

This Week

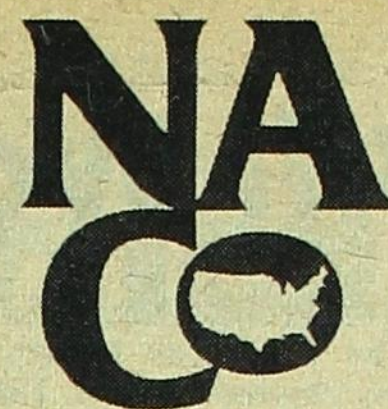
- CETA moves to full committee, page 3.
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Vol. 10, No. 18

COUNTY NEWS

"The Wisdom to Know and the Courage to Defend the Public Interest"

May 1, 1978



Washington, D.C.

NACo NOT EXEMPT

House Passes Lobbying Bill



Bridges Surveyed

NACo Documents Widespread Problems

WASHINGTON, D.C.—One-third more of the nation's off-system bridges under county jurisdiction are in need of repair or replacement, a newly completed survey by NACo shows.

The survey identified 233,800 bridges under county jurisdiction. Estimated bridges with problems of structural deficiency (those which have been restricted to light traffic or closed) total 77,900. Estimated totals of functionally obsolete (those

bridges which are too narrow or have too low a clearance or approach roadway alignment or load capacity which can no longer safely service the road to which they are an integral part) are 88,900.

As the first nationwide inventory of off-system bridges, the survey fills a much-needed gap in information on the extent of the nation's bridge crisis. (The Federal Highway Administration has identified 33,500 on-system bridges that are either structurally deficient or functionally obso-

lete. This figure was established after FHWA removed "a significant number" of bridges from the federal aid system. These bridges are now a state and local responsibility. FHWA estimated replacement costs for deficient bridges on the federal aid system is \$12.5 billion.)

The NACo survey documents the dramatic need for national legislation to solve the nation's bridge crisis.

See BRIDGE, page 5

WASHINGTON, D.C.—The House of Representatives April 26 voted 259 to 140 to pass the Public Disclosure and Lobbying Act, H.R. 8494, and to require state, county and city elected and appointed officials' associations to register as lobbyists.

By a narrow margin (211 to 197), the House earlier had voted down an amendment to exempt associations of state, county and city elected and appointed officials from registering as lobbyists.

Rep. Jim Santini (D-Nev.) offered a NACo-supported amendment that directed the Advisory Commission on Intergovernmental Relations (ACIR) to study and report to Congress by Jan. 1, 1979 on lobbying activities by all levels of government and to make necessary and appropriate legislative recommendations. Under this amendment, NACo and other groups representing state and local elected officials would have been exempted from registration under the bill until Jan. 1, 1980, giving

Congress one year to act on ACIR's recommendations.

The Santini amendment carried on a voice vote and on a following "division of the House" whereby members stand to be counted. That vote was 19 to 17 in favor of the amendment.

A roll call vote was then requested by opponents of the Santini amendment. With most members of the House voting, the Santini amendment was defeated 211 to 197.

Rep. Santini had offered a similar amendment the week before which was narrowly defeated (32 to 28) in a division of the House.

If the Senate acts accordingly, NACo legislative representatives will be required to register as lobbyists.

Attempts will be made to introduce a similar exemption amendment in the Senate. The Senate version of H.R. 8494 is currently being considered by the Governmental Affairs Committee.

Urban Policy Views Sent to White House

WASHINGTON, D.C.—County leaders across the country are writing to the White House and asking for a clear definition from President Carter of the role of county government in the Administration's announced urban policy.

In a letter to Presidential Aide Stuart Eizenstat, Fulton County (Ga.) Commissioner Lee J. Roach observed, "I have many opportunities to discuss urban problems with county officials all over the country. I find them unanimously disenchanted and dissatisfied with the newly released policy."

The letter continues: "The problems of urban America go far beyond the boundaries of our central cities. For example, our county government has primary responsibility for health, welfare and social services to the residents of all its cities, including Atlanta."

"Whatever legislation comes out of the Congress, it must be closely tied to both cities and counties in our urban areas," said Roach.

BROOME COUNTY (N.Y.) Executive Donald McManus wrote to President Carter emphasizing that "poverty, unemployment and urban plight are not neatly contained within distressed city boundaries but indiscriminately touch the whole of our urban society."

The letter noted that "to distinguish between the poor and unemployed in the cities versus the poor and unemployed in an adjoining village is to create different classes of common misfortune. Are not the tragedies of each just as great and equally deserving of our attention?"

McManus pointed out that "it is equally important to identify the local government entity that is currently responsible for programs addressing the problems associated with urban areas.... In Broome County these problems fall, almost exclusively, upon the shoulder of county government."

See REACTIONS, page 4

House Votes Major Gains for Rural Counties

WASHINGTON, D.C.—The House of Representatives has approved the Agricultural Credit Act of 1977 (H.R. 9504) by a vote of 347-23. The legislation, sponsored by Rep. Ed Jones (Tenn.) will provide major increases in rural development grants. The overwhelming vote represents a recognition of the needs of rural communities and the vital link between rural development programs and local economies.

The measure now awaits passage in the Senate. The Senate is expected to vote on the bill, sponsored by Sen. Herman E. Love (D-Ga.) soon.

The Agricultural Credit Act is the first major change in the Rural Development Act since it was enacted in 1972. The legislation will expand the authorized level for water and

waste disposal grants as well as raising the grant ceiling on all rural development programs.

The House-passed Agricultural Credit Act contains significant changes that will aid rural counties. Specifically, Title I of the bill provides for:

- Increased funding level for water and waste disposal grants from \$300 million to \$400 million a year;
- Elimination of the legislatively imposed 50 percent ceiling on grants as a percentage of project cost and placing the new ceiling at 75 percent;
- Deletion from the original Administration proposal of a provision that would have virtually doubled the interest rates on rural development loans. The level will remain at 5 percent.

THE SENATE BILL will do the following:

- Increase the authorization for water and waste disposal grants from the current \$300 million level up to \$1 billion.
- Increase the ceiling on water and waste disposal grants up to 75 percent of project cost.

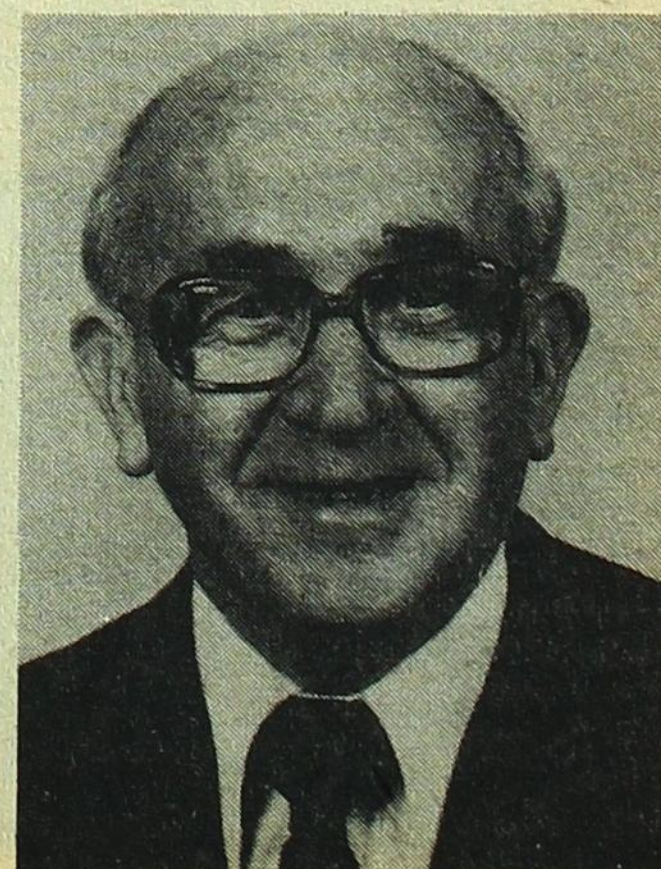
The increases in authorization are greatly needed due to the growing demand in rural areas for water and waste disposal systems. The waiting list for water and waste program grants currently exceeds \$600 million.

The legislation will move the rural development programs toward equity with urban oriented programs. While agencies like Housing and Urban Development (HUD) and Environmental Protection Agency

(EPA) are authorized to distribute grants covering 100 percent and 75 percent of project cost respectively, grants administered by the Farmers Home Administration (FmHA) are restricted by law to not more than 50 percent of project cost.

The Amendments to the Rural Development Act of 1972 are known as Title I of the bill. A Title II has also been attached to the House measure. This title primarily affects the provision of insured and guaranteed loans to farmers, ranchers, and corporations engaged in agriculture. It authorizes and directs the Secretary of Agriculture to provide financial assistance to applicants experiencing severe financial problems and a tightening of agricultural credit.

—Elliott A. Alman



Jones

Bill Would Extend Primary Health Care Aid

WASHINGTON, D.C.—The Senate Human Resources Health subcommittee, chaired by Sen. Edward Kennedy (D-Mass.), reported out S. 2474, the "Health Services Extension Act of 1978." The bill extends basic public health programs (i.e., immunizations, tuberculosis, venereal disease, etc.) for one year.

The Senate subcommittee did not adopt the language of House bill

H.R. 10553, which establishes "health incentive" grants for disease prevention and health promotion.

However, the senators did approve Title II of S. 2474 which authorizes federal support for the establishment of community and public general hospital-based primary care centers.

Sen. Jacob Javits (R-N.Y.) intro-

duced Title II because facilities and personnel to provide primary health care services in medically underserved areas are not sufficiently available. Capital and operating support for primary health care centers would mean that more patients could be treated in these settings instead of in expensive and sometimes inconvenient hospital emergency rooms and clinics.

UNDER S. 2474, the Secretary of Health, Education and Welfare (HEW) would award grants to non-profit and county and city hospitals to establish hospital-affiliated primary care centers in medically underserved areas (both urban and rural). Intended recipients are those hospitals which are currently delivering care through their emergency rooms and outpatient departments.

The hospital primary care centers must: deliver primary health services; provide referral to supplemental health services; provide information to residents of the catchment area describing services available at primary care center; and provide services through primary care practices.

The bill gives priority to those hospitals that demonstrate a willingness to establish a system of preparation for reimbursement of services.

S. 2474 authorizes \$35 million for fiscal '79; \$60 million for fiscal '80 and \$75 million for fiscal '81. The money may be used for planning, development (including modernization, renovation of space) and operation of primary care centers.

The bill, however, continues authorization for community health centers where counties are precluded from fully participating in the program. Present law requires community health centers to be governed by a body of consumers. Since governing boards are composed of local elected officials, counties do not qualify under the act.

THE HOUSE VERSION of the community health centers (migrant health centers) act allows for county participation as long as the county governing body appoints a center governing board composed of consumers to select services to be provided by the center; set the center's operating hours; approve the budget; and select the center's director. The county would be responsible for establishing "general policies for the center." Similar language is found in the House extension of the community health centers act. The Senate version extends the mental health centers act for one year without change.

Differences between House and Senate bills will be worked out by a conference committee sometime late May or early June.

—Mike Ge

FOR NOMINATIONS, CREDENTIALS

Beach Appoints NACo Committees for Conference

WASHINGTON, D.C.—NACo President William O. Beach has appointed members of the Nominating and Credentials Committees and a parliamentarian for the 43rd Annual Conference to be held July 8-12 in Fulton County (Atlanta), Ga.

Gil Barrett, former NACo president and commissioner from Dougherty County, Ga., will chair the Nominating Committee. Phil Elfstrom, chairman of the Kane County (Ill.) Board, will chair the Credentials Committee. Barrett serves as an honorary board member. Elfstrom, a NACo board member, also chairs the Criminal Justice and Public Safety Steering Committee.

The parliamentarian this year will be Herman Geist of Westchester County, N.Y., who has served in that capacity since 1974.

THE FIVE-MEMBER Nominating Committee also includes the following appointees: Commissioner Barbara Hill of Grafton County, N.H.; County Executive John V.N. Klein of Suffolk County, N.Y.; Supervisor Terrance Pitts of Milwaukee County, Wis.; and Supervisor Sig Sanchez of Santa Clara County, Calif.

These appointments were made in accordance with NACo Bylaws, Article VIII.

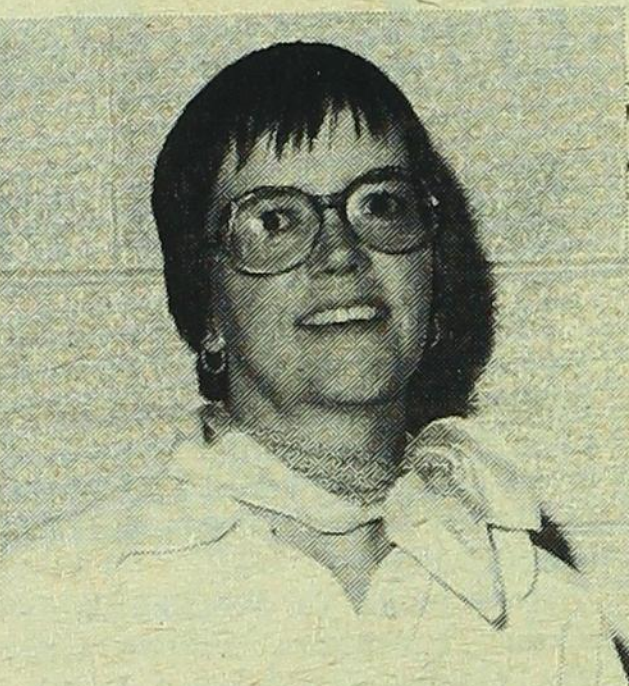
Hill, Pitts and Sanchez all serve on the NACo board. Klein chairs the Employment Steering Committee. Pitts chairs the Health and Education Steering Committee. Hill chairs the juvenile justice subcommittee of the Criminal Justice and Public Safety Steering Committee.

Serving on the Credentials Committee with Elfstrom are Supervisor Sandra Smoley of Sacramento County, Calif., and District Clerk Oscar Soliz of Nueces County, Tex. Both are members of the NACo board. Smoley, who is president of the County Supervisors Association of California, is vice chairman of the

Parliamentarian



Geist



Hill



Sanchez

Health and Education Steering Committee. Soliz serves on the Criminal Justice Steering Committee.

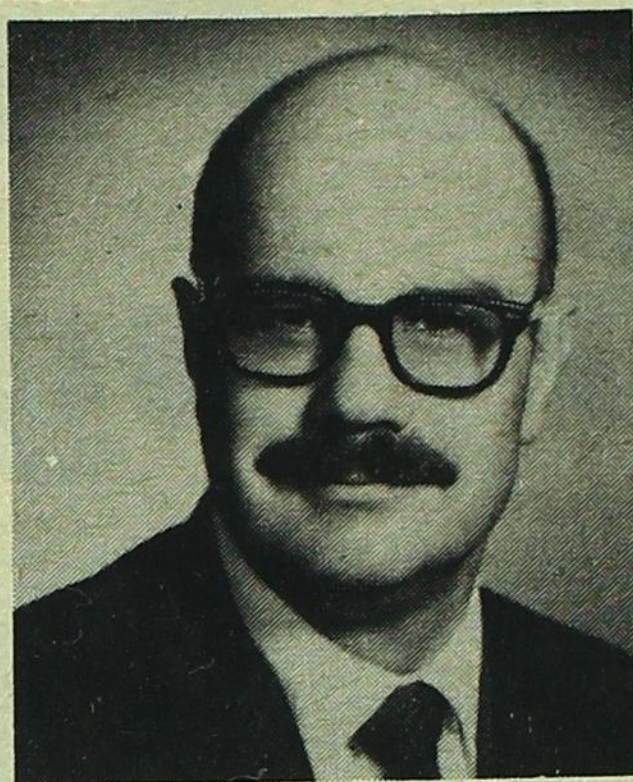
These appointments were made in accordance with NACo Bylaws, Article X.

The NACo Nominating Committee is responsible for presenting a slate of officers and directors to the general membership for election at NACo's annual business meeting. This year the election will take place Tuesday, July 11. Candidates for the board of directors will be nominated at public hearings to be held by the committee from 10 a.m. until noon, Monday, July 10.

IN ADDITION, any county officials interested in running for the office of third vice president or fourth vice president should submit notice of his or her candidacy as soon as possible to the Nominating Committee at NACo, 1735 New York Ave.,

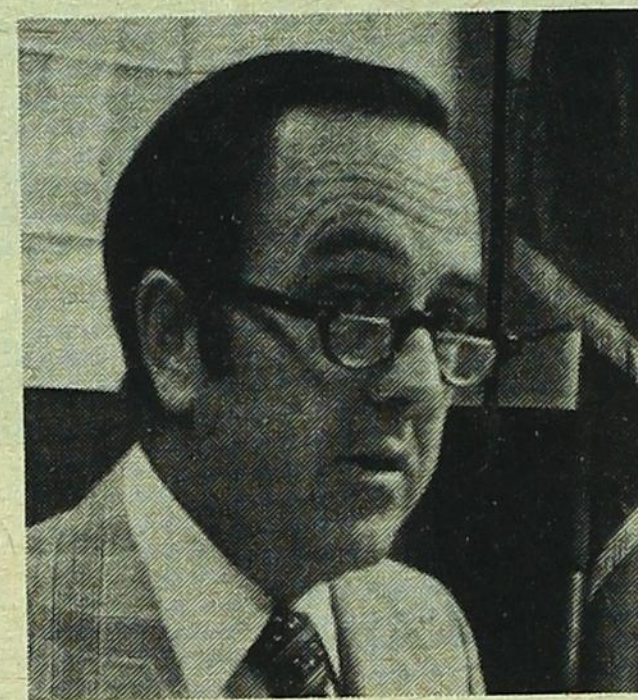


Barrett



Elfstrom

Nominating Committee Members



Klein



Pitts

N.W., Washington, D.C. 20006. County News will publish news of such candidacies as they are announced.

Candidates announced so far include County Executive John Spellman of King County, Wash. for third vice president. Announced candidates for fourth vice president are Richard Conder, chairman of the Richmond County (N.C.) Board of Commissioners; Jack Simmers, commissioner, Polk County, Fla.; and Seth Taft, president of the Cuyahoga County (Ohio) Board of Commissioners.

The NACo Credentials Committee is responsible for resolving any dispute pertaining to a county's (or county official's) eligibility to vote at the annual business meeting.

Only paid-up member counties of NACo can cast ballots, and ballots are issued to member county officials who have been authorized by their county boards as voting delegates.

NACo member counties, who plan

to have voting delegations at the annual business meeting, should send written notification to the Credentials Committee, c/o NACo Headquarters, of which county official is authorized to pick up and cast the county's ballots.

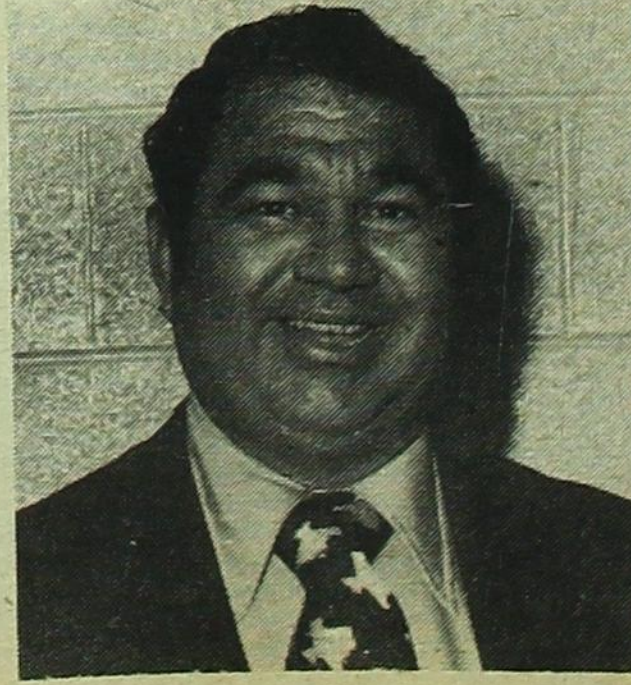
Credentials Committee hearings will take place from 4 to 5 p.m. Monday, July 10. In addition to credentials matters, the hearings will also provide an opportunity for those county officials who have questions on parliamentary procedure to discuss them with Parliamentarian Geist in preparation for the business meeting the next morning.

