

# County News

NACo - Celebrating 60 years of service to counties!

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National Association of Counties • Washington, D.C.

## Conferees to consider tax cuts and spending plans

### Final budget approval not likely to make Oct. 1 deadline

By Ralph Tabor  
public policy director

A House-Senate conference committee will meet this week to resolve differences between House- and Senate-passed budget resolutions. The resolutions contain overall spending and revenue guidelines covering the next seven fiscal years.

The conferees will be dealing with a large number of differences between the two spending plans. The biggest issue will be whether there should be a tax cut, how much of a tax cut, and when should it start.

The House resolution assumes enactment of a tax bill similar to the Contract With America legislation passed earlier by the House. The seven-year cost is estimated to be \$350 billion.

The Senate specifically voted against a tax cut unless the Congressional Budget Office certifies that the budget will be balanced by 2002 under the finally approved reconciliation bill. The Senate budget resolution contains a so-called "surplus" of \$170 billion that would be available for tax cuts.

Both plans would slow the growth of entitlement programs and produce large savings in projected spending for Medicare, Medicaid, welfare and food stamp programs.

The overall numbers for entitlement savings is similar, but the year-to-year cuts are different in the two resolutions. The biggest difference is the year-to-year level spending for Medicare. The House resolution defers more of the Medicare cuts to after 1998 than the Senate resolution.

In related budget action, Congress will send to President Clinton a supplemental appropriations bill rescinding or canceling \$16.9 billion of previously approved spending. The president is expected to veto the bill.

President Clinton indicated, however, that he could agree to another bill if some of the funding for education, AmeriCorps and training programs was restored. Both the congressional leadership and the president are concerned about the need for disaster assistance for Oklahoma City, California and some 40 other states. A new bill would contain most of the rescissions in the current legislation.

The leadership of the House Ap-

### 1996 Discretionary Spending

House Appropriations Committee Chairman Bob Livingston's (R-La.) preliminary spending allocations for FY96, compared with estimated FY95 outlays.

(\$ in billions)	(Proposed) FY96	(Estimated) FY95
<b>Subcommittee</b>		
Agriculture	\$13.5	\$-0.2
Commerce, Justice, State	24.2	-0.3
District of Columbia	0.7	0.0
Energy and Water	19.7	-0.4
Foreign	13.9	-0.1
Interior	13.2	-0.8
Labor, Health, Human Services	67.4	-2.2
Legislative	2.3	0.0
Military Construction	9.6	+0.5
National Security	243.7	-1.3
Transportation	37.0	-0.4
Treasury and Postal	11.8	-0.1
VA, HUD, Indep. Agencies	73.6	-1.9
<b>Total</b>	<b>\$530.6**</b>	

\*Assumes \$16.4 billion rescissions bill will become law.  
\*\* Does not include disaster fund (\$1.5 billion), crime trust fund (\$2.1 billion) and welfare reform reserve (\$2.9 billion).

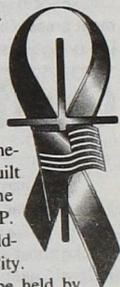
propriations Committee has started to divide FY96 discretionary spending amounts among the 13 appropriations subcommittees. The allocations are based on the House and Senate budget resolutions and will be further refined when a conference resolution is passed. Practically all of the allocations for spending would be less in actual dollars than in FY95. Defense spending essentially would be frozen. The cuts for subcommit-

tees with jurisdiction over major state and local government programs would average three to four percent. Discretionary spending under the

See **TAX CUTS**, page 13

## Okla. County sale to benefit memorial park at bombing site

Oklahoma County, Okla. will sell gold-ribbon lapel pins at NACo's Annual Conference to benefit the construction of a memorial park to be built on the site of the bombed-out Alfred P. Murrah Federal Building in Oklahoma City.



Proceeds will be held by Oklahoma County and presented "from counties across America," to finance construction.

The pins were designed, manufactured and are being marketed by an Oklahoma City company to benefit bombing victims and survivors.

## Finance Committee passes welfare bill

By Marilina Sanz  
associate legislative director

The Senate Finance Committee, chaired by Senator Robert Packwood (R-Ore.), passed a welfare reform bill on Friday, May 26 by a vote of 12-8. The vote was along party lines. Senator Max Baucus of Montana was the only Democrat who voted in favor of the bill. The welfare bill is expected to be considered by the full Senate in early to mid-June.

and Human Resources Committee, chaired by Senator Nancy Kassebaum (R-Kan.), passed the reauthorization of the Child Care Development Block Grant, which includes consolidation with two smaller programs, changes in eligibility, and some additional flexibility. This bill is expected to be added to the welfare bill.

The Senate Agriculture Committee, chaired by Richard Lugar (R-Ind.), has not acted on the programs within its jurisdiction, which includes food stamps; school lunch; and the Women, Infants and Chil-

dren (WIC) Program. As previously reported, the Senate is not expected to change the children's nutrition programs into block grants. The future of the food stamp program in the Senate, however, is not as clear.

Although the Senate bill has many similarities to the House legislation (H.R. 4), one of the major differences is that it does not change current law for foster care and adoption assistance payments, administration and

See **FINANCE COMMITTEE**, page 3



Photo by Jill Conley  
NACo President Randy Franke (l) receives a Zion National Park momento from Washington County (Utah) Commissioner Gayle Aldred White. Outgoing WIR President Noel Williams looks on.

Hennepin County, Minn. jailers have found that work pays for their inmates. Contracting out inmate labor is the brainchild of first-time commissioner and former corrections officer Mike Opat.

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Despite their differences, both Senate and House budget resolutions signal big changes down the road for budgets at the local level. But, it ain't over 'til it's over. The federal budget process is long and complex. In this issue, *County News* gives you a road map to follow.

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Hurricane season began June 1. And *County News* begins a three-part series on post-disaster recovery compliance.

page 8

Violence aimed at federal officials by disenchanted landowners in Western states and the upcoming reauthorization of the Endangered Species Act were hot topics at last month's Western Interstate Region (WIR) Conference. *County News* reports on the full conference proceedings.

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Job market page 19

# House committee adopts job training reform legislation

By Neil E. Bomberg  
associate legislative director

With bipartisan support, the House Committee on Economic and Educational Opportunities has passed the Consolidated and Reformed Education, Employment and Rehabilitation Systems Act, or CAREERS Act. The act would consolidate more than 100 job training and education programs into four block grants to states and localities. Each would provide job training and education assistance to youth, dislocated, economically disadvantaged and disabled adults, and others needing basic educational and job training skills.

If adopted, the act would establish local work force development areas similar to service delivery areas under the Job Train-

***If adopted, the act would establish local work force development areas similar to service delivery areas under the Job Training Partnership Act.***

ing Partnership Act. Each would be governed by a local work force development board. The board would be appointed by and must operate in partnership with the chief local elected official for the area.

The board and local elected officials would oversee the implementation of local job training programs, including development of the job training and education plan for the area, the delivery of youth and adult services, and the one-stop delivery center and sys-

tem. While the bill retains a strong local public/private partnership to oversee school-to-work and other vocational education programs, the bill also gives significant importance to governors. Governors would determine the boundaries of local work force development areas, develop the substate funding formula that would ensure funds are passed through to the local areas, establish the guidelines for appointing local work force development boards, and establish overall performance guidelines and measures.

At the May 24 markup, more than a dozen amendments were accepted. Three of them were particularly important.

The first was offered by Representative Peter Hoekstra (R-Mich.). It concerns the 20 percent of youth dollars that are available to governors to target in-school or out-of-school and at-risk youth, and the 80 percent of adult funds that were to be passed through to local work force development boards.

The amendment would give governors the right to reserve half of the 20 percent to fund incentive grants to eligible institutions and work force development boards, for competitive grants, or to pass through to local work force development areas by formula.

It would also increase the governor's share of adult funds from 20 to 30 percent of the total

allotment. The additional funds could be used for incentive grants or competitive grants to work force development boards. The governor also could simply spend the money by formula.

The second amendment was offered by Representatives Frank Riggs (R-Calif.) and Margie Roukema (R-N.J.). It would order states to develop "statewide performance accountability systems" for all four block grants.

Under this amendment, each state could identify levels of performance that are expected for local work force development areas, but the state must take into account "world-class levels of performance," which would be defined by the secretaries of Labor and Education and others.

States would make perfor-

See LEGISLATION, page 3

## Guilford County, N.C. joins with cities to seek savings

By Sharon Lawrence  
research director

Like most local governments, Guilford County, N.C. is faced with the need to find more economical means of service delivery in the face of declining or stagnant revenues. To get more bang for its buck, the county joined with its six municipalities to undertake a comprehensive study of potential shared services that may serve as a model for other jurisdictions.

Although Guilford and its two major cities (Greensboro, population 192,000, and High Point, population 74,000) previously had cooperated successfully in a few isolated areas (most notably a joint property tax collection program initiated in 1993), the latest collaborative effort was substantially broader in scope.

Moreover, the chairman of the county commission and the county manager reached out to the four other municipalities located in the county. Although these municipalities delivered few services to their residents, nevertheless, they realized the value of their participation and lent their support to this initiative.

Meetings between the Guilford

County, Greensboro and High Point managers laid the groundwork for the project. Working from a list of potential shared services prepared by staff, the governing bodies of the county and the two cities narrowed the scope of study to 10 areas:

- Animal control
- Comprehensive planning
- Employee training
- Law enforcement
- Libraries
- Parks and recreation
- Printing
- Purchasing
- Radio communications, and
- Solid waste management.

Following two months of staff work, the elected and appointed leaders of all seven jurisdictions met to review the staff's recommendations. All jurisdictions agreed to pursue a set of common objectives which already have produced a number of tangible accomplishments (see sidebar).

Bill Nash, Guilford County's public affairs officer, said, "While this venture into the realm of shared services did not produce firm results in all areas explored, it has yielded a number of economies that could not have been realized by the individual governments involved."

In further assessing the impact

of the collaborative effort, Nash noted, "perhaps more significantly, it has spurred staff from all units to

'think outside their boxes' and view intergovernmental cooperation as a viable means to either reduce costs

or provide a level of service that would be unattainable to them individually."

## Initiative bears fruit

### Animal control

Greensboro, High Point and Guilford County agreed to adopt a single animal control ordinance to replace the three existing bodies of regulations. This ordinance has since been adopted, and animal control functions (formerly a function of the police departments in the two cities) have been consolidated under the auspices of the county animal shelter.

### Employee training

Greensboro and Guilford County are pursuing a phased program to share both training programs and personnel. Several management-level courses have been offered to employees of both jurisdictions. Staff are presently considering the implementation of a joint pre-retirement program for employees of the two governments.

### Law enforcement

The emphasis in this area has been on the possibility of shared support services. Efforts to date have been directed at warrants and the possibility of developing a central warrant depository. Separate committees are examining the computerization, facility and staffing needs, and ways to reduce the current backlog of warrants to a manageable level.

### Libraries

Although efforts have been made to study the feasibility of merging the two existing mu-

nicipal library systems into a single county-wide one, little substantive progress has been made.

### Parks and recreation

After reviewing the situation, the county decided to continue to contract for park operations with the cities of Greensboro and High Point, rather than form a parks and recreation department of its own. An agreement was reached, however, on a county park being developed near High Point and Jamestown, whereby all three governments would fund site improvements for the facility.

### Planning

The jurisdictions adopted a framework, timetable and budget for a two-year comprehensive planning process geared to the drafting and adoption of a body of development policies to be used by all jurisdictions.

In this way, zoning and land-use decisions will be based on a county-wide development plan which transcends traditional jurisdictional boundaries. The process has since begun, and involves the participation of more than 100 citizens in focus groups charged with bringing forth policy recommendations.

### Printing

An agreement has been reached pursuant to which the county closed its own print shop and is now contracting with the cities of Greensboro and High Point for

such services.

### Purchasing

Cooperative efforts are in place for such functions as fuel dispensing, vehicle purchasing, telephone communications and tire recycling. Progress continues to be made in the area of combined price-only contracts for routine goods and services, and this has yielded improvements in both price and service.

The purchasing departments of the three major jurisdictions are currently amending their purchase order entry systems into a single format, which would facilitate the consolidation of these three agencies if the jurisdictions choose to pursue this possibility.

### Radio communications

Greensboro and Guilford County have just entered into a joint contract for the construction of an 800 MHz emergency communications system that will be compatible with High Point's existing system. When in place, this new system could serve all governments within the county, should they choose to participate.

### Solid waste management

The county and two major cities have agreed to a process for developing a single, county-wide plan for solid waste management. Representatives of the smaller municipalities have been invited to participate in this project.

### Correction

The successful community awareness program highlighting "Community Support for Young Families At-Risk" during National County Government Week, as reported in the April 24 issue of *County News* ("Counties across America celebrate National County Government Week"), was mounted by Jefferson County, Ky. The county name was incorrect in the original story.

### County News invites Letters to the Editor

If you have a compliment, complaint or different point of view, let us know. Please include a phone number with your letter. Mail or fax to: County News, NACo, 440 First St., N.W., Washington, DC 20001-2080, 202/393-2630.

# Counties: reducing carbon monoxide deaths

By Lou Witt  
research associate

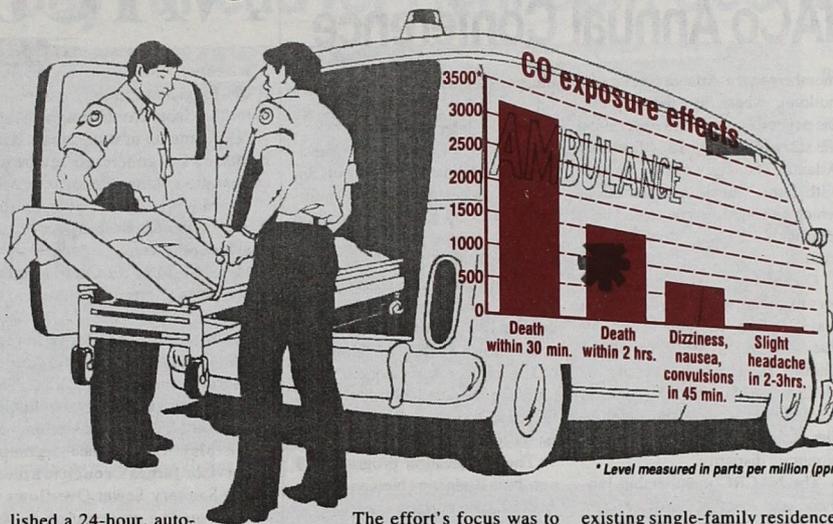
It can't be seen, smelled or tasted, yet it can have severe effects on the health of county residents across the nation. It causes headaches, dizziness and nausea, brain damage, and even death. This silent killer is carbon monoxide (CO) and counties are increasingly addressing this serious environmental health risk.

Erie County, N.Y. has joined a growing number of cities and counties in taking action to reduce the risk of accidental exposure to carbon monoxide.

The county has recently initiated an exemplary public awareness and educational outreach campaign. By forming partnerships with national non-profits (The American Lung Association), private industry (American Sensors Electronics, Inc.), local fire departments and a public utility (National Fuel Company), the county has dramatically increased the public's CO risk awareness.

This collaborative partnership approach is managed by the county's Environmental Compliance Services Department, with the support of the county executive and legislature.

The county has recently estab-



\* Level measured in parts per million (ppm)

lished a 24-hour, automated carbon monoxide "hotline" that provides related information to the public. The county is also able to make available moderately priced CO home detectors.

Another county that has recently addressed CO is Palm Beach County, Fla. The county conducted an extensive research and monitoring effort to determine the effectiveness of different CO intervention strategies, source elimination, source reduction and administrative control.

The effort's focus was to determine which method of reduction was the most effective in preventing excessive CO exposure.

To institutionalize preventive measures against carbon monoxide poisoning, counties and localities are taking action by adopting CO ordinances.

On Oct. 1, 1994, Chicago (Cook County), Ill. became the first major metropolitan area to adopt an ordinance requiring the installation of CO detectors in all new single-family homes and in

existing single-family residences that are being equipped with new oil or gas combustion furnaces. Kingston (Ulster County), N.Y. approved a code to require the installation of CO detectors in multiple dwellings with four or more units. Bellaire (Harris County), Texas requires carbon monoxide detectors in residences that have a fireplace in the bedroom.

County officials can encourage their citizens to take the following preventive steps to protect themselves and their families

from CO poisoning:

- Have a professional inspect home furnaces and heating systems annually.
- Have the chimney and flue cleaned professionally.
- Open flues when fireplaces are in use.
- Use proper fuel in kerosene space heaters.
- Make sure burner flames on furnaces and stoves are blue — not yellow-orange.
- Never run an automobile or gas engine in an enclosed space.
- Discourage or prohibit smoking indoors.
- Install a carbon monoxide detector.

General information on the health effects of carbon monoxide and home detectors is available from any of several "hotlines."

Consumers can call: any local chapter of the American Lung Association (800/LUNG-USA), the Consumer Product Safety Commission (800/638-CPSC), and the Healthy Home Hotline (800/387-4219).

For technical information, please call the EPA's Indoor Air Quality Clearinghouse at 800/438-4318. For free county awareness-building materials and partnership opportunities, call Lou Witt, NACo Radon/Indoor Air Project, at 202/942-4261.

## FINANCE COMMITTEE from page 1

training. This means that the open-ended entitlement nature of this program is maintained, a big victory for counties.

