if a permanent extension were ever enacted.

Secondly, while local governments do not necessarily seek to tax Internet access, the rate that technology continues to develop (e.g. the bundling of services like wireless, cable TV, Internet or ac-

## In Case You Missed It

### News to Use From Past County News

#### ► NACo presidential appointments deadline June 6

The presidential appointments application form must be completed by everyone who wants to be considered for a leadership or committee appointment on a standing or ad hoc committee for the 2014–2015 presidential year.

The form is now available online at [www.naco.org](http://www.naco.org).

Questions? Contact Karen McRunnel at 202.942.4238 or [kmc-runnel@naco.org](mailto:kmc-runnel@naco.org).

#### ► 2014–2015 NACo resolutions due June 11

In anticipation of the 2014 Annual Conference and Exposition July 11–14 in Orleans Parish, La., NACo members are invited to submit policy resolutions and platform changes for consideration at the conference.

Submissions must identify the title and issue area in the email subject line (e.g. CDBG Appropriations, Community and Economic Development.) If received by June 11, they will be considered by one or more of NACo's 10 steering committees, and if approved in committee, the Board of Directors will recommend them for approval by vote of the membership.

For more information, visit the Legislative Department page at [www.naco.org/legislation](http://www.naco.org/legislation).

## CountyNews

**President** | Linda Langston  
**Publisher** | Matthew Chase  
**Public Affairs Director** | Tom Goodman  
**Executive Editor** | Beverly Anne Schlotterbeck  
**Senior Staff Writer** | Charles Taylor  
**Staff Writer** | Charlie Ban  
**Graphic Artist** | Jack Hernandez  
**Editorial Assistant** | Christopher Johnson

### ADVERTISING STAFF

**Job Market/Classifieds representative**  
Christopher Johnson  
**National Accounts representative**  
Beverly Schlotterbeck  
(202) 393-6226 • FAX (202) 393-2630  
Published biweekly except August by:  
National Association of Counties  
Research Foundation, Inc.  
25 Massachusetts Ave., N.W.  
STE. 500, Washington, D.C. 20001  
(202) 393-6226 | FAX (202) 393-2630  
**E-mail** | [cnnews@naco.org](mailto:cnnews@naco.org)  
**Online address** | [www.countynews.org](http://www.countynews.org)

The appearance of paid advertisements in County News in no way implies support or endorsement by the National Association of Counties for any of the products, services or messages advertised. Periodicals postage paid at Washington D.C. and other offices.

Mail subscriptions are \$100 per year for non-members. \$60 per year for non-members purchasing multiple copies. Educational institution rate, \$50 per year. Member county supplemental subscriptions are \$20 each. Send payment with order and address changes to NACo, 25 Massachusetts Ave. N.W., Washington, D.C. 20001.

**POSTMASTER: send address changes to**  
County News, 25 Massachusetts Ave. N.W.,  
Ste. 500, Washington, D.C. 20001  
(USPS 704-620) ■ (ISSN: 0744-9798)  
© National Association of Counties  
Research Foundation, Inc.

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

## Quick Takes

### TOP CLEAN AIR COUNTIES

- 1 – Laramie County, Wyo.
- 2 – Washington County, Utah
- 3 – Santa Fe County, N.M.
- 4 – Yavapai County, Ariz.
- 5 – San Juan County, N.M.

American Lung Association's  
"State of the Air 2013"

# WestlawNext®

**Reason #1** to use new PeopleMap  
on WestlawNext:

## GAIN GREATER CONFIDENCE WITH FEWER STEPS

Other public records research tools require you to go to multiple links to find what you're looking for. Our tools integrate seamlessly with the most advanced legal search engine available, eliminating the need to go elsewhere. Everything you need is in one place, saving you time and energy.

Choose PeopleMap on WestlawNext® and make your next public records search the only one you need. To learn more, visit [legalsolutions.com/peoplemap](http://legalsolutions.com/peoplemap).



THOMSON REUTERS™

The data provided to you by PeopleMap on WestlawNext may not be used as a factor in establishing a consumer's eligibility for credit, insurance, employment purposes or for any other purpose authorized under the FCRA.

© 2014 Thomson Reuters. L-391255/5-14  
Thomson Reuters and the Kinesis logo are trademarks of Thomson Reuters.



# Current law allows content providers to avoid state, local taxes

cessing cable TV content online) creates potential risks that could impact county budgets.

For example, definitions within the current law for “Internet access” and “Internet access services” are drafted in a way that allows sellers of digital content to avoid state and local taxation of such content simply because it is delivered over the Internet.

Additionally, states and local governments usually have some form of telecommunications taxes that are applied to services like voice communications such as landline

phones. However, with the 2004 extension of ITFA, the moratorium was broadened to bar state and local taxation of most telecommunications services involved in obtaining or providing Internet access, including high-speed digital subscriber line (DSL) telephone lines.

Furthermore, if a phone line is used to also deliver Internet and the customer’s bill does not differentiate between the phone and Internet portions, it is considered a “bundle,” and states and local governments will not be able to tax the entire bundle. In contrast, the 2007 extension clarified that state and local governments would

be free to tax Voice over Internet Protocol (VoIP).

The ITFA prohibition also impacts franchise fees, an important revenue source for many counties. Currently, local governments can collect up to 5 percent of a cable operator’s gross revenue as a franchise fee. Franchise fees can be thought of as a rental fee for use of public rights of way. Franchise fees cannot be assessed on Internet services; this poses a problem for counties as more services move toward a broadband-delivery model.

For example, Internet-protocol television (IPTV) looks like traditional cable television but is delivered over the Internet. As a result of the delivery method, IPTV is exempt from taxation

and is also exempt from being calculated into a cable operator’s gross revenue from which counties derive franchise fees.

Another issue of which counties should be aware is the potential for the Marketplace Fairness Act (MFA), one of NACo’s top legislative priorities, to be tied with ITFA legislation. MFA authorizes state and local governments to enforce existing sales and use tax laws on remote online sales. Because ITFA expires in November, it is one of few pieces of legislation that must be addressed in the current legislative session.

As such, the ITFA may serve as the legislative vehicle for MFA passage in the House (the Senate passed MFA in May 2013). Notwithstand-

ing the importance of MFA passage, coupling the bill with a preemption of state and local authority (even if temporary), could put counties in a difficult position.

Counties are encouraged to reach out to their respective congressional delegations and urge them to support preserving state and local government authority and oppose a permanent extension of ITFA.

Opposing a permanent extension and seeking a temporary extension of the moratorium (which allows Congress an opportunity to periodically revisit the issue as technology evolves) is the more favorable scenario aside from the unlikely event that the moratorium simply expires in November.

## Profiles in Service



**John Miller**

Member, Justice and Public Safety Committee  
Supervisor  
Black Hawk County, Iowa

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

**Years in public service:** 20

**Occupation:** full-time grandfather, retired farmer, teacher, clothier and consultant

**Education:** B.S. — McPherson College

**The hardest thing I’ve ever done:** bury my son

**Three people (living or dead) I’d invite to dinner:** President Obama, Justice Sotomayor and poet Maya Angelou

**A dream I have is to:** open a language school for 3 to 8 year olds and build a processing plant for fruits and vegetables in our area.

**You’d be surprised to learn that I:** am a commissioned lay minister in the Unitarian Universalist Church.

**The most adventurous thing I’ve ever done is:** take a weeklong spring break trip from Kansas to Florida with three other friends.

**My favorite way to relax is:** cook a nice meal for my family and take a short nap after lunch if possible.

**I’m most proud of:** initiating the FEMA flood buy-out program through the Hazard Mitigation Grant Program (HMGP) following the Great Flood of ’93 removing thousands of structures from the flood plain in Iowa, Missouri, Kansas and Nebraska.

**Every morning I read:** *The Washington Post*, *Des Moines Register*, *Waterloo Courier* (evening)

**My favorite meal is:** chicken and noodles with mashed potatoes.

**My pet peeve is:** people who don’t pay attention to what they are doing.

**My motto is:** “Laugh often, live exuberantly, love lotz.”

**The last book I read was:** *Double Down*.

**My favorite movie is:** *The Americanization of Emily*.

**My favorite music is:** any music played by my grandchildren either as a solo or in band.

**My favorite president is:** Thomas Jefferson.

**I am a member of NACo because:** speaking with one voice, we can influence state and national policy in a positive way. Some of the ideas that we have locally can possibly help others in a similar situation. I can find other ideas that can be helpful to our county.

## Complex ‘waters’ rule requires more time for consideration, NACo says

### SpeedRead » » »

- » NACo requests more time to comment on proposed waters of the U.S. rule
- » Rule would amend definition of bodies of water under the jurisdiction of the Clean Water Act
- » NACo analysis of rule at [www.naco.org/watersofus](http://www.naco.org/watersofus)

The proposed rule would amend the definition of waters of the U.S. in the Clean Water Act (CWA). Enacted in 1972, the CWA establishes a national approach to reduce water pollution. The term “waters of the U.S.” is used interchangeably with “navigable waters” in the act to define which waters are federally protected. There is one waters of the U.S. definition in the CWA used for all CWA programs.

The proposed rule uses U.S. Environmental Protection Agency’s (EPA) draft report on *Connectivity of Stream and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence*, which is currently undergoing review by EPA’s Science Advisory Board, as a scientific basis for the new definition.

The report focuses on more than 1,000 scientific reports that demonstrate the interconnectedness of tributaries, wetlands and other waters to downstream waters and the impact these connections have on the biological, chemical and

physical relationship to downstream waters.

While the proposed rule aims to clarify confusion over Section 404 jurisdiction in the field stemming from several U.S. Supreme Court decisions, the definitional change applies to all CWA programs, not just the Section 404 permit program and impacts nine regulatory programs, including Section 402, which establishes the nation’s storm water management program and Section 401, which governs water quality certifications.