Members having questions about nominating and credentials procedures may contact either chairman, or Margaret I. Taylor of the NACo staff, who is serving as secretariat to the Nominating Committee, and Meg Gianessi, who is serving as secretariat to the Credentials Committee.

Credentials Committee Members



Smoley



Soliz

Correction

In an article on victim assistance in last week's edition of County News, the following quotation was misplaced: "That should just boggle our minds," served."

The quotation should have followed a paragraph in which Richard Lynch, a Washington attorney pointed out that, in some cases, victims have not been notified of trial's progress, and then are forced to cooperate with the prosecuting attorney.

Inadvertently, the quotation appeared after a paragraph in which Frank Carrington, executive director of Americans for Effective Law Enforcement, Inc., said that, "American legal system, a jury is fined as a 'reasonable man.'"

The editors regret the error and any embarrassment it may have caused Mr. Carrington.

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ADMINISTRATION BILLS INTRODUCED ON HILL

Hearings Set for Countercyclical

WASHINGTON, D.C.—Hearings have been scheduled for this week in the House and Senate to consider proposals to extend the countercyclical antirecession assistance program. The Administration, which has requested extension of the program for two years at an annual level of \$1 billion, is also proposing major formula changes in determining eligibility and allocations.

The proposed program is the first of President Carter's "new initiatives," announced in his urban policy message, to be sent to the Hill.

The Administration's bill has been

introduced in the House by Rep. L.H. Fountain (D-N.C.) and in the Senate by Sen. William Hathaway (D-Maine). The House Government Operations subcommittee on intergovernmental relations and human resources has scheduled hearings on H.R. 12293 for May 4, 5, and 9. The Senate Finance subcommittee on unemployment compensation, revenue sharing, and economic problems will be conducting hearings on S. 2975 on May 3.

The Administration bill, entitled Supplementary Fiscal Assistance, proposes a number of major changes

in addition to the formula: the national trigger of 6 percent would be dropped; states would not be eligible; restrictions on spending the funds would be substantially deleted; the minimum payment would be reduced to \$200; and allocations would be made annually and distributed quarterly. The criteria for eligibility also would be significantly broadened to expand participation to financially strained areas who can qualify on criteria other than unemployment rates.

The present countercyclical program expires on Sept. 30. It was

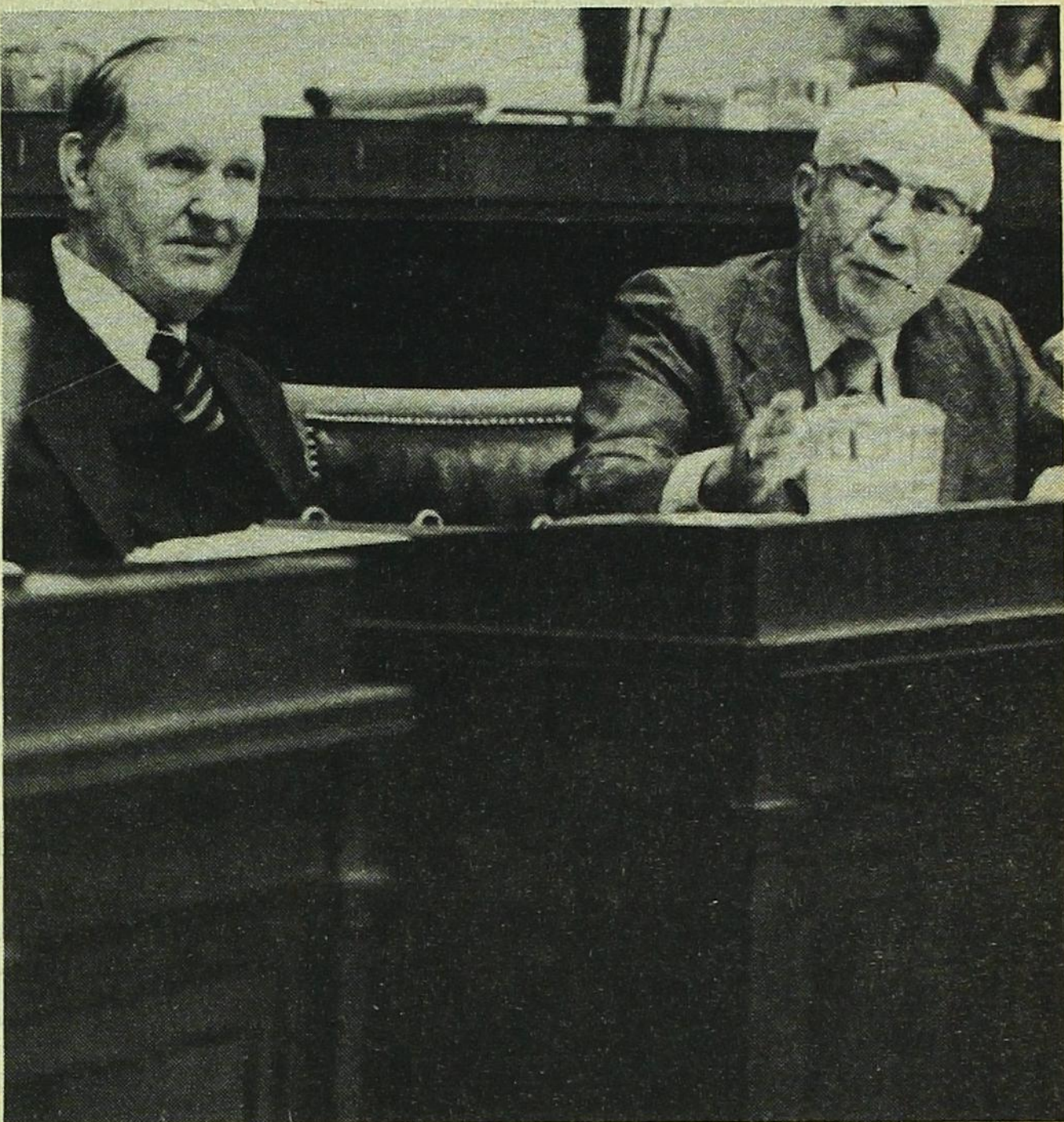
originally enacted to provide assistance to hard-pressed localities affected by recession and high unemployment. The congressional budget process requires all new legislation to be reported out of a congressional committee by May 15. However, given the timing of this bill, its intro-

duction so near the deadline, and the complex changes proposed, there is little likelihood this time limit can be met. It will, therefore, be necessary to get a budget waiver enabling the legislation to be voted on at some time in the future.

—Elliott Alman

Comparison of Countercyclical (Antirecession) Program

	Current Program P.L. 94-369	Administration Proposal H.R. 12293, S. 2975
Authorized Funding	\$2.5 billion	\$1.04 billion in fiscal '74; \$1 billion in fiscal '80
Time Span	1 1/4 years (5 quarters)	2 years
National Trigger	6 percent	None
Local Minimum Unemployment Rate	4.5 percent	4.5 percent
Other Criteria for Determining Eligibility	None	If the 4.5 percent unemployment rate is not met, eligibility may be established as follows: <ul style="list-style-type: none">• County within SMSA—Two of the three following rates are below corresponding rates for all SMSAs: local rate of growth of employment; local rate of growth of per capita income; and local rate of growth of population.• County outside SMSA—Two of the three following rates are below corresponding rates for all non-SMSAs: local rate of growth of employment; local rate of growth of per capita income; and local rate of growth of population.
Computation of Allocations	Quarterly	Annually
Distribution	Quarterly	Quarterly
Uses and Restrictions	Funds are to maintain basic services and levels of employment, not including initiation of basic service or capital improvement or new construction. Funds must be spent, obligated, or appropriated within six months.	Funds can be used for basic services, including capital outlay and basic governmental operations. No time limit.
Formula for Distribution	<ul style="list-style-type: none">• Local Revenue Sharing amount.• Multiplied by excess unemployment rate (over 4.5 percent).• Divided by sum of such products for all eligible local governments.	<ul style="list-style-type: none">• Local Revenue Sharing amount.• Multiplied by the larger of the following calculations (Local Distribution Index):<ul style="list-style-type: none">• Subtracting 4.5 percentage points from the local unemployment rates for all SMSAs (or non-SMSAs).• Subtracting the local rate of growth in employment income from the rate in all SMSAs (or non-SMSAs).• Subtracting the local rate of growth in per capita income from the rate in all SMSAs (or non-SMSAs).• Subtracting the local rate of growth in population from the rate for all SMSAs (or non-SMSAs). <p>(The Local Revenue Sharing amounts, multiplied by the "Local Distribution Percentage," is divided by the sum of such products for all eligible local governments. That is the local allocating called the "Local Government Percentage.")</p>
Number Eligible Local Governments	17,000	23,000 to 27,000
State Government	Eligible, receive one-third of the funds.	Not eligible
Unemployment for Small or Rural Communities	Use balance of state.	Establishes procedure for calculating or estimating a rate of unemployment for small or rural communities where not provided by Bureau of Labor Statistics.
Minimum Yearly Allocation	\$400	\$200
Maximum Allocation	None	The lesser of the amount calculated by above noted formula or the localities allocation from July 1, 1977-June 30, 1978. This does not apply to governments which received no allocation during that period.
Labor Standards	Davis-Bacon Act	Davis-Bacon Act



Rep. Carl Perkins, left, and Rep. Augustus Hawkins are seen during House subcommittee markup of CETA.

FORMULA ISSUE

CETA Moves to Full Panels

WASHINGTON, D.C.—House and Senate subcommittees finished marking up the Administration's four-year extension of the Comprehensive Employment and Training Act (CETA) last week. Both groups adopted massive changes to the Administration's bill (H.R. 11086/S. 2570).

The House Education and Labor Committee, chaired by Rep. Carl Perkins (D-Ky.), meets May 2 to review last week's action. Perkins has said that he will resist changes to the subcommittee bill, except for a few issues where members have reserved the right to reopen discussion.

One such issue will be the formula for allocating an expected \$4 billion in Title II jobs and training programs for the economically disadvantaged. The subcommittee adopted a formula that distributes funds based on the number of low-income adults (40 percent), the number of unemployed in excess of 6 percent (40 percent) and the total number of unemployed (20 percent).

According to a Labor Department analysis, distribution based on low-income tends to direct funds to the South and farm belt. Counting "excess" numbers of unemployed favors the Northeast and Pacific Coast. Absolute numbers of unemployed tends to spread funds more evenly around the country and, particularly, favors suburban areas.

NACo considers the subcommittee

formula to be the fourth best out of six options which counties, cities, and consortia, which tends to target funds to big cities with high unemployment.

Another key issue on May 2 will be whether CETA public service job-holders must be placed in job classifications that include nonfederally financed employees, as the subcommittee bill requires. NACo has urged that this provision be omitted because it threatens many counties' special training program to encourage hiring of minorities and women. It also would deny a solution to the dilemma of providing retirement benefits to temporary CETA employees.

The Senate Human Resources Committee, chaired by Sen. Harrison Williams, will meet May 11 for a more complete review of the bill. The Senate subcommittee adopted only those amendments that the whole group could agree upon. Debate was postponed until the full committee session.

Thus, major changes in the Senate bill may be forthcoming. Neither allocation formulas nor retirement issues, for example, were addressed in the subcommittee markup.

A comparison of key provisions of various versions of the bill is presented on page 15. In addition, county officials can call NACo's Hotline for up-to-the-minute reports: 202/785-9591.

Letters to NACo

Dear Bernie:

Mike Carroll has told me of his recent visit to NACo's Urban County Executive Workshop in Memphis, Tenn. April 6. Mike mentioned to me your concerns, on behalf of NACo, with President Carter's recently announced urban policy. You can rest assured that any urban policy proposals I ultimately support will properly recognize the role of county governments.

I welcome the input of NACo concerning the shaping of legislation that effectively addresses the many urban-suburban problems faced by county governments today. To ignore this aspect of urban policy is to avoid reality.

—Richard G. Lugar
U.S. Senator, Indiana

Dear President Beach:

On behalf of the President, I wish to acknowledge and thank you for your letter inviting him to address the Annual Conference of the National Association of Counties in Atlanta beginning July 8.

I hope you will understand that it is not possible to know what the official demands of the President's schedule will require this far in advance.

We have made note of your invitation, however, and will be in touch with you nearer the date about the possibility of the President's acceptance. In the meantime, please know we appreciate your thoughtfulness.

—Fran Voorde
Director of Scheduling
The White House

Dear Bernie:

Just a quick note to tell you how sorry I am that we were not able to schedule my appearance at the National Association of Counties' annual Legislative Conference on the 13th. You know how hard we tried.

I am sure that you will have a good meeting, and that NACo and HEW will continue to work together on issues of mutual concern.

—Joseph A. Califano Jr.
Secretary
Department of Health, Education and Welfare

Dear Bernie:

I'd like you to know how thoroughly pleased I was with the fantastic support given me by your NACo staff during my recent trip to Washington to deliver testimony to the Congress on federal environmental legislation. Bob Weaver and Cliff Cobb deserve particular praise for the outstanding attention they paid to every detail involved in my testimony. ...

In short, your NACo staff clearly understands its mission: to serve the counties of this country to the best of its ability.

Once again, I greatly appreciate NACo's efforts on our behalf, and look forward to helping out on similar missions whenever my schedule permits.

—Dennis P. Koehler
Commissioner
Palm Beach County, Fla.

Reactions to Urban Policy

Continued from page 1

Both county leaders praised the President's commitment to reverse the deterioration of America's urban centers, but urged him to include all urban areas—not those identified by "political boundaries called cities."

Cuyahoga County (Ohio) Commis-

sioner Seth Taft wrote to Eizenstat acknowledging his personal assurance (at an April 12 meeting at NACo) that counties are not omitted from the President's urban policy.

TAFT SAID, "The President's program is good. I welcome its emphasis on urban problems, although

I regret its failure to simplify and failure to back the policy with adequate funding."

He continued, "In the statement and supporting material issued March 27, I find a constant reference to central cities; use almost exclusively of central city statistics and a failure to recognize the key role played by counties in meeting urban problems."

"I worry that the details of the legislative program, as you develop it, may in effect put the cities in charge of administering county resources (which will just dry up the county resources) and cripple our effort to provide a metropolitan lead in meeting urban problems which are most critical in central cities."

He concluded by saying, "NACo opposes the President's urban policy because the voices of the Administration have not been clear. We need an assurance from the President. With it I know you will receive the support and strong participation of NACo and its members."

A SIMILAR theme was echoed by 11 Wayne County commissioners who signed a letter to their Michigan congressional delegation urging it to take "entire urban areas into account" in considering the President's urban bills.

Commissioner Alex Pilch, who initiated the letter, said Carter's urban policy message "was a real shocker to all of us who know the pressing human needs that exist in the suburbs as well as in the core cities."

The commissioners declared their "chagrin, disappointment and concern." They added that the proposed program "has little, if anything, to aid counties in fulfilling their responsibilities to their residents."

The letter noted that counties "carry a heavy share of the criminal justice system burden, health and welfare costs and a variety of people-oriented other services. ..."

NACo has called on the President to issue an Executive Order which makes clear the vital and essential role of counties in the federal system.

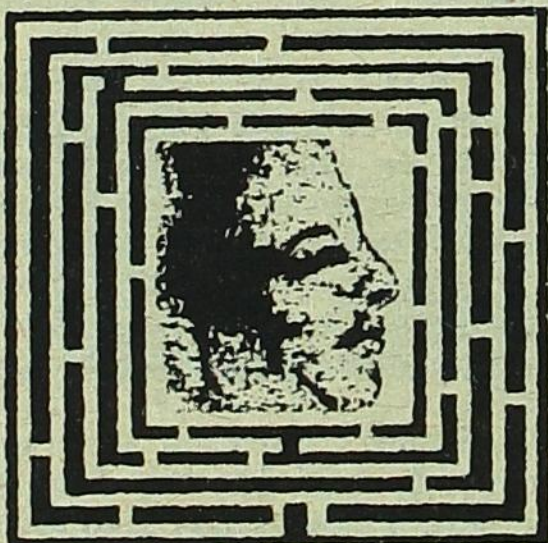
NACo is also asking county boards across the nation to pass resolutions in support of the Executive Order which details the need for county participation in all federal programs.

For more on the Executive Order see page 16.



MORRIS HURSH AWARD—Sen. Muriel Humphrey (D-Minn.) is presented with the Morris Hursh Award for 1978 by Frank Jungas, commissioner, Cottonwood County, Minn. and chairman of NACo's Welfare and Social Services Steering Committee. Jungas, who was in Washington recently to testify for welfare reform, presented the award on behalf of the Minnesota Social Service Association. Jungas was the 1977 winner of this award which is given to "a distinguished person who has made a profound contribution to progressive social policy." Sen. Humphrey was a co-recipient with the late Sen. Hubert Humphrey.

Second National Assembly on the Jail Crisis



May 17-20, 1978
Minneapolis, Minnesota

The American Jail in Transition

Topics include:

- Who should be in jail?
- Role of elected officials in jail reform
- Function of standards
- Improvement in medical care, education, vocational training, recreation, furloughs
- Federal financial and technical assistance
- Intergovernmental solutions.
- Program needs of incarcerated women
- Diversion of children from jail
- Legal issues: prisoner rights, liability of appointed & elected officials
- New approaches to jail management
- Technical assistance booths staffed by national organizations.

Conference Registration

To take advantage of the conference advance registration fee, a personal check, county voucher or equivalent must accompany this registration form; make check payable to: National Association of Counties Research Foundation

All advance conference registration fees must be postmarked by May 1, 1978. After May 1, registrations will be at the on-site rate at the hotel. (no registrations by phone)

Refunds of the registration fee will be made if cancellation is necessary, provided that written notice is postmarked no later than May 5.

Conference registration fees: ☐ \$75 advance ☐ \$95 on-site

Please Print:

Name _____

County _____

Title _____

Address _____

City _____

State _____

Zip _____

Tel. (____) _____

Hotel reservation request: Radisson Hotel

Occupant's name(s) _____

☐ Single \$30 ☐ Double \$36

Arrival Date/Time _____

Departure Date/Time _____

Suites available on request \$75-\$200

Send pre-registration and hotel reservation to:
National Association of Counties Research Foundation
Second National Assembly on the Jail Crisis
1735 New York Ave., N.W., Washington, D.C. 20006

Membership Update: 1,700

NACo membership continues to climb steadily, and last week we acquired our 1,700th county member. Appropriately, the county that put us at 1,700 is in NACo President Bill Beach's state, Jackson County, Tenn.

In another development, Wyoming last week became the 11th state to have all its counties NACo members. It is the third state in the last month to achieve 100 percent status.

NACo salutes Jackson County; all 23 Wyoming counties; and these other April members which collectively have boosted our membership to a record-high 1,708:

Greene and Clearfield counties, Pa.; Osceola County, Mich.; Atchison County, Kan.; Jessamine County, Ky. and Greene County, Ill.

Bridge Crises Documented

Continued from page 1

NACo's bridge survey was sent to all counties in the 38 states where counties have road and/or bridge responsibility. NACo requested data for off-system bridges 20 feet in length and over that are under county jurisdiction. Compiled county responses totaled 238 (a response rate of 84 percent). The following data was computed from the responses by different ways to arrive at the totals.