### Temporary Assistance for Needy Families Block Grant

As expected, the Senate bill turns the Aid to Families with Dependent Children (AFDC) Program into the Block Grants for Temporary Assistance for Needy Families, and ends the current individual entitlement for AFDC, but the block grant is not the same as its counterpart in the House bill.

Total funding for the block grant is \$16.770 billion a year from FY96 through 2000. Although this amount is higher than the House bill, this is due to the inclusion of the two AFDC child care programs in the block grant. Under the House bill, the child care programs are part of a separate block grant.

### No repeal for JOBS Program

Unlike H.R. 4, the Senate bill does not repeal the provisions of the Job Opportunities and Basic Skills (JOBS) Program. Although the funding for the JOBS Program will be included in a state's share of the grant, states are still required to offer a JOBS Program. There is some added flexibility in that new activities are authorized for community services, job placement vouchers are allowed,

and states are allowed to extend the JOBS Program to non-custodial parents.

Participation rates are somewhat different in the Senate bill. It allows states to continue using the current exemptions in the JOBS Program for the first three years of the block grant. The House bill, on the other hand, eliminates the exemptions and extends participation requirements to the full caseload immediately.

The participation requirements were the subject of considerable debate during the markup. Senator Kent Conrad (D-N.D.) referred to a Congressional Budget Office estimate that states would have to use 60 percent of the block grant funds on child care and training to meet the participation rates. Chairman Packwood indicated that he wants to work with Conrad on a floor amendment.

Unlike the House, the Senate bill does not deny cash assistance to teenage mothers and their children or to children born while the parents are on welfare. Instead, it leaves these decisions to the states.

It also does not include the provision that would require states to reduce benefits to children who have not had paternity established, even in cases where the mother is cooperating with the state. Amendments on some of these provisions are expected when the bill goes to the floor. Senator Rick Santorum (R-Pa.) has already announced his intention to of-

fer an amendment regarding teenage mothers.

The Senate bill's contingency fund is also different from the House bill. It has more money and it does not have the unemployment level criteria that are included in the House bill. It is, however, still a loan fund.

### Immigration provisions

The Senate bill bars most legal immigrants from Supplemental Security Income. While it exempts refugees from this prohibition for five years, it does not have an exemption included in the House bill for immigrants over 75 years of age who have been in the country longer than five

years. In this sense, the Senate bill is stricter than the House bill.

In other areas, the Senate bill is not as restrictive.

While the House bill also bars most legal immigrants from Medicaid and the new AFDC block grant, the Senate bill does not. A new provision was included, however, that would consider the immigrant sponsor's income for eligibility purposes (known as "deeming" provisions). This provision affects means-tested programs within the Social Security Act, which would include Medicaid and foster care.

The deeming provision would last for five years or the duration of

the sponsorship agreement, whichever is longer. The Senate Judiciary Committee, chaired by Senator Orrin Hatch (R-Utah), is also expected to take action related to sponsorship agreements and deeming provisions which could affect other programs such as housing and job training.

Since the Senate Agriculture Committee has not yet acted on their programs, it is too early to tell what will happen to immigrants' eligibility for food stamps. The Labor and Human Resources Committee did not exclude legal immigrants from the child care block grant.

## LEGISLATION from page 2

manage results available each year to the secretaries and the public. States would be "encouraged to utilize administrative reporting data on quarterly earnings; establishment and industry affiliation; and geographic location of employment, such as unemployment insurance wage-data records."

The consequences for poor performance would include technical assistance from federal representatives. Following a second year of poor performance, the secretaries could cut the grant (using the last year's amount as a base) by up to five percent. In a local work force development area, a

governor may help with technical assistance following a poor year, but may withhold funds; redesignate a local administrative entity; or take other actions following a second year of poor performance.

The third amendment also was introduced by Rep. Riggs. It would substantially alter language in the bill by mandating the use of vouchers in the provision of education and training services to adults.

The amendment says that vouchers "shall be provided" to pay for services unless one of the four following exceptions is met:

- when the services are on-

the-job training provided by an employer

- when the local work force development board cannot find a sufficient number of certified providers in the area to let a voucher system function

- when the board determines that the certified local providers are unable to provide effective services to special populations, or

- when the board decides to enter into a direct training contract with a community-based organization that serves special populations.

Floor action on the bill may come as soon as early June.

# Clerks plan full schedule for association members at NACo Annual Conference

The National Association of County Recorders, Election Officials and Clerks (NACRC) has planned a busy schedule for its members at the NACo Annual Conference in Fulton County (Atlanta), Ga., starting with a reception on Thursday, July 20, at the Omni Hotel.

All activities on Friday, Saturday and Sunday will be at the World Congress Center — directly across the street from the Omni Hotel.

On Friday, July 21, Robert Focazio, vice president of marketing and sales, AT&T, will present a certification program on Management Training at 8:30 a.m. and 1:30 p.m.

Larry Bates, vice president, Records Management Services, Inc., a consulting firm, will also speak on Friday at 8:30 a.m. and 1:30 p.m. (The presentations are planned so that members have two opportunities to hear each speaker.)

Anyone attending the NACo conference is welcome to join NACRC members for these programs.

On Saturday, July 22, the Court Administration/Records Management Interest Group, Mary Patton, chair, will meet at 8:30 a.m.; the Elections Administration Interest Group, Ernie Hawkins, chair, will meet at 10 a.m.; and the Recording/Land Records Interest Group, Rebecca Jackson, chair, will also meet at 10 a.m.

After lunch on Saturday, there will be a program at 1 p.m. on "Violence in the Workplace," followed at 2:30 by a board meeting and General Session.

That evening, buses will take

members to the Atlanta Cyclorama building, where they will step into the pages of history and experience the story of the July 1864 Battle of Atlanta. The day's events are told with lights, music and narration, which surround people seated on a revolving, 184-seat viewing platform.

On Sunday, we encourage members to attend NACo's 9 a.m. General Session to hear Reed V. Tuckson, M.D., president of the Charles R. Drew University of Medicine and Science. Dr. Tuckson is a frequent lecturer on social issues such as inner-city violence and economic disparity.

The NACRC membership luncheon and installation of officers will begin at 11:30 a.m., followed at 2 p.m. by a meeting of the newly

elected NACRC board. At 6 p.m. on Sunday, NACo is sponsoring "Atlanta Underground."

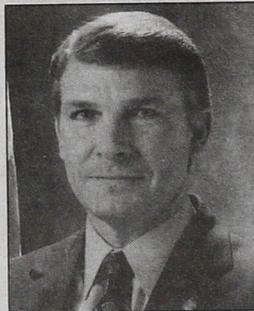
On Monday, July 24, all presidential candidates have been invited to address the NACo Conference. At 11:30 a.m., transportation will be provided to NACRC members for a tour of the Fulton County Courthouse and a luncheon.

At 1 p.m., there will be three certification programs offered at the courthouse — "The Development of Land Records in Georgia"; "Alternative Dispute Resolution"; and Election Budgeting," with emphasis on NVRA.

The certification program at 3 p.m. is on Budgeting Nuts and Bolts. At 4:30, transportation will be provided to take members back to the Omni Hotel.

## FEMA director to speak at Annual

James Lee Witt, director of the Federal Emergency Management Agency (FEMA), will be a featured speaker at NACo's Annual Conference, July 21-25, in Fulton County (Atlanta), Ga. Witt, a former six-term county judge from Yell County, Ark., has been credited with reorganizing FEMA into a proactive, responsive agency. During his tenure, he has overseen FEMA interventions during the nation's most costly disasters — the 1993 flood in the Midwest and the 1994 earthquake in L.A. County, Calif. Witt will speak on Tuesday,



James Lee Witt

July 25 at the morning General Session.

## NACo will offer seminar for newly elected county officials

New to office? Searching for mentors? Need answers to your hundreds of questions? NACo will hold its seminar for newly elected officials, "Words of Wisdom for Newly Electeds," at its 1995 Annual Conference in Fulton County (Atlanta), Ga.

As in the past, this seminar will be conducted before the official opening of the Annual Conference. The seminar will take place on Saturday, July 22 from 8:45 a.m.-4 p.m.

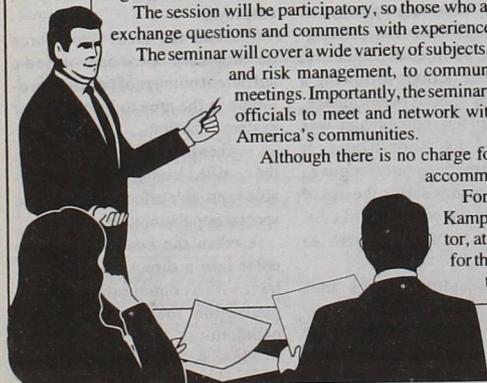
This six-hour seminar will give newly elected officials the tools and information they need to understand the job they've been elected to do, govern as effective leaders, and develop personal and organizational resources.

The session will be participatory, so those who are new to the world of county government can exchange questions and comments with experienced officials.

The seminar will cover a wide variety of subjects, ranging from the "ins and outs" of NACo itself and risk management, to communication skills, raising revenues and effective meetings. Importantly, the seminar will offer many opportunities for newly elected officials to meet and network with others facing similar challenges in serving America's communities.

Although there is no charge for this unique program, there is only space to accommodate 100 participants.

For more information about the seminar, call Lois Kampinsky, telecommunications and training director, at 202/942-4267. To reserve a seat and materials for this seminar, call John Bonkowski, training assistant, at 202/942-4216.



# NACo *on the move*

◆ President Clinton has appointed NACo President **Randy Franke** to the Advisory Commission on Intergovernmental Relations (ACIR). ACIR, made up of representatives of federal, state and local governments, acts as an intergovernmental problem-solving forum to foster cooperation among the different levels of government.

On May 17, Franke, along with Executive Director **Larry Naake**, Deputy Director **Ed Ferguson** and Human Services Director **Sandy Markwood**, briefed representatives of the Carnegie Foundation on NACo's Children's Initiative and its involvement in the local collaborative partnership on children.

◆ Associate Legislative Director **Diane Shea**, along with representatives of other local and state government organization, met with Representative **William Clinger (R-Pa.)**, chairman of the House Government Reform and Oversight Committee, May 25, to discuss a bill to "sunset" federal regulations that are not cost-effective.

On May 18-19, Shea accompanied Rockingham County (Va.) Supervisor **James Crouch** to a meeting of the EPA Advisory Committee on Sanitary Sewer Overflows in Arlington, Va.

Shea made a presentation on waste flow control legislation to the Maryland Recycling Association at Towson State University on May 24.

◆ NACo First Vice President **Doug Bovin**, Second Vice President **Michael Hightower** and Immediate Past President **John Stroger** traveled to San Francisco, Calif. for a meeting of the National Organization of Black County Officials (NOBCO), May 24-27. Legislative Director **Reggie Todd** and Associate Legislative Directors **Larry Jones** and **Haron Battle** were also there to give updates on various legislative issues, including affirmative action and unfunded federal mandates.

◆ In Grand Rapids, Mich. for a conference sponsored by the Michigan State Police, entitled "Contemporary Issues in Emergency Management," Research Associate **Peter Lane** conducted a workshop on volunteerism on May 24.

◆ Promoting NACo's position on telecommunications legislation, Associate Legislative Director **Bob Fogel** met with the staff of several senators last month, including Bob Graham (D-Fla.), Richard Lugar (R-Ind.), Connie Mack (R-Fla.) and Senator Conrad Burns (R-Mont.). He also talked over National Highway System legislation with staff from the Senate Environment and Public Works Committee.

# County News

"THE WISDOM TO KNOW AND THE COURAGE TO DEFEND THE PUBLIC INTEREST"

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# "Productive Day" ahead for Hennepin County inmates

By Thomas J. Gorzycki  
corrections officer

In Minnesota, the Hennepin County Department of Community Corrections is changing the way in which inmates are doing time in their county jail.

Gone are the days when little was expected of inmates; no more shuffling from recreation period to meal time with little else to occupy inmates' minds except tonight's card game and television show, or tomorrow's hot entree and dessert.

Today, the Hennepin County Adult Corrections Facility (ACF), located in suburban Minneapolis, has implemented a new program built on the notion that inmates should be productive while behind bars. The initiative is appropriately named "Productive Day."

"The primary goal of Productive Day is to motivate residents to develop skills, habits and abilities necessary to successfully integrate into the community and, to the extent possible, gain economic self-sufficiency upon release," Hennepin County Commissioner Mike Opat said. "The Productive Day concept attempts to reproduce daily life as experienced by the majority of the community, balancing work, education, personal growth and recreation."

A former correctional officer and supervisor at the ACF, Opat is now serving his first term on the Hennepin County Board of Commissioners. He initiated the Productive Day concept at the board level after working a frustrating 10 years in a community corrections system that essentially "warehoused" prisoners and did little to prevent recidivism.

Opat points to a 1983 report on recidivism rates, the last year these rates were researched, that showed that more than 40 percent of all inmates released from the ACF were eventually sent back.

With unanimous approval and endorsement from the county board and community corrections officials, the seeds Opat planted were nurtured by ACF administration and staff. More than 100 employees participated in planning and implementing the change in philosophy and operation. The result was a philosophy and system that prioritizes work first, while still offering programs aimed toward education, vocational training, treatment for chemical addictions and overcoming assaultive behavior.

Sue Bangert is one of three members of the ACF Transition Team, a panel charged with overseeing the implementation of Productive Day.

She said changing the philosophy under which the ACF has operated for 25 years has been difficult times. But, she said, staff members and inmates are adjusting to



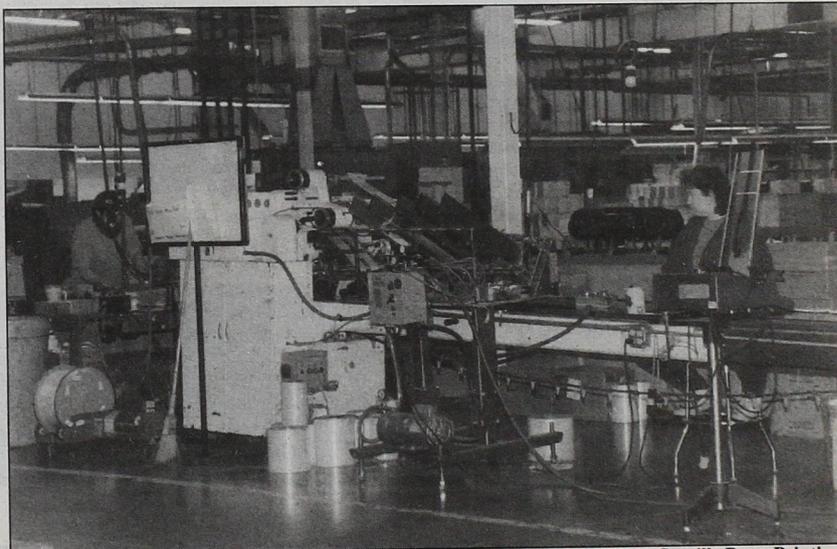
Jail inmates assemble dog chains for ACF Industry Program.

and getting more comfortable with the 180-degree turn.

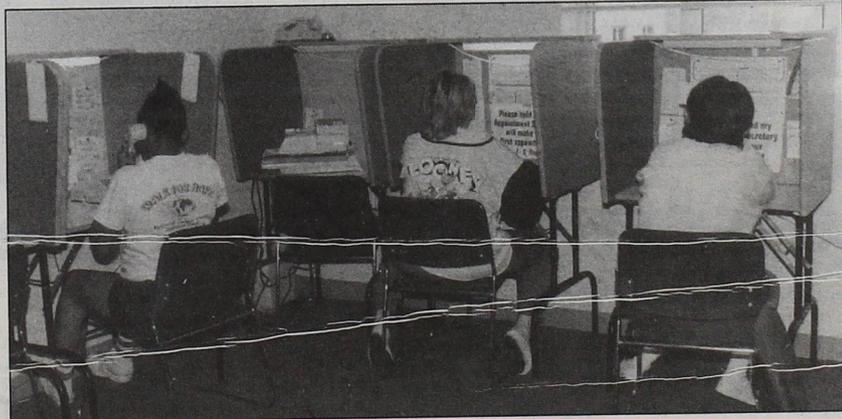
"Most of the feedback we're hearing so far is much more positive than anyone expected," Bangert said. "More residents than ever are expressing an interest in finding jobs and participating in programs while serving at the ACF. In fact, most of our programs are at full capacity."

After months of planning, Productive Day was unveiled on Sept. 1, 1994. It is expected to take two years before the program is fully phased in.

The first phase included the establishment of an objective classification system. First, offenders booked into the 400-bed, medium-security jail are screened individually to assess their security status. Inmates are then classified and assigned one of three "tracks"—track



Inmates operate printing equipment for Scoville Press Printing.



Women inmates work as telemarketers for Olan Mills.

one being a low-security risk and track three being a high-security risk — depending on their offense, criminal history, sentence, personal programming and medical needs.

Once classification and track assignment are completed, the inmate chooses the extent of his or her participation in Productive Day programming. While participation is optional, those declining their Productive Day program will find themselves spending a majority of their time locked in their cells.

Productive Day experienced suc-

cess shortly after its implementation when a local printing company contracted with the county to hire low-risk inmates. More than 20 inmates now participate daily in what is known as the Private Sector Work Program (PSWP).