NACo’s analysis of the proposed “waters of the U.S.” definition is available online at <https://www.naco.org/watersofus>. This document

### What Can Counties Do?

- Request a 90-day extension of comments (view NACo’s letter) — The request should include the identifier, Docket No. EPA-HQ-OW-2011-0880, in the comments and be sent to [ow-docket@epa.gov](mailto:ow-docket@epa.gov) (include Docket No EPA-HQ-OW-2011-0880 in subject line)
- Send comments on the “waters of the U.S.” proposed rule — (same submission rules as above)
- Educate your members of Congress on how the proposed rule will impact your county
- Have your county pass a resolution (please share with NACo)
- NACo requests
- Copies of any county letters sent to the docket on “waters of the U.S.”
- Pictures of county owned and maintained ditches, flood channels and conveyances that are currently regulated under the Section 404 permit program. Pictures of ditches that are not currently regulated (but could be). And pictures of green infrastructure, both within and outside, a Section 402 stormwater system.
- Details on county-owned and maintained ditch systems — number of roadside, flood control and stormwater ditches in county, including a county map showing interconnected.

includes a policy brief and a comparison chart showing existing and proposed regulatory language and its potential impacts on counties.

NACo was originally scheduled to testify before the House Transportation and Infrastructure Committee’s Subcommittee on Water Resources and Environment on May 8 on the proposed rule. However, the hearing was postponed due to the death of the previous chairman of the committee, former Rep. James “Jim” Oberstar (D), who served as chair for four years before losing his Minnesota seat in 2010.

\*To view NACo’s letter, see this story online at [www.countynews.org](http://www.countynews.org)

# Sheriffs take 'no-holds' stance on detaining illegal immigrants

By CHARLES TAYLOR  
SENIOR STAFF WRITER

An increasing number of county sheriffs across the United States are saying “no dice” to ICE when it comes to holding suspected undocumented immigrants for U.S. Immigration and Customs Enforcement.

The outcome of a recent a federal court case in Clackamas County, Ore. has left some county jailers feeling risk-averse and others, vindicated.

In *Maria Miranda-Olivares v. Clackamas County*, the plaintiff sued the county alleging that being held by the jail, at ICE's request — after she had served her time on local charges constituted — “unlawful detention.” ICE can request that local jails hold suspected immigration scofflaws for 48 hours, not including weekends and holidays, while the agency determines if the person is in the country legally.

U.S. Magistrate Judge Janice M. Stewart upheld a lower court ruling April 11 that immigration holds — or “ICE detainees” — are requests not commands and “do not, without more, provide the

necessary legal basis... for the jail to hold the named person in custody,” according to Clackamas County Sheriff Craig Roberts.

After the ruling, Roberts' jail stopped holding inmates when an ICE detainer was the “only authority” for the hold. Almost immediately, several other Oregon county jails followed suit. To date, counties in Washington, California and Colorado have done likewise.

“Every (Oregon) county that operates their own jail is no longer doing these detainer requests,” said Gillam County Sheriff Gary Bettencourt, president of the Oregon State Sheriff's Association.

“As sheriffs, we take an oath to defend the (U.S.) Constitution; if the court says we're in violation of rights, we stop,” he added. “It wouldn't make sense to continue and have that liability. Whether they agree or disagree, no sheriff is going to take that risk.”

In Colorado, San Miguel County Sheriff Bill Masters based his decision to stop detaining inmates for ICE on a case from Lehigh County, Pa. In *Galarza v. Szalczyk, et al*, a

## State, local laws also limit jail immigration holds

In addition to litigation, legislation and policy have influenced some county jails' unwillingness to hold inmates for U.S. Immigration and Customs Enforcement (ICE).

California's Trust Act, which took effect Jan. 1, 2014, prohibits law enforcement officials from detaining someone for ICE after that person is eligible for release on local charges — unless the individual has been charged with or convicted of specific crimes, including violent felonies, or is on the state's sex offender or arson registries. Lesser crimes such as possession of marijuana or involvement in a minor traffic crash are exempted.

A number of counties have enacted similar laws or passed resolutions to accomplish the same goal — many predating the Trust Act — including in King County, Wash.; Miami-Dade County, Fla.; Cook County, Ill.; and Milwaukee County, Wis.

In many instances, counties cited the expense of holding inmates for ICE, but officials also expressed concerns that under the Obama Administration's Secure Communities program, minor offenders were being disproportionately targeted — not the “worst of the worst” criminal illegal immigrants, as intended.

Aaron Maguire, legislative counsel for the California State Sheriff's Association (CSSA),

said there's been an “overall decrease in the number of people who are getting placed on ICE holds in the county jail system” since the act took effect.

CSSA opposed the Trust Act over two legislative sessions, 2012 and 2013, he added, because of public safety concerns about the possible release of dangerous criminals.

In December 2013, the Miami-Dade Board of County Commissioners implemented a new policy, giving the County Department of Corrections and Rehabilitation discretion to decline ICE hold requests.

Commissioner Sally Heyman, who sponsored the measure, said at the time, “Not only is it about saving money. It's about saving people.” Counties across the country that have adopted similar measures say existing immigration policies have had a chilling effect on illegal noncitizens, making them reluctant to report crimes or cooperate with the police.

Cook County, Ill. passed an ordinance in September 2011 which states, in part, that “the sheriff of Cook County shall decline all ICE detainer requests unless there is a written agreement with the federal government by which all costs incurred by Cook County in complying with the ICE detainer shall be reimbursed.”

NACO National Association of Counties

## 2014 ANNUAL CONFERENCE & EXPOSITION

County Solutions and Idea Marketplace

July 11–14

MORIAL CONVENTION CENTER  
ORLEANS PARISH/NEW ORLEANS, LA.

Registration, hotel forms and everything you need to know about this year's conference are available online! Visit [www.naco.org](http://www.naco.org)!

### As they say “Save the Best for Last”!!

You won't want to leave New Orleans early as Monday, July 14 will be a day to remember!

#### Closing General Session Speaker

Monday, July 14 • 2:30 p.m.



Comedian/actor/impressionist Frank Caliendo has been making people laugh his whole career. The man known for his dead-on impressions of famous actors Al Pacino, Robin Williams and Robert DeNiro; politicians George W. Bush and Bill Clinton; broadcasters John Madden and Charles Barkley; and talk show hosts Dr. Phil, Jay Leno, and David Letterman recently concluded his critically and commercially successful run in Las Vegas at the Monte Carlo Casino and Resort.

On stage, Caliendo's high-energy act is a blend of observations, impressions, characters and anecdotal stories that build to a frenetic pace. Appropriately described by the *Hollywood Reporter* as “a combination of Robin Williams and Jim Carrey,” Caliendo is one comedian that should not be missed.

#### Conference Celebration Event

Monday, July 14 • 6:30 p.m. • Mercedes-Benz Superdome

Celebrate with the entire state of Louisiana with some added cultural touches at the infamous Mercedes-Benz Superdome. All regions of Louisiana will be present to provide you with drink, food and entertainment representative of their area. Ride the Ferris wheel or pet a baby alligator — it's up to you! We will have our own NACO Mardi Gras float complete with customized beads while listening and dancing the night away to zydeco and Cajun music.





# Proposal would continue set-asides for off-system bridges

owned infrastructure (rural and urban) that play a key role in the nation's domestic energy and agriculture production, and overall movement of freight

- Make additional funding available for locally owned bridges by allowing states to spend up to 15 percent of their NHPP dollars for the replacement, rehabilitation, preservation and protection of bridges on federal-aid highways ("on-system bridges") that are not a part of the National Highway System (NHS)

- Increase the amount of Transportation Alternatives program funding that is sub-allocated to eligible entities in local areas (including local governments) from 50 percent to 66.7 percent

- Make changes to the special rule for High Risk Rural Roads by better targeting states with the highest rural road fatality rates and focusing on the need to "decrease" rural road fatality rates rather than "not increase" rural road fatality rates

- Add new eligible activities under STP including emergency evacuation plans and transportation research activities as eligible activities under STP

- Support the bundling of bridge projects by offering states and local governments the flexibility to use federal dollars to bundle projects and allowing for an increased federal share (up to 100 percent) for bundled bridge projects

- Maintain funding for off-system bridges by continuing the off-system bridge set-aside under the Surface Transportation Program at 15 percent of a state's FY09 Highway Bridge Program apportionment

- Increase the federal share payable (up to 100 percent) for other projects — including pedestrian hybrid beacons, control signalization, and innovative project engineering and design practices

- Allow the secretary of transportation to provide regulatory relief and flexibility for rural road and bridge projects that meet the following criteria:

- » are located in a county or parish that has: a population density of 20 or fewer persons per square mile of land use, or the lowest population density of all counties or parishes its state;

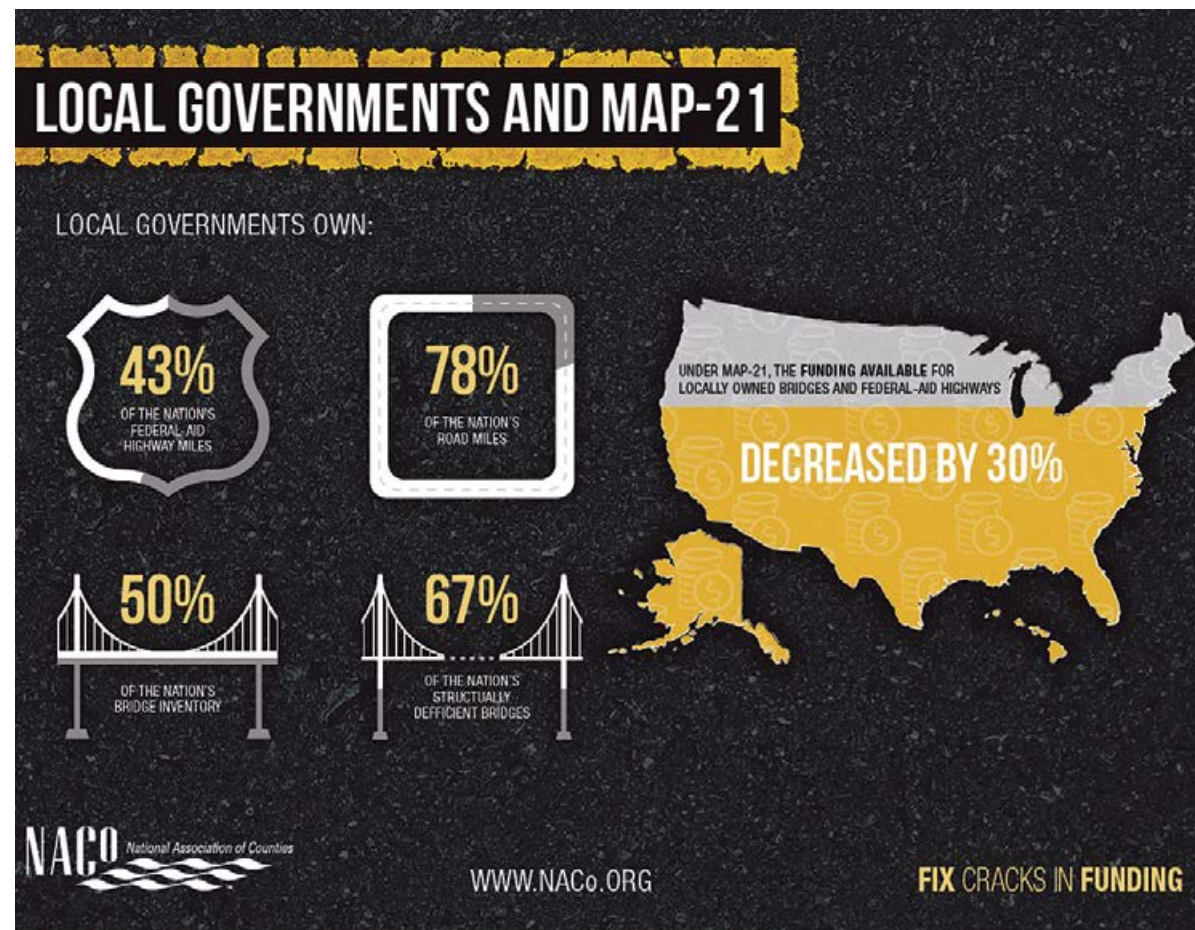
- » are located within the operational right of way of an existing road or bridge and