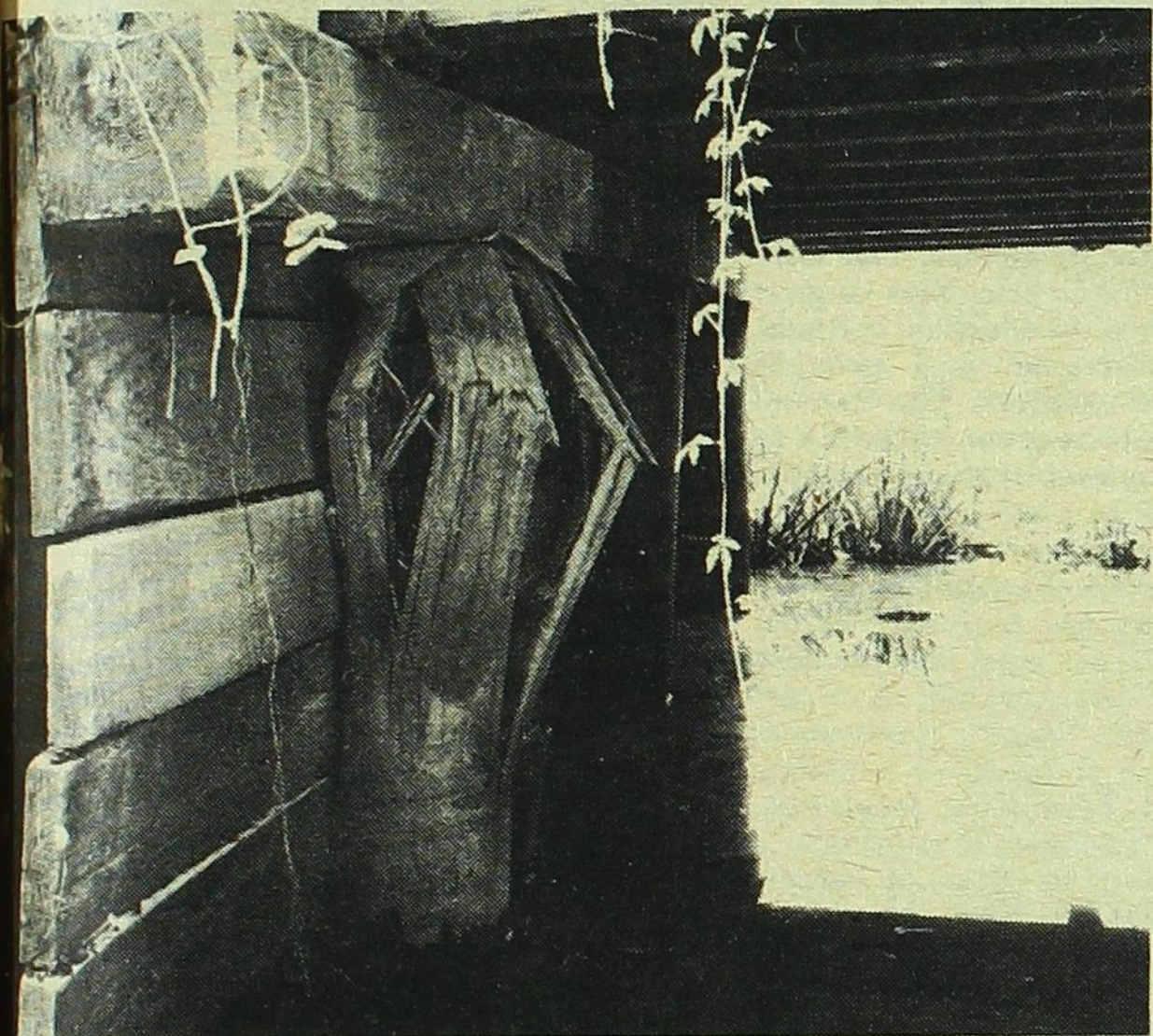
Off-System Bridges Under County Jurisdiction

(Note: Figures below reflect rounding adjustments)

	Number of Bridges	Percent of Total
Total number of bridges	233,800	
Number of structurally deficient bridges*	77,900	33.3
Number of functionally obsolete bridges**	88,900	38
Number of collapsed bridges	2,000	0.9
Number of posted bridges	55,200	24

*According to FHWA, a structurally deficient bridge is one which has been restricted to light traffic or closed.

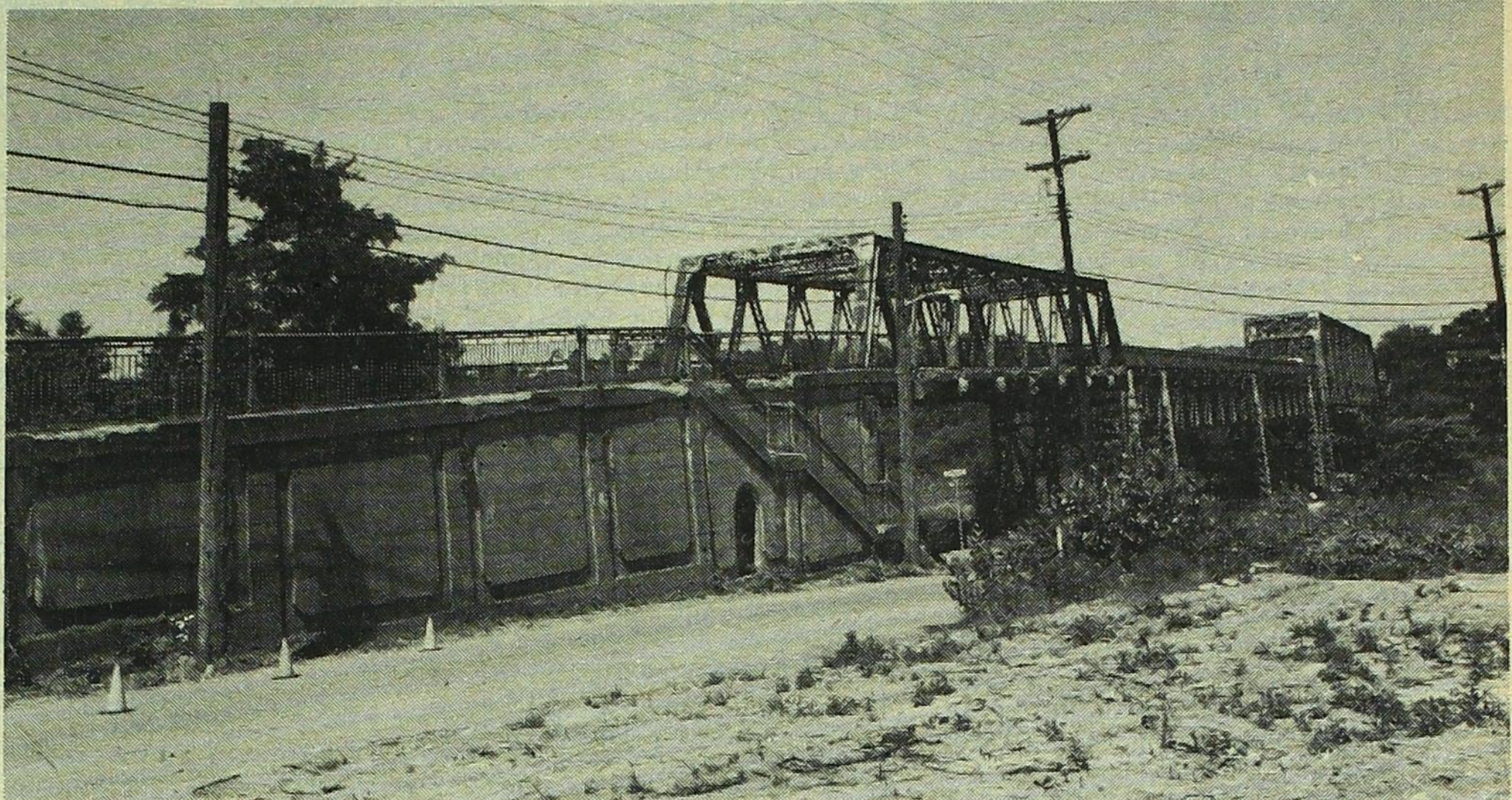
**According to FHWA, a functionally obsolete bridge is one whose deck geometry, clearance, approach roadway alignment or load capacity can no longer safely service the system of which it is an integral part.



Rural bridges like these across the nation are showing their age—some dangerously so.

The data below represents the only tabulation of off-system bridges under county jurisdiction. Data represent essentially the status of bridges in rural areas since many bridges in urban areas of counties are on-system or under city or township jurisdiction.

Approximately 250,000 bridges are off-system; most have not been inventoried or inspected. In the 2,400 counties with less than 50,000 population, scarce resources prevent the conducting of bridge inventories.



The Windgap Bridge in Allegheny County, Pa. was closed for several months for major repairs. Board Chairman Jim Flaherty pointed out to Congress recently that \$450 million for bridge repair proposed in the Senate's Highway Improvement Act of 1978 would only be enough to solve the bridge problems in his county alone.

Other Information

The Federal Highway Administration (FHWA) collects data on each state's inventory of on-system bridges (an inventory of on-system bridges 20 feet in length and over is required by federal law).

In its seventh annual report to Congress (December 1977), FHWA provided the information at right.

FHWA figures represent decreases from those FHWA reported in the sixth annual report to Congress. The decreases do not mean bridges repaired. Rather, the decreases reflect federal-aid highway system realignment. FHWA notes, "The system realignment has had an impact on the bridge program throughout the nation. A significant number of bridges, mainly on secondary roads, were removed from the federal-aid system, placing an additional burden on the local governments which now must replace or rehabilitate their deficient bridges with local funds, state aid funds or funds authorized under the Safer Off-System Roads Program."

FHWA estimated the replacement

On-System Bridges—FHWA

	Number of Bridges	Percent of Total
Total number of bridges on federal-aid system inventoried and classified	234,016	
Number of structurally deficient bridges	6,912	2.9
Number of functionally obsolete bridges	26,603	11.3

cost for deficient bridges on the federal-aid system at \$12.5 billion. Yet, FHWA's data reveal only part of the nation's bridge crisis.

The FHWA report recognizes the serious problem of deficient off-system bridges.

Action Needed

Congressional action is needed to help solve the nationwide bridge crisis. Congress has before it two measures that recognize the massive needs for bridge funding for off-system bridges.

In the House of Representatives, NACo urges support of H.R. 11733 (Surface Transportation Act of 1978), which contains a \$2 billion bridge authorization and requires a

minimum of 20 percent and maximum of 30 percent of these funds to be spent on off-system bridges.

In the Senate, NACo supports Sen. John Culver's bridge amendment to be introduced in conjunction with the Senate Public Works Committee markup of S. 2440. The Culver amendment would increase bridge authorizations from the Administration's \$450 million to \$600 million and allocate a minimum of 15 percent to counties with off-system bridge responsibilities.

Additionally, NACo urges Congress to provide funds and adopt an aggressive off-system bridge inventory program in order to determine the complete extent of the nation's bridge crisis.

THREE-YEAR EXTENSION VOTED

Senate Panel Approves Health Planning Bill

WASHINGTON, D.C.—The Senate Human Resources health subcommittee, chaired by Sen. Edward Kennedy (D-Mass.), approved a bill (S. 2410) that extends the national health planning program for three more years. Several NACo sponsored amendments were incorporated into the bill.

While the county amendments were not considered controversial, the disputed area was a requirement that states exempt health maintenance organizations (HMOs) from their certificate of need programs.

Currently, all new hospital expansions must receive state approval before federal funds are awarded. HMOs are subject to this requirement. The bill prevents state legislatures from overriding the state health agency certificate of need decision.

Other provisions of S. 2410 include:

- National standards to reflect special needs of medically underserved populations, especially in rural areas;

- Staff on Health Systems Agencies (HSAs) to assist consumer members;

- Representation of mental health

interests on the HSAs;

- The requirement that HSA plans stress development of HMOs, outpatient facilities, home health services, rehabilitation facilities and services, and alcohol and drug abuse centers;

- Funding of HSAs at 50 cents per capita with an HEW option to add 5 percent more to meet special and/or "extraordinary" expenses in multistate or other large HSAs.

OF INTEREST TO county officials are those provisions which accord greater participation to local elected officials in private, nonprofit HSAs. As reported out by the health subcommittee, S. 2410 would include on HSA boards of directors, either as consumers or providers, public elected officials or other representatives of units of general purpose local governments.

However, the NACo amendment provides that to be categorized as a "representative of general purpose local government" on the HSA governing body and executive committee (if any), the elected officials (or representatives) must be appointed by that county or city governing board.

This amendment is needed in order to make private HSAs publicly accountable. A study by the Department of Health, Education and Welfare (HEW) of 136 HSAs revealed that local elected officials constituted about 9 percent of the members of HSA governing bodies for health planning. An additional 6 percent were categorized as "public officials," although the definition of this term and the degree to which these individuals represent local government is unclear.

A public health nurse, a faculty member from a public community college in health sciences, or even the coroner can be considered a public official representing the city or county. They can be appointed without the knowledge or consent of local government and still be categorized as public officials who presumably represent a unit of local government.

THE SENATE BILL does not, however, contain all of NACo's amendments concerning the public HSAs. Of the 200 HSAs, 22 are public. The existing law governing public HSAs has created significant problems for these agencies. Currently, all operational decision-making

authority rests with the governing body (consumers and providers) for health planning. This situation exists despite the fact that the governing board (elected officials) is the HEW grantee and is ultimately responsible for the operation of the agency.

The NACo amendment, adopted in the House version (H.R. 11488), would delegate all HSA powers (over budget, plan approval, appointment of HSA governing body and personnel rules and practices) to the sponsoring elected officials. The Senate version allows only the HSA governing board (i.e., elected officials) to appoint the HSA governing body (consumers and providers) and approve the HSA's budget. An attempt will be made to have the complete NACo amendment introduced on May 2 when the full Senate Human Resources Committee meets to mark up S. 2410.

IN A RELATED development, a U.S. district court in Maryland ruled in favor of Montgomery County, Md., a public HSA, which contested the constitutionality of the health planning law (P.L. 93-641) and the legality of the public HSA regula-

tions promulgated by the Secretary of HEW. The ruling supports NACo's public HSA amendments which delegate all HSA authority over to the elected official governing board.

The judge held that, in a public HSA, the governing body is subordinate to the unit of general purpose local government (i.e., Montgomery County). The Montgomery County Council, then, has final authority over the HSA's plans, budget, operating practices and personnel.

It should be noted that the court did not find the federal law to be unconstitutional. The case is a result of a narrow construction of the HEW regulations as they apply to the public HSAs. However, the ruling is only binding in Maryland.

On April 17, the U.S. Supreme Court unanimously upheld the constitutionality of the federal government to deny, under P.L. 93-641, federal health funds to states that refuse to adopt certificate of need procedures for new health facilities.

—Mike Gemmell

HEARINGS WIND DOWN ON CARTER PROPOSALS

Civil Service Reforms Stir Debate

WASHINGTON, D.C.—While President Carter has urged quick action on the Civil Service Reform bill and has stated that he regards this legislation as one of his highest priorities, members of House and Senate committees holding hearings on the bill are divided over several features of the proposal.

According to a committee spokesman, some of the most controversial issues include: labor management relations and collective bargaining rights of federal employees; reductions in veterans preference; proposed changes in the appeals procedures and senior executive service; and the degree of authority given to the special counsel to deal with federal employee complaints.

CONGRESSIONAL HEARING

Hearings on S. 2640 and H.R. 11280 were conducted in April by the Senate Committee on Governmental Affairs, chaired by Sen. Abraham Ribicoff (D-Conn.) and the House Post Office and Civil Service Committee, chaired by Rep. Robert Nix (D-Pa.). The House committee chairman plans to mark up the bill in late May and the Senate committee will continue hearings through this week.

Rep. Herbert Harris (D-Va.), a member of the Post Office and Civil Service Committee, said he will try to have the committee "review the legislation title by title." He said that he thought it was "doubtful" that the legislation would pass the House in this session, and predicted that if it did, it would be after "considerable changes."

Another member of the committee, Rep. Gladys Noon Spellman (D-Md.) said that while she feels changes are needed, the Carter proposal should have further study and evaluation. There should be more reaction from the public sector and federal employees before Congress takes action, she said.

Also divided on the President's proposed reforms are different federal, state, local, and private groups.

Testifying in support of the bill was the largest federal union, the AFL-CIO's American Federation of Government Employees; some grassroots independent unions, however, are fighting the plan.

The International Personnel Management Association, the American Society for Personnel Administration, the National Academy for Public Administration and the National Civil Service League all endorsed the bills and consider it a major step in streamlining the government to better serve the public interest.

On the other hand, opposition ranges from the National Treasury Employees Union, Local 41 of the American Federation of Government Employees (AFGE), two associations of the Library of Congress, the National Association of Supervisors, and veterans organizations. Some object to the concentration of power in the Office of Personnel Management—a far greater concentration than the Civil Service Commission has—and the proposed reductions in veterans preference.

PROPOSED REFORMS

The thrust of the proposed legislation is to reform civil service policies and procedures, to improve the management of human resources in the federal service, and to provide for improvements in the Intergovernmental Personnel Act of 1970 (IPA) which affects states, counties and cities.

The plan would separate the conflicting functions of the present Civil Service Commission and place them in two separate agencies, one responsible for managing human resources and the other responsible for enforcing merit principles and considering employee appeals.

The proposal would create the Office of Personnel Management (OPM) and redesignate the Civil Service Commission as the Merit Systems Protection Board. It would establish the independent Federal Labor Relations Authority.

NACo's Board of Directors adopted a resolution, recommended by the Labor Management Steering Committee, at the annual legislative conference in March supporting the Civil Service Reform Act of 1978.

NACo strongly supports those provisions which directly affect counties under the Intergovernmental Personnel Act (IPA) of 1970.

CHANGES FOR IPA

Included in the Civil Service Reform bill are provisions that deal with federal personnel requirements which are now conditions for state and local government participation in federal grant programs. Currently state and local governments must meet federal personnel requirements which differ from one federal grant program to another, are applied unevenly, and often are inconsistent.

Section 602 of Title VI of the bill establishes a flexible, yet uniform, approach to federal requirements by abolishing all statutory personnel requirements except those contained in the Intergovernmental Personnel Act, those prohibiting employment discrimination, and those in the Davis-Bacon and Hatch Acts.

Federal grantor agencies would be able to make the establishment of personnel administration systems that meet the simplified and consistent personnel standards prescribed by the Office of Personnel Management, a condition for participating in federal grant programs. Currently the maze of requirements for federal grant-in-aid programs restricts some governmental units from obtaining funds.

Section 603 of Title VI improves the intergovernmental mobility program by extending eligibility for participation in mobility assignments to a wider range of federal agency personnel and to organizations representing member state or local governments; associations of state or local public officials; and non-profit organizations offering professional, advisory research, development, educational, or related services to governments or universities concerned with public management.

The proposed bill would also allow a federal mobility assignee to act on behalf of the organization to which he or she is assigned on matters pending before any federal agency other than the employee's own agency. The bill would exclude persons serving in the Senior Executive Service in noncareer appointments and employees who are serving in confidential or policy determining positions from participating in the mobility program.

Finally, the bill would make the Trust Territory of the Pacific Islands eligible to participate in all IPA programs and would include the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands in the grant formula allocation; however, the local government allocation provision of the formula would not apply to these jurisdictions.

NACo IPA TESTIMONY

In testimony before the House and Senate Appropriations subcommittees last month on the fiscal '79 appropriation for IPA, NACo called for additional improvements in the program including the following:

- The expansion of the IPA to include a three-year experimental program of grant and technical assistance to help state and local governments strengthen their capacity to improve productivity. This would support up to 90 percent of the costs of projects for strengthening one or more areas of management to improve productivity, such as program planning and evaluation, program and policy analysis, organization, information management, cost reduction, work and performance measurements, or administrative services.