PSWP participants use their wages to partially reimburse the county for their room and board. William Arndt, vice president of human resources at Scoville Press, states that "the temporary workers from ACF have done an excellent job for us and we will continue to

use them. It has turned out so well, in fact, that we have stopped using temporaries from other agencies. In summary, the Private Sector Work Program has been successful for all of us."

Similar to the arrangement with the printing company, a telemarketing firm has contracted with the county to provide women prisoners an opportunity for work. In addition to the standard work arrangement, the company guarantees a job upon release to every female prisoner who worked for

the firm while incarcerated, Bangert said.

Beyond creating jobs through partnerships with private companies, the ACF is also increasing the capacity of its own internal work programs.

For example, Productive Day plans call for both physical plant and work force expansion of the ACF's on-site industry program, which now employs about 50 inmates for assembly and packaging work. Inmate employment in the jail's kitchen and laundry are also slated for expansion and redesign to provide more meaningful opportunities for inmates, Bangert said.

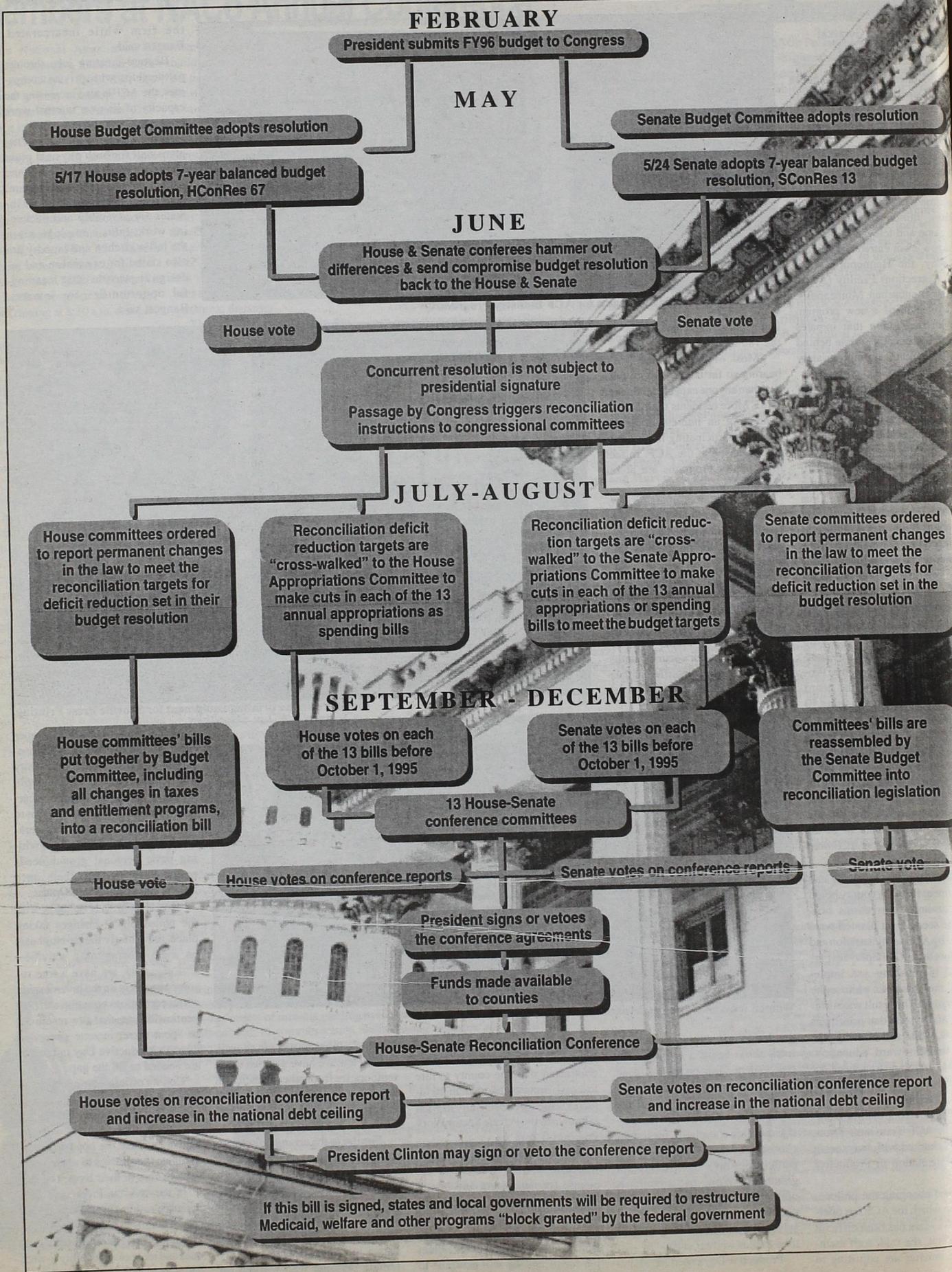
According to Commissioner Opat, the Productive Day philosophy is part of a larger community corrections picture in Hennepin County. "We must require incarcerated inmates to be productive to help offset their cost of incarceration, while at the same time providing basic personal growth/needs programming to help them once they're out of jail," said Opat.

"Not all folks may be happy with the philosophical changes taking place, particularly the de-emphasis on some programming activities. Unfortunately, we have a true resource problem on the juvenile side of our corrections equation and prevention dictates that new resources be spent there; income generated through Productive Day initiatives are needed to fill the gap."

County officials are encouraged by the early successes of Productive Day. They hope that as the program evolves, inmates will recognize and take the opportunity to motivate themselves to make positive changes in their lives.

In the end, the Productive Day initiative's ultimate measure of success will be its participants' ability to stay out of jail. "Lower recidivism rates and more responsibility is what we're looking for," concluded Opat.

# Federal Budget & Reconciliation Process



# Maguire urges more flexibility for rural development

By Ralph Tabor  
public policy director

St. John's County, Fla. Commissioner Craig Maguire urged more flexibility and pinpointed priority funding for federal rural development programs in recent testimony before the House Resource Conservation, Research and Forestry Subcommittee on rural development issues in the 1995 farm bill. Maguire, chair of NACo's Rural Development Subcommittee, stated, "It may not be possible in today's fiscal world to fund all of the rural development programs currently authorized, but the funding of water, sewer and telecommunications programs are NACo's top priorities." The purpose of the hearing,

## The House Resource Conservation, Research and Forestry Subcommittee expects to start marking up rural development, credit and conservation provisions of the 1995 farm bill in mid-June.

chaired by Representative Wayne Allard (R-Colo.), was to review the delivery systems used for federal rural development programs and how they could be made more flexible and responsive to state and local needs. Commissioner Maguire outlined a number of principles that NACo had adopted if programs are to be consolidated into block grants:

- Emphasis must be on savings to taxpayers and not on shift-

ing costs from federal to local taxpayers.

- Federal block grant legislation should be developed in close consultation with county and town officials.
- States should be required to plan jointly with county and town officials and publish for review and comments the plan for expenditures.
- Federal block grant funds for health, social services, employment, community and economic development, and transportation should be

allocated to general purpose local governments where existing service delivery systems are in place.

- Reasonable transition time should be allowed to move from categorical to block grants, and counties and towns should be given sufficient time to adjust their own laws, budgets and administrative procedures to comply with changes in federal policy.
- Block grants should provide local flexibility to address identifiable needs within the context of meeting broad national objectives.
- Legislation should cap state administration costs to what is reasonable and justifiable by current administrative costs.
- If a federal mandate is eliminated or waived for a state, it must be eliminated for local governments. If block grants are not practical

for rural development loan programs, Maguire suggested that rural economic development panels, as authorized by the 1990 farm bill, might accomplish the same purposes. He also suggested that some of the current state rural development councils could take on similar responsibilities. Nebraska Governor Ben Nelson, testifying for the National Governors' Association, made the same point. The House Resource Conservation, Research and Forestry Subcommittee expects to start marking up rural development, credit and conservation provisions of the 1995 farm bill in mid-June. Representative Allard said that he wanted to work with the counties and governors in developing the committee's rural development legislation.

# U.S. Transportation Secretary Peña seeks input from counties, cities

Although most counties and cities are facing increasing levels of congestion, prudent transportation planning can no longer rely upon building yet another interstate or freeway. Secretary of Transportation Federico F. Peña believes the answer lies in "more creative use of technology" to solve many of the challenges encountered at the local level. Peña's vision for the 21st century includes the use of "smart technologies" that exist today — such as electronic collection of tolls to eliminate traffic bottlenecks and automated traffic signals to reduce commuting time. Further down the road, maybe 20 years from now, automated highways and "smart" cars could be the norm. "Looking at ITS (intelligent transportation systems) is a long-term process, but it must be done... for the U.S. to be globally competitive." Peña's remarks were made on May 19 in Washington, D.C. before a special focus group consisting of elected and top appointed officials, representing cities and counties throughout the East Coast. The focus group was convened by Public Technology, Inc. (PTI), with assistance from the International City/County Management

Association (ICMA), to understand how local government officials are approaching the use of ITS today and what plans could be developed for its future application. Charles Royer, former mayor of Seattle and director of the Institute of Politics at Harvard University's John F. Kennedy School of Government, served as the facilitator for the focus group. Doug Bovin, NACo first vice president, was among the participants. As a vivid illustration of rural communities suffering the consequences of high traffic and congestion, Bovin cited his home jurisdiction of Delta County, Mich., where three major highways use one bridge. As the federal government, state governments and the private sector move forward with planning on the use of ITS, identifying local government needs is crucial to the process since it ultimately becomes a local problem. For example, Bovin added, "In Michigan, approximately 70 percent of the roads are locally controlled." One common denominator among the participating officials was the importance of economic development to their communities.

Efficient transportation systems and channels of distribution are essential factors in attracting new business to an area — and retaining existing businesses. But a recurring theme of frustration rang throughout the group. As government authority has decentralized, it often seems that no one entity is in charge. Ann M. Baran, manager of Union County, N.J., agreed. She encountered numerous barriers as her community sought to attract a needed economic development project that would add more congestion into an already overloaded area. "Issues needed to be addressed sooner rather than later. However, the county did not have the authority to resolve the concerns. So we brought different sectors — public, community, and private — together," Baran said. "We made it work in spite of the system." It is this type of ingenuity that is needed to make things happen. "Local governments must fight against the status quo," Bovin urged, "if we are going to make a real difference." Bovin is also serving on PTI's Urban Consortium Transportation Task Force, which has the lead role in a program to strengthen connections among cities and counties, research institutions, and private

vendors in ITS development and implementation. The PTI project is funded through a cooperative agreement with the Federal Highway Administration. With the approximate construction cost in a non-metropolitan area of \$8 million to \$15 million per lane mile, technology is increasingly the most cost-effective approach, according to Christine M. Johnson, director of the U.S. DOT/ITS Joint Program Office. ITS is an important component of the information highway and, she urged, local governments should scrutinize their technological purchases to ensure the capability to integrate services now and in the future. The focus group admitted that awareness of ITS and knowledge of its applications seemed to be lacking. The systems are designed to alleviate demands upon the transportation infrastructure, reduce air pollution, enable speedier response

to emergency situations, and improve public safety. Although savvy when it comes to the technology of the "information highway," local officials need more information on ITS and its benefits. But, they cautioned, it should be directed to the top decision-makers in local government rather than to engineers. The focus group held in Washington was the first of three to be conducted throughout the country by PTI. Subsequent meetings are scheduled for Chicago, Ill. and San Francisco, Calif. in June. PTI is the non-profit technology organization of NACo, the National League of Cities and the International City/County Management Association. Through collaborative research by its member jurisdictions, PTI creates and advances technology-based products, services and enterprises in cities and counties nationwide.

# Franke appoints Credentials Committee for Annual election

NACo President Randy Franke appointed the following county officials to serve on the Credentials Committee at NACo's 1995 Annual Conference, July 21-23 in Fulton County, Ga. The objective of the Credentials Committee is to ensure that member counties participating in the election of the NACo president and vice president and in the

the most efficient and fairest manner. The committee members will also resolve any problems that members may have with the process. Appointees to the Credentials Committee are as follows: chair, Russell Sheaffer, commissioners chair, Dauphin County, Pa.; and members, James Scarborough, police juror, Natchitoches Parish, La.; Penny Cameron, board member, Kane County, Ill.; and James

Johnson, commissioner, Eagle County, Colo. Franke has also appointed Herman Geist of Westchester County, N.Y. to the position of parliamentarian. Francie Sullivan, supervisor, Shasta County, Calif., was appointed as the reading clerk, and Annabeth Surbaugh, commissioner, Johnson County, Kan., was appointed to the position of tally clerk.

## Charter Counties

To cope with a rising volume of requests for information about county government charters and the charter development process, the NACo Research Department needs your assistance.

If your county has a charter, please send a copy of that document (and any background information discussing the drafting and adoption of the charter) to:

Research Department  
National Association of Counties  
440 First St., N.W.  
Washington, DC 20001  
phone: 202/942-4285  
fax: 202/737-0480

For counties considering the adoption of a charter, background documents discussing the charter development process and the text of the proposed charter (if available) also would be appreciated.

# In search of: uniform documents legislation

By Richard B. Metcalf  
Franklin County, Ohio recorder

In Ohio, and I suspect all over the nation, a county recorder's primary duty is to record real estate title information. The Franklin County Recorder's Office will begin using imaging technology this year, and within the next two years, at least 30 percent to 40 percent of all Ohio recorders will also be imaging.

This new service will greatly speed recovery of documents in the recorder's office or at off-premise terminals.

Nonetheless, it won't speed up the recorders' operation a great deal, or save much staff time. However, as

we go to optical character recognition (OCR) and are able to automatically index the documents by scanning, as opposed to manually inputting data, then we will realize a time-saving factor in providing documents to the general public.

OCR can only work from standardized documents that have a constant single location for each item, e.g., the type of document must be located in the same indicated place, the grantor's name in a deed must be placed first on the deed in a specifically defined location, and grantee's name must also be placed in a specific location.

We do not believe that this will happen by accident, nor will it happen through the cooperation

of our customers.

It can only happen through state legislation which makes standardization mandatory. Once the legislation is understood by the public, we believe it is possible to secure a 98 percent compliance rate. Of the remaining two percent, there will be a surcharge for having to manually input the information into the index.

## Request for assistance

Thus far, in Ohio, we have not been successful in locating a statute from any state which creates uniform titling of real estate or other documents. Therefore, if you are aware that your state does have such a statute, we would appreciate receiving a copy. We would be pleased to have

the guidelines of some existing uniformity measure.

If your state does not have such a statute, and you anticipate using imaging technology or OCR, we will gladly furnish you with a copy of our proposed statute guidelines so our states may be identical.

If all state statutes were the same as to location of names on real estate and other documents, we would expect to have virtually 100 percent compatibility with OCR and, therefore, could index all real estate documents, etc., within seconds after their arrival in the recorder's office.

The Franklin County Recorder's Office is also beginning to negotiate with the federal taxing authority to communicate federal tax liens to the

recorder's office electronically rather than by paper. This office processes approximately 10,000 pieces of paper per year for federal tax liens or releases, all of which can be done electronically with the appropriate technology. The staff time and effort savings could calculate into large figures to the benefit of the office budget.

If you are interested in participating in such a project for standardized forms, or if you think it is a good idea to cause electronic transmission of liens, we would be glad to hear from you and will keep you updated on our progress. Contact Richard B. Metcalf, Franklin County recorder, 373 S. High St., 18th Floor, Columbus, OH 43215-6307, phone: 614/462-3378.

## Your county is prepared to respond to a disaster, but is it prepared to recover?

By Sharon L. Oakes

(This article is the first of three on the impact of disaster recovery once a Major Disaster Declaration has been issued through the Federal Emergency Agency (FEMA).)

For the purpose of this series, disaster recovery is not only the physical reconstruction of damaged facilities, but also all the efforts required of your county to comply with federal and state regulations once disaster assistance funding is received.

This series will focus on the one FEMA program which most affects state and local agencies — the Infrastructure Assistance Program, formerly known as the Public Assistance Program.)

Disaster recovery, as defined here, is a lengthy process. Your county's disaster response manual most likely projects a two- to six-month time period for recovery. In reality, it will be several years until an agency will be able to "close its books" on its disaster recovery relationships with the federal and state governments.

The Infrastructure Assistance Program is probably one of the most complex of federal programs. This program is governed by detailed legislation and even more complex regulations. It requires compliance with local and state regulations as well as federal regulations as diverse as the National Register of Historic Places, the Coastal Barriers Act, the Natural Flood Insurance Program and so on.

Obtaining a working knowledge of this program immediately after a disaster can overwhelm an agency that is trying to maintain basic services to its constituency while repairing damaged facilities.

This issue's article will focus



on the regulations that define FEMA's Infrastructure Assistance Program.

The second article will introduce several program concepts such as hazard mitigation, alternate projects, large projects and small projects.

The final article will then use this knowledge to provide a comprehensive narrative on disaster recovery from disaster declaration through resolution of FEMA inspector general audits.

Currently, the basic hierarchy of regulations that govern disaster assistance grants is as follows:

- The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)
- 44 CFR Part 206 (Rule)
- 44 CFR Part 13 (Common Rule)
- OMB Circulars

The Stafford Act was passed by Congress in 1988. Accordingly, 44 CFR Part 206 was then enacted to implement the directives of the Stafford Act and the Common Rule.

This legislation fundamentally changed the working relationship between the states and FEMA as it applied to the Infrastructure Assistance (then Public Assistance) Program. The states were now empowered with more flexibility to manage the Infrastructure Assistance Program according to their own established procedures.