- » receive less than \$5 million in federal funds or have a total estimated cost not more than \$30 million.

- Provide states the ability to pursue classification changes to rural and urban principal arterials to address the principal arterials that had been added to the NHS under MAP-21, including county-owned arterials that were affected by expansion of the NHS

- Establish a competitive grant program called the "American Transportation Awards" for the purpose of rewarding states, metropolitan planning organizations and tribal organizations for best practices in transportation

- Seek increased transparency on the obligation of Highway Trust Fund dollars by requiring the secretary of transportation to collect and report a variety of information, including data to reflect the ownership (like state, county, city) of the roads and bridges receiving federal highway dollars within each state and information that highlights the average cost and time associated with preparing environmental review documents required for projects that receive federal highway dollars — including documentation that requires a categorical



exclusion, environmental assessment or environmental impact statement

- Make several reforms aimed at a further accelerating project delivery including indexing the

categorical exclusion for projects of limited federal assistance to the National Highway Construction Cost Index and

- Make changes to the Transportation Infrastructure Finance

and Innovation (TIFIA) program including efforts to better support rural infrastructure projects and allow credit assistance for the capitalization, or deposit into, state infrastructure banks.

## Highway Trust Fund on track to run out of dough by August

This summer, the nation's transportation system will face two looming crises: the expiration of the current surface transportation authorization law, Moving Ahead for Progress in the 21st Century Act (MAP-21); and the dwindling solvency of the Highway Trust Fund. With MAP-21 set to expire at the end of September, and the Highway Trust Fund anticipating a major fiscal cliff by August, it's critical that counties understand the impact of these impending events.

### Why should counties care about the Highway Trust Fund?

The Highway Trust Fund collects revenue from a number of user fees, including federal motor fuels taxes, to support the nation's roads, bridges and transit systems. According to the Congressional Budget Office, in 2013, governments at various levels spent \$156 billion on highways and \$60 billion on transit systems. The federal government, mostly through the Highway Trust Fund, provided roughly one-quarter of those amounts.

### What's wrong with the Highway Trust Fund?

The federal gasoline tax that supports the trust fund was last raised in 1993. Due to several factors, including a reduction in

vehicle-miles traveled, increased fuel efficiency and decreased purchasing power, the trust fund has faced growing shortfalls since 2008. Rather than address the trust fund's growing insolvency by raising the gas tax, or pursuing other alternative means of raising revenue, Congress has relied on transfers from the general fund of the Treasury. This practice has put the trust fund, and the programs it supports, in a compromised position.

### What will happen if the Highway Trust Fund runs out?

Unless Congress acts this summer, the Highway Trust Fund will be unable to meet its obligations and the results could have dire consequences for the nation's economy. Currently, the Federal Highway Administration (FHWA) reimburses states for the costs already incurred on federal-aid projects. This reimbursement process is fairly quick, but the looming insolvency of the trust fund will require FHWA to delay its reimbursements to states for the costs of highway construction as early as July.

According to NACo survey results, many counties have responded to anticipated delays in reimbursements by slowing or stopping projects. By postponing a project, counties could encounter increased project

costs in the future and other economic impacts resulting from delayed payments to contractors and suppliers.

### Why should counties care about MAP-21 reauthorization?

In the summer of 2012, Congress passed MAP-21, providing a two-year authorization of federal highway and transit programs. MAP-21 made several changes to federal transportation programs that shifted funding away from the infrastructure owned by counties and other local governments. In fact, under MAP-21, the funding available for locally owned bridges and highways decreased by 30 percent. The impending expiration of MAP-21 provides an opportunity to repair this discrepancy and make other changes that will better support county-owned infrastructure.

This time, the reauthorization is likely to be for longer than two-years. Congress has traditionally provided bills that authorize five years or six years of funding for federal surface transportation programs. Therefore, the opportunity to improve the surface transportation programs to better support counties only occurs every few years, which means the results — or consequences — of the next authorization will be longer lasting.



# Moving juveniles out of incarceration is reform priority

By CHARLIE BAN  
STAFF WRITER

## SpeedRead » » »

- » A minority of juvenile offenders go on to become violent adults
- » Juvenile offenders' mental development gives them greater capacity to change
- » Non-jail community diversion programs save money, keep kids out of incarceration

Juvenile justice is more than the justice system scaled down for younger offenders. The consensus at the NACo forum, Juvenile Justice Reform: Implementing Change and Improving Outcomes, was that a focus on providing appropriate levels of intervention commensurate with the offenses and removing most non-violent offenders out of detention facilities would improve the effectiveness of juvenile justice rehabilitation.

The forum was held May 7-9 in Cook County, Ill. in cooperation with the Models for Change juvenile justice reform initiative by the John D. and Catherine T. MacArthur Foundation.

Cook County Board President Toni Preckwinkle called the current juvenile justice system an "intersection of racism and poverty." Cook County developed the nation's first juvenile justice system in 1899.

She said 86 percent of her county's juvenile justice facility was nonwhite, and 44 percent were in there for seven days or less. Fifteen percent were in for less than 24 hours. Cook County's system has been under control of a court-appointed transitional administrator since a 2002 settlement with the American Civil Liberties Union, but the county's chief judge is angling to regain control soon.

"It's a dispiriting experience to see young people in handcuffs," she said. "It's only appropriate for youth who pose an immediate risk, and that's a small proportion. We've criminalized petty, antisocial behavior that

needs treatment more than it needs punishment."

Tiana Davis, a policy director at the Center for Children's Law and Policy, said studies have shown nonwhite juveniles receive harsher treatment compared to whites charged similarly.

Chyrl Jones, the deputy administrator for programs at the federal Office of Juvenile Justice and Delinquency Prevention, said approximately 8 percent of juvenile offenders go on to become violent, serious offenders.

"Those kids should get the heavy (institutional) resources," she said. "For kids whose records don't warrant that kind of intervention — low-risk offenders and status offenders — community-based care is a much better kind of treatment."

"Every child should journey into the system only as far as they need to be treated."

Mental and emotional development and social dynamics make teenagers prone to mistakes, and forensic clinical psychologist Antoinette Kavanaugh explained how the developing teenage brain



Photos by Charlie Ban

Xavier McElrath-Bey talks about his time in the Cook County, Ill. juvenile justice system.

is a confluence of underdeveloped impulse control, susceptibility to peer pressure and a disconnect from the gravity of consequences.

"Who a person is at 14 is not the same as they will be at 22, 25, 27," she said. "Seventeen year olds, while they look like adults and may have adult-like intelligence, they still need protections from the law until they can get through this period of development. We really need to think seriously before we throw them away with long sentences."

Because teenaged offenders are in the process of rapid development, Kavanaugh said it is also easier to change their behavior.

Activist Xavier McElrath-Bey

was one such teenager who had a long sentence. He described his progression from "normal kid" to gang member, including a murder conviction at 13, a crime in which he was peripherally involved. He wound up with a 13-year sentence.

"I had enough of a record when I was a kid that when I lied to protect a friend who accidentally shot me in the face, I wound up going to jail for obstructing justice," he said.

After years of abuse by his stepfather and foster families, he found a community in the Latin Kings on Chicago's South Side, one that, at the time, gave him a great deal of pride and confidence.

"For me to become a gang member was very natural," he said. "It gave me a sense of being secure and safe, it was only natural for (other gang members) to group together."

Upon serving his sentence, McElrath-Bey saw that security turn to unease when he was effectively put in the care of fellow gang members, when responsibility for his care was ceded by the prison guards.

Summit County, Ohio juvenile court Judge Linda Tucci Teodosio weighed in on the angle that because of the mental changes teenagers are undergoing, the juvenile justice system, at its basic level, should consider mental health as part of the rehabilitative equation.

"These kids don't come to us in a vacuum," she said. "If authorities were going to treat someone with epileptic seizures, they wouldn't just lock him in a cell for a few days and hope he'd stop. If (simple) incarceration worked, we wouldn't have any crime in this country."

She advocated for non-jail diversion programs to address causes of juvenile misbehavior and addressed concerns about that tactic.

"Diversion is not a lack of consequences for youth who misbehave or commit a delinquent act," she said. "Many times a diversion program is more difficult than adult probation. It's not an easy way out but it gives kids the direction they need to improve. If we don't couple that with appropriate treatment and get them back on track, we do them a great disservice."

She described the county's school responder program, which refers mental health specialists to students who have not been adjudicated but have displayed warning signs to teachers, administrators and school staff. The people who see the kids in their element can be best able to judge if there is a problem.