- A change in the federal grant share to a minimum of 66-2/3 percent as opposed to the maximum of 50 percent which is presently authorized.

- Authorization for grants to state and local governments for up to 75 percent of the salary of recipients of Government Service Fellowships for state and local employees as opposed to the 25 percent which is presently authorized.

HIGHLIGHTS OF OTHER TITLES

The following are excerpts and summaries of the proposal submitted by the President to Congress. If neither House of Congress rejects the plan, it will become effective on or before Oct. 1.

Title I—Merit System Principles. This title would establish eight merit principles to govern the federal workforce. In addition, it would define prohibited practices, and provide authority to discipline violators. The General Accounting Office would be given authority to conduct audits and reviews to ensure compliance.

Title II—Civil Service Functions; Performance Appraisals; Adverse Actions. The act would make clear that personnel management functions could be delegated wholly or in part to the heads of agencies. Specific provision is made for authority for competitive examinations to be delegated, permitting greater involvement by agency managers in staffing.

This title established the Office of Personnel Management (OPM) and the Merit Systems Protection Board (MSPB). It also contains several important proposals relating to employee appeal rights and procedures for processing employee appeals.

The legislation would give nonveterans in the competitive service the same appeal rights now accorded to veterans by law. Appeal rights of nonveterans are currently based on Executive Order. The OPM would have the authority to extend appeal rights to some categories of positions in the excepted service.

The proposal would also require that performance appraisals be used as a basis for developing, rewarding, assigning, demoting, promoting, and retaining or firing employees (other than for misconduct).

Title III—Staffing, Veterans Preference. This title provides for improvements for both disabled and Vietnam-era veterans. The existing requirement limiting the selection authority of agencies to the top three candidates on a

civil service list would be amended to allow a wider range of choice among candidates. The proposal would permit selection from among the top seven candidates or permit the OPM to adopt other appropriate referral procedures.

Modifications proposed in veterans preference focus on the employment needs of disabled and Vietnam-era veterans. After Oct. 1, 1980, the life-time preference for nondisabled veterans as a group would be ended, and a time limit of 10 years following separation from military service would be established for receiving preference in hiring.

The proposal retains the concept of adding points to civil service examination ratings of veterans and 10 points to the scores of disabled veterans. The proposal makes no change in entitlements of spouses of disabled veterans, the mothers of individuals who lost their lives while serving in the armed forces, or the married, surviving spouses of veterans.

Title IV—Senior Executive Service. This title would create a Senior Executive Service to include managers above grade GS-15 and below Level III who direct an organizational unit, are held accountable for program success, goal-setting and achievement, or who supervise employees other than personal assistants. Initially, about 9,200 managers would be included in SES but the total strength would be controlled by OPM, and determined by program need rather than arbitrary limits.

Title V—Merit Pay for Managers. Title V of the Reform Act would require that salary adjustments for some 72,000 managers and supervisors in Grades GS-13 through GS-15 be based on performance rather than length of service.

Title VI—Research and Demonstration. This title authorizes the Office of Personnel Management to support research directly related to federal management improvement needs, and to pilot test experimental management concepts. This title also provides for improvements in the Intergovernmental Personnel Act of 1970 which directly affect counties.

Over 8,500 federal employees would be affected by the proposed reforms. Many congressmen have districts which include a high concentration of federal workers and, therefore, some are reluctant to fully support the proposed reforms until they understand what impacts the legislation would have.

For example, nearly as many federal workers are employed in California (11 percent) as are employed in the District of Columbia (10 percent). After California, states with large numbers of federal civilian employees are New York, Texas and Illinois.

Members of the House Post Office and Civil Service Committee held an informal Democratic caucus to determine whether or not the bill should be delayed until next year. Those who voted to delay passage of the bill included Reps. Harris, Spellman, Chairman Nix, Patricia Schroeder (Colo.); Charles H. Wills (Calif.); Richard C. White (Tex.); James Hanley (N.Y.); and Cecil Heftel (Hawaii).

Democratic members of the committee supporting action this year are Reps. William Ford (Mich.); William Clay (Mo.); Stephen Solarz (N.Y.); Robert Garcia (N.Y.); and Leo Ryan (Calif.).

—Ann M. Simpson

Tampa Conducts Active 'No Union' Campaign

TAMPA, Fla.—An aggressive campaign by the city of Tampa urging its employees to vote "no union" in a three-way election has resulted in a neck-and-neck finish between the city and one of the unions, and elimination of the other union. A runoff election scheduled for this month will decide whether or not Amalgamated Transit Union (ATU) will win the right to represent a unit of about 3,000 municipal employees.

Although the outcome is still uncertain, Tampa's experience this year illustrates some actions which a local government can take to deal with a union election.

Of the 2,890 ballots cast in February, Tampa polled 1,139, trailing ATU by only 21 votes. The American Federation of State, County and Municipal Employees (AFSCME), which is recognized as the country's largest and fastest growing public sector union, received only 178 votes.

ATU BEGAN its efforts to organize Tampa's municipal employees two years ago, when the city took over the transportation system and refused to recognize the union, although ATU had represented bus drivers prior to the takeover. By August 1977, both ATU and AFSCME had gathered enough

signatures to be placed on the ballot. This January, Florida's Public Employees Relations Commission (PERC), scheduled the election for late February, and active campaigning began.

Mayor William Poe sent letters to bargaining unit, professional, managerial, supervisory and confidential employees urging them to examine the issues and to vote. The following week, the city held a meeting for about 400 managers, supervisors and department and division heads. Those in attendance were briefed on the city's campaign plans and its attitude toward unionism.

Poe pointed out that employees could end up with fewer benefits than they currently enjoy in negotiations which would result if the union won. Participants were also given a managers' handbook containing questions and answers on union activities and information on the pros and cons of unionism, as well as material describing city employee rights and benefits. Department and division heads began to meet with small groups of employees, and to distribute the rights and benefits literature the next day.

THE CITY ALSO prepared and distributed to all employees leaflets

comparing Tampa's salaries, holidays, medical insurance and other benefits with surrounding cities and with jurisdictions throughout the state. Another leaflet describing what ATU had accomplished in its current members was also disseminated. A final letter from the mayor two days prior to the election urged employees to vote.

The aggressive campaign launched by both unions and the city resulted in a 95 percent election turnout. Tampa officials, encouraged by the closeness of the vote, say they tend to continue their efforts in the runoff.

Counties and Clean Water

Sewers and Growth: Beware of Pipedreams

The interests of water pollution control and residential development have become inextricably entwined for many governments, to the point where it is difficult to distinguish the "cart from the horse." The issue is an increasingly familiar one: will the construction of new sewer lines promote residential growth beyond that which might be expected, and if so, what will be the consequences?

This is the question of "secondary impacts," a problem which has only recently begun to receive the attention of local funding agencies. Secondary impacts are those direct or indirect changes in population, economic development or land use patterns and their accompanying environmental effects which are the result of a major public investment, such as the construction of new sewer lines. These impacts are often delayed or observed only over a long period of time, nonetheless, they can help to change the character and the feeling of a community.

Secondary impacts are produced by the provision of a new public service, particularly new infrastructure. In the 1950s and 1960s, the construction of the interstate highway system brought construction jobs, major environmental changes and transportation services (primary impacts) to many communities. It also brought rapid residential development, new commercial and industrial activities as well to some areas. These induced changes have come to be seen as a mixed blessing by those host communities which did not want to afford to service all of the new development. The construction of new interceptor sewer lines can have secondary impacts similar to the highway system, but the identification and management of those impacts have improved dramatically since that first experience.

of Moratorium?

One of the concerns which surrounds secondary impacts is the unplanned or uncontrollable growth produced by sewer construction. In some cases, the growth merely tests the ability of the community to provide other basic services, such as roads, water, police and fire protection, and the plan thoroughly. There are other instances where sewer construction attracts development in locations which the community prefers none. The result of severe secondary impact problems is often a sewer moratorium, which halts the construction of new facilities or new hook-ups to existing systems. In these situations, water pollution control becomes a growth management tool.

Residents in Fairfax County, Va. have rejected bond issues to finance new sewer construction largely because of the new residential growth it would attract; and the sewer moratorium in parts of Montgomery County, Md. has prevented development into neighboring counties and the District of Columbia. The effectiveness of such moratoriums in controlling growth is indisputable, but the technique is heavy-handed and unselective. Desirable development is eliminated along with existing, sometimes overloaded sewerage systems, and cannot meet water pollution standards.

Many moratoriums have been successfully challenged in court on the grounds of lack of equal protection. At best, they have proven to be only a stop-gap measure to be used as a resort when a community is over-extended financially; they should not be relied upon to limit growth or to redirect its course without extensive prior planning.

Phased Growth

The limited usefulness of sewer moratoriums does not apply to a related, more sophisticated technique known as phased or timed growth. This technique uses the provision of a full range of public services—sewers, water, roads, schools, police and fire protection—as the determining factor for when and where residential development can occur.

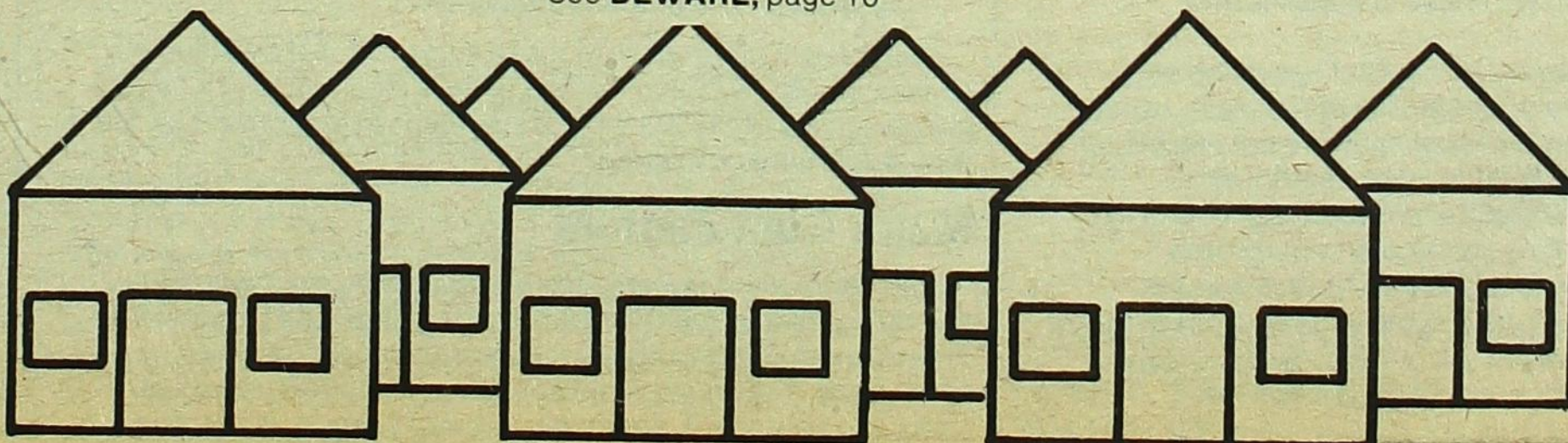
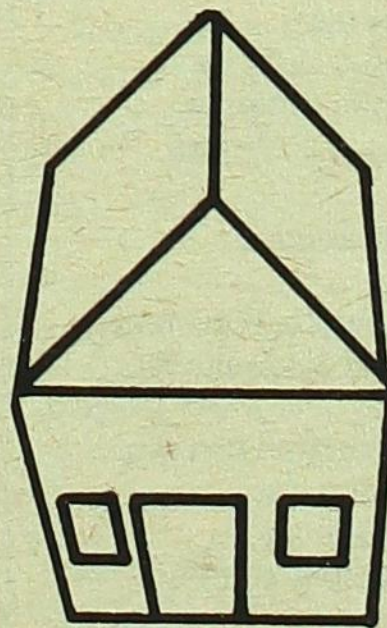
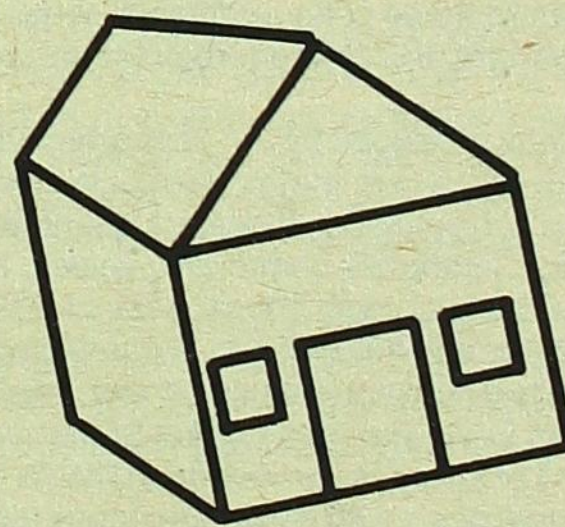
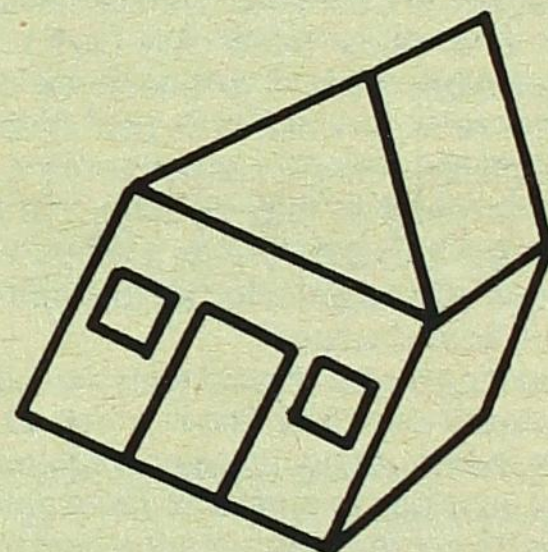
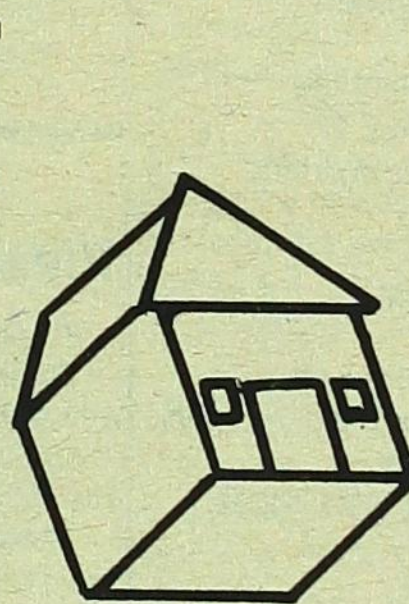
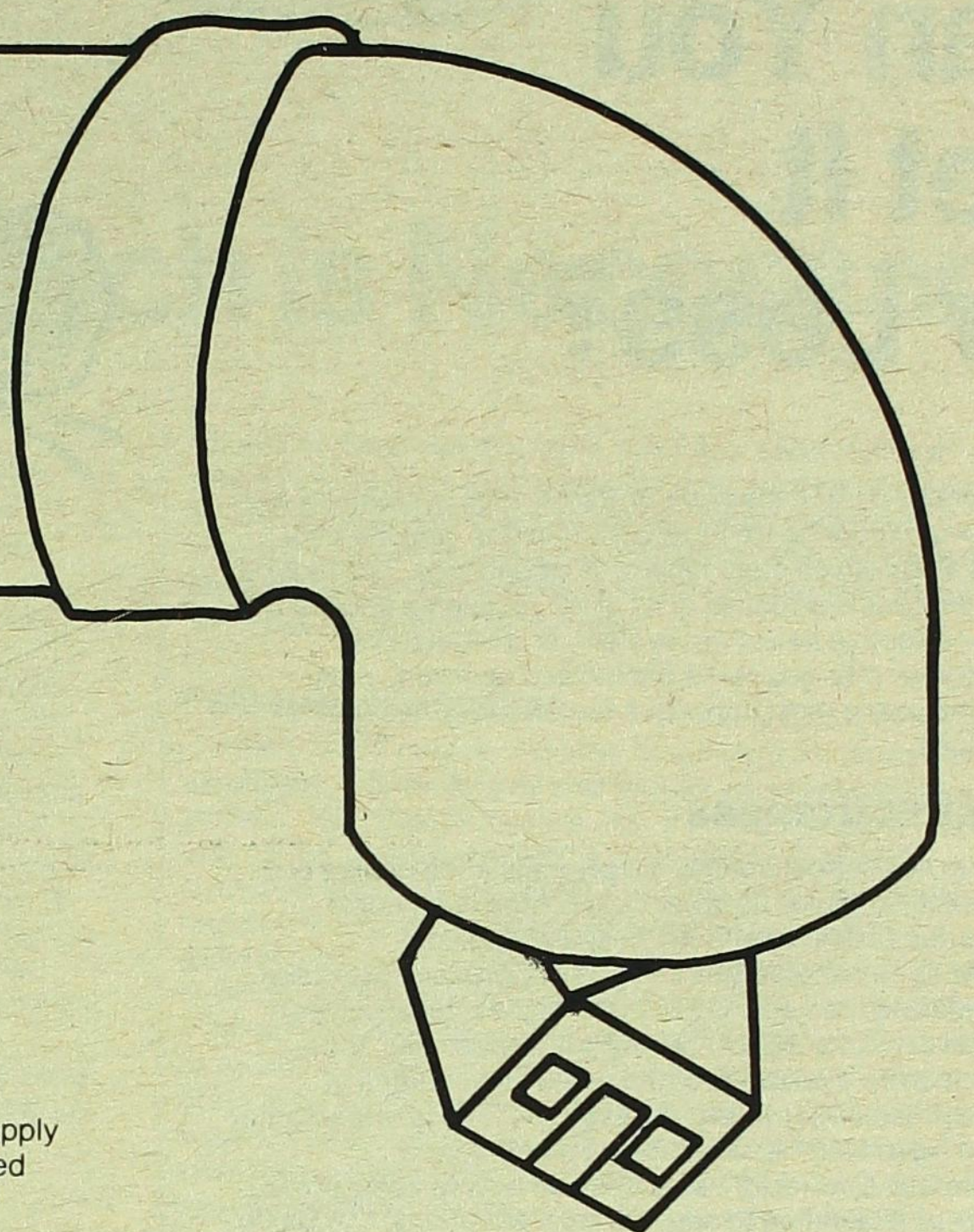
The courts have upheld, in areas as diverse as Ramapo, N.Y. and Petaluma, Calif., local plans which project the extension of these services into undeveloped areas in an orderly and timely fashion and which prohibit development until such services are provided. In this manner, the community's capital budget becomes the key to managing growth, and secondary impacts can be anticipated and resolved without undue strain on the community's financial or social condition.

The responsibility of identifying and mitigating secondary impacts of sewer construction rests with the local government, according to Environmental Protection Agency (EPA) policy. Many communities face serious problems in accomplishing both of these tasks. Identification of secondary impacts requires the use of analytical statistical techniques, a thorough understanding of the particular attractions and disadvantages of a community, and a large measure of prophecy.

Separating natural, predictable growth from the additional increment induced by new sewer construction can be very difficult, especially where local sentiment favors the predicted growth. Once specific numbers have been projected for increased population, traffic, school population, air pollution, and demands for increased public services (garbage collection, library service, police and fire protection) and new commercial services, the environmental impacts of this growth can be predicted. EPA requires that the facility planning stage of sewer grants (Step 1 grants) specify what measures will be taken to mitigate these projected impacts. Among those that have been suggested are:

- Changes in project size, particularly in the reserve capacity or in total sewerage area, thus servicing mainly built-up areas, or restricting the number of new consumers;
- Changes in routing or phasing of sewer services to direct growth into areas which are more easily serviced or which have already begun to experience growth;
- Improved land use controls through zoning and subdivision ordinances so that development will occur in an orderly, predictable way;
- Institution of environmental improvement programs including air pollution controls, acquisition of sensitive environments, and nonpoint source controls for water pollution abatement.