In addition to this fundamental

change, the Stafford Act introduced funding mechanisms for hazard mitigation projects and authorized certain private, non-profit organizations to receive federal disaster assistance.

FEMA currently uses 44 CFR Part 206 to determine what recovery work is eligible for federal reimbursement. This rule also defines the processes for appealing decisions, granting time extensions, and other procedural matters.

However, it is 44 CFR Part 13 (Common Rule) that defines what types of costs will be reimbursed by the program. The Common Rule also references OMB Circulars which establish allowable costs based upon the type of agency involved.

For instance, OMB Circular A-87 establishes cost principles for state and local governments, while A-122 establishes those principles for private, non-profit organizations.

In September 1989, Hurricane Hugo was the first catastrophic disaster declaration after the Stafford Act was enacted. There were 505 agencies in South Carolina alone which received disaster assistance funding.

According to Bob Cates, the South Carolina governor's authorized representative for Hurricane Hugo recovery efforts, "One of the largest challenges faced by the state was working with such a tremendous volume of agencies with vastly

different degrees of experience and knowledge of the disaster assistance program, grant management and fiscal accountability."

Cates adds that agencies would benefit from planning and preparing for disaster recovery much like many do now with disaster response exercises. That advice would certainly maximize program participation as well as minimize confusion and repetitive efforts for the agency involved.

In summary, there are many regulations that intertwine to govern the disaster recovery work and grant management efforts of your agency. It is rare that an agency can operate on the premise of "business as usual" once disaster assistance grant funds are received.

Now is the time, before the disaster strikes, to obtain a working knowledge of this beneficial, but complex program.

Next: Program concepts of FEMA's Infrastructure Assistance Program.

(Oakes is a professional engineer in Florida, and currently has her own consulting practice in DeLand, Fla. She has also worked with FEMA on disaster recovery assignments for the past four years, most recently with Mecklenburg County, N.C. Oakes is a member of the Florida Emergency Planners Association and the Association of State Flood Plain Managers, and has spoken extensively on public

## Get ready for a shock

Brace yourself. The National Earthquake Hazards Reduction Program (NEHRP) has identified 41 states and U.S. territories as being at high to moderate risk of an earthquake. Small business owners, the backbone of the economy in many communities, often suffer the greatest impact, with the longest recovery period following an earthquake ... if they are able to recover at all. State and local leaders with responsibility for the health and welfare of their communities, can help their small businesses stay in business after an earthquake.

To help better prepare small businesses for non-structural damage that may be caused by an earthquake, the Federal Emergency Management Agency (FEMA), in an effort to support NEHRP, has developed a national public service campaign with some easy, inexpensive measures that may reduce damage to small businesses after an earthquake.

Materials available include a "how to" manual for communities that wish to start their own education campaign, a general brochure, utility stuffer, poster, radio and television public service ad, print ad, and 10-minute informational video. These materials have been tested and proven effective with small businesses across the country.

For more information on the FEMA outreach campaign, or to preview the materials available, call 1/800/95NEHRP.

involvement and disaster recovery issues.)

# Newton County, Ga. "recycles" roads, saves cash

By Kay Morgareidge  
Association County  
Commissioners of Georgia

*(Here's how one county, with a mix of ingenuity and home-grown skill, paved its way to success.)*

Newton County took one new idea, combined it with clever "shopping" and a welding torch, and came up with a significantly cheaper way to reclaim damaged pavement.

"You could say we are recycling asphalt and equipment," says Commission Chairman Davis Morgan. "We found we had lots of failed subdivision streets that had been accepted by the county before paving standards were adopted. In some instances, they were just thin skins of asphalt over a minimal layer of aggregate. Many of these streets had no real base, so patching them was a useless exercise."

Chairman Morgan may be a first-term commissioner, but he has more than 20 years of paving business experience. He knows what a proper subgrade and base for a road look like. And he could see that no amount of pothole patching was going to rehabilitate the roads and streets that lacked an adequate base and profiling to shed water.

Reclaiming a severely damaged paved road, however, is usually a costly operation. Ordinarily, the old, broken surface has to be scraped up with a blade, loaded onto trucks, and dumped in costly landfill space.

Then fresh aggregate has to be hauled to the site and worked into the roadbed to make a firm base for the new asphalt topping. All this involves lots of hauling and labor and purchase of materials.

Georgia DOT and some of the larger counties may use a reclaimer machine which shaves off the top two inches or more of asphalt, and loads it by conveyor into a milling machine which grinds and mixes it with new asphalt on site. That's an expensive process, too, costing about \$150 per hour for operation of the reclaimer machine alone.

What bothered Morgan was that these methods require either some very expensive machinery or a lot of hauling back and forth, as well as what he considered wasteful use of precious landfill space. He wanted a more cost-effective method of subgrading and rebasing deteriorated roads in Newton County.

## Conditions were right

Vanishing landfill space, Morgan figured, could actually work in his county's favor. With so many county landfills closing rather than upgrading to Subtitle D standards, he reasoned that there would be a lot of surplus compacting machines out there.

Sure enough, he soon found that



Commissioner Davis Morgan  
Newton County, Ga.

Henry County was inviting bids on a much used Bomag waste compactor. Newton County bid \$5,000 for it and brought it home.

A waste compactor was not exactly what Morgan needed for his plan, but it was close. He and his road crew decided that they could change the shape of the wheel studs from triangles to trapezoids about six inches tall, which would do a better job of breaking up pavement and still be durable.

While the county shop cut the old studs from the compactor's wheels, Morgan ordered trapezoid block replacements. They were stamped out at a steel mill for \$2,100. He estimates that alterations to the compactor cost the county \$3,000 in labor and welding at the maintenance barn. In all, they spent about \$10,000 on the compactor and its alterations.

In November last year, having experimented on a short stretch of country road, they were ready to put their pavement pulverizer to the test on some three miles. Both had little or no subgrade; both were badly checkered and potholed.

"This may be a 'poor man's road rehabilitation process,'" Morgan admits, "but it works."

The faulty roads were pulverized with the modified compactor, leaving chunks about the size of a man's fist. No material was removed. Pulverizing in successive passes with the studded wheels mixed the old asphalt surface with the existing subgrade, then new aggregate (#3 stone) was added, compacted and rolled into the pulverized base.

To ensure long life for the new surface, the roadway was profiled and drains installed as needed.

Finally, 2 1/2 inches of asphalt sealed the surface, and for all appearances, Newton County had a new road. Instead of constant complaints from residents about potholes and an unsightly surface, the 25-year-old neighborhoods have smooth pavement that is expected to last 13-15 years nearly maintenance-free.

Newton County, meanwhile, reused 2,423 tons of material that would have been sent to the landfill if ordinary methods of road rehabilitation had been used. They



(1) Large, blunt wheel studs replaced the original triangular ones to convert this old waste compactor into an efficient pavement pulverizer.

saved at least 161 dump truck trips. That old asphalt would have taken up about 2,093 cubic yards of landfill space.

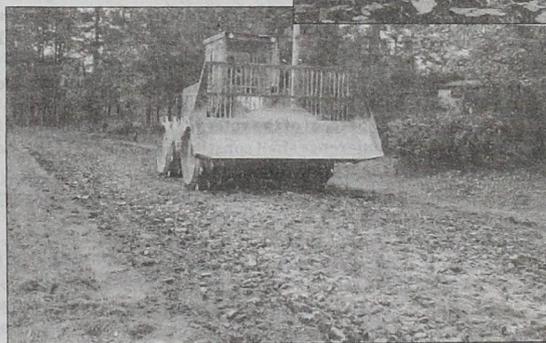
Chairman Morgan and the road and drainage crew are confident they have found a good way to save money and landfill space. Their new method of recycling asphalt on site has been an economic as well as an environmental success.

Georgia Crushed Stone Association gave the county a special award for "outstanding innovation,"



Instead of removing damaged surface, the pulverizer reduces it to an additive for the base aggregate.

Successive passes work additional #3 stone into base, then the roadway is profiled and drained ...



and it is being considered for a NACo Achievement Award, too.

Davis Morgan says he will be glad to show this "road recycling" process to other county officials and public works supervisors. It has become a standard part of the Newton County road maintenance pro-



... and rolled, ready for the finishing layer of asphalt about two inches thick.

gram, and should work anywhere road builders need to make extensive improvements in the subgrade and base of a paved road.

*(Morgareidge is editor of "Georgia County Government," where this article first appeared in March 1995.)*



# Bylaws changes recommended by NACo Board

The NACo Board of Directors recently approved amendments to the NACo bylaws, which will be voted on at the Annual Conference in July. The proposed amendments will be the first changes in the bylaws since 1988.

NACo President Randy Franke appointed a task force last year to review the bylaws and to recommend any amendments. He appointed Second Vice President Michael Hightower, Fulton County, Ga., to head the task force.

Other NACo Board members appointed to the task force include John Easter, Iowa Association of Counties; NACo Parliamentarian Herman Geist,

Westchester County, N.Y.; Commissioner Carl Hansen, Cook County, Ill.; Commissioner Jim Huber, Lancaster County, Pa.; Commissioner Doris Karloff, Saunders County, Neb.; Commissioner Reed Madden, Greene County, Ohio; Councilman Stuart Rhodes, Indianapolis-Marion County, Ind.; Commissioner Linda Sims, Ingham County, Mich.; and Commissioner Donn Wolf, Oakland County, Mich. Ralph Tabor, NACo director of public policy, staffed the task force.

An explanation of the proposed amendments, along with the full text of the bylaws, follows.

(Note: Underlined and bold-faced text indicates new additions to the bylaws. Crossed-out material will be deleted.)

## ARTICLE I OFFICES

The principal office shall be at 440 First Street, N.W., Washington, D.C. 20001. The association may also have an office in such other places as the board of directors may direct.

## ARTICLE II OBJECTS, PURPOSES

The purposes for which this association is formed are to stimulate the continuing improvement of county government; to serve as the national spokesman for county government; to contribute to the knowledge and awareness of county government's heritage and its future; to serve as a liaison between the nation's counties and other levels of government; and to achieve public understanding of the role of counties in the federal system.

The association will seek to achieve these purposes by, among other things, the holding of conferences, the exchange of information and advice through publications of the association, and other such specific acts as may tend to benefit county government and improve the character of service to the public rendered by such government.

## ARTICLE III PROCEDURES

The order of business and rules of conduct shall be determined by the board of directors. In cases not covered by such rules, Robert's Rules of Order (Newly Revised) shall govern.

## ARTICLE IV CLASSES OF MEMBERSHIP

This association shall be a membership organization with no capital stock, and no dividends of pecuniary profit of any character shall inure to the benefit of officers, members, or employees. There shall be two classes of membership in this association as follows:

(1) Honorary membership is automatically conferred upon any person in accordance with resolution duly adopted at any meeting of the board of directors.

(2) Active members of the association shall be those county governments or other equivalent unit of local government which contribute annually to the financial support of the association in accordance with a schedule of dues or service fees adopted by the board of directors of the association. **The board of directors shall not increase dues in excess of 15 percent unless and until such increases are approved at an annual business meeting by vote or if an emergency is declared by the board of directors.** Dues or fees for

organizations other than counties shall be subject to the approval of the board of directors. Active members shall be entitled to other such services and benefits as the board of directors shall prescribe. The words "county" or "counties" when used in these bylaws to describe members or membership shall include such other units of local government as have been accepted as active members.

## RENUMBERED ARTICLE IX V CONFERENCES AND MEETINGS

**There shall be an annual conference of all members of this association at such time and place as shall be determined by the board of directors. All business coming before the conference shall be disposed of by a majority of the votes cast at the conference. Prior to the business meeting, a count of the number of registered votes shall be made and officially certified by the credentials committee: 25 percent of the votes registered at the conference shall constitute a quorum for the transaction of business.**

**Upon opening the meeting, the chair shall determine that the session is open for business and that a quorum is present. If any time during the session the question is raised whether or not a quorum is present, then a show of hands of 35 percent of those delegates present will be sufficient to require a roll call as to whether or not a quorum is present. If a determination is made that a quorum is not present, no further business may be conducted; and if a quorum is not present before the close of final business session of the convention, all unfinished business will be referred to the board of directors who shall be empowered to act thereon for and on behalf of the membership.**

**Upon thirty days notice, including notice of the business to be considered, special meetings of the membership may be called by the president any time, with concurrence, in writing, of a majority of the board of directors.**

**When the board of directors determine that an annual conference cannot be held, the president, with the approval of the board of directors, is authorized to establish the procedures necessary to carry out the objectives of the conference.**

**Credentials shall close by 5:00 p.m. local county convention time the day preceding the annual business meeting.**

## RENUMBERED ARTICLE V VI BOARD OF DIRECTORS

### Section 1. Membership

The board of directors shall consist of persons who are elected officials of member counties or designated officials as follows:

- NACo elected officers as specified in Article VI hereof.
- One (1) elected official from an active member from each state.
- Ten (10) elected officials from active members, one (1) from each of the ten states having the highest number of votes as certified by the Credentials Committee based upon NACo membership ~~as of the date of 60 days before~~ the annual meeting, provided that such state has either 50 percent of its counties as NACo members or has NACo members representing 50 percent of the state's population. Where a state, otherwise qualified, fails to meet either 50 percent standard, it shall not be eligible for an additional director under this paragraph; the state having the next highest number of votes will be elevated to the list, provided that such state meets either 50 percent standard.
- One elected county official from each state having 100 percent of its counties as members of NACo and at least forty-five votes.

Procedure to be Followed in the Selection of Directors in Categories B, C, and D:

- The state association shall submit a nomination to the NACo president for each category. Each nomination shall be submitted in a duly authorized resolution of the governing body of said state association.

Such resolution shall also specify one or more persons designated to make the nomination.

- Directors in Categories B, C, and D shall be elected annually at the association's annual conference.

- One elected official from each regional district, when authorized by the board and approved by the voting members.

- One director from each affiliate, when authorized by the board and approved by the voting members.

Procedure to be Followed in Selection of Directors in Categories E and F:

The directors in Categories E and F will be nominated by their respective organizations and elected by the voting members at the annual conference.

- Ten (10) at-large directors shall be appointed by the president. Prior to the first meeting of a newly elected board, the President shall appoint ten (10) at-large directors who must be elected officials from active members of NACo, to address any perceived inequities in representation (especially fe-

male, Black, Hispanic, Native American or urban/rural).

There shall be no more than one (1) at-large director from any state.

- Past presidents of NACo who are still elected county officials.

### Section 2. Responsibility

Power to establish association policy shall remain in the hands of the voting membership of the association, provided that interim policy decisions arising between annual conferences shall be made by the board of directors in the name of the association until the next annual conference of the association.

The board of directors shall have general supervision, management and control of the business and property of the association, subject to the Articles of Incorporation, to these bylaws, and to the policies established by a majority vote of the voting members of the association at the annual conference.

### Section 3. Executive Committee

- There shall be an executive committee which shall be responsible for the property, funds and business affairs of the association in the absence of the board of directors. The executive committee shall have and exercise all powers of authority granted by the board of directors. It shall recommend the appointment and compensation of the executive director to the board of directors. The executive committee may establish such positions and salary schedules as necessary to conduct the affairs of the association subject to the approval of the board of directors.

- The executive committee shall be composed of the association's president, vice presidents and immediate past president. The immediate past president is the most recent past president still an elected official of an active member.

- The president of the association is the chair of the executive committee. ~~No member of the executive committee or NACo staff shall be employed by or receive any compensation directly or indirectly from any person or entity providing services to NACo.~~

- The president may initiate conference calls between meetings of the executive committee. The members of the executive committee may participate in any meetings of the conference calls and such participation shall constitute presence in person at such meeting.

- The executive committee shall make a

(See next page)

# Bylaws changes recommended by NACo Board

(from previous page)

report to the board of directors at each meeting of the board with respect to the general state of the association, **significant changes in the financial condition of the association**, and actions taken in the interim period between board meetings.

F. **No member of the executive committee or NACo staff shall be employed by or receive any compensation directly or indirectly from any person or entity providing services to NACo.**

## Section 4. Executive Director

The board of directors upon recommendation of the executive committee shall appoint the executive director and fix the salary and other compensation related to the position. The executive committee shall establish all other terms and conditions of the employment of the executive director. The executive director shall be chief operating officer of the association, and under the general direction of the board of directors and the executive committee, shall establish, maintain, manage, and generally control the executive office or offices of the association. He or she will do or cause to be done on behalf of the association all actions directed by the board of directors, and shall have authority generally to carry on the business of the association and to execute necessary or appropriate policies, decisions, and instructions of the board, including the approval of all contracts, vouchers, and other documents involving in any manner the disbursement of association funds, with the exception that all contracts, vouchers, loans and other actions involving in any manner the disbursement, or commitment of association funds in an excess of amount to be determined by the board of directors, shall be approved by the president and first vice president. Such information shall be promptly forwarded to the full audit committee.

Appointment or dismissal of personnel shall be the responsibility of the executive director subject to the personnel policies adopted by the board of directors.

Annually, and within 45 days prior to the annual conference, the executive committee shall evaluate the executive director and report to the board of directors.

The executive director or designee shall keep all records of the association, shall take and keep minutes of all meetings of the members and the board of directors, give notice of such meetings at the direction of the president, receive all monies of the association, and record and deposit the same in approved depositories. At the close of the month, he/she shall render a financial statement to the audit committee.