"We tend to think of police officers as folks that want to lock up



Rick Velasquez, executive director of Youth Outreach Services; Joe Coccozza, director of the National Center for Mental Health and Juvenile Justice, and Linda Tucci Teodosio, judge for the Summit County, Ohio Juvenile Court, take questions from the audience.



Linda Tucci Teodosio dispels the assumption that diversion programs are easy on offenders.



# Resiliency forum moves focus beyond disaster preparedness

By BEVERLY SCHLOTTERBECK  
EXECUTIVE EDITOR



Sitting one story below in a hotel's lower level in earthquake-prone San Francisco can spark a bit of anxiety if you didn't know you are seated in possibly one of the most resiliency-prepared cities on the face of the planet.

San Francisco, the first city and county in the world to appoint a chief resilience officer was a perfect setting for NACo's second forum on resiliency, Resilient Counties: Growing Stronger Places.

The forum, held May 1-2, as part of NACo President Linda Langston's resiliency initiative, explored how counties can leverage technology, regional planning and community outreach to respond effectively to changing economic conditions or natural disasters.

IBM's vice president for the global education industry, Michael King, set the stage at the opening of the forum with a quick look at the impact of globalization and its effect on worldwide economic competitiveness. By 2050, 70 percent of the world's population will live in cities, he said and global



Photos by Bev Schlotterbeck

Panelists get ready for their presentations on risk management at the May 2 luncheon session. Pictured are (l-r) Chris Every, senior vice president, Trean Reinsurance Services, LLC; Ray Sibley, risk management director, City and County of Denver; Ronna Green, associate vice president, Scottsdale Insurance Company, Scottsdale, Ariz.; Steve Estenson, risk manager, Linn County, Iowa; and NACo President Linda Langston, moderator.

poverty will plummet from today's 43 percent to 3 percent. In the U.S., 16 percent of the population will be 65 or older.

As the world's demographics change so does its economy, which King said is going through a major

structural shift where China will surpass the U.S. as the dominant economic force by 2050.

While many challenges may arise from a transitioning economy, so too do opportunities as the pace of technological change enables smart communities to harness the power of data and analytics, create new industries and transform old ones. "We're now instrumenting and collecting data about things we never had before," King said.

What does this mean for local economies? They must be able to attract, create, develop and grow talent. "The competitive com-

munity will put the individual at the center of everything," he said.

If the individual is key to a community's competitiveness and resiliency, then Hood River County, Ore. stands out for designating its people as a major asset, along with raw resources and a sense of place, in its efforts to adapt and grow a resilient economy.

The county, which sits east of Portland and Multnomah County, on the border with Washington, is 534 square miles with a population of 22,500. It's an agricultural, former timber-dependent county that has parlayed windsurfing and

a commitment to maintaining the agrarian panache of the county into a healthy, vibrant economy with one of the lowest unemployment rates in the state, according to Hood River Commissioner Maui Meyer.

Meyer, one of the panelists discussing new approaches to economic resilience, told the audience about how the county melded traditionally competing segments of its economy into new marketing opportunities.

"By committing to maintaining the scenic nature of our agrarian valley and utilizing the communications platform built by the windsurfing industry, we have been able to develop a booming agriculture tourism market," he said.

"This is building farmers' margins, extending the tourist season beyond summer and builds our reputation as one of the premium growing areas in the country. This has led to a robust retail and tourism market."

Myers credited some advice from tennis champion Arthur Ashe for providing the principles that keep his county resilient.

"Arthur Ashe, the legendary athlete and thinker, shared a wonderful set of precepts for success: Start where you are; use what you have; do what you can.

"In trying to describe how we have remained resilient throughout these challenging decades, weathering all of these difficulties, I'd like to embellish Mr. Ashe's tenets a bit," Meyer said. "For us, the basic principles would be:

Start where you are, with what you have; Work with what you have in new ways; and do what you can to diversify within the system model."

Alliances can contribute significantly to a county's economic resilience whether composed of internal or external partners. Both Alameda County, Calif. and Franklin County, Ohio have used alliances and partnerships to keep their economies thriving.

Alameda County Supervisor Scott Haggerty explained how the 25-year-old East Bay Economic Development Alliance with Alameda and Contra Costa counties as founding members, fostered economic diversity by focusing on science and technology, manufacturing, education, health care, retail and construction as their economic engines.

Currently, Alameda's economy is benefiting from a voter-approved, half-cent tax that is funding \$3.5 billion in transportation projects.

## Resiliency drives San Francisco's planning for the next 'big one'

The 1989 Loma Prieta earthquake in San Francisco collapsed more than freeways and buildings, it put major cracks in the way the Bay area viewed disaster preparedness and resilience. "Since 1989 and the earthquake, the notion of resilience has really changed for us — moved from grab a backpack to more sophisticated plans," said Arrietta Chakos, a San Francisco policy advisor on urban resilience strategies.

An incredible amount of planning and collaborative efforts are under way in the Bay area. Long-term recovery, resilience and regional hazard mitigation plans currently involve 81 cities and nine counties, Chakos said during a panel discussion on leveraging place and design to build county resilience.

Leading San Francisco's efforts is Patrick Otellini, the world's first chief resilience officer, newly appointed in April. In the aftermath of Loma Prieta, Otellini said an overarching action plan was developed to provide the framework for "thriving after disasters, not just surviving."

There is a 30-year program to mitigate privately owned buildings and prepare for recovery thanks to voters, who endorsed changes in building codes. The program includes 50 tasks and three phases of effort.

The "Resilient San Francisco" in the General Plan includes four objectives and 83 policies in areas ranging from mitigation to recovery and reconstruction, according to Chris Poland, a consulting engineer and co-chair of the SPUR Resilient City Initiative. Another critical resiliency component is the San Francisco Lifeline Council, which brings together 30 utility providers in the Bay area who meet quarterly to among other tasks review lessons learned both locally and worldwide.

"Resilient communities require a holistic approach," Poland said, "and human resilience is the engine."



Miami-Dade County, Fla. Commissioner Sally Heyman shares her best ideas for involving the community in resiliency activities.



# Inaugural bike event kicks off county health fair

By CHRISTOPHER JOHNSON  
EDITORIAL ASSISTANT



A growing trend among counties is to get moving and healthier. The Anne Arundel County, Md. Police Department; Department of Recreation and Parks; and Bicycle Advocates for Annapolis and Anne Arundel County (BikeAAA) have teamed up to unveil the Anne Arundel County Lifeline 100 Century Ride set for Oct. 19.

"This all began last year when officer Kam (Cooke) and I came up with an idea for a community bike ride," said Cpl. Dominic Scali, Anne Arundel County Police Department. "This is also an opportunity for our department to show what a bike patrol is and what they do while raising money for county nonprofits."

The Anne Arundel County Lifeline 100 Century Ride offers a great experience for cyclists of all levels with 100-, 56- and 15-mile routes with a 'kiddie and family' ride option for younger children and their parents. The routes

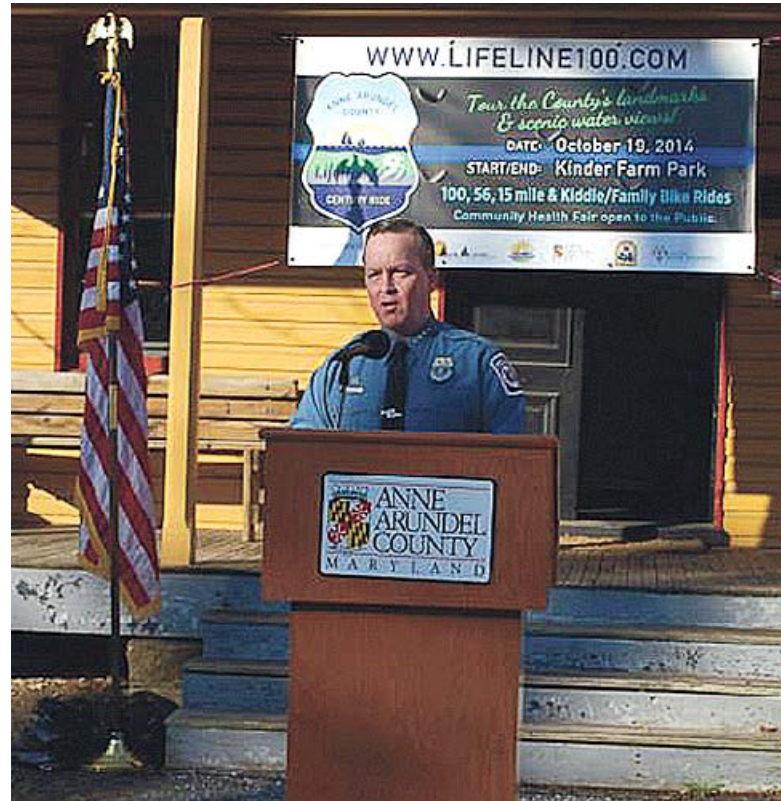
## SpeedRead » » »

- » The first-of-its-kind initiative that emphasizes health and economic benefits of safe bicycling in the county
- » Three levels — 100, 50 and 15 miles with an optional 'kiddie and family' ride throughout the county
- » Proceeds benefit three county nonprofits

wind throughout the county with views of downtown Annapolis, the Severn River, southern parts of the county, BWI-Thurgood Marshall Airport and more. The ride is a part of the all-day "Make Health Happen Community Health Fair" at Kinder Farm Park.

"We are proud to be hosting the bike ride and health fair," Anne Arundel County Executive Laura Neuman said. "This first-of-its-kind initiative emphasizes the health and economic benefits of safe bicycling in the county."

Registration costs per person are \$45 (100 miles); \$35 (56 miles); \$20



Courtesy Anne Arundel County, Md.

Anne Arundel Police Chief Kevin Davis speaks about the Century Ride and how it came to fruition. The event is scheduled for Oct. 19.

(15 miles) and free for the kiddie and family ride but registration is still required. After June 1, costs

go up \$5. Riders under 16 need to be accompanied by an adult. The proceeds go to three county non-

profits. They are:

- The Anne Arundel Crisis Response System — provides leadership and collaboration for planning, monitoring and managing a comprehensive continuum of mental health care to eligible residents of all ages.