See BEWARE, page 10



Economies of Sewage

Can You Get It for Less?

The installation or expansion of a sewerage system is a very expensive undertaking for most communities, and the final choice of alternatives often hinges on economics. The federal government requires that all of its grant recipients choose the most cost-effective treatment system, and regulations governing user charges make capital and operating cost perhaps the single most important factor in a community's deliberations.

Cost-Effectiveness

The term cost-effectiveness simply means the choice of a system which achieves its objectives for the least cost, without serious adverse effects. In specifying cost-effectiveness as a major factor in grant approvals, Congress has emphasized the need to attain the highest level of clean water for every dollar spent. Cost-effectiveness has, thus, come to mean an evaluation of the costs and benefits of alternative wastewater treatment systems. The Environmental Protection Agency (EPA) has published both formal regulations and a series of handbooks on how to apply cost-effectiveness evaluation to specific local situations. ("A Guide to the Selection of Cost-Effective Wastewater Treatment Systems," EPA-430/9-75-002, July 1975.)

The regulations (revised to reflect new provisions of the Clean Water Amendments; to be published in the May 12 *Federal Register*) define a cost-effective wastewater system as one which meets all federal, state, and local expenditures—including capital and operating and maintenance costs calculated at "present worth" or "equivalent annual value."

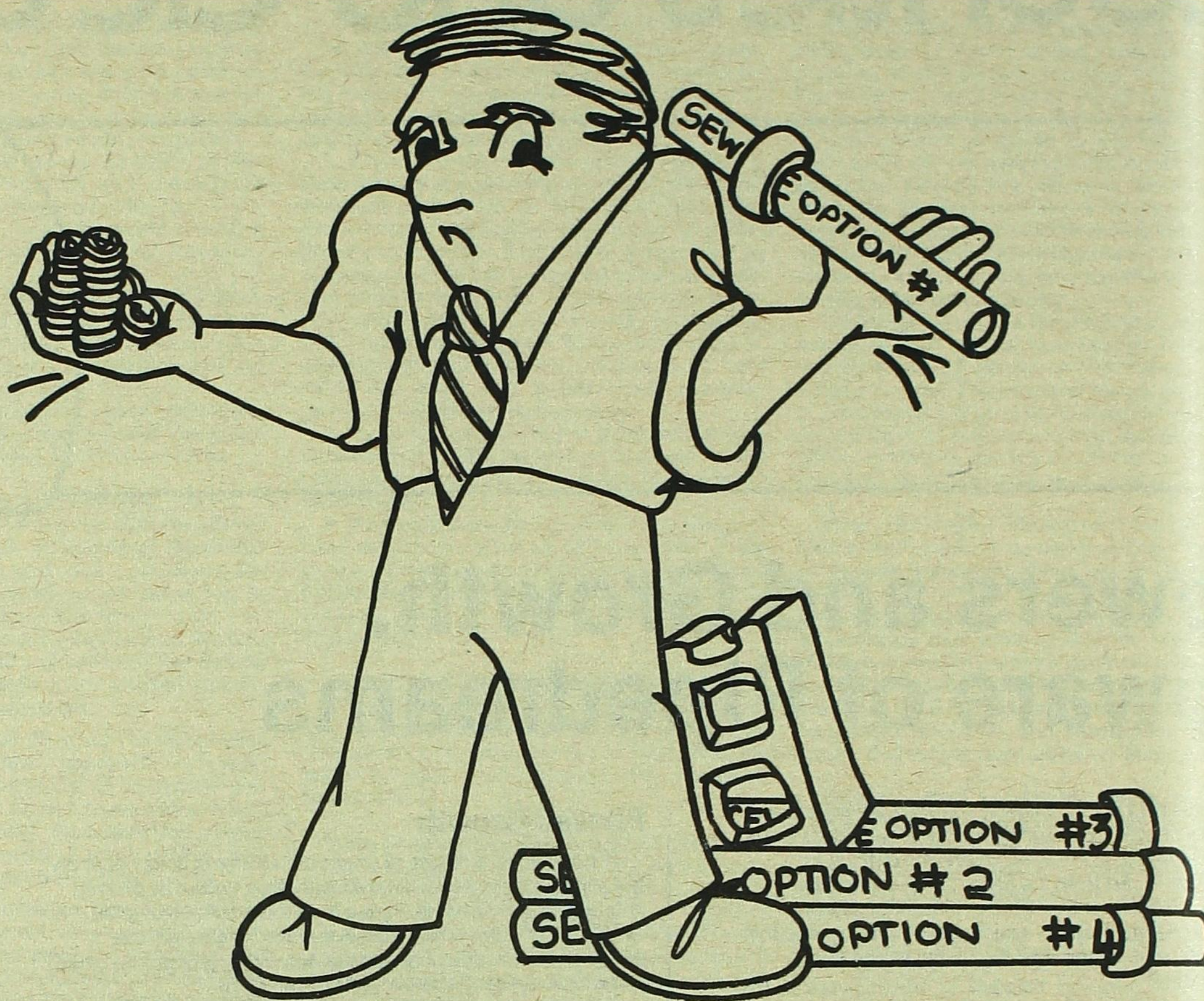
In conducting a cost-effectiveness evaluation, all feasible alternatives are identified. Those which do not meet the necessary federal, state, and local requirements are eliminated, leaving the others for more detailed analysis. All of the remaining alternatives are subjected to a cost-effectiveness analysis in conformance with federal regulations. In this process, all costs must be expressed in monetary terms; those items not capable of quantitative expression must be described in qualitative terms. For communities where these nonquantifiable issues are particularly important, this procedure presents some problems.

The final options produced by the cost-effectiveness analysis are expressed in monetary terms, in effect eliminating from consideration those nonquantifiable issues such as esthetics, intangible community values, and social priorities, as well as such operational issues for the sewerage system as reliability and flexibility. In instances where these things are important, the community should insist on the preparation of an Environmental Impact Statement. Only through this kind of analysis can nonquantifiable issues be judged on an equal basis with monetary concerns.

The cost of a sewerage system is broken down into two categories: capital costs and operation and maintenance costs. All of the capital or construction costs generally are eligible for federal funding, including:

- All construction costs, including the contractor's overhead and profit;
- Land cost, if the land is used as part of sewerage system or for storage or application of wastewater; and acquisition of rights-of-way and easements;
- Engineering in both the design and construction phases, and field exploration for geological and surveying data;
- Relocation of existing businesses or residences;
- Administrative and legal costs, including bond sales expenses;
- Interest on loans during the construction phase;
- Startup costs, including purchase of supplies and operator training.

In cost-effectiveness analysis, all costs of operation and maintenance (O&M) over the projected life of the plant, usually 20 years, must be calculated, although they are not eligible for federal funding. These costs include labor, energy and chemicals, as well as routine maintenance and replacement of equipment. Two of these items in particular, energy and chemicals, have risen dramatically in cost in recent years. These increases were in part responsible for provisions in the Clean Water Amendments which encourage the development of alternative treatment processes which can conserve energy or other resources.



Present Worth

All cost-effectiveness analyses must be expressed in "present worth" or "equivalent value." Both of these terms are methods of determining the true, total investment required to construct and operate a sewerage system over the period for which the system is designed to operate.

Present worth (PW) assumes that money today, if not spent, will be invested at the prevailing interest or discount rate. (This is determined by EPA and is currently set at 6-5/8 percent.) The value of money at some future time will be the initial investment, plus the interest paid. For example, if a community anticipates investing \$100 one year from now, the PW of this investment is \$100 discounted by the interest which could be earned, \$6.63, or \$93.37. Thus, the present worth of \$100 next year is \$93.37 today. This calculation does not include a factor for inflation, a situation which has actually benefited a number of communities recently, because they are paying off old debts with inflated dollars which are worth less than when the debt was actually incurred.

To calculate the interest rate which is a grant-eligible expense during construction, EPA has prescribed this formula:

$$\text{Construction interest rate} = I(P \times C/2)$$

where:

I=EPA interest/discount rate
P=years in construction period
C=capital costs

The calculation of present worth during a cost-effectiveness analysis is complicated by the different lifetimes attached to the various components of a sewerage system. These range from 10 years for some equipment to the infinite lifetime of the land involved. Among some of the more important service lifetimes are:

- 50 years: conveyance structures, including all tunnels, pipes, and outfalls;
- 30 to 50 years: permanent plant structures, including most buildings, tanks, and storage areas;
- 15 to 30 years: process equipment.

The present worth of all of these systems must be adjusted by their salvage value at the end of their lifetimes, and also by the design life of the plant if it is intended to be shorter than the theoretical service lifetime.

Major Cost Factors

Each of the four major types of wastewater management—conventional treatment and discharge; Advanced Wastewater Treatment (AWT) and discharge; conventional and land application; and on-site disposal—have their own individual costs and benefits. In some, the primary costs lie in the pipes

and treatment plants; for others, O&M costs assume particular importance. In conducting cost-effectiveness analysis, it is important to consider for each alternative the following factors: volume and composition of the sewage, the size of the treatment plant and the service area, and the phasing of the project. Degree of acceptable risk is an intangible which must also be built into a community's decision: how important to the community is it that all sewage will be treated to design specifications at all times?

Volume and Composition

The volume and nature of the sewage to be treated will have the single greatest impact on the type of treatment chosen. High volume or highly variable content will almost dictate a centralized collection and treatment system, perhaps with some advanced treatment components. The greatest expense of these systems lies in the capital costs of collection: in a conventional gravity flow system, smaller collectors (laterals) may account for 30 percent to 60 percent of the total cost, trunk or interceptors for another 20 percent to 40 percent. Although these items are all eligible for federal funding, there are new federal regulations on excess capacity and limits on the amount of money available for collector sewers in each state.

Advanced wastewater treatment concentrates its major costs in process equipment and in the chemicals and monitoring necessary in the operation. While the initial equipment is grant eligible, replacement and operation are the responsibility of the local community. On-site disposal and the disposal systems of individual residences have only recently been made eligible for federal funding through the Clean Water Amendments. Here, the capital costs will probably average the lowest of all the alternatives, and O&M costs will be highly variable. Many of the costs and benefits of this alternative will be intangible, for in many places it will require new institutional entities and public responsibilities.

Treatment Plant Size

The size of the treatment plant and the service area can substantially increase or decrease capital and O&M costs. These issues present particularly serious decisions for local officials, because there are many conflicting impacts. Larger treatment plants tend to be more cost-effective, but the costs of collection rise proportionately for these plants. Thus, regional treatment plants may save O&M costs but significantly increase capital costs. In addition, these large systems which link separate population centers can cause substantial growth corridors to arise (see related story), and often the excess capacity contained within sewers and plant for future users is a major financial burden on present users. The cost-effectiveness regulations may also limit the size of some proposed service areas. If the sewage is to be moved over very uneven terrain as opposed to the traditional gravity

flow sewer, it greatly increases. In addition, other factors such as natural drainage, parallel rivers, reduced, or steep slopes, excavation costs, to install sewer lines, streets, and collection costs are low density of regulations in areas with a per two acre.

Because of difficulties, the methods for volume.

In terms of estimates made in planning for regulations, the figures for Economic Analysis.

If the state substituted, the percent from state, the project wastewater treatment. Clean Water Act governments treatment facilities by more than problems with disaggregation number is right smaller communities. Importantly, generalized sewerage plant population but major effectiveness growing population or those with as retirement the BEA national or future.

For this reason, scrutinize the toward the final under-estimation.

Treatment existing and made: the average. These general practice which is not metered devoted to irrigation design engineering between 60-80 applicants are techniques, to provide a more than-optimal for sewerage challenging related to per infiltration and than average.

In addition, grant recipients retrofitting buildings wherever the conservation conducting conservation the exercise may limit the

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A final major significant decisions, phasing objective is to many as 40 years individual components be the most of both quantitative projections, the economies of Rapid or in Periods so that coming "on-line" location of gr

Treatment

flow sewer, force mains and pumping stations will be required, greatly increasing transport costs.

In addition to the restrictions presented by terrain, many other factors argue for small, compact service areas. When natural drainage areas are used, particularly when sewer lines parallel rivers and streams, transport costs are greatly reduced. Proper design of smaller systems can also avoid steep slopes, unstable soils, and rock ledges, all areas where excavation costs are high. Finally, there is a strong incentive to install sewers before areas are heavily developed. At that time, streets and utilities need not be disturbed and excavation costs are considerably lower for these areas; per capita collection costs are very high, however, because of the very low density of population. Currently, the cost-effectiveness regulations limit this option by restricting collection systems to areas with a density of at least one household (1.7 persons) per two acres.

Because sizing of treatment plants presents such difficulties, the cost-effectiveness regulations provide methods for projecting both future population and wastewater volume.

In terms of future costs and future water quality, these estimates may be the single most important calculation done in planning for a sewerage system. The recently revised regulations require that population projections be based on the figures prepared for individual states by the Bureau of Economic Analysis (BEA).

If the state has developed its own projections, these may be substituted, but only if the figures do not deviate more than 5 percent from the BEA projections for the year 2000. Within the state, the projections are disaggregated by planners doing wastewater management planning under Section 208 of the Clean Water Act. These figures are then available to local governments preparing grant applications for sewerage treatment facilities, if they do not exceed the BEA projections by more than 10 percent for the year 2000. There are several problems with this method, not the least of which is the disaggregation theory, which presupposes that the total number is right and that by working backward, all of the smaller component numbers can be estimated correctly. More importantly, the projections are derived from larger, more generalized populations than those serviced by a single sewerage plant. The specific characteristics of the service population may be very different from this larger population, but major deviations are difficult to justify under the cost-effectiveness regulations. For communities with rapidly growing populations, populations which are essentially stable, or those with unusual age structures or seasonal usage (such as retirement or resort areas), the projections derived from the BEA national figures may simply not reflect reality, present or future.

For this reason, local decision-makers particularly should scrutinize their plan's population projections with an eye toward the financial implications of both over-estimation and under-estimation.

Treatment plant size is also affected by estimates of existing and future wastewater flow. Two calculations are made: the average daily base flow (ADB) and the peak flow. These generally are based on water consumption records, a practice which presents problems for areas where water use is not metered, or where a large portion of total water usage is devoted to irrigation and watering of lawns. For these areas, design engineers use a per capita water usage estimate of between 60-80 gallons per day (GPD). Although all grant applicants are required to investigate flow reduction techniques, most flow estimates are deliberately high in order to provide a margin of safety for both future growth and less-than-optimal plant operation and sewer construction. As costs for sewerage systems continue to rise, more communities are challenging these design assumptions—particularly those related to per capita consumption, acceptable rates of infiltration and inflow and the need to design for peak rather than average flow.

In addition, the cost-effectiveness guidelines require all grant recipients to institute flow reduction programs including retrofitting bathroom fixtures with low-flow equipment wherever the government has the authority, introducing water conservation factors into building and plumbing codes, and conducting public information programs regarding water conservation. In many cases, these requirements will demand the exercise of general governmental powers, a fact which may limit the autonomy of independent sewer districts.

Phasing of Service

A final major factor, phasing of sewerage service, can have significant cost impacts. As with sizing and service area decisions, phasing has a host of conflicting arguments. The objective is to determine what design period—from 10 to as many as 40 years—presents the least costly alternative for an individual community. Of all the decisions to be made, this may be the most complex, because it requires an assessment of both quantitative and qualitative factors such as growth projections, the future interest/discount rate and the economies of scale.

Rapid or increasing growth rates argue for short design periods so that new service capabilities will constantly be coming "on-line" and will be responsive to changes in the location of growth areas.

See **CALCULATING**, page 10

A SPECIAL CASE

AWT: How Much is Necessary?

The Clean Water Act of 1972 established secondary treatment as a minimal goal to be reached by most publicly owned treatment works before July 1, 1977. Some areas, however, while they have achieved this goal, still have not been able to meet the legislative standards for certain pollutants. In these instances, the Environmental Protection Agency (EPA) and state agencies have insisted on the implementation of a series of complex treatment techniques known as tertiary or advanced wastewater treatment (AWT).

Communities most likely to be involved in these treatment techniques include those where agricultural runoff containing fertilizers and pesticides enters the sewage system; where manufacturing industries discharge untreated process wastes into the system; or where the receiving waters are subject to great seasonal fluctuation because of drought or heavy rains. AWT refers to a broad set of chemical treatments, filtration and disinfection processes designed individually to eliminate a particular pollutant from a treatment system's effluent. Although a number of communities have implemented various forms of AWT, the costs and benefits of AWT requirements are highly controversial.

Added Costs

In terms of cost, AWT processes typically double the cost of conventional secondary treatment, while they eliminate only a fraction of the remaining pollutants. In the case of the wastewater management authority involved in the Trinity River area in Texas, secondary treatment would have removed 96 percent of biological oxygen demand (BOD) and suspended solids at a cost of \$262 million. Because of low summer flow in the Trinity River, however, state authorities concluded that further BOD and suspended solid (SS) removal was necessary because the river could not achieve sufficient dilution of the effluent. The AWT processes required to remove an additional 2 percent BOD and SS would have raised the total project cost to \$344 million, nearly 50 percent more than the original figure. Similarly, AWT standards recently imposed by court order in the city of Milwaukee will require the investment of \$1.5 billion over the next 10 years—a situation which may force the city to expand its tax base 26.1 percent at current tax and assessment rates simply to support these costs.

Costs vs. Benefits

In terms of known benefits versus the admitted high cost of AWT, there is dispute. Scientific knowledge has not advanced to the point where specific benefits can be guaranteed, or impacts determined. The East Bay Discharge Authority, east of San Francisco, has been studying the need for AWT in its area for several years. Despite the fact that it has developed a sophisticated computer model of the bay and its tributaries, there is disagreement over the pollution abatement impacts of AWT on the bay. In question is the contribution of BOD made by the bay itself with its extensive marshes and wetlands, versus the BOD contribution contained in effluent discharged into it. If the grasses and other organic matter of the bay constitute the greatest source of BOD, then the most efficient AWT process to eliminate BOD from sewage effluent will not materially improve that pollution problem.

Similar questions of costs and benefits of AWT for additional BOD and SS removal also apply to many of the less common pollutants, although the public health benefits of the removal of some of these are more well-established. EPA has established a list of 129 substances found in wastewater which can be toxic in certain concentrations or over long periods of exposure. These typically are heavy metals, often discharged from industrial processes, and well-known chemical compounds known to be dangerous, such as arsenic and carbon tetrachloride. The Clean Water Amendments of 1977 require that much greater attention be focused on the reduction and eventual elimination of these toxic substances from all sewage effluent.

Phosphorus and nitrogen, when present in sufficient quantity in effluent, can cause extensive growth of both vegetation and micro-organisms in the rivers and coastal areas where sewage outfalls are located. The natural fertilizing properties of these two elements can cause receiving waters to be choked with vegetation, causing siltation and eventual flooding, and limiting the use of these areas for navigation and recreation. In addition, phosphorus and nitrogen can cause "blooms" of algae and other micro-organisms which can range from merely unpleasant sights to serious health hazards. Despite the fairly well-documented

effects of these two elements, AWT processes for their removal have been inconsistent in their success. To avoid implementation of these processes, many areas with phosphorus/nitrogen pollution problems have chosen to ban detergents containing phosphorus and to regulate the runoff of fertilizers containing nitrogen.