The executive director and secretary shall provide bond, cost to be borne by the association, payable to the association, in such amount as required by the board of directors.

## Section 5. Vacancy

Vacancies occurring in the board of directors, except for officers and Category E, F and G directors, may be filled for the unexpired term of the remaining directors, after receiving a recommendation from the association of counties of the state

where the former member of the board of directors resided. Should the board of directors choose not to appoint the individual recommended by the state association, a majority vote of the full membership of the board of directors shall be required. Vacancies in an at-large position shall be filled by the president. Should a vacancy occur in the office of president, **president-elect**, first vice-president or second vice-president, **third vice-president** the officer next in line shall succeed to the vacant office.

## Section 6. Procedures

**The board of directors shall not increase dues in excess of 15 percent unless and until such increases are approved at an annual business meeting by vote, or if an emergency is declared by the board of directors. Twenty-five Fifty (50) directors shall constitute a quorum for the transaction of business. The board of directors may transact business by mail ballot by voting upon specific proposals mailed to them with the approval of the president. Under such circumstances, the response of a majority of the directors shall be required.**

## RENUMBERED ARTICLE VI OFFICERS

The officers of the association shall be elected officials of active members: they shall consist of a president, **president-elect**, first vice-president, **and** second vice-president. **and third vice-president.**

The president shall be the chief executive officer and shall preside at all meetings of members, all meetings of the board of directors, and shall have the general supervision of all business of the association. He or she shall appoint all committees except the NACo audit committee.

The **president-elect and the vice-presidents** shall consult with, counsel, and advise the president. The president may assign to them areas of responsibility, e.g., membership; legislation; affiliate liaison; state association liaison; and other appropriate tasks. In the absence, disability or retirement of the president, his or her duties shall be performed successively by the **president-elect, first and second and third vice-presidents.**

## RENUMBERED ARTICLE VII VIII AUDIT COMMITTEE

There shall be an audit committee consisting of three members. The term of office shall be for three years with one member being elected each year. **In the event of a vacancy, the Executive Committee shall appoint, with ratification of the Board of Directors, a person to serve an unexpired term. No member shall serve for more than one consecutive term. The NACo Board of Directors shall fill any vacant position from its membership through an election at the first meeting of the new Board of Directors. In the event of a vacancy during the year, the Board of Directors shall elect a person to serve the unexpired term.** No present or former officer of the association shall be eligible to serve. The senior committee member **in terms of committee service** shall be the chairperson of the audit committee.

The duties shall include a quarterly re-

view of the association's finances including, but not limited to, expenditures, accounts payable, accounts receivable, cash on hand, confirmation of payment of state, local and federal taxes and status of loans, notes, agreements, and contracts for NACo and all of its subsidiaries, sponsored in whole or in part by this association. Upon completion they shall report on their review to the NACo board of directors. **They can hire staff assistance necessary to accomplish these responsibilities if approved by the Board of Directors.**

They shall cause an annual independent audit of the association's finances. Such auditor shall be selected by and report to the committee.

As a part of the audit, the audit firm shall prepare a letter of recommendation, including comments on deficiencies observed in internal controls and ways to improve the efficiency of the operation.

They shall also perform such other duties as are assigned members in these bylaws or may be assigned them by the board of directors.

## RENUMBERED ARTICLE VIII IX ANNUAL BUDGET

Executive Committee: The executive committee shall cause to be prepared and shall recommend to the board of directors an annual budget for the association for the ensuing fiscal year. This budget shall be presented in sufficient detail to permit an informed evaluation of the association's proposed programs and the staff and financial resources necessary to conduct these programs. The budget document shall be transmitted to the members of the board of directors at least two weeks prior to the last scheduled meeting of the board in each calendar year.

Board of Directors: Prior to the beginning of the new fiscal year, the board of directors shall adopt a budget as submitted or as amended by the board. Upon adoption by the board of directors, the budget shall control the expenditures of the association for the fiscal year.

Amendments to the Budget: During the course of the fiscal year, the executive committee may, for cause, authorize amendments to the budget, provided that:

- A. Such amendments are formally adopted at a meeting of the executive committee, and
- B. Such amendments are submitted to the board of directors for ratification at its next ensuing meeting.

At no time shall authority delegated to the executive committee to amend the budget be extended to authorize any amendment which would cause the total of all expenditures to exceed the total amount of the budget last duly adopted by the board of directors.

Expenses of Officers, Directors and Staff: The budget may include sums sufficient for reimbursement of actual, reasonable expenses, as follows:

Officers and Staff: For all official duties.

Directors: For official duties other than attending regular meetings of the associa-

tion and of the board of directors.

Reporting: All expense reimbursements shall be reported quarterly to the board of directors by name of payee, purpose of expense, and amount of reimbursement.

Officers and Directors: No budget or budget amendments shall contain sums for the payment of salaries or other emoluments to the association's officers and directors, unless such sums are duly noted and approved by the board of directors in a special resolution.

## ARTICLE X NOMINATION AND ELECTION OF OFFICERS

The president of the association shall appoint a nominating committee consisting of at least five **elected officials from active member counties of the association**. At least one member should be a past president and no candidate for NACo office may be a member.

~~The names of all candidates submitted by their state association will be sent in writing to the nominating committee 30 days prior to the annual conference.~~

The nominating committee shall serve as a screening committee to check candidates' credentials to insure that all are eligible in accordance with the bylaws of the association. The nominating committee will not recommend candidates for any contested office. Nominations will be accepted from the floor of the convention. The board of directors shall make rules and regulations for candidates for contested offices **to include, among other items, the reporting of campaign receipts and expenses incurred by each such candidate.** The chair of the nominating committee will be announced at the NACo Legislative Conference.

## ARTICLE XI VOTING

Dues and service fees are determined by action of the board of directors; timely payment of such dues and fees shall be a requisite to exercising voting rights.

Each member county government shall be entitled to one vote on every question put before the annual conference or special meetings of the membership. County governments whose population requires them to pay more than \$499 in dues shall be entitled to one additional vote for each additional \$500 or fraction thereof paid in the year in which the meeting is held. **Dues paid shall not be more than the amount**

Dues	Votes	Dues	Votes
0-499	1	7,000-7,499	15
500-999	2	7,500-7,999	16
1,000-1,499	3	8,000-8,499	17
1,500-1,999	4	8,500-8,999	18
2,000-2,499	5	9,000-9,499	19
2,500-2,999	6	9,500-9,999	20
3,000-3,499	7	10,000-10,499	21
3,500-3,999	8	10,500-10,999	22
4,000-4,499	9	11,000-11,499	23
4,500-4,999	10	11,500-11,999	24
5,000-5,499	11	12,000-12,499	25
5,500-5,999	12	12,500-12,999	26
6,000-6,499	13	13,000-13,499	27
6,500-6,999	14	13,500-13,999	28

**BYLAWS** from page 11

Dues	Votes	Dues	Votes
14,000-14,499	29	23,000-23,499	47
14,500-14,999	30	23,500-23,999	48
15,000-15,499	31	24,000-24,499	49
15,500-15,999	32	24,500-24,999	50
16,000-16,499	33	25,000-25,499	51
16,500-16,999	34	25,500-25,999	52
17,000-17,499	35	26,000-26,499	53
17,500-17,999	36	26,500-26,999	54
18,000-18,499	37	27,000-27,499	55
18,500-18,999	38	27,500-27,999	56
19,000-19,499	39	28,000-28,499	57
19,500-19,999	40	28,500-28,999	58
20,000-20,499	41	29,000-29,499	59
20,500-20,999	42	29,500-29,999	60
21,000-21,499	43	30,000-30,499	61
21,500-21,999	44	30,500-30,999	62
22,000-22,499	45	31,000-31,499	63
22,500-22,999	46	31,500-31,999	64

specified in the approved dues schedule. Each county shall direct which of its appointed or elected officials (delegates) shall cast its votes. **The voting shall be as follows:**

Delegates must register and be qualified, and receive ballots to vote. Subject to such rules as any member county may prescribe with regard to proxy voting of its delegates, a delegate who has received credentials may leave his proxy with a delegate from his county, or from another county in his state.

Voting shall be by standing or voice vote. At the discretion of the chair or upon motion from the floor and concurrence of at least 10 percent of the delegates present, voting shall be by roll call vote whether taken by caucus within the of each state delegation, or by written ballot, and shall be announced by a roll call of state delegations.

Any member county or counties not having an elected or appointed official in attendance at an annual conference or special meeting of the general membership may authorize the president of its state association of counties or other qualified delegate from its state to register, qualify, receive ballots, and vote as its delegate at such annual conference or special meeting.

**ARTICLE XII COMMITTEES**

The board of directors shall establish steering committees to study issues, make recommendations on policy positions for the American County Platform and carry out the platform. A steering committee is a committee so designated by the board.

All steering committees shall meet at least twice a year. Final consideration of all resolutions shall only take place at the Legislative or Annual Conferences or as otherwise approved by the board of directors.

The president shall establish such committees as he/she may from time to time deem proper for carrying on the business of the association, provided that committees shall also be established in accordance with any resolution adopted by the members in conference assembled. The NACo board of directors shall act as a resolution committee at the annual conference. Except resolutions of courtesy, commendation, or condolence, no resolution recommending the policy position of said association or any questions shall be considered or discussed by the conference unless it has been submitted to the appropriate steering committee. **The board of directors by a two-thirds vote may initiate and adopt emergency resolutions if the appropriate steering committee has not been able to meet.** However, issues which clearly

do not fit within the jurisdictions of established steering committees may, at the discretion of the president, be brought before the board sitting as a resolution committee.

Issues which have been addressed by the board in this context may then be brought before the general membership.

All resolutions to be considered shall relate to the objects and purposes of the association.

No resolution shall be adopted until the opportunity has been afforded for full and free debate thereon.

**ARTICLE XIII SEAL**

The seal of the association shall be circular in form and contain the following words: "National Association of Counties, Seal" on the circle and the following words within the circle: "Incorporated in the State of Delaware."

**ARTICLE XIV AMENDMENTS**

**The president shall appoint a committee every four years to review and to rec-**

**ommend any amendments to the bylaws.**

These bylaws may be amended by a majority vote of all votes cast on the question, provided, however, that any proposed amendment must be submitted in writing to the president of the association at least thirty days prior to the convening of the annual conference, and presented at the first general session of the conference, and voted upon at the business session.

Amendments to the bylaws shall become effective upon adoption, unless otherwise specified.

**Explanation of proposed bylaws amendments**

**1. Article IV**

**CLASSES OF MEMBERSHIP**

It is recommended that the provision in the new Article VI regarding the maximum amount of dues that can be approved by the board of directors be moved to this article. There would be no change in language.

**2. New Article V**

**CONFERENCES AND MEETINGS**

This Article is the same as the current Article IX, but is renumbered.

**3. Article VI**

**BOARD OF DIRECTORS**

**CURRENT ARTICLE V—RENUMBERED**

Sec (1) (c) Membership—It is recommended that the ten directors from the states with the highest votes be certified as of 60 days before the annual meeting and not the day of the annual meeting. The current procedure causes uncertainty at the annual conference about which states qualify for the director positions. This certification is separate from the number of qualified votes at the annual conference and only applies to the ten director positions.

Sec (3) (c) Executive Committee—It is recommended that the second sentence prohibiting the executive committee or NACo staff from receiving compensation from persons doing business with NACo be made a separate provision. There would be no change in language.

Sec (5) Vacancy—It is recommended that the office of third vice president be eliminated if there is a vacancy among the officers during the year. The next election would be for president, first vice-president and second vice-president (or president, president-elect and first vice president if titles are changed). There is precedence for this proposal change since NACo had four vice-presidents until 1988. One of the vice-presidents resigned from county government during the year and at the next election the office of fourth vice president was dropped. The major argument for the change is that county officials are turning over more frequently and that it is difficult for some county officials to make a four year commitment to serve as president. The proposed language also reflects the recommended new titles of the officers in new Article VII.

Sec (6) Procedures—It is recom-

mended that the first sentence regarding the maximum amount of dues that can be approved by the board of directors be moved to Article IV (see above).

Another recommendation is that the number of directors constituting a quorum be increased from 25 to 50. This recommendation reflects the increased size of the board of directors and should not be a problem in being able to transact business. The provision about being able to use a mail ballot is unchanged.

**4. Article VII**

**OFFICERS**

**CURRENT ARTICLE VI—RENUMBERED**

It is recommended that the title of the first vice-president be changed to president-elect. This proposed change could give greater stature to the office and enhance their representation of the association at Congressional hearings and other meetings.

The change proposed in reducing the number of officers (Article VI) also would require conforming changes in this article.

**5. Article VIII**

**AUDIT COMMITTEE**

**CURRENT ARTICLE VII—RENUMBERED**

It is recommended that the procedure for filling vacancies during the year on the Audit Committee be changed. The Executive Committee, with ratification of the Board of Directors, currently appoints a person to serve an expired term. The proposed amendment would have the Board of Directors elect the person. This would be consistent with the procedure used for electing new members of the Audit Committee.

The other proposed amendment concerns the responsibilities of the Audit Committee and the resources available to the Committee. If approved by the Board, the Audit Committee would be able to hire staff assistance to accomplish their responsibilities. This amendment is consistent with past and current practices.

**6. Article IX**

**ANNUAL BUDGET**

**CURRENT ARTICLE VIII—RENUMBERED**

**7. Article X**

**NOMINATION AND ELECTION OF OFFICERS**

The recommended amendments would clarify current language and delete two provisions that are no longer applicable. One of the deleted provisions refers to

state associations submitting nominations 30 days prior to the annual conference. State associations do not nominate officers. The provision on state associations nominating members to the Board of Directors is covered in Article V.

The other deleted provision is a requirement to report campaign receipts and expenses. Candidates for vice president have not been making such reports in recent years.

**8. Article XI**

**VOTING**

It is recommended that the bylaws be clarified to make it clear that a county cannot pay additional dues to gain votes.

It is also recommended that it should be clarified that only dues, and not service fees, determine the number of votes for each county.

It further is recommended that the table listing the dues and number of votes be deleted from the bylaws. This should be part of the voting procedures handbook. As it stands now, the bylaws would have to be amended each time there is a change in the maximum amount of dues.

It is recommended that the provisions on written ballots be deleted. Written ballots have not been used in the weighted voting process for many years. The procedure has been for each state to caucus and to determine the voting position of each county in the delegation and to announce the total vote. If there is a dispute within a state delegation, the president can poll the delegation. But the written ballots are not used.

**9. Article XII**

**COMMITTEES**

It is recommended that a provision be included that would allow the board of directors to adopt emergency resolutions if the appropriate steering committee was unable to meet. While the president has some leeway in allowing resolutions to come before the board, this proposed provision would clarify the issue when the board of directors meets at a different time from the steering committees.

**10. Article XIV**

**AMENDMENTS**

It is recommended that the bylaws be reviewed every four years.

# Portland, Ore. voters elect regional governance

*(This is the second in a series of five reprints from "Regionalism: The New Geography of Opportunity" by HUD Secretary Henry Cisneros. Cisneros, has taken a firm stand on the need for communities to reconnect with their poorest citizens, advocating, among other actions, housing programs which move the more disadvantaged out of the ghetto and into suburban communities.)*

*While Cisneros' ideas for addressing poverty, especially as they call for suburban involvement, are controversial in some quarters, the examples of "people-regionalism" he provides in his essay are thought-provoking samples of unique government structures or programs. We invite your comments.)*

"We, the people of the Portland area metropolitan services district, in order to establish an elected, visible and accountable regional government that is responsive to the citizens of the region and works cooperatively with our local governments; that undertakes, as its most important services, planning and policy-making to preserve and enhance the quality of life and the environment for our-

selves and future generations; and that provides regional services needed and desired by the citizens in an efficient and effective manner, do ordain this charter for the Portland area metropolitan services district, to be known as 'Metro.'"

With that preamble, Portland area voters adopted on Nov. 3, 1992, a "home rule" charter for the Portland Metropolitan Services District. After

nearly 70 years of experimentation, the charter was perhaps the boldest and most important step taken toward regional governance by voters in the Portland area, which now includes three counties and 24 municipalities.

In 1970, the Oregon State Legislature authorized the creation of a Metropolitan Services District (MSD) — a flexible governmental "box" that could be assigned as many service responsibilities as voters or legislators in the Portland area wanted. Activated by local referendum, MSD's first project, planning a regional solid waste disposal system, was financed by a small regional tax on used auto tires. MSD added a second regional function, operating the Washington Park Zoo, with the city of Portland's agreement and approval by area voters of an earmarked

tax levy in 1976. In 1986, regional voters approved a \$65 million bond issue for the Oregon Convention Center, to be planned, constructed and operated by MSD.

For its first eight years, MSD was governed by a seven-member, federated board of local elected officials — one each from Portland and the three counties and three representing other cities in each county. In 1977, the state legislature changed MSD's governance, authorizing direct election of a 12-member board and a chief executive, local taxing powers by referendum, and regional planning responsibilities. Finally, in 1990, the legislature amended Oregon's constitution to allow MSD to have its own home rule charter.

Most critical for the Portland area's future is the responsibility given Metro in regional land use

planning and growth management; the area's citizenry affirmed in the new charter that regional planning is Metro's "primary function."