- Recreation Deeds for Special Needs — enhances the well-being and quality of life for all Anne Arundel County residents by providing recreational opportunities to all citizens including those with challenges or obstacles due to disabilities, financial difficulties or environmental barriers, and

- BikeAAA — creates a healthier, more livable Annapolis and Anne Arundel County by promoting bicycling for transportation, recreation and fitness while also educating about bicycling safety.

"There is such a pent up demand for an event like this," Jon Korin, president, BikeAAA said. "We hope that this will become an annual event that incorporates health and bike safety."

*\*For more information on the bike ride, see this story online at [www.countynews.org](http://www.countynews.org).*

## DID YOU KNOW?

**\$500 MILLION**  
IN SAVINGS

**40 MILLION**  
PRESCRIPTIONS FILLED

SAVINGS UP TO  
**75 PERCENT**

**65 THOUSAND**  
PHARMACIES

**NACo** National Association of Counties

FREE PRESCRIPTION DISCOUNT CARD

**Maricopa County**

RxBIN: 610415  
RxPCN: RXMARAZ  
RxGRP: RXMARAZ  
ISSUER: (80840)  
ID: NBZ74572001



NACo National Association of Counties

This is NOT insurance.



The **NACo Prescription Discount Card Program**

can provide cards that can be inserted into county mailings — property tax bills, water bills, etc. — without increasing the cost of the mailing.

Cost to you to accomplish this awareness effort? **ZERO.**

To learn more about the program or to request assistance with your current program, go to [www.naco.org/drugcard](http://www.naco.org/drugcard), call 1-888-407-6226 and ask for "membership" or scan the QR code.

\*Average savings 24%. Savings may vary by drug and by pharmacy.

Operated by CVS Caremark. This is NOT insurance. Discounts are only available at participating pharmacies. 106-9003NCS5(06) 02.13





# To be resilient — absorb, adapt, prepare, recover



Photos by Bev Schlotterbeck

William Morris, general services director, Eddy County, N.M., describes ideas for smartphone apps to improve county resilience at the forum.



Laurence Kornfield, special advisor to San Francisco's Earthquake Safety Implementation Program, shows off the city's EPICENTER, where citizens can learn new ways to protect their property during earthquakes and design professionals can explore ideas for new public policies.

"A lot of it [resiliency] is keeping people employed," Haggerty said.

In Franklin County, the fastest growing county in Ohio, county leaders used public sector and private partnerships to develop the county's workforce and expand its economic

capacity. It's thrown into the mix a robust commitment to a new Metropolitan Export Initiative with a goal of adding 150,000 new jobs to the central Ohio region and attracting \$8 billion in capital investments.

The county took a hit during the recession, Franklin County Commissioner Paula Brooks said,

but was able to recover thanks in large part to the partnerships forged between the county and its private sector employers.

Lunchtime speakers from ACCELA, an Internet services company specializing in software for local governments, Charlotte County, Fla. and the state of California focused on the role technology can play in post-disaster recovery.

Forum attendees had their choice of two mobile workshops in the afternoon: one featured a visit to the City and County of San Francisco's Emergency Operations Center, and the second highlighted

the work being done by two San Francisco institutions vitally engaged in Bay-area planning and earthquake policy research: the San Francisco Planning and Urban Research Center, better known as SPUR, and EPICENTER, a project of the San Francisco administrator's Earthquake Safety Implementation Program.

Forum participants broke into groups Friday, May 2 for an idea-generating session on mobile apps, facilitated by Esri, a NACo premier member and leader in GIS mapping software. Participants were asked to devise apps that would

essentially address gaps in government service in several critical areas such as emergency response and economic recovery.

The suggestions spanned a broad range:

- Should I Stay or Should I Go — an app that would let residents know if a business is up and running after a disaster

- Gunshot Echo — for high-crime areas, a mobile app that could identify the location of a gunshot, alert police and allow the mobile device's owner to anonymously

## Short Takes

■ For anyone wanting the low-down on resilience — in a few verbs — here's what Lauren Alexander Augustine from the National Academy of Sciences (NAS) had to say:

What is Resilience?

- Absorb
- Prepare
- Adapt
- Recover

Four Main Recommendation from NAS to Grow Resilience

- Understand and communicate risk
- Measure risk today and in the future
- Share information
- Work together

■ The moderator of the workshop on supply-chain logistics, asked panelists to relate their No. 1 take-away for the audience. Ezra Rapport, executive director of the Association of Bay Area Governments, said they should "plan in advance for the types of disasters [they] think would be the worst."

Another panelist, Chris Poland, a SPUR research associate and engineer, said, "the cheapest thing you can do is build new buildings to the latest standards. It only costs 1 or 2 percent more."

■ Abbey Hall, senior policy analyst, with EPA's Office of Sustainable Communities in San Francisco, cautioned, "Smart growth is not necessarily safe growth."

For example, she has seen plans designating new transit-centered growth areas that didn't look at the risks for these areas from floods, earthquakes or sea-level rise.



(l-r) Alameda County, Calif. Supervisor Scott Haggerty; Hood River County, Ore. Commissioner Maui Meyer; and Franklin County, Ohio Commissioner Paula Brooks check out the 'house' before they take center stage as panelists on economic resiliency.



# One county district attorney shrugs off ruling on ICE holds

federal appeals court ruled that Ernesto Galarza, a U.S. citizen suspected of being an illegal immigrant, was wrongfully held for three days in Lehigh County Prison on an ICE detainer, after having posted bail on a drug arrest.

The court agreed with Galarza that “immigration detainers do not and cannot compel a state or local law enforcement agency to detain suspected aliens subject to removal.” The ruling allows Galarza to move forward with a lawsuit against Lehigh County seeking damages for wrongful detention.

“Court cases based on the 10th Amendment and cited in the Galarza decision clearly prohibit the federal government from commandeering local sheriffs to enforce federal regulations,” Masters said.

He added that his jail has held 30 to 40 inmates for ICE over the past 10 years—but he never considered the questions of constitutionality raised in the Pennsylvania case. He had assumed that the requests were based on some type of judicial review.

“What I am concerned about is doing the right thing,” he said. “And it’s been made very clear to me that we’re not doing the right thing. The federal government is not doing the right thing; they need to follow the Constitution like everybody else.”

Now, he will require ICE agents to file an arrest warrant, signed by a U.S. magistrate, before detaining an inmate for immigration agents.

John Morganelli, district attorney for Northampton County, Pa., sees things differently and said his county has a duty to work with ICE.

## SpeedRead » » »

- » Federal court case outcomes chill sheriffs to holding inmates for ICE
- » Courts say immigration holds are requests not commands
- » Pennsylvania county D.A. unfazed by court rulings

He rejects the notion that cooperating with the agency is akin to local enforcement of federal law, calling it “a nonsensical statement.”

“There can be no valid enforcement without local police and sheriffs honoring these (detainer) requests.”

He also dismisses the notion that continuing to help ICE do

its job exposes the county to legal liability.

“The problem with this is that you cannot be chilled because someone might sue you. We execute search warrants every day on people’s houses, criminals,” he said. “And on occasion, they might have the wrong address.... Are we now going to no longer have search warrants?”

Despite the recent litigation, for some sheriffs like Clallam County, Wash.’s Bill Benedict, it will be business as usual.

In his eight years as sheriff, his office “hasn’t done ICE detainers” for a different reason altogether: inability to negotiate a sufficient reimbursement rate to cover the costs of housing ICE detainees. The county has a 120-mile maritime border with Canada, but few

illegal immigration problems, he said.

“We’re a medium-sized county (pop. 71,400), and if the feds didn’t want to pay, I wasn’t going to hold them,” he said. But that doesn’t mean he’s turning a blind eye to the illegal immigration problem.

“If someone is in the country illegally, we have the obligation to find out whether they’re wanted for serious crimes,” Benedict said. “So we do the complete Interpol check; we’ll do a check through immigration, and if there’s a specific crime — let’s say they’re wanted for murder — that’s not an ICE detainer; that’s a specific warrant that has judicial review, and I would hold someone on that even if the feds didn’t pay. That’s a public safety matter.”

## Aftercare important in juvenile justice reform

kids and throw away the key,” she said. “To the contrary, I think that they’re very perceptive about the problems and issues that these kids face on a day-to-day basis because they’re out on the streets, they’re in the homes, they’re in the schools and they can be a strong advocate for providing these kinds of services for kids.”

Kim Booth, Allegheny County, Pa.’s assistant chief probation officer, said her department is coordinating efforts to link delinquent students’ behavior to their school performance and ensure these

kids are not forgotten when they reintegrate into their lives.

“It’s like you’re a doctor making sure things go alright after they leave your care,” she said. “I wouldn’t want to send someone home from hip surgery without telling them how to take care of it.”

Bob Schwartz, executive director of the Juvenile Law Center, said keeping parents engaged and supportive will help.

“They still want the best for their kids, stay focused on that. They want to see their child succeed; they just might not know how.”



Bob Schwartz, executive director of the Juvenile Law Center, and Kim Booth, Allegheny County, Pa.’s assistant chief probation officer, share a laugh before taking the stage.



## Is Your County an Innovation Hub?

- Does your County take risks by embracing new technology before most other counties do?
- Does your County implement innovative solutions to reduce the cost of county operations and enhance service delivery to its county residents?
- Does your County provide shared services to its municipalities and other counties?
- Does your County reduce knowledge risks for all other counties by enabling them to make more informed decisions to implement innovative solutions?

Then help use your expertise to answer County government’s questions online by registering with the County Innovation Network (COIN) and **become a Helping Hand** at [www.countyinnovation.us](http://www.countyinnovation.us).



# STATE → TO → STATE



## WISCONSIN FLORIDA



*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, a County News feature, explores these questions and helps keep you in touch with your fellow leaders across the country.*

### Wisconsin



Although transportation is a major component of the work counties perform throughout the country, it is particularly important in Wisconsin because of their unique relationship with state government. Wisconsin is the only state in the country where counties are responsible for maintaining both the county transportation system and the state and federal system.

In the 2013–2014 legislative session, Wisconsin counties received funding increases in a number of transportation programs. These included a 40 percent increase in state highway maintenance funding, a 4 percent increase in general transportation aids and a 1 percent increase in local transit funding.