Pathogen Elimination

Finally, AWT may be required for effluent which contains pathogens, those bacteria and viruses known to cause disease. This, together with some of the toxic substances, may be the area where AWT is most widely used and acknowledged to be necessary. The treatment generally required for elimination of pathogens is the addition of a disinfectant, such as chlorine, to the final effluent. Although chlorine has been widely used in the past for this purpose, communities considering it as a possible AWT process should be aware of recent studies which have shown that the addition of chlorine to drinking water supplies can produce certain substances (trihalomethanes) known to cause cancer. Thus, if chlorine-treated effluent is discharged into a river which also supplies water to communities downstream, a health hazard as great as the one eliminated could be created.

The effluent discharged from an AWT plant is considered "drinkable," a quality which could make the process attractive to some communities where there are severe water supply problems. AWT can produce water which could be recycled into general use, although this would require a level of public acceptance which is not presently widespread. Nonetheless, it remains a real possibility and might more fully justify the increased costs.

Uneven Standards

The Clean Water Act and its amendments do not specifically require AWT for any circumstance, although only AWT can achieve the effluent standards in a few unique areas. As the control of toxic substances becomes more important, the federal government may specify AWT processes in some of its grant awards. Currently, however, the vast majority of AWT requirements have been imposed by state agencies under the Clean Water Act provision which allows states to impose standards stricter than the federal standards. This has led to highly uneven requirements between the states, and has resulted in the diversion of federal funds into states which require AWT regularly, such as Texas, and away from states which seldom impose it, such as Kansas.

AWT can eliminate many harmful pollutants from sewage effluent, and the public health often demands that such action be taken. Local officials faced with these situations, however, should consider the range of options available to achieve this end.

These range from the "high technology" chemical and physical processes which can be incorporated into conventional treatment plants, to "low technology" processes which use land application of effluent to remove some of the more exotic pollutants. Land application of secondary effluent can produce a high degree of water quality because it utilizes the natural filtration capability of the soil. When properly designed, this technique can achieve pollutant reductions similar to those of AWT: BOD, 95 percent; SS, 98 percent; phosphorus, 98 percent; micro-organisms, 98 percent; metals, 95 percent; nitrogen, 85 percent; chemical oxygen demand, 80 percent.

For those communities where AWT may be necessary or desirable, land application could be an alternative worth exploring.

This supplement was prepared by Mary Reardon, NACoR Water Quality Project, in cooperation with the U.S. Environmental Protection Agency.

Calculating Costs Versus Benefits

continued from page 9

On the other hand, because a dollar spent today is worth more than a dollar spent tomorrow, there is a strong incentive to defer construction for as long as possible. If inflation continues, however, to equal or exceed the present interest/discount rate, there may be no incentive to limit or defer sewer expansions. The economies of scale, especially in plant construction, make longer design periods attractive, but there are fewer real cost savings associated with phasing the construction of lateral or collector sewers.

The cost-effectiveness guidelines require that each alternative system being considered be analyzed in terms of present worth for three design periods—10, 15, and 20 years. No project may be phased over less than 10 years and only a few will be permitted to exceed the maximum of 20 years. In particular, the routing as well as the phasing of interceptor sewers is subject to close review. Because of the growth-inducing effects of interceptor sewers, their construction is allowed only to abate existing pollution problems and to serve existing residences, commercial and industrial establishments. This provision actively discourages the connection of two population centers by an interceptor for wastewater treatment at a regional center.

Land Application Costs

In addition to the cost factors previously mentioned, the treatment technique of land application presents additional costs. These costs are primarily for land and application equipment; some of this additional cost may be recovered by providing less intense plant treatment (e.g., primary instead of secondary treatment). EPA's publication, "Costs of Wastewater Treatment by Land Application" provides the following cost information:

1 MGD (million gallons/day)

20 cents to \$1.09 per thousand gallons

\$2.10 to \$11.45 per month per household

10 MGD

14 cents to \$1.00 per thousand gallons

\$1.50 to \$10.50 per month per household

(Figures are for land application costs only, and do not include collection or treatment.)

Generally, the limited use of land application has not been attributed to these costs but to the demands for land on which to apply the effluent. Existing land application systems use from 100 to 600 acres per million gallons of wastewater received by the treatment plant. For a medium-sized city such as Muskegon, Mich., which has pioneered the use of land application systems, this means more than 6,000 acres. Even where sufficient suitable land is available, many communities are reluctant to remove so much land from the tax rolls or to exercise eminent domain powers in order to obtain it. Still, the values of a potentially cheaper treatment process and of recharging ground water supplies are expected to increase the use of this treatment technique.

Financing the Project

Each state is required to draw up a list which ranks individual local wastewater management projects in terms of their priority for funding. Once placed on this list, a local project is eligible for federal funding at the following levels:

- Seventy-five percent funding for conventional treatment, including advanced wastewater treatment, rehabilitation and upgrading of existing systems.
- Eighty-five percent funding for alternative and innovative systems, which are defined as any technique other than conventional physical/biological/chemical systems of collection and treatment. These can include land application, on-site disposal, vacuum and pressure sewers and a range of lesser-known possibilities, all of which save energy or recycle water. The cost-effectiveness guidelines specify that these systems may be up to 15 percent less efficient than other alternatives and still receive EPA approval. In addition, full federal reimbursement of the local share is available in the event of failure or excessively high O&M costs.
- In the 37 states which have at least 25 percent of their population in rural areas, 4 percent of the state's total construction grant allocation must be spent on alternative systems for small communities (less than 3,500 population).

This federal funding is supplemented in some areas by state governments. This aid can range from technical assistance to contributions of up to 10 percent of the projected construction costs. Thus, depending on the level of state and federal funding granted, the local financial commitment could range between 5 percent and 25 percent of total capital costs.

In addition to proposing the most cost-effective sewerage system, an approved project must also include a demonstration of local ability to finance the capital costs, and acceptable plans for operation and maintenance, a user charge system, and an industrial cost recovery program. Financing the local share of capital costs often requires that the community issue notes or bonds, and it is this aspect of the economics of sewage treatment which generally draws the greatest public attention. Despite the public debt represented by these large sums, they seldom remain as the major

financial burden left by the construction of a new sewerage system. More often, the direct costs of O&M and initial hookup fees, and the indirect costs of forgone opportunities for other public investments and the induced growth caused by the new system represent the true local costs.

Short-Term Costs

Few communities can afford to pay the local share of construction costs out of general revenue, nor can most taxpayers pay their per capita costs out of pocket. Thus, most local governments finance their capital costs by issuing notes, or more often, longer term bonds. Those with good credit ratings will generally find a ready market because of the tax-exempt status of the interest earned. Those with poorer credit or which have reached their specified limit of bonded indebtedness will be forced into high interest loans or less desirable financing outside the bond market.

If specific districts are to be served by the sewerage system, some communities prefer to establish a special improvement district and assess each homeowner a onetime fee for the increased service. This can be based on property value, lot size, street frontage, or it can be a single uniform charge. New developments are often required to provide house connections and the smaller components of the collection system, but the real costs of interceptors and plants are seldom recovered. This situation raises one of the most serious of all financing considerations; should increments of expanded sewerage service be paid for by the whole population or only by those who receive the new service? For example, a new residential development may be proposed for an area in the county which is not currently serviced by sewers. The developer agrees to provide house connections and laterals to join the main interceptor which will service the area. The cost of this will be passed on to the potential homebuyers in the form of higher house prices. Who will pay for the interceptor? And secondly, who will pay for the increased treatment plant capacity which may be required?

If these costs are levied against the general population, the new residents will pay only a small portion of the total costs, but receive all of the benefits. The older residents will not only be paying for their own sewerage service but will also be subsidizing the new interceptor. On the other hand, it may be argued that the county cannot deny public services to one part of the county if it provides them to others.

As serious as the financing questions are, of greater importance may be the sprawl or growth inducing effects of extending interceptors into undeveloped areas (see related story). If a local government follows a policy of paying the full cost of extending interceptor sewers into undeveloped areas, it will inevitably be subsidizing low density development on the fringes of its established neighborhoods. Developers will avoid more expensive tracts of land in built-up areas in favor of cheap land in more isolated locations. Per capita service costs in these outlying areas will clearly be greater, and existing interceptor capacity will be underutilized.

This is the classic "leap frog" style of development which creates islands of population, linked by ever-longer corridors for transportation, sewerage and water service. It imposes heavy capital and operating charges on local governments, wastes energy and other resources, and produces inefficient land use patterns. In many instances, publicly financed interceptors have promoted this kind of development; transferring these costs from the public domain to the private beneficiaries will help restrict this problem.

The technique of differential pricing has been used by some communities to finance incremental expansions of sewerage service. This requires that new service areas pay the full capital cost of the extension or new treatment plant, plus the O&M cost of the service. An arrangement such as this results in a differential pricing system where the newer consumers tend to pay more for essentially the same service than those in the older neighborhoods. From a financial point of view this seems to make sense, but such a system inevitably creates inequities and charges of preferential treatment. For example, what rate should be charged to new consumers who locate along an existing interceptor sewer—the old rate or the new? When sewers are designed with excess or reserve capacity, who pays for this—the present consumers or those who join the system in the future? If a piece of property is redeveloped to a much more intense use, which rate do they pay—the old or the new? In addition to these concerns, many differential pricing systems have been voided by courts which are concerned about these different charges being levied for similar services.

ICR and User Charges

EPA requires two types of local financial planning before construction begins under any sewerage system grant. These involve the design of a user charge system based on strict EPA guidelines and an industrial cost recovery system (ICR). User charges are expected to include the cost of both local capital expenditures and operation and maintenance activities; these are required to be proportional to actual use. Because of the high cost of metering every consumer for exact amounts of sewage produced, most local governments have resorted to using existing water meters as a substitute for actual sewage disposal figures. The Clean Water

Amendments and its subsequent regulations now allow the use of uniform fees for the category of residential consumers rather than requiring monthly meter readings. Other users, however, must pay according to their exact consumption. Ad valorem systems of collecting user charges may be permitted if: (1) they were in effect before the passage of the act on Dec. 1, 1977, and (2) they clearly state, separate from other charges, the service fees and costs for the sewerage system.

In addition, industrial consumers must repay the full federal share of the capital cost of that portion of the sewerage system which serves them. This ICR requirement has meant that the cost of every component of every sewerage system be prorated according to the service it provided to each category of consumer. The difficulty of assessing each industry's use of the system made it almost impossible to implement an equitable ICR program in most areas.

Because of these problems and the very high cost involved, the Clean Water Amendments established an 18-month moratorium on the collection of ICR fees until a study of the whole program could be completed. The moratorium does not eliminate the need for grant recipients to continue designing ICR systems, nor does it apply at all to the funding of small, private systems which is allowed by the amendments. At the end of the 18-month period, Congress may reconsider the ICR requirement; indications are that its more severe provisions will be softened in order to provide a larger measure of local discretion.

Both user charges and ICR systems are methods for financing the operation of sewerage treatment facilities. The choices made in the selection of these systems, however, are largely contingent on the previous decisions made by local officials regarding the type, size, and service area of the sewerage system. User charges and ICR cannot be relied upon to redeem poor decisions made in earlier phases of the planning process.

Beware of Pipedreams

continued from page 7

Implementation

Because many secondary impacts are related to the use of land, they often can be controlled only through land use regulation. This poses two distinct problems for some communities: some regulations may be politically unfeasible, and some may simply be outside the scope of sewerage agency authority. Many communities have existing land use plans and ordinances, but few of these are capable of addressing the particular problems associated with secondary impacts. This is especially true where timing, rather than location or development type, is concerned. Thus, it is important that local officials anticipate, well ahead of time, potential secondary impacts so that capital improvement programs can be designed to keep pace with the development, and so that ordinances which specifically address the timing question may be implemented.

The costs of implementing measures to mitigate secondary impacts are a cause of concern to some communities. In some places, the impacts, either environmental or economic, may be so severe as to demand a slower pace of growth; in other areas, the costs may be minimal or nonexistent. Some of these expenses are grant-eligible, especially those which involve redesign of the plant or collection system. But more are often considered by EPA to be expenses incurred strictly by choice by the local government. These can include rewriting ordinances or developing new ones, purchasing sensitive environments such as beaches, hillsides, and wetlands to prevent their development, and the development of other environmental protection programs necessitated by the sewer construction.

Assigning Responsibility

Part of the problem of implementing measures to mitigate secondary impacts is the assignment of responsibility and the granting of authority. Many counties rely on independent-sewer districts to provide sewerage services, but these districts seldom have the authority to regulate secondary impacts. In addition, some counties also rely on semi-autonomous agencies to regulate drainage, sedimentation, and irrigation, processes which are greatly affected by any kind of development, and to provide water, oversee major public health issues, and regulate air and noise pollution. Given this fragmentation of responsibility, it is difficult for many counties to implement fully any plans to mitigate secondary impacts.

Counties may also be hampered by provisions in state enabling acts which limit even the more conventional types of land use regulation to the strict location and development type of ordinance. Although EPA does require that all measures to mitigate secondary impacts be described in any grant application for sewerage construction funds, few applications are denied solely on that basis. Much of this results from the very real political and legal conflicts of federal agencies becoming involved in local land use decisions. Thus, the final responsibility for and the ultimate consequences of secondary impacts continue to be those of local government.

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Information on Treating Wastewater

Both public and private interests have a stake in rules promulgated by the federal government which govern industrial sewage discharged to municipal facilities.

Waste materials from many industries cannot be dumped into municipal sewage plants without disrupting treatment processes or creating a difficult sludge disposal problem. Much industrial waste also contains pollutants that pass through the plant into the stream untreated.

Thus pretreatment of the high strength waste by the industry itself is necessary to protect both the environment and the municipality from pollution of its pollutant discharge permit.

The Environmental Protection Agency (EPA) is in the process of developing new pretreatment regulations which focus on control of the 65 pollutants identified in the 1977 Clean Water Act.

EPA's Research Information Center is sponsoring a series of two-day regional seminars on developing regulations to foster communication between industrial and local government officials. The seminars should be of interest to county public works officials and engineers, especially in industrial areas.

The seminars will cover EPA's pretreatment strategy, wastewater construction grant requirements, and available funding. Sessions addressing the specific needs of municipal and of industry participants will be a major portion of the format.

The municipal sessions will cover topics such as developing equitable user charges, impacts of pollutants on treatment systems, how to approach sludge disposal in cooperation with industry, and how to work with local industry to justify relaxation of some EPA requirements.

Seminar plans have been finalized in three regions: Region III in Philadelphia on May 24-25; Region IX in San Francisco on June 6-7; and Region IV in Atlanta on June 27-28. Details for other regions are still under development.

For more information, contact James E. Smith, Jr., Environment Research Information Center, 26 West St. Clair St., Cincinnati, Ohio 45268, or Arleen Shulman, NACoR.



Counties Testify in Senate

Sens. Floyd Haskell (D-Colo.) and Clifford Hansen (R-Wyo.), pictured above from left, are chief sponsors of the legislation that would provide up to \$40 million in loans to counties socially or economically affected by energy development on federal lands. In photo below, from left, Jim Evans, NACo legislative representative; Elmo Foster, Laramie County, Wyo.; and Bill Brennan, commissioner, Rio Blanco County, Colo., testify before the Senate Energy subcommittee on public lands and resources in support of the Public Lands Energy Impact Assistance Loan Program.



EFFECT ON COUNTIES DETAILED

Energy Impact Aid Supported by NACo

WASHINGTON, D.C.—NACo witnesses before the Senate Energy subcommittee on public lands and resources last week testified in support of proposed public lands energy impact assistance loan legislation. The legislation, S. 2913, cosponsored by Sens. Floyd Haskell (D-Colo.) and Clifford Hansen (D-Wyo.), would provide up to \$40 million annually in loan funds to states, counties, and cities affected by energy development on federal lands.

Bill Brennan, commissioner, Rio Blanco County, Colo. and Elmo Foster, commissioner, Laramie County, Wyo. testified in support of the legislation. They indicated that NACo believes that energy development is one of the most critical issues facing this nation and that this legislation will assist county governments, along with the states and the federal government, to provide the services necessary for adequate energy development.

THE COMMISSIONERS submitted several case studies, prepared by

NACo's Research Foundation, which represent the kinds of social and economic impacts county governments would face as a result of proposed energy developments in the West.

Haskell and Hansen presented information describing the legislation that would implement Section 317(c) of the Federal Land Policy and Management Act. This subsection was offered as an amendment during committee markup of the act in 1976 by Hansen.

The Mineral Leasing Act of 1920, as amended by Section 317(a) of the Federal Land Policy and Management Act, provides state and local governments with 50 percent of the revenues received by the federal government from the leasing of energy minerals on the public lands. In most circumstances, however, this money comes too late. The communities are required to provide more sewer and water facilities, greater police and fire protection, expanded park lands, new schools, etc., and to mitigate the adverse impacts of energy development long before that development produces the communities' share of federal revenues sufficient to pay for the facilities and services.

SECTION 317(C) provides for a loan program to the states and local governments to provide them the "front end money" to construct facilities and provide services in advance of the so-called "energy boom." In essence, the state and political subdivisions would be borrowing now against future mineral royalty entitlements.

Larry Meierotto, deputy assistant secretary for policy, budget and administration, Department of Interior, testified in support of the Administration's version of an energy impact assistance loan program. Meierotto indicated that the fiscal '79 budget includes \$40 million for implementation of this program if Congress enacts the enabling legislation.

Both the NACo Public Lands Steering Committee and the NACo Environment and Energy Steering Committee have adopted resolutions making implementation of this program a high NACo priority.

Vote Nears on Ag Land Bill

WASHINGTON, D.C.—The House Agriculture Committee is scheduled to consider H.R. 11122, the proposed Agricultural Land Retention Act, on May 11. The bill is sponsored by over 70 members of the House and has been approved by the subcommittee on the family farm, rural development and special studies.

H.R. 11122 would establish a national commission to study factors contributing to the decline in the amount of agricultural land and

methods for retaining such land for farm purposes. It would also provide a program of demonstration grants for state and local governments to develop their own agricultural land programs.

County officials would participate in the national commission study and counties would be eligible for demonstration grants.

NACo adopted a resolution at the Detroit annual conference supporting both parts of H.R. 11122. The

bill prohibits the federal government from restricting the rights of property owners, or the responsibilities and authority of state and local governments.

Members of the House Agriculture Committee should be contacted as soon as possible and urged to support H.R. 11122 as reported by the subcommittee on the family farm, rural development, and special studies. Committee members include:

Thomas S. Foley, Wash.,
Chairman

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Ray Thornton, Ark.
Leon E. Panetta, Calif.
Ike Skelton, Mo.
Joseph S. Ammerman, Pa.
Jerry Huckaby, La.
Dan Glickman, Kan.
Daniel K. Akaka, Hawaii
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Charles Whitley, N.C.
Ted Risenhoover, Okla.

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Edward R. Madigan, Ill.
Margaret M. Heckler, Mass.
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Delegates to NACo's 1978 Annual Conference can preregister for the conference and reserve hotel space by completing this form and **returning it to NACo**. Check if this is your **first NACo Annual Conference**. ☐

CONFERENCE REGISTRATION
Conference registration fees must accompany this form before hotel reservations will be processed. **Enclose check, official county voucher or equivalent. No conference registrations will be made by phone.**

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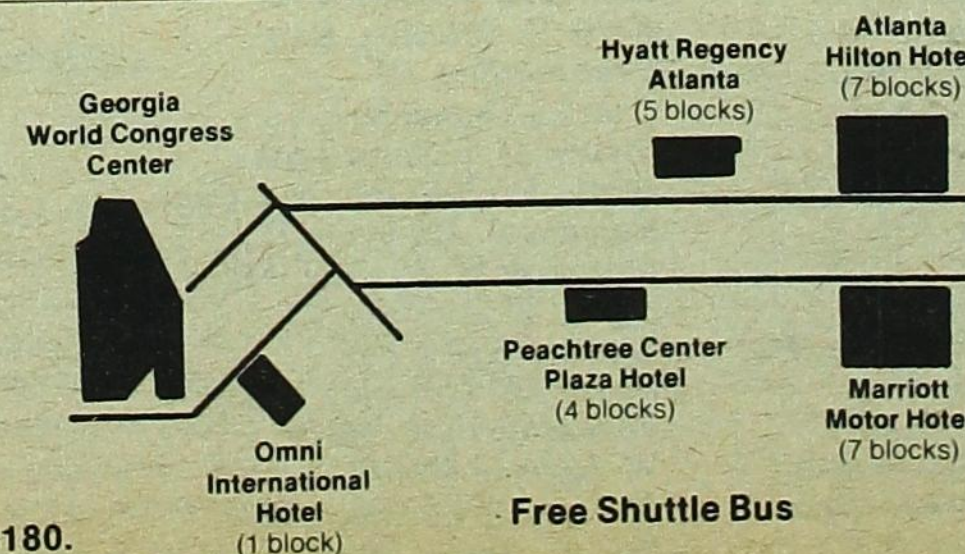
Spouse, if registering _____ Age of youths attending _____

Special conference rates will be guaranteed to all delegates whose reservations are sent to the NACo office and are postmarked by June 24. After that date, available housing will be assigned on a first-come basis.