The charter charges Metro with developing a 50-year "Future Vision" and a "Regional Framework Plan" by December 1977, including revising the state-required Urban Growth Boundary. The charter also empowers Metro to adopt ordinances to require local comprehensive plans and zoning regulations to comply with the Regional Framework Plan, to adjudicate inconsistencies between regional and local plans, and to change inconsistent local land use standards and procedures.

After decades of patient development, the Portland Metro represents a powerful, but flexible structure for addressing many of the region's most critical problems.

## Sam Jaynes installed as NACE president

The National Association of County Engineers' (NACE) 1995 Annual Management and Technical Conference, held in Davenport, Iowa, April 23-27, saw the installation of Samuel L. Jaynes, P.E. & L.S., Monroe County, Miss. engineer, as its president. The conference attracted 325 delegates, 80 speakers and 164 exhibitor representatives.

Jaynes has been the Monroe county engineer since 1972. His experience includes eight years with the Mississippi State Highway Department, six years as general superintendent for highway and heavy construction, and four years with Automotive Exhaust System Manufacturing as the director of quality control. Jaynes is also founder and president of Continental Engineering.

The following officers were also installed: John O. Trent, P.E., Pierce County, Wash. public works director, president-elect; James Floyd Lawrence, P.E., Colbert County, Ala. county engineer, secretary-treasurer;



Samuel L. Jaynes

William C. Kenley, P.E. & L.S., Polk County, Fla. county engineer, Southeast Region vice president; and James E. Blair, P.E. & L.S., Benton County, Ore. public works director, Western Region vice president.

Also, Dan Ratermann, P.E., county engineer, McDonough and Henderson counties, Ill., North Central Region vice president; Paul

Swanson, P.E. & L.S., Summit County, Ohio engineer, Northeast Region vice president; and George Sugars, P.E. & L.S., public works director, Reno County, Kan., South Central Region vice president.

Additionally, Richard D. Welton, P. E., director of public works and development services, Fresno County, Calif., was selected as Urban County Engineer of the Year and Robert H. Witty, P.E., county highway engineer, Martin County, Minn., was selected as Rural County Engineer of the Year.

NACE, with approximately 1,800 members in 45 states and Canada, has a threefold objective: 1) advance county engineering and management by providing a forum for the exchange of ideas and information, 2) foster and stimulate the growth of individual state organizations of county engineers, and 3) improve relations and the spirit of cooperation among county engineers and other agencies in the solution of mutual problems.

## TAX CUTS from page 1

Labor, Health and Human Services and Education appropriations subcommittees would be cut \$2.2 billion from the FY95 level. It will be up to the subcommittee to determine where to make the cuts within its almost \$70 billion discretionary allocation.

Total spending under this subcommittee will be much greater since it will include expenditures for Social Security, Medicare, Medicaid and other entitlement programs.

A similar reduction would apply to Veterans, Housing and Urban Development and Independent Agencies. The \$1.9 billion cut could come from community development block grants, housing, space, environmental or veteran programs.

The House and Senate appropriations committees will start marking up appropriations bills later this month. The House has to act first on spending bills.

Bills should start coming to the House floor for debate and approval in early July. Final action on appropriations is expected in September and before the start of the 1996 fiscal year.

The timetable for other action on the budget revolves around approval of a House-Senate budget resolution. As soon as the House and Senate vote on and approve the budget resolutions conference report, instructions will go to each of the authorizing committees on the amount of savings to be made. The amounts will be determined by assumptions made in the budget resolution, but it will be up to the authorizing committee to determine what programs should be changed.

The authorizing committees have to report their legislative changes to the House and Senate budget committees by July 14. In many cases, the changes will be packaged into a budget reconciliation bill and will be voted on as an omnibus bill.

The reconciliation bills are scheduled to be debated in September, but this timetable could be delayed by any number of political or

procedural problems.

Some of the legislative changes needed to realize required changes will be included in separate bills that will go directly to the floor for approval. An example is the 1995 farm bill, which will show budget savings of around \$10 billion in farm subsidy programs over the next five years. The farm bill will be lengthy and complex and will include many program changes that go beyond budget issues.

On the other hand, a number of other complex bills are expected to be included in the omnibus budget reconciliation bill. The measures include changes in Medicare, Medicaid, welfare and food stamps programs. Any tax changes, including tax cuts, also will be put in the bill.

The reasons for loading up the reconciliation bill are partly procedural. A budget bill cannot be filibustered in the Senate. Also, members can take some political cover in voting on a package of controversial changes as opposed to many separate, but difficult, votes.

Other reasons center on trying to avoid a presidential veto. To ensure White House approval, there is talk that a measure to extend the national debt limit also will be included in the reconciliation bill.

The current ceiling is estimated to be breached in September or early October. Whether this would prevent a veto is not clear. There is precedent for going up to the point of default and voting to make temporary short-term extensions.

The final timetable for passing all of the FY96 appropriations bills and a budget reconciliation bill is supposed to be Oct. 1. Whether Congress and the president will be able to reach agreement on all of these controversial bills by Oct. 1 is very doubtful.

"Continuing resolutions" to fund agencies not having an enacted appropriations bill are likely. The legislative changes in the omnibus budget reconciliation bill could be debated well into the fall.

## Collins and Fox named to budget council

By Ralph Tabor  
public policy director

NACo President Randy Franke has named two county officials to represent the association on The National Advisory Council for State and Local Budgeting.

Franke appointed John Collins, county executive of Kenosha County, Wis., and Gerald Fox, county manager of Mecklenburg County, N.C. Collins also will serve on the council's executive committee.

The mission of the council is to identify and to disseminate sound budgetary practices for state and local governments. NACo, the Association of School Business Officials, Council of State Governments, Government Finance Officers Associa-

tion, International City/County Management Association, National Conference of State Legislatures, National League of Cities and the U.S. Conference of Mayors comprise the executive committee of the council.

The full council will consist of approximately 25 members representing state, local and federal governments; the public finance industry; public employees unions; citizen groups; academicians; and others. The executive committee is expected to make appointments to the council in early June.

The executive committee has approved a work plan outlining the development of a core set of guiding principles for budgeting, recommended practices and practical examples. Recognizing that the budget process affects a broad range of inter-

ests, including government practitioners, elected officials and citizens, these materials will be packaged in different ways to meet the needs of varied audiences. The first meeting of the full council is expected to take place in July.

Creation of the council was recommended by a national task force organized by the Government Finance Officers Association in 1993 to identify problems and propose solutions to improve state and local budgeting.

The task force concluded that improvements to budgeting could be made by developing and disseminating a set of recommended budgetary practices. The council will oversee this effort, which is expected to be undertaken over a three-year time frame.

# Roundtable focuses on violence and land management

By Jill Conley  
senior staff writer

Some expressed a sense that change was being shoved down their throats by "ponytailed kids from Connecticut."

Some told of how children of federal employees feel so threatened by anti-government sentiments, they are afraid to go to school. "We are all just people. Trying to do the best that we can with the hand we've been dealt in life," said one high-ranking Justice Department official. "Federal employees are just like everyone else, with families and friends, hopes and dreams, successes and disappointments."

Others talked of frustration over a lack of county government involvement in the process. "We were elected to represent our communities, but these large conservation and preservation organizations have a larger voice than we do."

It was all laid out on the table — no holds barred — at an ad hoc roundtable meeting, entitled "Violence and Public Land Management," during the 1995 Western Interstate Region (WIR) Conference.

Here, elected county officials from Western states met with representatives from the Forest Service, the Bureau of Land Management (BLM), the Fish and Wildlife Service, the Department of Justice, the Farm Bureau, the National Cattlemen's Association, the National Sheep Growers Association, the Public Lands Council, and the National Wildlife Federation. The Washington County (Utah) sheriff also attended.

The meeting was held in an effort to begin to address concerns about growing violence against federal government employees and conservationists.

Idaho County (Idaho) Commissioner George Enneking described this violence as "a result of people being just plain ticked-off about the environmental movement and economic hardship it has caused them and broken trust in federal agencies." "When people are out of work," he says, "they get feisty."

Kathy Carlson of the National Wildlife Federation expressed concern that county ordinances borne out of what has been dubbed the "County Supremacy Movement" have resulted in a climate of lawlessness. She went on to tell of dangerous confrontations her organization's field representatives

have encountered.

More than 50 counties in the western United States have adopted resolutions or ordinances purporting to restrict federal land management activities. Another 80 Western counties are considering doing the same.

After an hour-and-a-half of very open discussion, all members of the roundtable agreed that the dialogue must be continued in the future and that NACo offered an excellent venue for bringing the various parties together.

They also outlined a joint plan of action to combat potentially volatile situations. Key elements of that plan include:

- to denounce anything but law and order and encourage closer working relationships between local and federal law enforcement officials
- to strengthen federal/county relationships through improved communication and consultation at all levels
- to encourage cultural sensitivity to all parties affected by public lands issues and to educate the various interests on the rights and responsibilities of the others, and
- to continue working together on ways to dispel violence and reduce tensions among entities associated with the County Supremacy Movement.

The group also agreed that more attention and publicity must be given to "positive success stories" or projects that are working. One such program was highlighted earlier in the day at a workshop, entitled "Range Wars: The Debate Over Public Range Land Policy."

At the session, John Cook, a Nature Conservancy vice president, shared the experience of the Malpai Borderlands Group, a grassroots, landowner-driven organization that is working to implement an economically viable ecosystem management plan for nearly one million acres of landscape that traverses Hidalgo County, N.M. and Cochise County, Ariz. — a ranching- and mining-dependent area.

Working with private landowners and ranchers the project has taken as its guiding principles to: do what's right for the land, build a "radical center" approach to land management that leaves polarization behind, and include all of the stakeholders in the decision-making process.

Among the project's many accomplishments was to complete the first controlled burn after 80 years of fire suppression. Legally reintroducing fire to the area involved teamwork between two states, four private landowners, two BLM districts, the Forest Service, two state game departments, the U.S. Fish and Wildlife Service, and international coordination with officials in Mexico. Approval was obtained in just eight months and a second prescription fire was completed in May of this year.

"Managing to break through the gridlock has given all of the players an



Photo by Jill Conley

(Clockwise from left) George Enneking, Idaho County (Idaho) commissioner; WIR President Noel Williams, Lincoln County (Mont.) commissioner; Tom Mainwaring, NACo's Forest Service liaison; Frank Shoemaker, special agent, Fish & Wildlife Service; Glenwood Humphries, Washington County (Utah) sheriff; Roy Droege, Forest Service; Gordon Small, director of Lands, Forest Service; Peter Coppelman, Department of Justice; and Margo Miller, Department of Justice, participate in the roundtable meeting, entitled "Violence and Public Land Management."

enormous shot of confidence," said Cook. "It proves that when individuals step forward and work together, they can make a difference."

The Malpai Borderlands Group also has a rancher's endangered species program, a grass banking program, and a baseline field research

project in the works.

Bill Meyers, executive director of the Public Lands Council, also spoke at the session.

## Violence and public land management

### — A Western perspective

By Larry Layton  
WIR president

There have been atrocious stories... ranchers and federal officials confronting each other with guns... federal land managers being doused with gasoline and threatened with matches... a ranger station blown up... expensive cattle watering troughs destroyed... a county official taking on an armed federal official with a piece of heavy road equipment.

These are unfortunate examples of the level we have reached in the West in our relationships with the various stakeholders with whom we must live.

In an effort to reduce the tension, officials of the Western Interstate Region (WIR) of NACo asked the various stakeholders to a meeting in St. George, Utah, during the recent WIR Conference, to discuss the problems and what remedies might be forthcoming.

NACo's position on violence and public land management is crystal clear: The National Association of Counties fully supports efforts to increase county involvement and influence in federal land use policy decisions affecting public land counties. Federal law requires federal agencies to consult with local officials over land management decisions affecting their counties.

We support and encourage this consultation, however, we do not support citizen violence as a means to intimidate, coerce or threaten federal managers to accomplish this goal.

NACo stands ready to work with Congress and the federal land management agencies to address serious

concerns that have been raised about the relationship between local and federal officials, and is willing to explore creative and imaginative solutions to these concerns.

In May, the U.S. Forest Service, the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Wildlife Federation, the National Sheriff's Association, the American Farm Bureau, the Public Lands Council (representing cattle and sheep interests), the

This handbook would outline the various strategies county officials can legally pursue to influence federal land management decisions. It will also present an accurate discussion of the constitutional relationships between counties and the federal government, and suggested methods for advocates on every side of an issue to pursue with county officials and federal land managers that will be effective without the need to resort to violence.

NACo and the other participants agreed to disseminate this information as broadly as possible, and as persuasively as possible, to help take some of the "fire" out of the actions of aggressive participants in the debate over "proper" land management in the West.

Counties can be a critical element in reducing the tension level by being more proactive in their statutory role in federal land management decisions.

They can be more knowledgeable about how they can help constituents be a part of the decision-making process. They can help educate their local federal managers about the implications and expectations of constituent stakeholders, and they can refrain from pursuing actions that may increase distrust and misunderstanding.

The leadership of WIR and NACo have worked tirelessly to strengthen the county role in federal land management. We believe that by supporting these principles, and acting upon them, county officials can play a much larger part in those federal decisions affecting their constituents.

(Layton is Navajo County (Ariz.) supervisor.)

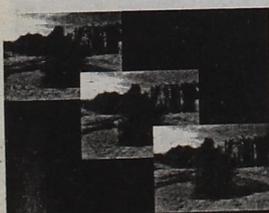
### COMMENTARY

U.S. Department of Justice, and representatives of WIR and NACo sat down and agreed to follow four basic principles:

- 1) No one should be harmed, or threatened with harm, while performing their required job duties.
- 2) Property damage, in pursuit of a desired policy outcome, is not acceptable.
- 3) There needs to be a better dialogue between opposing stakeholders to avoid deterioration into violence, threats or property damage.
- 4) Better communication, education and consultation between stakeholders needs to be developed and strengthened.

What are the next steps and why should counties, particularly Western counties, want to subscribe to these four principles?

As for next steps, NACo has agreed to facilitate the development of a "handbook" for public land stakeholders, which includes a broad range of helpful materials for county officials, federal land managers, environmental activists, ranchers and other interested folks.



1995 WIR Conference In Review

# Scientists debate impact of Endangered Species Act

By Debra Henzey  
guest writer

In a highly interactive general session, May 11, at NACo's Western Interstate Region (WIR) Conference, a Clinton Administration representative admitted problems with the Endangered Species Act, and a noted environmental columnist and author said scientists are moving toward the notion of the need for more aggressive management of ecosystems, not less.

Bill Leary, assistant secretary, Fish and Wildlife and Parks, U.S. Department of the Interior, told WIR delegates that he recognizes the frustration those in the Western states feel about the Endangered Species Act because "you live among some of the most unique wildlife and are most affected by these regulations." And even though the Clinton Administration supports the Endangered Species Act, it also believes the act isn't perfect. That's why Leary came to address the delegates: "I'm here to talk about why and what we want to change."

Leary said the agency wants the law to be used more as a preventative measure before drastic action has to be taken. "In looking at the act, we have found more flexibility within it to allow us to work with citizens early on."

Even so, the act does not have its limitations and the agency is learning from these and suggesting changes, he said.



Photo by Debra Henzey

(l-r) Outgoing WIR President Noel Williams, Lincoln County (Mont.) commissioner; Alston Chase, syndicated columnist; and Bill Leary, special assistant to the assistant secretary, Fish and Wildlife and Parks, Department of the Interior, at the Second General Session, Thursday, May 11.

## Relief for private landowners

First, Leary said that the act puts a disproportionate burden on private landowners. The act already allows an exemption for those with commercial or residential land with five acres or less, but this exemption applies only to those with threatened species. The agency has asked Congress to extend the exemption to those with endangered species.

He also said that more relief might be provided for those with up to 80 acres if they have threatened species. Some county officials took issue with the acreage limitation, saying that some large landowners may suffer just as much impact as a small landowner.

Leary said the agency encour-

ages more landowners to take advantage of developing a Habitat Conservation Plan, which allows them to engage in activities that would affect endangered species as long as they have a plan. For example, timber companies in North Carolina are using this plan to protect a species of woodpecker while still harvesting timber in the area.

He said that the agency has developed a "no surprises policy." This means that a landowner who has adopted a Habitat Conservation Plan for certain species on the land is later identified as endangered or threatened species.

The agency also will reward voluntary conservation efforts, called the "safe harbor policy." If you encourage habitats on your property,

you can still work some or most of the land.

## State and local government input

Leary said the agency encourages state and local governments to develop statewide multi-species habitat protection plans. The "no surprises policy" would apply so that these plans would not have to adapt to new endangered species. The agency is asking for federal grant money to help states implement this.

He added that the agency feels states should have a stronger role in administering the regulations and in the recovery planning process. Some members of the audience expressed concerns about state agencies being prepared to deal with these controversial issues.

Leary said he would take back the message that county officials are accountable to their citizens and are concerned that decisions are sent down from the federal level without local input.

## Sound science

Leary said that the agency believes the listing of species should be based on sound science. "We currently reject about 70 percent of the applications for endangered species." He added that the agency has asked Congress for authority to involve states more directly in the listing process.

He added that we should address priorities in the law, such as first addressing those species living in habitats important to other species. An additional element would provide criteria on how recovery of the species is working — When should a species be taken off the list or reclassified as threatened?

In response to a question, Leary noted that the act does not prohibit destruction of endangered plants or pest insects on private property. "However, it's far harder to determine the comparative value of a species of animal; this is just too subjective."