Like many other states, Wisconsin, faces a significant transportation shortfall heading into 2015. A major focus of the next year will be to

### COUNTY MANAGEMENT



**IN WISCONSIN'S  
72 COUNTIES,  
THERE ARE**

**1,632** county board members and executives.  
**11** are elected county executives.

**IN FLORIDA'S  
67 COUNTIES,  
THERE ARE**

**377** county board members and executives.  
**3** are elected county executives.

services funding. In particular, WCA sought a \$4.25 million annual increase in county child support enforcement funding. During the 2009–2011 state budget, the state reduced county funding by \$4.25 million per year, leading to the loss of \$8.25 million in federal matching funds. In the good news column, WCA received the additional state funding it requested this session, leading to increased federal support.

As with other units of local government, counties in Wisconsin face a number of persistent challenges. In particular, counties are faced with continued property tax controls while state mandates remain largely unchanged. In an era where taxpayers expect the same or increased levels of local services, counties are challenged to balance growing service demands with a resistance to tax increases.

"We are hopeful of what the future may bring," said WCA Executive Director Mark O'Connell. "As public programs become increasingly complex and the state seeks operational improvements, counties are in a great position to efficiently deliver services.

"We are also hopeful based on the past legislative session. Not only did counties receive additional funding in a number of important areas, but also new and innovative programs being

implemented at the local level are now receiving state support."

One example of this new state support, O'Connell said, is in the area of Treatments, Alternatives, and Diversion (TAD). Prior to the start of this legislative session, state funding for local TAD programs was just over \$1 million. Today, the program is funded at over \$6 million.

"While the future will no doubt bring challenges, we look forward to meeting those challenges and working with the Legislature."

### Florida



Optimism abounds in Florida as the economy continues to improve and the state's 67 counties emerge from the recent legislative session relatively unscathed.

"The Legislature had a little bit of money this year, so they decided they wanted to look at tax reform," said Chris Holley, Florida Association of Counties executive director. "When we hear that, it worries us because they're prone to look at local taxes."

The association was able to protect home rule for the counties and avoid impacts from tax reform efforts. With the water quality of the state's springs at risk, a legal framework for water quality protection is in place, but funding will

rely on passage of a referendum in November.

"There are a few things we'll have to address in the next legislative session," Holley said. "We have a pretty large unfunded mandate, with half our counties paying for juvenile detention. We also want to address homelessness, especially among our veterans."

Improving economic conditions are allowing county officials some room to breathe for the first time in six years.

"We're still easing out of the recession, but this coming budget cycle will be the first time Florida counties will have growth in properly values," Holley said. "It will be the first summer in six years they won't have to cut budgets to provide services."

Holley said the growth in property values typically ranges between 3 percent to 5 percent across the state.

"Just seeing home values stabilize will be a relief to county officials, and homeowners," he said.

With a large population of elderly residents, Florida counties are following the implementation of the Affordable Care Act nationally. Locally, county officials are concerned about transportation infrastructure and the effects of climate change.

"Since we're a peninsula, global warming is going to have a big impact on our coastline when water levels rise," Holley said.

## Resiliency focus continues at NACo Annual Conference in New Orleans

send details about the shooting to police

- Waste Away — an app that shows residents where to dump their trash
- Commuter Train App — alerts commuters about delays in schedules
- County Offices Post-disaster App — centralizes information about hours of operation for all county offices, and
- Senior App — would allow seniors, their families or social service agencies to enter contact and special needs information pre-disaster so that post-disaster, seniors can report on their status to all concerned parties.

In other panel discussions, forum participants heard from risk managers and insurance industry representatives about risk management best practices, and from supporters of involving faith-based and other non-



Jeff Stiles, marketing VP, Accella talks about the technology tools that are available to help counties become more resilient during his keynote luncheon address May 1.

profit organizations in emergency planning and recovery efforts.

NACo's Annual Conference: County Solutions and Idea Marketplace, to be held July 11–14 in Orleans Parish, La. will include mobile tours showcasing resiliency efforts in Greater New Orleans

post-Hurricane Katrina and resiliency training workshops for county officials.

*\*To access all presentations and materials from the Resilient Counties: Growing Stronger Places forum see this story online at [www.countynews.org](http://www.countynews.org)*



Photo by Bev Schlotterbeck

NACo President Linda Langston gets miked-up during the taping of a public service announcement for FEMA at the forum.





# County Innovations and Solutions

Lake County, Ill.

## Jobs Program Aids Juvenile Offenders

By CHARLIE BAN  
STAFF WRITER

Armed with a job, some Lake County, Ill. juvenile offenders are finding a path away from their records.

Though they don't technically have convictions on their records, Joe Kelroy, the county's assistant probation services director, knows a youth's fate isn't entirely that simple.

"Because they're kids, they tend to share too much information, put their foot in their mouth," he said. "Our kids have a disadvantage right off the bat because they've been involved in the justice system."

Instead of trying to fight that battle, the circuit court has been honing a program that opens local jobs to nonviolent juvenile offenders, in hopes of giving the kids a chance to start their careers and reduce a major factor in recidivism. Along the way,

they gain a paying job and a chance to add to their hard and soft skills, and develop references.

"They get a chance to feel what it's like to be a productive member of society," Kelroy said. "It's good for their self esteem, which takes a hit when they go through the system, and gives them a chance to pay off court costs or restitution so they're not fighting uphill."

The program is open to probationers between 15 and 20 years old who have demonstrated maturity while in the system. After completing an eight-week course that covers facets of job searches and basic employment training, a vocational assessment helps guide a job search with a variety of employers in Lake County.

The current roster of 15 work sites was developed over three years, often with Kelroy and his assistant cold-calling businesses.

"It was a hard sell sometimes,"

he said. "When we talked about them working with juvenile offenders, it scared some people off. What sweetened the deal was, in light of the economic downturn that forced many businesses and government agencies to cut staff, the county would pay the wages. We'll supervise them, set them up — it would be a win-win for everybody."

The county public works department and a lot of municipalities have jumped on board, as have restaurants and small grocery stores.

"We've adjusted things, like when we find a job doesn't offer the kids as much as it does the employer," he said. "It's just as much about giving

them a chance to learn as it is having them do work, and some places didn't have that kind of opportunity."

The probation department gives participating employers three prospective employees to choose from.

Circuit Judge Valerie Boettel-Ceckowski supports the program because it is an alternative to possible incarceration.

A federal Juvenile Accountability Block Grant provides \$88,000 and the county pitches in \$10,000, roughly \$73,000 of which goes to pay the wages to the probationers. The program also provides some supplies necessary for the jobs.

"This ends up being a good deal

for a lot of the kids," Kelroy said. "Many of them are not suited for the classroom, but this gives them a chance to adjust to the working world, get outside, work on practical skills. It's the stuff they'd rather be doing."

Over the first three years of the program, 72 juvenile probationers participated in the job program and three wound up with full-time jobs at their respective job sites. Others were able to follow up with summertime employment, while not in high school.

*County Innovations and Solutions highlights award-winning programs.*

## The H.R. Doctor Is in

# Nie Wieder! – Never Again!

Two very, very important occasions for remembering occur near the beginning and end of May. Memorial Day is much more than a time to go shopping and avoid school.

It is a time to honor and remember the people who served in the Armed Forces and gave their lives that the rest of us might continue to live in the United States. Despite its many flaws, no country in history has offered so much to so many as a place to live out the potential in everyone.

Memorial Day must be a time for education — even without going to school. Let it be a time for family and community communications and reflection on how different our lives would be without those who sacrificed for us. What if there was no United States or if we lived in a place like Somalia, Syria, North Korea or the Central African Republic?

This is a wonderful holiday to put down the smartphones and actually have smart conversations remembering the fathers, mothers, brothers, uncles and neighbors who gave their lives for us.

The second critically important time for memories occurred in late April. It is Holocaust Remembrance Day — a time to look deeply into our own consciences and think hard about what the Holocaust was. Millions of innocents died horribly as a reflection of a government gone terribly awry. Nazi Germany allowed



“ Memorial Day must be a time for education — even without going to school.

and dishonor which the Holocaust represents is a powerful lesson for all of us to remember forever.

How did that corruption happen? The failure to act is a consequence of people and nations just “walking by something wrong.” This disease of allowing wrong to go uninterrupted is the great culprit in many other tragedies in our lives.

Both times of remembrance have two consistent themes. The first was brought home to me many years ago. Captain Phil walked quietly through the gates of the former concentration camp Dachau. There I saw a small statue with immensely powerful words: *Den Toten Zur Ehr Den Lebenden Zur Mahnung*, “To honor the dead. To warn the living.”

Although the language happened to be German, the meaning is universal. It is also the basic meaning of Memorial Day.

The second theme is the concept of “*Nie Wieder!*” Never again should we forget that hate is a vicious carnivore at our door. It is ready to murder and destroy. Never again should we stand by and allow sexism, racism, the bigotry of religion gone awry or other markers of hatred to survive and thrive. Certainly not at home. Certainly not next door. Certainly not anywhere else on the planet.

*Phil Rosenberg*

Phil Rosenberg  
The HR Doctor • [www.hrdtr.net](http://www.hrdtr.net)

## WORD SEARCH

### Macon County, Tenn. Facts

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

**ALLEN** (northwest adjacent Kentucky county)  
**CATTLE** (one of many exports from county farms)  
**CLAY** (east adjacent county)  
**DRIVE IN** (type of movie theater still found here)  
**JACKSON** (southeast adjacent county)  
**LAFAYETTE** (county seat)  
**LITTLE TENNESSEE** (river that flows through county)

**MONROE** (northeast adjacent Kentucky county)  
**NATHANIEL MACON** (county named after)  
**RED BOILING SPRINGS** (second largest city with historic hotel district)  
**SMITH** (south adjacent county)  
**SUMNER** (west adjacent county)  
**TOBACCO** (early cash crop for county)  
**TROUSDALE** (southwest adjacent county)

Created by Christopher Johnson





# News From the Nation's Counties

## ► CALIFORNIA

• A U.S. Supreme Court ruling puts the responsibility for **cleaning up the Los Angeles and San Gabriel rivers** at LOS ANGELES COUNTY's feet.