For further housing information, call NACo Conference Registration Center: (703) 471-6180.

(1 block)

7:00 p.m.



Voila! C'est France

Counties to Tour Paris, Wine Regions

What kind of mental images does the word France conjure up? The bustling city of Paris with its famous buildings, museums, restaurants and boulevards? The green river valleys dotted with rolling vineyards and quaint villages?

County officials and their families will have the chance to turn these pictures into reality after NACo's annual conference this July. Those participating in NACo's two-week study tour to France will be introduced to French history, art and culture and, at the same time, will be given the opportunity to exchange views with local government officials.

Academic Travel Abroad will be guides for a leisurely and well-planned tour July 13-27 to Paris and its environs and a choice of wine regions.

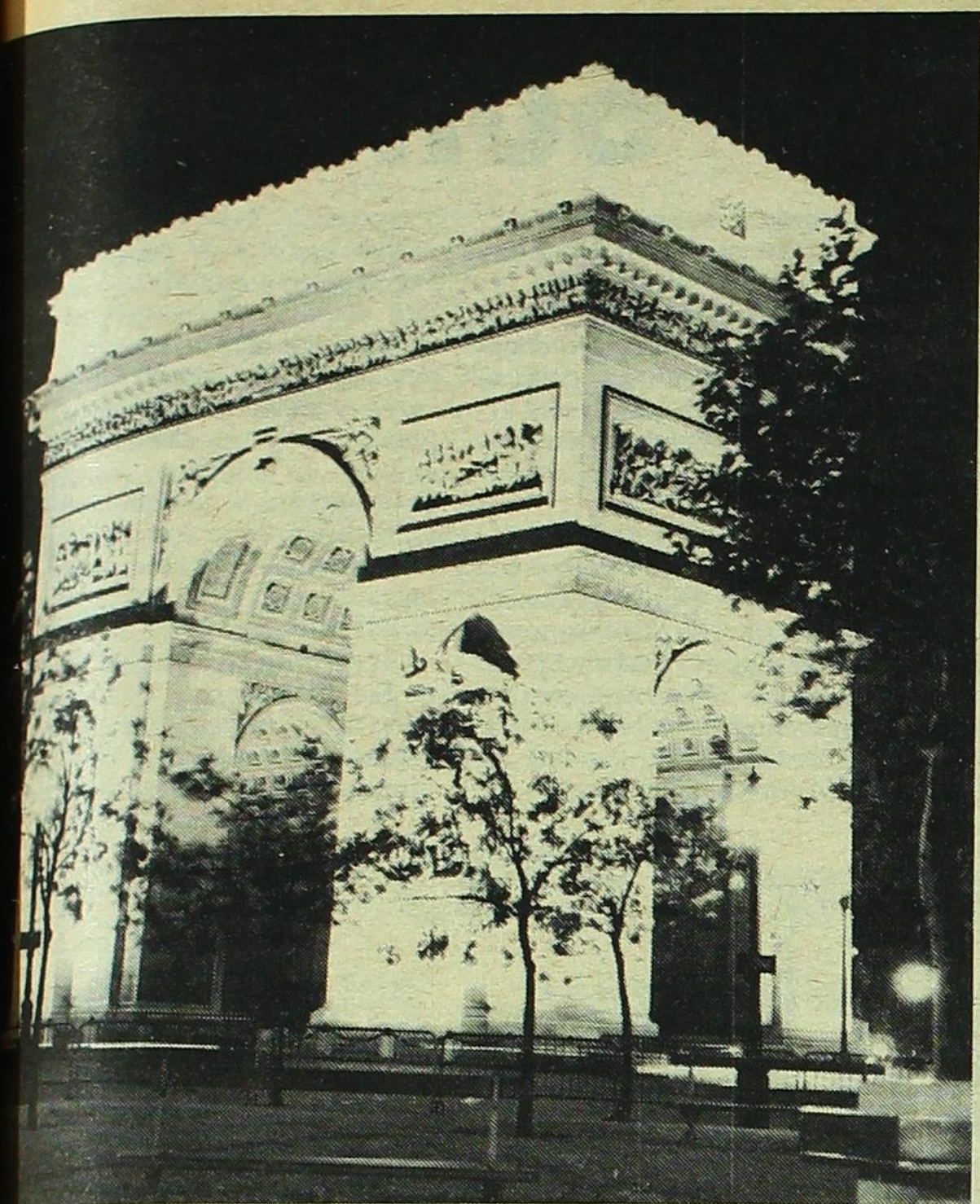
Basic cost of the first-class tour is \$1,435 which covers: regularly scheduled airline flights from Atlanta to Paris and back to New York; complete predeparture program of lectures in Atlanta; first-class hotels

with bath; continental breakfasts in Paris, with breakfast and one other daily meal during the six days of travel seminar to Burgundy or the Loire Valley; complete program of governmental seminars and sightseeing excursions; and professional English-speaking guides as well as American tour escorts.

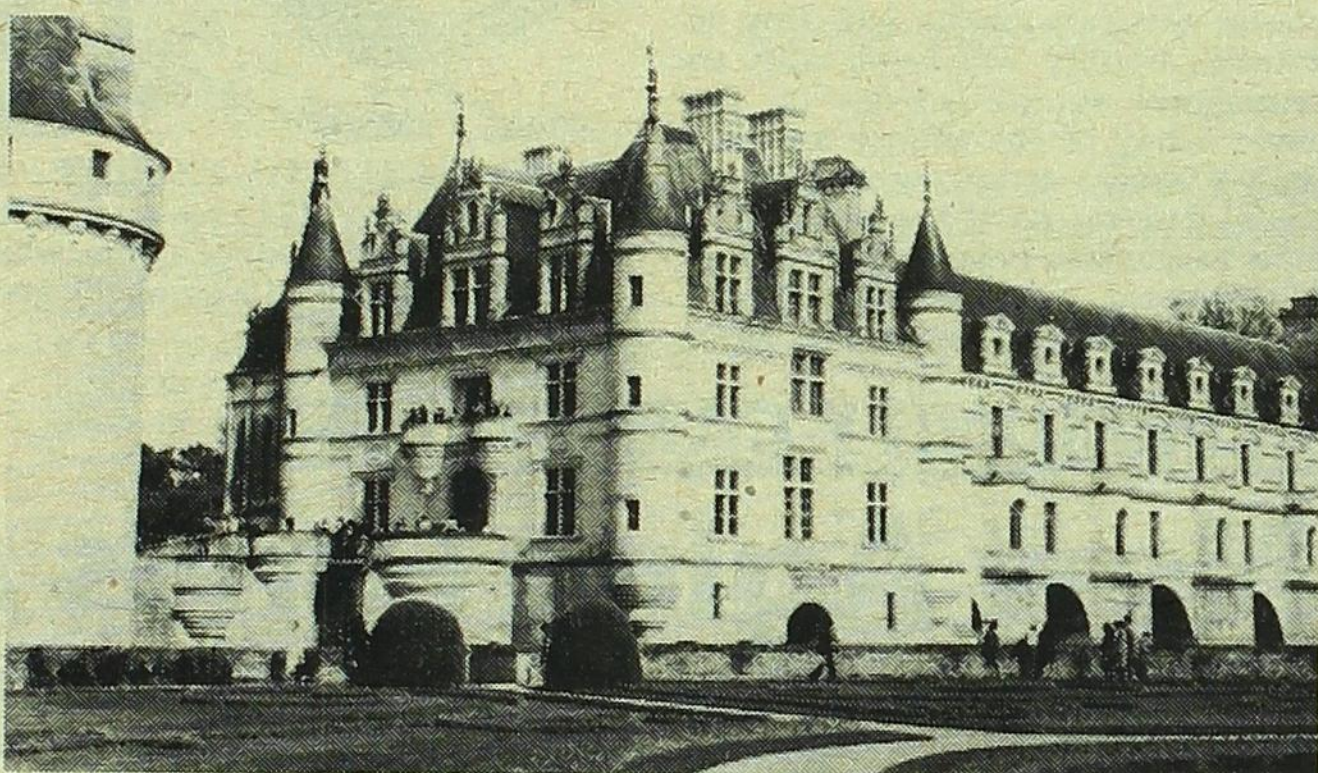
There is an optional single room

surcharge of \$190, and a surcharge for the Burgundy excursion of \$25.

Reservations will be on a first come, first serve basis, but all reservations must be made by the first of June. For further information or for applications, get in touch with Alice Ervin at Academic Travel Abroad (202/223-2484) or Margaret Taylor at NACo (202/785-9577).



Above: The Arc de Triomphe, inspired by ancient Roman architecture, is the heart of Paris with 12 main avenues radiating from it. Left: A Paris street sign. Below: The palace and gardens of Versailles, created in the 17th century by France's "Sun King," Louis IV.



No trip to Paris is complete without browsing through one of the city's open-air markets. Here visitors take a sampling of another French claim to fame—its exquisite pastries.

Think County' to Key Conference

FULTON COUNTY, Ga.—Using the theme, "Think County," NACo's Annual Conference and Educational Exhibits will serve as the kick-off point of a national campaign to create an awareness of the important role counties play in the national picture.

County officials will meet in Fulton County (Atlanta), Ga. July 8-10 to exchange ideas and information with national, state and local officials on programs and issues that affect counties and the people they serve.

The five-day conference will feature general sessions with prominent national government speakers, approximately 70 workshops, special sessions, NACo steering committee meetings, elections and press meeting, and educational exhibits.

Topics include county domestic violence programs, how closing of mental health hospitals affect counties, energy use in transportation, welfare reform, Comprehensive Employment and Training Act (CETA) reauthorization, strike contingency planning programs, and financially assisted housing programs.

Other sessions being planned will include: Criminal justice: services for

victims of crime and future of the LEAA program.

- Employment: Wagner-Peyser Act and rural counties and CETA.

- Health and education: the future of the public general hospital, medical services to unsponsored people, and health protection and disease prevention.

- Home rule: county arts programs, Freedom of Information Councils, and paperwork.

- Labor-management: equal employment opportunity and affirmative action and public pension plan study.

- Land use/environment and energy: establishing a county energy office, noise pollution, and Clean Air Act implementation.

- Public lands: payments-in-lieu of taxes and Federal Land Policy and Management Act.

- Tax and finance: long-term budget strategies, government liability, and countercyclical assistance.

- Transportation: airport ownership and management, local road and bridge needs, and federal aid for RRR projects (resurfacing, restoration and rehabilitation).

- Welfare and social services: human services programs and model programs for the elderly.

Atlanta Site: Extra Help for Handicapped

FULTON COUNTY, Ga.—Special attention has been focused this year on the needs of handicapped county officials who may be attending NACo's 1978 annual conference. The conference will be held July 8-12 in Fulton County (Atlanta), Ga.

The choice of the Georgia World Congress Center as the site for all meetings provides county officials with barrier-free access to all conference activities.

Curb cuts and a covered access route offer easy unloading and loading of passengers from buses and automobiles. Special parking may be arranged for persons in wheelchairs who may be traveling alone.

In addition, county officials who require the use of a wheelchair during their visit to the Georgia World Congress Center can make arrangements in advance by calling 404/656-7600. Wheelchairs are available on a limited basis.

Two primary entrances to the center are designated for the use of handicapped persons. These entrances offer access to elevators providing direct service to exhibit halls and meeting rooms located on lower levels.

All doors leading to the facility can be operated with the use of one hand. Thresholds are level with door entrances. Telephones are located in the main gallery international telephone center and throughout the facility. All telephones are available for use by persons with



The Atlanta Hilton

hearing impairments or visual impairments and all are located at a height which will accommodate persons in wheelchairs.

In addition to the Georgia World Congress Center, the Atlanta Hilton Hotel has been cited by the National Rehabilitation Foundation and the Easter Seal Society for its special attention to the needs of handicapped guests.

The hotel has 144 specially-equipped rooms for the handicapped and all entrances and exits have ramps. County officials can request reservations at the Hilton when they send in their preregistration forms for the conference.

Counties Get Ready for 'Sun Day'

Many counties apparently took the NACo Board of Directors at its word when the board, meeting during the Western Interstate Region District Conference, formally resolved to encourage counties to participate in "Sun Day" activities which promote the use of solar energy.

Wednesday, May 3 has been proclaimed "Sun Day" by a coalition of local, state, and federal elected officials, and environmental, consumer and labor organizations. Planned by the same people who promoted "Earth Day" in 1970, Sun Day is designed to focus public attention on solar energy and conservation of fossil fuels and to encourage government and industry to take steps toward the commercialization of solar energy.

A previous issue of *County News* featured a story about Santa Cruz County's (Calif.) "Sun Day" plans, which included everything from solar hometowns, workshops, and demonstrations to mailing aluminum cans with solar heating blueprints to the White House.

OTHER REGIONS of the nation are just as active in planning activities for Sun Day. For example, any-

one attending the Kentucky Derby in Jefferson County (Louisville), Ky. will want to bet on the "Belle of Louisville" in its historic steamboat challenge to Cincinnati's "Delta Queen."

The steamboat race is a regular highlight of the Derby activities, but this year the "Belle of Louisville" will be outfitted with an auxiliary solar steam engine to give it extra thrust. David Ross Stevens, one of the county's Sun Day coordinators and staff to the county Energy Commission, noted that the auxiliary solar system serves as a valid scientific demonstration as well as a good gimmick for the annual contest.

Roger Blobaum, chairman of *Rural America* and a director of the National Science Foundation's Urban Waste Project, will give a speech on "appropriate technologies" and agricultural reform. "Appropriate" tific demonstration as well as a good gimmick for the annual contest.

The Belvedere, a park bordering the river where the steamboat race will take place, will be filled with numerous exhibits, movies, and demonstrations of solar energy. People waiting for the race to begin can learn about solar energy in its many forms as they wander through the Belvedere.

technologies" refer to small decentralized energy systems, including solar and wind power systems, smaller cogeneration facilities, etc.

IN ONEIDA COUNTY, N.Y., numerous parks, libraries, banks, schools, and colleges will be filled with exhibits on solar energy use. Local industries, including a large manufacturer of copper tubing used in some solar systems, are participating in the activities along with an art school and private college.

County Executive William Bryant proclaimed May 3 as "Sun Day" and spoke about the county's solar energy efforts in a press conference on April 25.

One of the highlights will be the Syracuse Research Corporation's 40-foot "Energy Van" that will take its "maiden voyage" to participate in Oneida County's celebration. It will be parked near the City Hall Park in downtown Utica, and browsers can walk through it to learn tips on energy conservation, solar and other renewable resources. Owners of solar-heated homes in the county will show slides of their systems and discuss the savings of solar over conventional fuels. Professors from nearby universities will explain the principles of differing solar systems and discuss long-term possibilities for solar energy.

Pinellas County, Fla. is taking advantage of Sun Day to hold a symbolic groundbreaking of a new resource recovery plant. Sun Day in Pinellas County will begin with an ecumenical sunrise service on the eastern bay of the county and end with a sunset ceremony of international dancing on the western gulf side. In the hours between those two celebrations, exhibits and demonstrations will be held at the Inter-

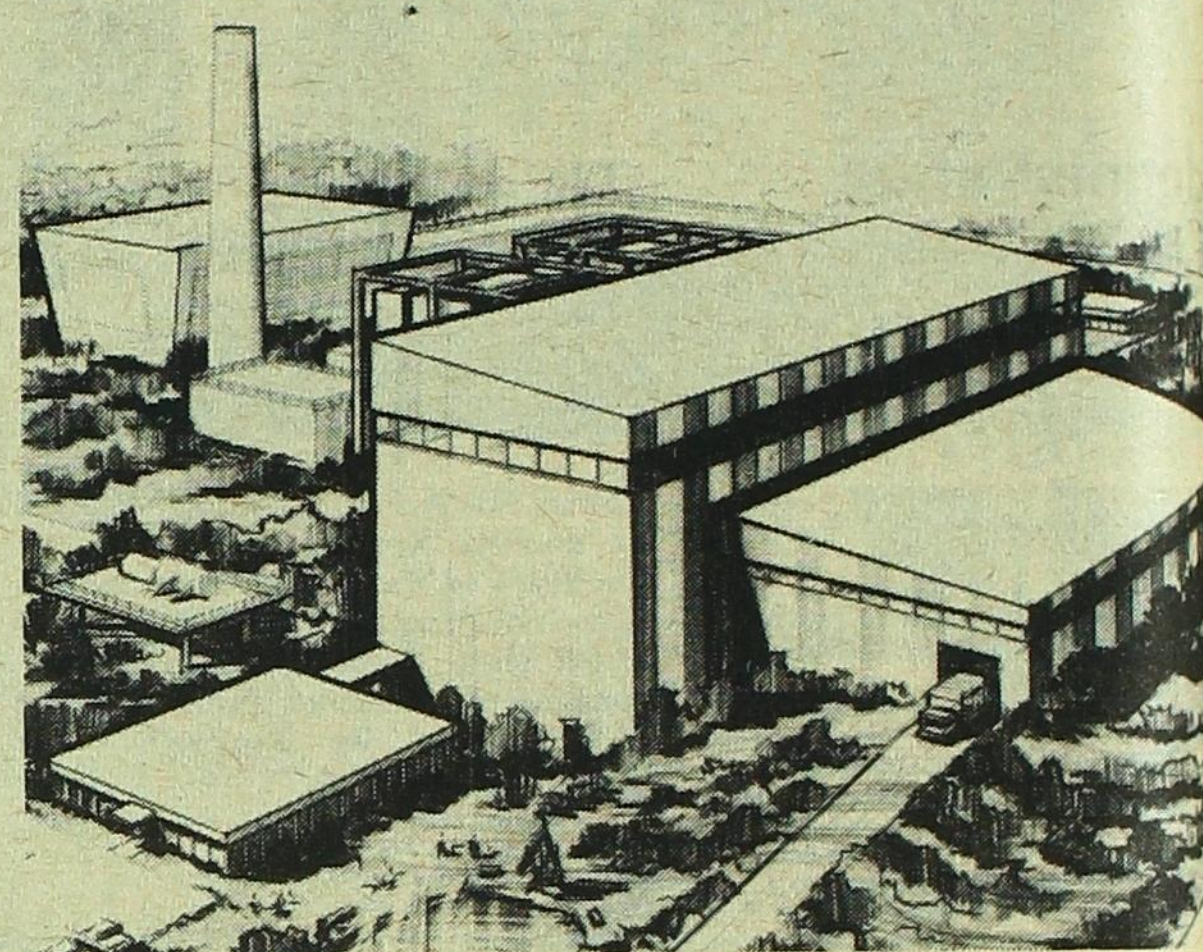
national Airport and the Heritage Park.