## Act still necessary

"The repeal of the act is not necessary, and we are eager to get on with the recommended changes," Leary said.

Leary admitted to the group that the act can provide a perverse incentive for some landowners to get rid of a species on their land if there is a possibility it could become listed. "That's why we feel strongly about the safe harbor policy as a way out for landowners."

He also addressed a question about a few landowners now paying the price to protect species that were ignored by other parts of the country or world. "We are struggling with this issue now. The common good is at stake. People are concerned that we have overregulated land use. The reality is that we don't have the money to compensate landowners or move species to other locations."

Leary said he was encouraged by areas of agreement with a draft NACo resolution on the Endangered Species Act, such as more flexibility and reduced burden on private landowners. "I know that we still have some disagreements, and that we are still asking for sacrifices from everyone. We will be judged by the next generation."

## A different perspective

Environmental columnist Alston Chase, who will soon publish a book, *In Dark Wood: A Fight Over Forests, A Tyranny in Ecology*, presented the viewpoint that scientists are moving away from the long-debated theory of a protected, manageable ecosystem which assumes that nature prefers stability.

Instead, he said the new scientific movement is shifting toward the theory that nature is always in a state of turmoil as a rule. Consequently, human interventions, such as tree harvesting, mirror nature's turmoil instead of upsetting nature's balance.

He said that science has found that "there is no such thing as the health of a nature system. You can only speak to the health of a specific species."

For example, the federal government's policy on forests in the Northwest suggests maintaining a percentage of old growth. "We're setting a policy without knowing the baseline of old trees — no historical perspective."

If you did consider history, Chase said that you would find that wildfires and other cataclysms every 100 years or so had limited old growth in Washington state to the same or less than we have now. "Also, the Native Americans burned and opened up areas of forest for other nature that could better support them."

"We now have a policy that assumes the ecosystem will manage itself better than we can. In the end, we have policies with impacts that we don't intend. We protect the elk and the buffalo, and now they are driving out other species."

Chase said that giving any individual or government the license to control species is unconscionable because it is a license that can't be measured. "We can agree that we value wildlife and other biological communities. We all have spiritual, aesthetic and health interests. They are just part of our competing interests."

(Henzey is director of communications for the North Carolina Association of County Commissioners.)



1995 WIR Conference In Review

# BLM director outlines agency priorities

By Jill Conley  
senior staff writer

At the Opening General Session, Thursday, May 11, Mike Dombeck, acting director of the Bureau of Land Management (BLM), cautioned delegates not to get hung up on popular definitions of ecosystem management, but to try to consider it simply as a strategy for sustaining the health of the land for present and future generations.

Dombeck believes that sound resource management benefits all users. For example, clean water means better hunting, fishing and ranching, among other things. "The land is the goose that lays the golden eggs," he said, "and the healthier the goose, the more productive the output."

Saying he was "frustrated" with red tape, Dombeck went on to outline BLM's current priorities. Improving the health of the land and improving the way BLM does business were on the top of the list. In an effort to streamline programs and services, Dombeck has asked every employee with BLM to simplify their jobs. "No one knows better how to simplify their job than the person doing it," he said.



Mike Dombeck

In addition, all processes within the department are being examined for their efficiency. "We must figure out a way to get our process simplified," he said. "Our people need to be out there talking to ranchers over pickup trucks, not behind desks pushing paper."

Dombeck explained that the department is making a concerted effort to identify what it can do better. "We're also looking at everything we can stop doing, instead of being C and D students." He gave getting out of the animal control business as one example and assured delegates that many more streamlining efforts are well underway.

Returning to BLM's overall mission — to sustain health and productivity of the land — Dombeck said, "We've made a lot of progress in the last 25-30 years. We deserve a lot of credit as a nation. And it's important to appreciate that."

"We know that we can't clear-cut forests and move on like we once did," he continued. "We have to plan for the future, and, in doing so, we need to glean as much as possible from places where things are being done right." He cited as one such example, an Arizona land exchange that developed into a world-renowned bird-watching area.

To illustrate the dramatic changes in the way Americans perceive their natural resources, he recalled the lakefront home in which he grew up in Wisconsin. "In that house our picture window faced the road. I guess we were more interested in who was coming to visit us than we were in looking at the lake," he said. "Today, of course, picture windows always face the lake."

He closed his remarks by predicting that the importance of natural resources and open space is bound to grow. "It's like Will Rogers once said, 'Buy land. They're not making it anymore.'"

## County supremacy ordinances are unconstitutional — Coppelman

By Jill Conley  
senior staff writer

"It's time to stop fighting and start moving forward for the public benefit," Peter D. Coppelman, deputy assistant attorney general, Environment and Natural Resources Division, U.S. Department of Justice, told delegates at the Third General Session, Friday, May 12. "By trying to keep in mind what we have in common rather than what divides us, I think we are better able to address any conflicts between us."

Focusing his remarks on the tensions between local governments and the federal government over issues of public land management in the West, Coppelman added, "There is a great deal of frustration on both sides of this issue."

"A number of counties appear to be frustrated because they feel that they lack a meaningful place at the table when land management decisions are made. Likewise, many federal workers are frustrated because they feel that their land management decisions are being ignored and that they are being harassed and even threatened for merely doing their jobs."

Coppelman stressed the importance of local involvement in the development of federal land use plans, but argued that local ordinances that have emerged in what has been dubbed the "county government" or "county supremacy" movement are unconstitutional.

He broke those ordinances down to two types: "custom and culture"

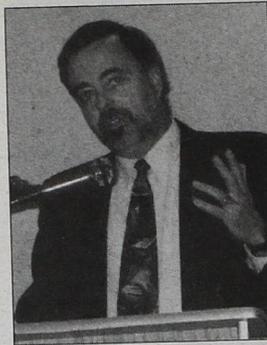
ordinances, also called "Catron County-style ordinances," after the county in New Mexico that first passed one in 1991, and ordinances which simply declare that the United States does not own land, but that the land instead is held by the states. The latter are also called "Nye County-style ordinances," after the Nevada county that first passed it.

Custom and culture ordinances generally require federal agencies to consult and coordinate with the county prior to taking any action that would affect the public lands. The aim of the consultation is to ensure preservation of the custom and culture of the area. "These ordinances are flawed," said Coppelman, "because they attempt to dictate not only the terms of consultations, but also the outcome."

For example, some of these ordinances require prior county approval before the federal government may make any changes or reductions affecting timber sales, livestock grazing, mining, wildlife or roads.

Such ordinances may mandate that the acquisition of land by the federal government be offset by the disposal of an equal amount of federal land, that grazing on federal lands continue at levels consistent with the culture and custom of the community, and that no further wilderness designation occur within the county. Some even have criminal penalties that apply to federal employees.

"These ordinances, while they are seductive in their promise of a greater county role in federal land management, are clearly unconsti-



Peter D. Coppelman

tutional," he argued.

In fact, all state attorneys general that have addressed the issue have also concluded that they are invalid. Those include the attorneys general of New Mexico, Montana and Nevada.

Nye County-style ordinances, which declare that states, not the federal government, own the public lands, are also unconstitutional, says Coppelman.

Proponents of these ordinances point to the Equal Footing Doctrine, asserting that the United

States' retention of the public lands is unconstitutional because the original 13 states have few federal lands within their borders, while many Western states contain large tracts of federally controlled public lands. It is argued that this disparity places some Western states on a different 'footing' from the original 13 states."

"This is an entirely erroneous interpretation of the equal footing doctrine," said Coppelman. "The doctrine does not require equality in land ownership or economic resources, but instead requires that all states be given equal political rights and sovereignty."

He went on to encourage delegates to maximize county participation in federal land planning through freely negotiated Memorandums of Understanding (MOU). "Federal agencies are more than willing to negotiate with a county an MOU that will correctly delineate the proper roles of the federal and local regulatory bodies," he said. "This is, we believe, the most constructive avenue of cooperation."

"Federal agencies which administer public lands have traditionally had strong ties with local communities and good cooperative relations

with state and local governments," he added. "We want to see that continue. At the same time, we cannot and will not permit violations of federal law to occur on federal lands."

Coppelman concluded his remarks by asserting that one of the consequences of county supremacy ordinances is that they encourage ordinary citizens to defy lawful decisions of federal land managers, even if the ordinances are not directly enforced by county commissioners.

An array of volatile and potentially dangerous situations arise forcing federal officials to choose between confronting angry ranchers, miners, or other citizens who often threaten to respond with violence or fail to enforce laws enacted by Congress.

"As we head into a new grazing season, passing and enforcing more of these ordinances could well increase the possibility of violence," he said. "This is an outcome we are all obligated, as responsible public officials, to avoid. No matter how vehemently you disagree with federal land management policies, we ask that you support reasonable processes to resolve these disputes."

## Smith urges stronger local/federal partnerships

By Jill Conley  
senior staff writer

"We've not been near as good partners as we should," Ken Smith, director of external affairs, Department of the Interior, said of struggles between federal and local public lands interests. "I would like to see us develop a 'radical center' where we could come together and develop common solutions."

According to Smith, a top concern to the department is working out problems with the Endangered Species Act and ecosystem management. "We are doing our best to talk to you and others and ask for input," he said. "And, I want to assure you this is a heartfelt need on our part."

He went on to explain to Western county officials at Friday's Delegate Luncheon the Interior Department's priorities and the difficulties it faces under the current budget climate.

"These are difficult times," he said. "In fact, 7,000 of our 76,000 employees nationwide are already struggling with uncertainty about their futures." And, the department may see a 10 percent budget reduction over the next five years if proposals designed to balance the deficit by the year 2000 are approved, he added.

With one-quarter of its budget going toward the management of national parks, efforts to remedy the 15-year deterioration of park infrastructure land is high on the department's list of priorities. "A 10 percent cut in all National Park Service programs," says Smith,



Ken Smith

"would severely restrict facilities construction and have a massive impact on 27 million park visitors in 1996."

Also of concern, is the improve-

ment of science within the department, he said. "We want to elevate science within the department and have it as part of a process separate from regulation." But science funding cuts outlined in budget proposals would dramatically affect these efforts.

Smith went on to assure delegates that the department is actively committed to "reinventing" the way it does business by combining programs, cutting costs and privatizing. In fact, he said, it has identified \$3.4 billion worth of programs that can be cut back, transferred or consolidated.

He concluded his remarks by, again, calling on local officials to join in the pursuit of a radical center on public lands issues. "If we can avoid conflict and polarized thinking, I am certain that, together, we can develop workable solutions."

## Christensen calls for greater equity in ESA

By Jill Conley  
senior staff writer

In a brief address to the Third General Session, Friday, May 12, Kurt Christensen, professional staff, House Resources Committee, reached out to those who he calls "victims of the Endangered Species Act (ESA)" and explained his committee's efforts to establish greater equity between the interests of landowners and those of conservationists in the reauthorization of the legislation.

Last year, the committee created a task force that held seven field hearings in rural communities

throughout the United States. One hundred twenty people testified at the hearings which were attended by more than 5,000 individuals, he reported.

"The universal complaint we heard over and over again in this process," said Christensen, "is that there is a tremendous need to balance private property rights protection with species protection."

Hearing participants also complained that certain species preservation strategies actually encourage the decline of the very species they seek to protect.

In addition, hearing participants strongly believe that they should be compensated when federal action reduces the economic value of their land. Under ESA, if a person has a rare metal on his or her land, the property value goes up; if they have a rare bird, it goes down.

"The current legislation sets up 'perverse incentives' in so many ways, says Christensen, that it actually "encourages landowners to pursue the 'Three S's': Shoot, Shovel and Shut up."



1995 WIR Conference In Review

Former Oklahoma congressman Glenn English, who currently serves as general manager of the National Rural Electric Cooperative Association, takes the podium at the Opening General Session to speak about current proposals to sell federally owned power marketing administrations to help offset the deficit. Just a day before the session, NACo's Agriculture and Rural Affairs Steering Committee passed a resolution, which was later approved by the Board, opposing any sale or transfer of power marketing administrations that would increase electric rates to consumers.



Photo by Jill Conley



Photo by Jill Conley

Outgoing WIR President Noel E. Williams (r) presents Garfield County (Utah) Commissioner Louise Liston with an award for distinguished service to Western counties at the Annual WIR Banquet.



Photo by Peter King

(l-r) Incoming WIR President Larry Layton and NACo Associate Legislative Director Jeff Arnold present outgoing WIR President Noel E. Williams with a bronze statue in honor of his service to WIR.



Photo by Jill Conley

Conference delegates dined to the sounds of this musical trio before watching the "One Man Mark Twain Show" at the Conference-Wide Event held in Snow Canyon State Park.



Photo by Jill Conley

Panelists show the "protective shields" given to them by incoming WIR President Larry Layton, who moderated the session, entitled "The Nature Conservancy: Myth and Reality."

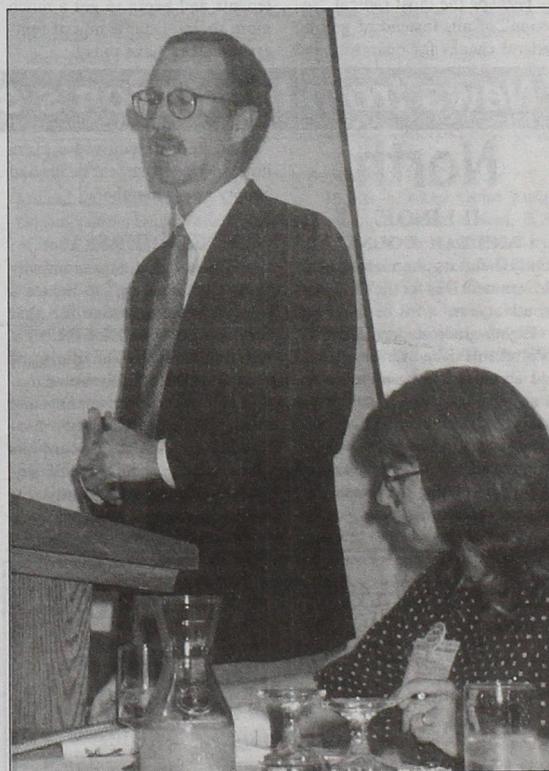


Photo by Jill Conley

Panelist Kathy Carlson of the National Wildlife Federation takes notes as Bill Meyers, executive director of the Public Lands Council, makes a presentation at the workshop, entitled "Range Wars: The Debate Over Public Land Policy."



Photo by Jill Conley

There were few empty seats at the workshop, entitled "The Nature Conservancy: Myth and Reality."

## Neal Peirce commentary

# Housing vouchers: maybe the best idea

By Neal R. Peirce  
Washington Post Writers Group

Vouchers? Block grants? Privatization? Fiscal asphyxiation in an era of fierce government cost-cutting? Where is public housing headed in America?

No one knows the answer for sure. The only certainty is that the system's biggest error — the massive crime-, grime- and graffiti-afflicted high-rise apartment blocks in American cities — is no longer tolerable.

The federal government has sunk \$90 billion into public housing since 1937 and today can point to 1.4 million units. All but a few hundred thousand are, in fact, well enough run and in decent shape.

But virtually everyone faults the "feds" for one of the most botched management jobs in history — a miasma of statutory requirements and micromanagement of budgets and operations. The Department of Housing and Urban Development (HUD) now pleads guilty to "desired outcomes [being] overshadowed by slavish attention to detail and procedure."

But the Clinton Administration HUD is pledged not just to "reinvented," simplified public housing rules. It wants vouchers — perhaps the most radical "solution" of all. Instead of getting federal checks for operating and

**"People look at the public housing program and say, 'Look at this federal failure that got us these huge projects built in impoverished neighborhoods.'"**

Robert J. Adams  
president

National Low Income Housing Coalition

modernization, local public housing authorities would only receive money to finance vouchers for public housing tenants.

The tenants would then be empowered to use the vouchers to stay in public housing — or, if they chose, to move out into the private housing market. If they could find reasonably enough priced housing, they'd be able to move to other parts of the city — or even the suburbs. They could even use their vouchers to become home owners instead of paying rent.

The voucher idea is resisted by local housing authorities. It means they'd lose their captive market and be forced to compete for tenants. Of course if they made their units more attractive, they could draw unsubsidized working-class tenants and begin to get a much more socially stable mix of renters than they have today.

But public housing authorities face the danger — especially in the forbidding barracks-style and high-rise-type projects — of ending up with increasingly empty buildings and no money to improve them.

So the "safer" idea now on the table is to move to block grants. These would presumably filter down to local housing authorities, minus the overlay of heavy federal rules and regulations. One regulation likely to disappear, for example, is today's rule that tenants pay 30 percent of their income in rent — often a disincentive for them to get work.

The housing authorities, predictably, like the block grants, believing they'd be in charge with less regulation from above. But there are disadvantages. Tenants "trapped" in the cheapest units in town would lose most real chance of moving out, certainly of get-

ting to the suburbs.

And while some big-city housing authorities are now better run — trying to become models of "reinvented" government — many alternate between gross mismanagement and plantation-like paternalism toward their tenants.

Indeed, if dispersing low-income populations is a worthwhile long-term goal, more monopoly in the hands of local housing authorities could be the worst cure of all.

"People look at the public housing program and say, 'Look at this federal failure that got us these huge projects built in impoverished neighborhoods,'" Robert J. Adams, president of the National Low Income Housing Coalition, recently told *National Journal*. "Well, the truth is, that wasn't a federal requirement; the land use and location of housing was a local choice."