By declining to take up the county's appeal, the high court sided with a previous finding that untreated stormwater and urban runoff discharged into various watercourses resulted in excessive levels of aluminum, copper, cyanide, zinc and fecal bacteria in the region's two main waterways. A county official called the Supreme Court's decision "disturbing," saying private parties, not the county, should be held liable the pollution, the *Diamondbar-Walnut Patch* reported.

Gail Farber, chief engineer of the county Flood Control District and director of the Department of Public Works, said the Supreme Court's decision was disturbing, because the Ninth Circuit's opinion assigns liability to cities without considering the sources of the pollution and without evidence the municipalities actually violated any permit. The case will return to federal court in Los Angeles for further review.

• The **YOLO COUNTY** agricultural commissioner is asking the Board of Supervisors to **get tough on nut crop thieves**.

The walnut and almond industry within the county is particularly vulnerable to theft due to the manner in which the nuts are harvested. As the nuts are gathered prior to harvest, thieves have been taking advantage of the opportunity by stealing the unprocessed nuts. In Yolo County the values for these crops as reported in 2012 are \$49 million for walnuts and \$41 million for almonds.

The proposed ordinance would provide the agricultural commissioner and area peace officers the authority to require proof of ownership for anyone who has in his or her possession these commodities in an unprocessed state during the



Courtesy of Plateshack.com

## ► IOWA

In the end, counties won.

A state Supreme Court ruling means that the **county name must be visible** on license plates. The court was examining a 1984 law that requires drivers to "permit full view of all numerals and letters" on the plate, which includes the county, which is in small letters below the larger six-character alphanumeric identifier.

Motorists who have license plate frames that advertise their favorite teams, colleges and causes can be stopped by police if the frames obscure the county name on the plates, according to the *Muscatine Journal*.

The plate violation carries a \$20 fine.

harvest season, the *Daily Democrat* reported.

**BUTTE, TULARE, SOLANO** and **FRESNO counties** have adopted similar nut theft ordinances and report significant reductions in theft.

## ► FLORIDA

Kids with overdue library book fines hanging over their heads in **PALM BEACH COUNTY** will be able to **read off their debts** through a new program.

Starting June 1, children can earn credits toward late fees and other library costs by spending time reading at a county library. Under the new program, children up to age 17 who come to a library and read for 15 minutes can earn one a \$1 credit, the *Palm Beach Post* reported.

Accumulating those book bucks enables children to pay down their overdue fines or pay for a new library card, if needed. Children who don't owe money can still participate and accumulate book bucks, which can also be used to buy library book-hauling bags.

The library system gets nearly

\$600,000 a year from late fees, but most of the \$48 million annual tab comes from taxpayers. Children can't use book bucks to pay off an adult's library fines. Book bucks can't be used to pay for lost or damaged books, and they also can't be banked to build up credit for future fines.

## ► IOWA

The **WINNEBAGO COUNTY** Conservation Board has banned the use of **firewood from outside the county** in any parks or wildlife areas it manages.

"Our goal is to put off the arrival of the emerald ash borer for as long as possible," said Lisa Ralls, county naturalist. "We are just hoping to slow down the spread of it."

The closest confirmed case of emerald ash borer to Forest City, the Winnebago County seat, is in Bremer County, about 100 miles away.

Iowa Department of Natural Resources forestry director Jason Walker said, "It could be here this year or it could take decades. It's impossible to tell."

## ► MARYLAND

The **MONTGOMERY COUNTY** Fire and Rescue Department hopes its **three new drones** will help gather information about fires, leading to decreased property damage and loss of life.

The high-definition camera mounted onboard is capable of sending still shots and video to crews on the ground, so they don't have to guess where to target the blaze. This

can be especially helpful in high-rise building fires. The drone can also help officials more accurately gauge the structural stability of a burning building, allowing firefighters to escape before a potential collapse.

The new machines will be used in rescue operations both on land and on water, where the cameras can help spot river currents, according to CBS DC.

## ► MICHIGAN

The **ST. JOSEPH COUNTY** Register of Deeds Pattie Bender is developing a **red-flag system** to **identify meth houses** for the benefit of real-estate agents and prospective home buyers.

Meth labs are typically judged to be unfit for habitation by health departments, and in addition to identifying offending properties, the process would include a mechanism to remove the flag when the property is cleaned up, the *Sturgis Journal* reported.

## ► MONTANA

As temperatures rise and the mountain snowpack teeters on the edge of melting, **LEWIS AND CLARK COUNTY** held a **flood preparedness day** to prompt residents to plan for possible floods.

In 2011, warm weather and rain combined to prompt a fast melt that pushed a local creek out of its banks. In hopes of educating residents, the county offered presentations from the National Weather Service, state Department of Natural Resources and Conservation, the Red Cross, county sheriff, county search and county disasters and emergency services office.

Free sandbags were offered, along with instructions on how to use them effectively, according to the *Independent Record*.

## ► NORTH CAROLINA

The **CRAVEN COUNTY** Board of Commissioners has taken a step toward creating an **inpatient hospice facility** in the county. At a recent meeting, commissioners approved a resolution of the county's intent to sell its 30-year-old home health operation and seek a state certificate of need for a hospice, the *Sun Journal* reported.

Funds are being raised by a foundation coordinated with CarolinaEast Medical, which began with a \$1 million private donation and approached commissioners with the concept about a year ago. The committee has now raised about \$2.4 million — half the estimated cost to build a 12-bed facility; six

beds would initially be for late-stage terminal hospice patients.

## ► NORTH DAKOTA

**MCKENZIE** and **MOUNTRAIL counties** aren't very popular with the local oil industry lately, after repeated **closings of waterlogged gravel roads** to protect them from damage by heavy equipment traffic. Recent rain and snow has reduced the surfaces to soft mud.

The oil-patch counties restricted vehicles heavier than 12,000 pounds from using gravel roads, except for school buses, according to the *Bismarck Tribune*.

Mountrail Commissioner Greg Boschee said oil companies complained that the road closures cost them millions of dollars, but there's enough pain to go around.

"The damage is costing us millions, too," he said, referring to road repair costs after big rigs churn deep ruts into the surface. "Last time we did this, I got a call from the governor's office, and I said they could send us some money to fix the roads and we won't have this problem. They said they'd look into it."

## ► OHIO

• **ADAMS COUNTY** received the **Healthy Ohio Healthy Community Gold award** from the state's department of health. The accomplishment was recognized on the floor of the U.S. House of Representatives by Rep. Brad R. Wenstrup (R-Ohio), whose district includes the county.

"As a physician," Wenstrup said, "I know the importance of preventative care and the impact of lifestyle choices in creating healthy communities. The leaders in Adams County are to be commended for their efforts."

In particular, he singled out the Adams Brown Creating Healthy Communities Program and the Adams County Health & Wellness Coalition. "These programs, in collaboration with the Adams County Regional Medical Center diabetes team, Adams County Court of Common Pleas, and local employers like General Electric, have made effective progress in working towards a healthy and effective workforce and county," he said.

• **CUYAHOGA COUNTY** Executive Ed FitzGerald recently announced the start of the **first Community Health Challenge** to promote health and wellness for

## NACo JOBS ONLINE

Good employees are crucial to getting the job done!

www.naco.org/programs/jobsonline



# King County, Wash. program wins local government 'Oscar'

the 59 communities in the state's largest county.

The program is a competition focused on improving health and well-being across the county, which ranked 65th out of Ohio's 88 counties in the 2014 County Health Rankings and Roadmaps.

The challenge is voluntary and open to local governments through Aug. 30. Each of the county's municipalities can answer questions on a Challenge Checklist to indicate whether they have implemented various policies, guidelines or activities in their local government workplace or community.

At the end of the competition, the community with the highest overall point total will be recognized in categories including healthy eating, active living, tobacco-free environment and most improved.

## ► OREGON

A CLACKAMAS COUNTY-owned golf course is getting high praise for its greens being "green."

The Daily Tee golfing blog listed the county's Stone Creek golf course as one of the **top three eco-friendly courses** in the United States. The blog is part of the website GolfNow.com, which locates courses across the country and allows users to book tee times online.

The course won the 2008 Na-

tional Environmental Leaders in Golf Award, according to GolfNow. Among its eco-friendly features are "natural wildlife corridors to limit the disturbance to the surrounding wildlife and incorporates a state-of-the-art pest management program that limits the use of pesticides and only irrigates the in-play areas."

"The outer portions of the course are left to grow natural, which provide a serene nesting habitat for many ground nesting birds during the summer months."

The other two courses are in Arizona and California.

## ► TEXAS

LA SALLE COUNTY is suing the Texas Department of Transportation (TxDOT) over how it has allocated grant money for **roads damaged by the energy industry** in the state. The county sits atop the Eagle Ford Shale, which has been an economic boon but also a detriment to area roads.

The county contends that a \$225 million grant program to fix crumbling roads is doling out funds to virtually any county that asks, rather than through an established application and qualification process.

County Judge Joel Rodriguez Jr. told the *Houston Chronicle* he believes that few counties followed the process or the statutory regulations. "It's been treated like a block grant," Rodriguez said. "Everybody qualifies."

La Salle received about \$6.5 million, but Rodriguez said the county's needs are closer to \$400 million.

## ► WASHINGTON

A program that has saved **KING COUNTY** \$46 million on employee health care since 2006 received the recently announced 2013 **Innovations in American Government Award** from the Ash Center at Harvard's John F. Kennedy School of Government. The award is considered the nation's most prestigious for government innovation.

The county launched its Healthy Incentives program eight years ago to address employee health care costs that were rising at rate of three times the consumer price index. A benefit plan rewards employees with lower out-of-pocket expenses for choosing high-quality health care plans and participating in wellness

activities, while work through the Washington Health Alliance drives health care quality improvements.

"It is our hope that by recognizing Healthy Incentives, we can encourage government entities to learn from the program's innovation," said Stephen Goldsmith, director of the awards program at Harvard Kennedy School.

Officials in **SNOHOMISH COUNTY** now say they'll consider less sweeping measures than a proposed emergency moratorium on home construction in **landslide-prone areas**. It would have prevented new building permits from being issued for residential construction within a half-mile of hills considered to be landslide hazard zones.

County staffers said the ban would have precluded development in most of the county, *The Seattle Times* reported.