The St. Petersburg and the Pinellas County bus companies are cooperating in a park-and-ride program so that citizens can participate in all activities and to highlight the energy-saving advantages of public transportation.

THE MAJOR event of the day will be the address by Douglas Costle, administrator of the Environmental Protection Agency. After speaking on renewable resources, energy, and environmental protection, Costle will symbolically break ground for the new solid waste facility.

The county is currently in negotiation stage of the "mass incineration" facility which will use garbage to produce steam that will in turn provide energy for electricity generation. Florida Power Corp. plans to buy the electricity from the county. In addition, metals are recovered and a residue is produced which may have a useful purpose as an ingredient in a road-paving material.

According to County Commissioner Jeanne Malchon, the system is expected to handle 12,000 tons of refuse per week, and the county is aiming a start-up date in 1981.



SOLID WASTE TO ENERGY—An artist's rendering of the proposed Pinellas County (Fla.) resource recovery plant is seen. The facility will burn garbage to produce steam, which then will be used to make electricity. The county will hold a symbolic ground-breaking ceremony on "Sun Day" Wednesday, May 3.

Consolidation Issue Divides Aging Bills

WASHINGTON, D.C.—Both Senate and House subcommittees with jurisdiction over the Older Americans Act held markup last week on their respective bills, S. 2850 and H.R. 12255. After one morning of work, both bills were reported out and sent to the respective full committees.

Action on the bills in recent weeks has been swift. Sen. Thomas Eagleton (D-Mo.) introduced S. 2805 on April 6. After hearings a few changes were made in the bill just prior to markup last week.

Rep. John Brademas (D-Ind.) introduced H.R. 12255 on April 20 and markup occurred just four days later.

Other bills introduced on the Senate side were S. 2969, introduced by Sen. Frank Church (D-Idaho), and S. 2609, introduced by Sen. Pete Domenici (R-N.M.). Although these bills were not reported out of subcommittee, the senators are expected to seek amendments to the Eagleton bill when it comes before the full Human Resources Committee in early May.

Both bills that were reported out of the subcommittees call for the consolidation of the titles of the act, although in different ways. Markup

versions of the bills were not available as this issue goes to print, but some of the provisions were discussed during the markup sessions. Briefly the significant differences of the consolidation issues are:

- S. 2850: Consolidates Titles III, V and VII under the area agencies on aging but maintains a separate authorization for Title VII. Requires 50 percent of community services money to be spent on "access services" (information and referral services, transportation) or in-home services.

- H.R. 12255: Consolidates Titles III, V, and VII under the area agencies on aging, but maintains separate authorizations for each title. It also includes new separate categorical funding for legal services, ombudsman programs, and meals-on-wheels.

NACo has supported consolidation of the titles and a block grant approach to the act. S. 2805 comes closest to that approach. NACo will, however, seek to change provisions in this bill and in H.R. 12255 that restrict local decision making, such as the 50 percent funding requirement for service categories and the separate authorizations for individual categorical titles.

COMMUNITY CARE STRESSED

New Aging Funds Available

WASHINGTON, D.C.—The federal Administration on Aging has announced it will accept applications from public or nonprofit organizations to develop model projects which will "promote the well-being of older persons" in innovative ways.

Applications received by June 1 will be eligible for funding in August. Those received before Sept. 1 will be notified by November.

Approximately \$5 million—but perhaps as much as \$7 million—is available for new projects. About 30 applications for new projects are expected to be funded.

Applications which fall into two "special emphasis areas" are most likely to be viewed favorably. These two areas are:

- Community care systems and services, and
- Family and community supports.

About \$2.2 million is available for local-level community care projects. This should support about 24 projects which, according to the announcement, can either foster entire systems, such as geriatric centers, or single community services such as a hospice.

About \$800,000 is available to fund projects involving family and community supports. Projects should develop and test various procedures for assisting family and friends to care for elderly persons.

Besides these two special areas,

funding is also available for "pilot initiated proposals." About \$1 million is available for eight projects which encourage the use of different "approaches, systems, technologies, statutes, policies, other developments."

All applicants will be expected to provide "at least 10 percent of project cost or 50 percent of total cost, whichever is greater."

Application forms are available by writing: Research Applications Demonstrations—Kits, Administration on Aging, Room 4273, North Building, 330 Independence Ave., S.W., Washington, D.C. 20540, or by telephoning 202/245-2143.

Kits are also available at the regional offices.

Job Opportunities

CETA Director, Lee County, Fla., administrative position carrying out directives of prime sponsor for manpower program under Comprehensive Employment and Training Act. Must be college graduate or have five years progressively responsible professional level experience in manpower planning or program management. Resume to: Ed Henke, POB 398, Ft. Myers, Fla. 33902. Closing date May 27.

Director of Social Services, New Hanover County, N.C. Salary \$21,010 to \$26,710. Responsible for planning, organizing, administering and directing a social service agency with staff of 125 and annual budget of \$1.5 million. Extensive knowledge of principles, methods, and techniques of efficient administration. Five years experience in administrative capacity in a human services agency, with master's degree in social work preferred, or equivalent combination of education and experience. Resume to: New Hanover County Personnel Office, 320 Chestnut St., Wilmington, N.C. 28401. Closing date May 19.

Assistant County Administrator, Lee County, Fla. Salary range, low to mid \$20,000. College graduate with degree in public or business administration. Four years responsible administrative experience in government. Resume to: Ed Henke, Box 398, Ft. Myers, Fla. 33902. Closing date May 24.

Technical Assistant to County Administrator, Lee County, Fla. Salary low \$20,000 range. College graduate with major in management, business administration or related field. Background desirable. Experience in government agency. Resume to: Ed Henke, Box 398, Ft. Myers, Fla. 33902. Closing date May 24.

Assistant County Engineer, Elkhart County, Ind. Salary \$12,000 to \$14,700. Assistant in an annual highway construction reconstruction plan and oversees construction projects. Fringe benefits include group health insurance, county automobile, retirement benefits. Resume to: Elkhart County Personnel Office, 117 North Third St., Goshen, Ind. 46526, 219/533-0358. Closing date May 19.

City Attorney, Tampa, Fla. Requires extensive knowledge, broad and extensive experience in municipal government law. Must handle legal business of the city. Advise six full-time assistant attorneys part-time assistant attorneys. Resume to: Smith, Director, City of Tampa, Personnel Services Division, 512 North Florida Avenue, Tampa, Fla. 33602.



PROPOSED RULEMAKING ON HIGHWAY SAFETY IMPROVEMENTS

The Federal Highway Administration (FHWA) has published a notice of proposed rulemaking of highway safety improvement program regulations to condense and clarify existing regulations in an effort to minimize red tape (*Federal Register*, April 7, 1978).

The proposed rule concerns "policies for the development and implementation of a comprehensive program for the identification and improvement of hazardous highway locations or features."

According to FHWA, the proposal to clarify and condense existing highway safety improvement program regulations will allow states and local governments the needed flexibility to implement a highway safety program equally effective on all highway systems.

The only new requirements are the "hazardous materials" and "people" factors for setting priorities for grade crossing projects.

For information contact James L. Rummel, Office of Highway Safety, or Kathleen Markman, Office of the

Chief Counsel, FHWA, 400 Seventh St., S.W., Washington, D.C. 20590. Marian Hankerd at NACo also has copies of the April 7 *Federal Register* available.

Please send your comments on the proposed rulemaking to Marian Hankerd at NACo by May 15, 1978. She will coordinate and forward them to FHWA.

WILLIAM COX RESIGNS

Federal Highway Administrator William M. Cox has announced his resignation effective May 1. He plans to enter politics in his native Kentucky.

Transportation Secretary Brock Adams praised Cox for eliminating red tape and excessive regulations while administering the \$7 billion federal-aid program, the highest level in history. Adams also complimented Cox for increasing minority employment.

Deputy Highway Administrator Karl S. Bowers (former state highway commissioner of South Carolina) will serve as acting FHWA administrator.

Matter and Measure

Washington Briefs

• **Welfare Reform.** Hearings continue through May 2 in Senate Finance subcommittee on public assistance. Testimony so far is evenly matched between proponents of comprehensive reform and proponents of the Baker/Bellmon incremental approach.

• **Fiscal Relief.** A proposed floor amendment to the Budget Resolution was withdrawn for lack of support. NACo will continue to support \$400 million for immediate fiscal relief in conference.

• **Older Americans.** The Senate and House began markup on the Older Americans Act.

• **National Energy Act.** Despite extensive press coverage on a final compromise on the natural gas pricing portion of the act, it is not yet known when that compromise will become a reality. A public session of the conferees on the compromise was originally scheduled for April 26, but has now been postponed indefinitely.

• **Solid Waste and Clean Air.** House and Senate Appropriations subcommittees are considering EPA appropriation requests for solid waste and clean air. Administration requested \$25 million for fiscal '79 for local participation in revision of clean air implementation plans for nonattainment areas. NACo is seeking

supplemental appropriation of \$50 million for fiscal '78 to get clean air planning underway now. Administration has also requested \$15 million for resource recovery facility planning in urban areas. NACo is seeking an additional \$20 million for fiscal '79 for local solid waste and resource recovery planning, and \$10 million for rural solid waste programs.

• **Taxable Bond Option.** The Administration is proposing a taxable bond option (TBO) as part of its tax reform package. Request of \$5.9 billion would offer local governments the option of issuing tax-exempt bonds or taxable bonds with federal government to subsidize increased

interest rates. Counties oppose the TBO. House Ways and Means Committee to mark up tax reform bill in late April.

• **Deferred Compensation Programs.** The Treasury Department and the Internal Revenue Service have drafted a tentative legislative proposal on nonqualified state and local deferred compensation programs. NACo will testify on behalf of the national public interest groups on May 4 before IRS officials at the public hearings. The legislative proposal will be presented before the House Ways and Means Committee during markup of tax reform proposal.

• **Government Liability/Civil Rights.** Senate Judiciary subcommittee on the Constitution to consider S. 35, the Civil Rights Improvement Act of 1977, on May 3. NACo opposes elimination of local government immunity.

• **Rural Development Policy Act of 1978.** Legislation would strengthen rural development responsibility of USDA, mandate coordination of rural development programs of all agencies, increase rural planning grant authorization from \$10 million to \$50 million, and change name of FmHA to the Farm and Rural Development Administration and USDA to Department of Agriculture and Rural Development.

• **Civil Service Reform Act.** The President announced his plans to remove labor management relations federal employees from the Civil Service Reform Act and to propose new legislation dealing with employee conditions of work and hours in order to satisfy union demands. See page 6 for current status of bill.

• **Intergovernmental Personnel Act (IPA).** The House subcommittee on Treasury, postal service and general government has marked up fiscal '79 appropriations. They recommended only \$20 million for IPA. The full committee is expected to vote May 22. Counties should contact the House Appropriations Committee urging \$30 million for IPA.

• **Social Security Deposit Payments: Proposed Changes.** The Social Security Administration published in the March 30 *Federal Register* regulations which would change state and local government quarterly FICA contributions to the private sector requirement of monthly deposits. The proposed change would not take effect until 18 months after the promulgation of the final regulations (probably Jan. 1980). Comments must be received before June 14. NACo will testify in opposition to the proposed regulations. Rep. Robert Roe (D-N.J.) has introduced legislation, H.R. 11117, to maintain current quarterly deposits. NACo supports this bill. Counties affected should contact Ann Simpson with data on the impact of lost interest, and the potential administrative costs with increased deposits. The proposed change could cost states, counties and cities millions of dollars.

• **Reporting and Tax Liabilities for Public Pension Plans.** The Internal Revenue Service held public hearings on the proposed regulations April 13. NACo testified in opposition to the regulations. Sen. Richard Stone (D-Fla.), the sponsor of S. 1587, and cosponsor Sen. John Danforth (R-Mo.) are working on language to deal with disclosure provisions. NACo urging Senate Finance Committee and House Ways and Means Committee to hold hearings and pass these bills (S. 1587 and H.R. 9118) this year. Counties should contact congressional representatives with their views.

• **Transportation.** Both the Senate (S. 2440) and the House (H.R. 11733) transportation subcommittees will mark up highway bills this week. Both bills would reauthorize federal highway programs which lapse this fiscal year.

• **LEAA Appropriations.** The House subcommittee on appropriations approved \$641 million in fiscal '79 for LEAA. The \$20 million cut in Part B planning funds requested by the Administration was restored; the subcommittee earmarked \$50 million, last year's level, for planning. The Community Anti Crime Program was increased to last year's level of \$15 million. The Senate subcommittee on appropriations was holding hearings April 28 and 30.

CETA Positions Compared

Administration Bill (H.R. 11086/S. 2570)

Section 109: "Independent professional, technical and clerical staff accountable solely to the planning council." Chair must be "public" member.

Section 212(a): No more than 50 percent of Title II funds may be spent on public service employment (PSE) and work experience.

Section 212(b): Maintenance of effort on other Title II program activities at fiscal '77 levels.

"Periodic" reporting, annual detailed program supplements for each effort, potential for increased paperwork.

Increased state role in CETA.

Increased role of the Secretary.

Client eligibility for all programs except PSE is economically disadvantaged and unemployed, underemployed or in-school. For PSE, economically disadvantaged and 5 weeks' unemployment.

Structural and countercyclical PSE combined and in Title VI. \$1 billion authorized for structural. Quarterly trigger for countercyclical funds when national unemployment exceeds 4.75 percent.

PSE salary limitation of \$10,000.

PSE in special projects after termination of those now on-board.

NACo Position

Eliminate "solely accountable" language. Would accept "prime sponsor provides staff support responsive to the council, but hired by and accountable to the prime sponsor." Prime sponsor selects chair.

Eliminate Section 212.

Prime sponsor agreement a one-time grant document submission, eliminating or reducing program supplements. Secretary of Labor should be restricted in the number and frequency of reports he may require of prime sponsor.

Eliminate presumptive delivery of service by State Employment Security Agencies. Restore language of P.L. 93-203, Section 105(a)(3)(B), which requires prime sponsors to select agencies to deliver services based on effectiveness and cost comparability. Eliminate provisions that would give the governor's comments a predominant role in the Labor Department's review and approval of local prime sponsor plans. Delete the requirement for excessive documentation of reasons for rejecting the governor's comments.

Require Secretary to provide in-depth, on-site technical assistance to prime sponsors. Subcommittee in House and Senate review and approve CETA regulations. Further define and limit "open-ended" authority of Secretary. Cut Title III national program funds from 20 percent to 10 percent of all CETA titles except Title VI or 20 percent of Title II as the funding ceiling.

Eligibility for all CETA titles uniform at 100 percent of the Bureau of Labor Statistics' lower living standard income level, except for the countercyclical public service employment programs.

NACo supports two separate programs—one structural with guaranteed national funding on a permanent basis and one countercyclical with funding based on the unemployment rate.

Increase salary ceiling from \$10,000 through geographical indexing, such as 135 percent of the BLS lower living standard income level.

Eliminate requirement for project format (Section 605).

House Subcommittee Amendments

No mention of staff. Requires chairperson to be "non-governmental."

No more than 50 percent of Title II funds may be spent on PSE wages.

Would eliminate 212(b).

Would restrict paperwork. Trade-off is creation of investigation and program audit team.

Annual plan would include CETA-SESA coordination. Other NACo suggestions incorporated.

Secretary provides complete regs, application materials by May 15. Changes to regs implemented by prime sponsors by end of next quarter. Title III limited to 20 percent of Title II.

Same as Administration's bill except: Title IV would be same as current youth programs; Title VI would be 8 weeks' unemployment and 100 percent of BLS lower living standard budget.

Structural PSE in Title II. Countercyclical in Title VI with funds to employ one-quarter of the unemployed in excess of 4 percent.

\$10,000 to \$12,000 ceiling, depending on wage adjustment index.

Half of Title VI must be in projects. No project requirement for Title II.

Senate Subcommittee Amendments

Provides "a full-time professional, technical and clerical staff responsible for serving the council." Chairperson must be "public member." Council must meet 6 times a year.

PSE may be provided with Title II funds only under a new Part D of Title II. No limit on work experience.

Would replace with language saying PSE and work experience should be designed to lead to unsubsidized jobs.

Similar to House amendments in Section 103. However, copies of full plan submitted to laundry list of groups for comments; and comments of the governor, SETC and planning council sent to Secretary. Annual plan subject to additional requirements in regulations. Primes must submit detailed annual reports. Employability plans for each enrollee.

Annual plan must describe coordination with "other programs" and arrangements for job development and placement. Governor and SETC comments taken into account when Secretary reviews local plans.

Secretary may require changes in plan. Title III authorization equals 20 percent of all funds available except Title VI. Secretary may set performance standards in light of local conditions and target groups.

Same as Administration, except: Title II PSE at 12 weeks' unemployment and economically disadvantaged; Title VI, 5 weeks' unemployment and income not higher than 85 percent of the BLS lower living standard; Title IV youth eligibility same as existing law.

Structural PSE in Title II, new Part D. Countercyclical PSE in Title VI. \$1 billion authorized each year plus quarterly triggered amount when national unemployment exceeds 4.75 percent.

\$10,000 to \$12,000 ceiling, depending on wage adjustment index in Title VI; \$10,000 in Title II-D.

No project requirement for Title II-D. Same as Administration bill in Title VI.

Help Federal Agencies Write, Say, Think 'County'

To NACo Membership:

Counties are tired of dealing with federal agencies' representatives who do not understand what counties are and what counties do.

Your Executive Committee, steering committee chairmen and urban county representatives meeting in Washington, D.C. April 12 drafted a letter to President Carter which urged him to take a number of public actions to specifically recognize the key role counties must play in any effort to attack urban problems.

One action requested of the President was for him to issue an Executive Order to all federal departments, agencies and staff to make clear the vital and essential role of county government in the American federal system.

Help urge the President to issue a clarifying Executive Order.

On this page is a draft Executive Order which NACo has sent to President for his consideration and which is strongly endorsed by elected county leadership.

Join with county boards across the nation to pass resolutions in support of this Executive Order which makes clear the need for county participation in all federal programs.

Send a copy of your resolution to the President, to your congressional delegation and to NACo.

Let us make certain all federal agencies write, say, and think county the next time they draft policy, legislation or regulations affecting county governments.

WORKING DRAFT FOR EXECUTIVE ORDER

THIS ADMINISTRATION hereby recognizes the vital and essential role which county governments play in the American federal system. In partnership with the federal government and/or the states and cities, counties play a very important role in delivering a great array of services. The nation's 3,104 county governments employ more than 1.4 million persons and administer annual budgets totalling in excess of \$60 billion.

IN RECOGNITION of these facts all federal departments, agencies, and staff of the Executive Office of the President are hereby directed as follows:

- **Federal Advisory Committees and Commissions.** When a group is formally designated to advise the Government of the United States with respect to any program in which there is a significant involvement by county government, every effort should be made to have qualified county officials appointed to these bodies.
 - **Meetings and Briefings with Federal Officials.** When federal officials assemble groups to advise and counsel with them and the subject of that consultation concerns programs in which there is a significant county involvement, county officials shall be invited to participate in these sessions on terms of equality with other participants.
 - **Executive Orders, Draft Legislation, and Rules and Regulations.** All federal agency personnel will exercise great care when in the preparation of executive orders, draft legislation or rules and regulations there is a significant county involvement in the activities discussed, counties shall be clearly identified as being involved and not lumped under some vague phrase such as, "and other local governments" or "and communities."
 - **Speeches and Pronouncements.** In speeches, addresses and other communications with the public county governments shall be shown equal consideration with cities and states where there is significant county involvement. In these cases when the phrase "states and cities" appears, the phrase shall say, "states, cities and counties." When the phrase "governors and mayors" appears, the phrase shall specify "governors, mayors and county officials."
- The President of the United States expects all employees of the federal establishment to follow the spirit, letter, and intent of this executive order.