Indeed, local politics tilts strongly to keeping low-income people concentrated — if not to maintain some politician's political base, then to prevent controversy when poor tenants move into other neighborhoods.

But in today's cities, there is room for low-income people to spread out. There are massive inventories of vacant or abandoned housing units that could be rehabbed — 17,000 in Philadelphia, 30,000 in New Orleans, for example.

The opportunity for commu-

nity development corporations and other grassroots housing providers is obvious.

And so is the private market opportunity. Thomas Hea Massaro, ex-housing chief in Newark and Philadelphia and now a private housing developer, notes that if government will only fix up abandoned units for quick development, the free economy can provide many units at prices well below housing produced by public bureaucracies.

Consider, says Massaro, a carpenter and his wife who buy a building and fix it up on weekends, or a developer like myself or a group of men and women who buy a triplex as an investment project. We know how to keep costs in line."

What all this suggests is that vouchers, as controversial and potentially risky as they look on paper, may hold the most promise in the long run.

Getting to the long run may be the problem. The new Congress could well end up cutting public housing budgets so sharply that there'll be insufficient money for much of any choice — status quo vouchers or block grants. A HUD completely.

Yet the fact is: 1.4 million units of public housing are not going to disappear magically. Nor will Americans who need them.

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## News from the nation's counties

### North

#### ILLINOIS

• MCLEAN COUNTY recently held its Annual Student Government Day for the sixth consecutive year.

Eighth-grade students from the local schools visited various elected and appointed department heads, attended a monthly county board meeting, and conducted a mock county board meeting of their own. The group passed a strongly worded ordinance relating to human dignity and hate crimes.

The students enjoyed a pizza lunch with department heads and county board members.

#### NEW JERSEY

• When a production company films "on location," it creates a mini-economic boom for that area. While UNION COUNTY has been the site of the filming of a number of television shows, motion pictures, advertisements and music videos, the county's Motion Picture Advisory Board has plans to increase this type of economic activity in the county.

The advisory board has been

studying what other jurisdictions around the country do that makes them successful in encouraging the film industry to come into their area. It has determined that a leading factor in attracting this type of business is making it as easy as possible for the production company to find their way around town.

"When a crew goes out on location to film, they need accurate information as to where things are, especially where they are in relationship to their location. They may need to know where to find food, a bank teller machine, or possibly a place to make photocopies. What other locations have done is to compile a resource guide to their area and provided it to the industry," explains Freeholder Henry W. Kurz, liaison to the Motion Picture Advisory Board.

The advisory board is now planning a Union County resource guide which will include basic information for each municipality, such as police, fire, hospital and municipal government contacts.

It will also include a listing, sorted by category, of businesses that provide the types of goods and

services the production companies need.

### South

#### MARYLAND

• As part of County Executive Douglas M. Duncan's effort to make MONTGOMERY COUNTY government more user-friendly, an hour of free parking is now being provided to citizens who park in the garage of the Executive Office Building.

"Many of the citizens who park under our building are here for a short time to pay taxes or parking tickets, or to take care of some other business, said Duncan. "A free hour of parking should help make their visit less burdensome."

Duncan has already opened the doors to his offices and directed other departments and agencies to follow suit in an effort to make citizens feel more welcome in the Executive Office Building.

During the next few months, he plans to incorporate some additional improvements in the way county government serves its citizens. These include open office hours for those interested in meet-

ing directly with the county executive; location of an ATM machine on the terrace level of Executive Office Building to provide a convenient source of cash for citizens; and acceptance of credit cards for payment of parking tickets, taxes and other charges.

### Midwest

#### MINNESOTA

• Partnership Minnesota selected the RAMSEY COUNTY Functional Consolidation Roadways Project to receive Governor's Commendation Award.

The consolidation plan provides for the reclassification of roadways and changes in jurisdiction between the state, county and the municipalities. The expected effect of this plan is to consolidate services with efficiency and increased service. The transfer will be completed by the next 10 years.

"This is a fine example of venting government from

We invite readers to submit items for

**"News from the nation's counties."**

Mail to us:

c/o County News, 440 First St., N.W.,  
Washington, DC 20001  
OR FAX to: 202/393-2630.

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# Notices . . . notices . . . notices

## CONFERENCES

■ **The American Society for Public Administration (ASPA)** will host its 1995 National Conference, titled "Breaking Barriers, Crossing Borders: Public Administration in a Changing World," in San Antonio, Texas, July 22-26.

Conference topics will include the following: breaking barriers to personal achievement, careers in a changing public service, managing excellence and the changing public policy environment.

For more information, contact:

Sheila McCormick, American Society for Public Administration, 1120 G St., N.W., Suite 700, Washington, DC 20005-3885, phone: 202/393-7878, fax: 202/638-4952.

## PUBLICATIONS

■ **"Compliance Manual Section 902: Definition of the Term 'Disability,'** a guide that provides information and instructions for determining whether an individual has a disability as defined by the ADA, is available from the U.S. Equal Employment Opportunity Commission (EEOC).

For more information, contact EEOC at 202/663-4519.

■ **The EPA** has released a new report, titled "Characterization of Municipal Solid Waste in the United States: 1994 Perspective."

This report focuses on integrated solid waste management issues, which includes source reduction of wastes before they enter the waste stream, recovery of generated wastes for recycling and composting, and environmentally sound disposal through combustion facilities and

landfills that meets current standards. The cost is \$27. Ask for order number PB95-147690KWD.

For a copy, contact: National Technical Information Service, Springfield, VA 22161, phone: 703/321-8547.

■ **"Safe Schools: A Handbook for Violence Prevention"** is the new publication from the **Kentucky School Board Association.**

This publication draws from the best practices emerging throughout the nation and provides a blueprint for developing, implementing and evaluating a safe school plan. The cost is \$25.

For your copy, contact: Julia Hunt

or Nancy Shin, the National Education Service, 1610 West Third St., P.O. Box 8, Bloomington, IN 47402-0008, phone: 812/336-7700.

## GRANTS

■ **The Justice Department's Office of Juvenile Justice and Delinquency Prevention** is accepting applications for its Fiscal Year 1995 Competitive Discretionary Program.

Grants totaling more than \$10 million will be awarded to programs such as The SafeFutures Partnership to Reduce Youth Violence and Delinquency and Field-Initiated Gang Research.

For an application kit, contact: the Office of Juvenile Justice and Delinquency Prevention at 202/307-5911.

## Job market

### COUNTY PLANNER —

**GLADES COUNTY, FLA.:** Glades County, Florida is seeking a Planner who is knowledgeable in Comprehensive Land Use Planning and Land Development Regulations. Requires four-year degree in Planning from an accredited College or University. Reports directly to County Coordinator and is responsible for all activities related to land use. Salary in the \$4,000-\$29,000 range depending on qualifications. Respond by letter and resume to Glades County Coordinator, P.O. Box 1018, Moore Haven, Florida 33471, by June 23, 1995, or your letter of interest to (813) 46-1535. Glades County is an Equal Opportunity Employer.

### DIRECTOR OF ADMINISTRATIVE SERVICES — CAMPBELL COUNTY, WYO.

Campbell County, Wyoming, Government is seeking a professional to administer, plan, organize, and supervise the activities

of the Office of County Commissioners. Under the direction of the Board of Commissioners, the Director is responsible for County policies and procedures, budgets, public and media relations, purchasing, information services, training, preparation of reports, Board meeting packets and official correspondence. Oversees administration of Commissioners' staff including Information Services, Accounting, Human Resources/Risk Management, Administrative Grants and Courthouse Maintenance functions. Bachelors degree in Public or Business Administration (or closely-related field), Masters degree and/or 7-10 years of progressively responsible experience in public/business administration with 4-5 years supervisory experience is preferred. Should have extensive knowledge of principles and practices of public administration, and working knowledge of accounting, budgeting, information services,

human resource management, insurance and purchasing. Must be able to communicate effectively verbally and in writing. Salary range: \$37,491-\$51,962. Respond to Diane Riley, Office of the Commissioners, 500 S. Gillette Ave., Suite 212, Gillette, WY 82716, before 6/14/95. EOE.

### HEALTH EDUCATION PROGRAM MANAGER — DOUGLAS COUNTY, ORE.

Douglas County is seeking a Health Education Program Manager. Located in SW Oregon, Douglas County extends to Pacific Ocean on the west and Cascade Mtns on the east and contains rivers, lakes, fishing, camping, hiking, biking, leisure sports and activities; temperatures range from 34 to 84. The County, fifth largest Oregon county, ranks seventh in population with 96,000 residents. Program Manager responsibilities include: to plan, direct and manage the health education and promotion program within general and administrative services division of the health and social services department; participate in public health team, AIDS education management team, emergency response team as well as provide consulting assistance to divisions of the department; serve as department public information

officer. Supervise professional and support staff. Requires Bachelor's degree in health education or public health science or related field with coursework emphasis on public health education and three years progressively responsible work experience which includes supervisory and/or program management experience. Prefer Master's degree and subsequent work experience. Salary - \$2501-\$3302 plus benefits. APPLY AS SOON AS POSSIBLE AS INTERVIEWS WILL BE CONDUCTED AS APPLICATIONS ARE RECEIVED. For more information and application, contact: Douglas County Human Resources, Courthouse, Room 322, Roseburg, OR 97470. (503) 440-4405, Job Line 440-6291, TDD/TDY 440-6041. EOE.

### MEDIA RELATIONS COORDINATOR, NATIONAL ASSOCIATION OF COUNTIES—WASHINGTON, D.C.

The National Association of Counties announces an opening for a Media Relations Coordinator. The person holding this position will serve in the association's Public Affairs Department. The position requires substantial knowledge of and contacts with the media, excellent oral and written skills, inter-

personal skills and the ability to work as part of a team. Qualifications: bachelor's degree in journalism or related field, plus six or more years' experience in media relations; excellent writing and speaking ability; an aptitude for selling ideas; demonstrated knowledge of Washington, D.C. and national media; knowledge of politics and issues of the day; understanding of the operations and organizations of the news media and broadcasting industries; knowledge of county, state and federal governmental structure and interrelationships; and sensitivity and tactfulness in dealing with issues and personalities; a team player who is innovative, self-motivated and creative. Salary: Salary range is set according to the Hay chart-profile method of job classification. Incumbent salary will be determined by the candidate's qualifications and experience. Minimum salary \$38,182 per year. Persons interested in this position should submit a resume and cover letter by June 9, 1995 to: Human Resources Manager - MRC; National Association of Counties, 440 First Street, N.W., Washington, DC 20001. No phone calls please! NACo is an equal opportunity employer, offers competitive benefits and a smoke-free work environment.

## ASSISTANT COUNTY ADMINISTRATOR — KENT COUNTY, MICHIGAN

Kent County, with administrative offices in Grand Rapids, Michigan, and population of 500,000 is recruiting for an Assistant County Administrator. (Salary \$60,000 to \$65,000 with excellent fringe benefits package and car provided for business purposes.)

The Assistant County Administrator is appointed by the County Administrator to assist in the administration of County affairs which includes developing and monitoring operating and capital budgets approximating \$230 million for 1995; supervision of one or more units of the Administrators Office (finance, personnel, purchasing or information systems); directing the labor relations activities of 1,800 employees including negotiations with six labor organizations and implementation of employee contracts and personnel policies; managing operations and maintenance of County property; advising the Administrator concerning long range strategic planning; developing and implementing County goals, objectives, policies, procedures and action plans; coordinating the formulation of Board and committee agendas; providing guidance to departments, the Judiciary and boards or commissions; providing public relations services for the County; and serving in the absence of the County Administrator.

The position requires a bachelor's degree from an accredited college or university in public administration, or related area, and a minimum (5) years progressively more responsible experience in public administration. A masters degree is preferred. Requires experience in the areas of human resource administration, purchasing, and information systems. Require strong fiscal management ability, interpersonal skills, and problem solving capabilities. Desire extensive work experience in an executive level position in County or local government with knowledge and abilities relating to computer technology, performance based budgeting, and self-directed work teams.

Applications will be accepted until June 19, 1995. Prompt replies are suggested. For an application packet contact:

Kent County Personnel  
300 Monroe N.W.  
Grand Rapids, MI 49503  
(616) 336-3517  
Equal Opportunity Employer

## Job Market - Classified Rate Schedule

Rates: \$5 per line.

(You can figure the approximate cost of an ad by counting the number of characters, including spaces and punctuation marks, in your copy. One line consists of approximately 38 characters. Divide 38 into the number of characters in your ad. The resulting figure will give you the approximate number of lines. Multiply that figure by 5 to figure your approximate cost.)

**Display Classified:** \$30 per column inch.

**Billing:** Invoices will be sent after publication.

**Mail advertising copy to:** Job Market, *County News*, 440 First St., N.W., Washington, DC 20001.

**FAX advertising copy to:** Job Market, *County News*, 202/393-2630.

Be sure to include billing information along with copy.

**For more information, call** *County News*, National Association of Counties, 202/942-4256.

## NEWS FROM from page 18

ground up," said Ramsey County Commissioner Dick Wedell, chair of the County's Public Works/Parks and Recreation/Environmental Services Committee. "This is a collaborative effort that will benefit both the road user and the taxpayer."

Partnership Minnesota exists to increase cooperative working relationships between federal, state and local government agencies for the benefit of quality service to the public. The cooperative service awards were presented at the 7th Annual Partnership Minnesota Conference held May 3 at the Hubert H. Humphrey Center in Minneapolis.

## West

### WASHINGTON

• When it was all over, Clark the county frog didn't have a chance. Clark was the **CLARK COUNTY Fair's** entry in the Western Fairs Association (WFA) frog jumping competition in **CALAVERAS COUNTY, CALIF.**

In his allotted three jumps, Clark skyrocketed 4 feet, 6 3/4 inches. But he was bested by a frog jumping for **EL DORADO COUNTY, CALIF.** Dewey Hopper, named for a local television personality, vaulted upwards 9 feet, 4 inches to win the WFA competition.

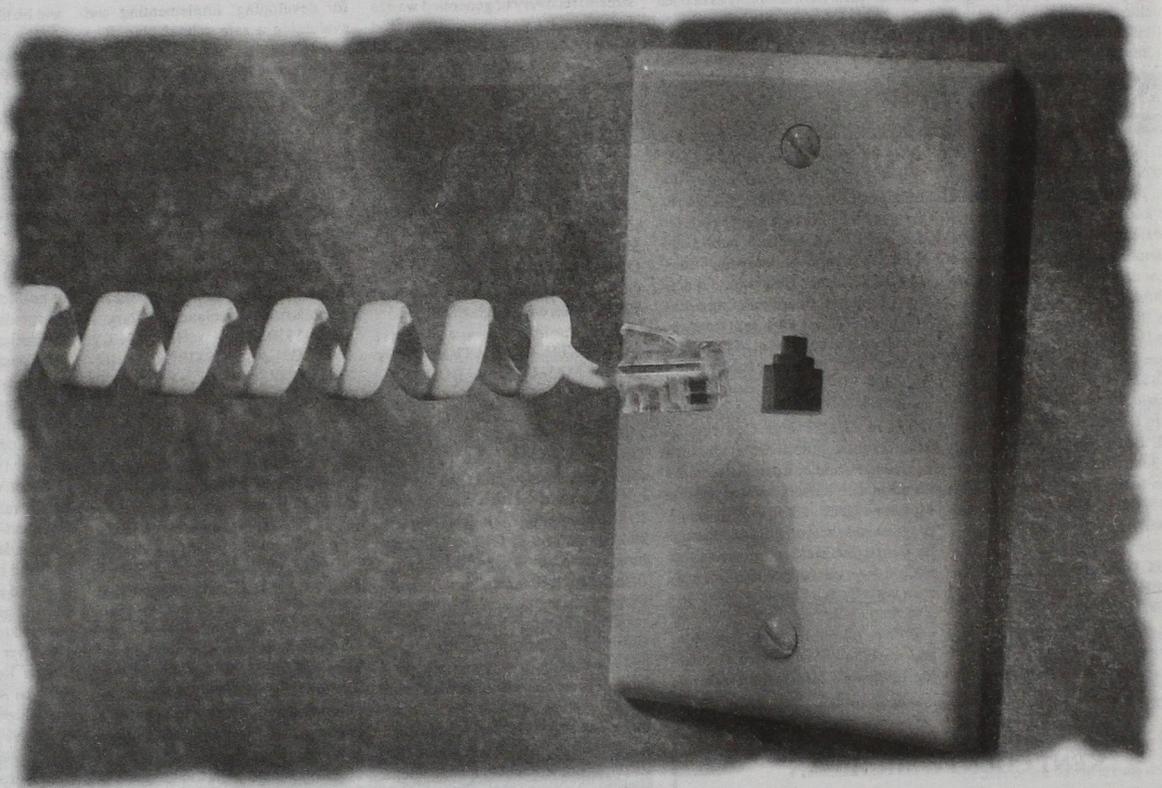
"What can we say? Maybe he just ate too many flies," said Clark County Executive Fair Director Tom Musser of Clark's poor performance. "I guess he just jumped to the beat of a different drummer."

Musser mused that perhaps Clark's troubles were grounded in the fact that he was not from the Pacific Northwest. For an entry fee of \$3, the Calaveras County Fair provided frogs and even jockeys for the frog jumping event that included entries from as far east as Minnesota. Musser said that next year, it might be a good idea to send a local frog to the world-famous Calaveras competition.

"Clark may have croaked this year, but he'll be back," Musser said.

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