The proposal came in the aftermath of the March 22 mudslide near Oso that left 41 people dead and two missing.

County Council said it will consider lesser measures, such as wider setbacks and additional geotechnical studies for homebuilding near hillsides.

Meanwhile its neighbor to the south, King County, is also reevaluating landslide risks and seeking federal aid to update the county's map of landslide-hazard areas using the latest laser mapping technology. Its current map dates to the 1990s.

(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 email [ctaylor@naco.org](mailto:ctaylor@naco.org) or [cban@naco.org](mailto:cban@naco.org).)

## SOLUTIONS SPOTLIGHT

### Effective Public & Private Sector Partnerships

### Wellness, Prevention Initiatives Lead to Significant Savings for County

Like many government organizations across the nation, Franklin County, Ohio faced growing challenges associated with gaps in health care. Closing these gaps presented opportunities for the county to achieve employee wellness and lower costs.

#### Taking Action

To begin its path toward a healthier employee population, the county launched initiatives to direct individuals to UnitedHealth Premium® designated providers, who are screened for quality and efficiency against a set of national standards.

In addition, a variety of wellness and preventive care initiatives were included as part of a five-year campaign. One such effort included joining "Let's Move!" — an obesity awareness drive from the Office of the First Lady. Franklin County is in the process of meeting both the external and internal challenges set forth by the five basic pillars associated with "Let's Move!"

"Franklin County is working to make strategic investments

to ensure the health and well-being of our workforce is a top priority," said Commission President Marilyn Brown. "The programs, policies and initiatives we've implemented allow Franklin County employees to be informed about the services available to them and their families through the county's health plan. That continuous access to medical care improves employee health and allows them to maintain employment, avoiding lost wages, and resulting in health care-related cost savings for the county."

#### Wellness Thrives

After a hiatus in its wellness program, the county re-launched and re-branded its wellness program. Thrive (On), the program's new brand, takes a multi-dimensional approach to wellness and offers programs and resources relevant to:

- Physical/nutritional health
- Mental/emotional health
- Financial/career health and development and
- Social health connecting members to area volunteer efforts.

Thrive (On) also gained valuable feedback through its 695 employee survey responses. The results showed an overwhelming interest in weight management (67.8%) and on-site fitness (64.4%) program strategies.

#### Positive Impact

Franklin County's efforts yielded significant results. A high utilization of Premium providers yielded \$2.9 million in estimated savings in one year. Further, 86% of employees sought health assessments with more than 3,200 receiving health screenings. Meanwhile, the Walking Club enrolled more than 200 members, with 43% of employees seeking wellness exams.

## What's in a Seal?

### ► Macon County, Tenn. [www.maconcountyttn.gov](http://www.maconcountyttn.gov)



Macon County was formed in 1842 from parts of Smith and Sumner counties. It was named in honor of the late Revolutionary War veteran and Senator Nathaniel Macon. The county seat Lafayette was named in honor of the Marquis de Lafayette.

Macon County has some of the most productive farm land in Tennessee. Tobacco, hardwood, cattle and a variety of vegetables are among the many items produced. It is also industry-friendly with lumber to technology companies locating their headquarters within the county. Tourism is a key part of the economy with the Macon County Fair annually in August and one of the few drive-in theaters in the U.S. showing new movies every weekend.

The county's second-largest city, Red Boiling Springs, thrived as a mineral springs resort in the late 19th and early 20th centuries. Three hotels from this period — the Donoho, the Thomas House and the Armour — are still standing.

The seal shows the county surrounded by the words agriculture, commerce, industry and tourism. Each of those is depicted by images of farmland, produce, homes and county stores within the seal.

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

For more information, visit [www.uhc.com/employers/public\\_labor\\_education.htm](http://www.uhc.com/employers/public_labor_education.htm) or contact Paul Campbell, vice president, State Solutions, UnitedHealthcare at [paul\\_j\\_campbell@uhc.com](mailto:paul_j_campbell@uhc.com).



## Financial Services News

# Research Shows a Shift to Hybrid Retirement Plans

The Center for State and Local Government Excellence has recently published an issue brief *Defined Contribution Plans in the Public Sector*.

This research, completed by the Center for Retirement Research at Boston College, finds that while there has been much discussion of shifting from defined benefit pension plans to defined contribution plans, relatively few governments have actually done so.

The 2008 financial crisis prompted many state and local governments to make changes to their defined benefit pensions, most often increasing employee and employer contributions and reducing benefits for new employees.

Other changes include governments that have established either hybrid plans (a combination of defined benefit and defined contribution) or cash balance plans, rather than stand-alone defined contribution plans. Defined benefit plans still dominate the state and local government space, where only about 11 percent of public sector workers have a primary defined contribution plan.



Before the 2008 financial crisis, only two states — Alaska and Michigan — required new hires to participate solely in a defined contribution plan.

Post 2008, five states — Georgia, Rhode Island, Utah, Tennessee and Virginia — have adopted hybrid plans. Michigan has enacted a hybrid for public school employees.

Two states, Kansas and Kentucky, recently authorized cash balance plans — a defined benefit plan where each member has a nominal account where the employer and employee make contributions and the employer credits a return annually.

These changes appear to be driven by a desire to avoid future unfunded liabilities, to reduce investment and mortality risk and to help short-tenure workers.

Interestingly, Social Security coverage did not have any effect on the likelihood to introduce defined contribution or hybrid plans for either pre- or post-financial crisis time periods. The new hybrid plans transfer more risk to participants, but if the new plans enhance the likelihood of responsible funding by governments, they could also offer increased retirement security for employees.

The public sector retirement plans are shifting from complete reliance on traditional defined benefit plans to some defined contribution component or cash balance arrangement.

For more information about the findings and the states that have established hybrid plans or cash balance plans, go to <http://bit.ly/1mHnuUu>.

*(Financial Services News was written by Mary Bell, director, NACo Financial Services Corporation.)*

## Decision's impact to be felt in 2nd and 4th Circuits

“death, resurrection, and ascension of the Savior Jesus Christ.” They also argued that prayers before Town Board meetings “create social pressures that force non-adherents to remain in the room or even feign participation in order to avoid offending the representatives who sponsor the prayer and will vote on matters citizens bring before the board.” Justice Anthony Kennedy’s majority opinion rejected both arguments.

The court also rejected an argument that a previous decision on “legislative” prayer, in *Marsh*

*v. Chambers*, only allowed non-sectarian prayer. Only allowing nonsectarian prayer would require local governments to “act as supervisors and censors of religious speech” and it isn’t clear when a prayer is sectarian.

The court warned, however, that sectarian prayers can go too far “[i]f the course and practice over time shows that the invocations denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion.”

The court also warned that coercion could be possible “if town board members directed the public to participate in the prayers, singled

out dissidents for opprobrium, or indicated that their decisions might be influenced by a person’s acquiescence in the prayer opportunity.”

It is noteworthy that this decision will have the biggest impact in the 2nd Circuit (Connecticut, New York and Vermont) and the 4th Circuit (Maryland, Virginia, West Virginia, North Carolina and South Carolina). The 2nd Circuit had declared Greece’s prayer practice unconstitutional focusing on the Christian nature of most of the prayers. The 4th Circuit in 2011 had ruled that only nonsectarian prayer at local board meetings is constitutional.

Justices Clarence Thomas and Antonin Scalia didn’t join the court’s coercion analysis but joined the court’s judgment. They said that First Amendment coercion exists only “by force of law and threat of penalty.” The court’s so-called liberal justices dissented: Justice Elena Kagan’s opinion was joined by Justices Ruth Bader Ginsburg, Sonia Sotomayor and Stephen Breyer, who also wrote separately.

## NACo on the Move



Photo by Jack Hernandez

NACo Executive Director Matt Chase pauses to mark the visit to NACo of representatives from the Japan Local Government Center (JLGC), headquartered in New York. Pictured are (l-r) Atsushi Inumaru, JLGC deputy executive director and official with the Tokyo Metropolitan Government; Yasuo Tatsuta, JLGC executive director, Japan Ministry of Internal Affairs and Communications; Chase; and Seth Benjamin, JLGC senior researcher.

### ► NACo Officers and Officials

- Broward County, Fla. Commissioner **Kristin Jacobs** served as a panelist at the White House during the release of the third National Climate Assessment May 6. The report, compiled by the National Climate Assessment and Development Advisory Committee, details the status of the nation’s current climate, and forecasts future trends.

Jacobs serves as a member of President Obama’s State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience.

- NACo Executive Director **Matt Chase** spoke about the Financial Services Corporation at the Southern County Association Annual Conference in Pulaski County, Ark. May 15. NACo Legislative Director **Deborah Cox** spoke about how participants can bring back new information and best practices from NACo conferences.

- NACo Northeast Regional Representative **Christian Leinbach** spoke about NACo’s legislative updates, ‘Why Counties Matter’ and upcoming events at the New Jersey Association of Counties Annual Meeting in Atlantic County May 7.

- NACo President **Linda Langston** spoke about resilience, ‘Why Counties Matter’ and updates on legislative and NACo programs at the Kansas County Commissioners Association Annual Meeting in Riley County May 6–7.

### ► NACo Staff

- **Brian Namey** has been named director of media relations in the Public Affairs Department. Prior to joining NACo, Namey served as communications director at the National Network to End Domestic Violence. He began his career a decade ago working for governors in several policy and communications roles. Namey earned a bachelor’s degree from Carnegie Mellon University and a master’s degree from the University of Oxford.



Brian Namey



Tom Wolfe

- **Tom Wolfe** has been named the new associate legislative director for public lands in Legislative Affairs. He will focus on public lands policy and serve as the managing director of NACo’s affiliate, the Western Interstate Region (WIR).

Prior to coming to NACo, Wolfe served as the Washington, D.C. representative for the National Association of State Park Directors (NASPD). He earned a bachelor’s degree from Ohio University.

### ► Coming Up

- **Karina Golkova**, membership assistant, will be exhibiting on behalf of membership recruitment and retention at the Annual Summer Conference for Colorado Counties, Inc. in Summit County June 2–4.

*On the Move is compiled by Christopher Johnson*

## NETWORK WITH NACo

Connect with peers, resources and county residents.

