



Supreme Court addresses WOTUS, taxes, nursing homes

by Rachel Mackey

Three recent U.S. Supreme Court decisions have major implications for county governments.

In *Sackett v. Environmental Protection Agency*, a case revolving around the definition of the “waters of the United States” or WOTUS, the court’s ruling narrows the scope of what kinds of waters the federal government can regulate under the Clean Water Act (CWA).

In *Tyler v. Hennepin County*, the court held that local governments are not entitled to keep surplus equity from the sale of tax-forfeited properties.

Health and Hospital Corp. of Marion County, Indiana v. Talevski opens counties to liability for alleged rights violations in nursing homes.

WOTUS

The Supreme Court has been split since the 2006 case *Rapanos v. United States* over the proper test for determining whether a wetland or stream that is not navigable falls under the WOTUS definition, making it subject to federal regulation under the CWA. Justice Antonin Scalia limited it to “relatively permanent, standing or flowing bodies of water” and wetlands with a “continuous surface con-

nection” to permanent waters.

Justice Anthony Kennedy found that wetlands with a “significant nexus” to navigable waters are WOTUS, with “significant nexus” meaning the wetlands “either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical and biological integrity” of navigable waters.

Sackett v. EPA dredged up the question in 2008 when an Idaho couple sought to build a house on an empty lot near a large lake and began backfilling the property.

The EPA told the couple to stop work because their lot contains wetlands protected by the CWA, which bars the discharge of pollutants, including rocks and sand, into “navigable waters.” They sued, and then appealed after the Ninth Circuit applied the more broad “significant nexus” test to uphold the EPA’s judgment.

The Supreme Court ruling in *Sackett* unanimously reverses the Ninth Circuit in favor of the couple, rejecting once and for all the “significant nexus” test to narrow the reach of federal CWA protections. Under the majority opinion, whether the CWA can regulate a wetland

See **RULINGS** page 2



The 2023 County Leadership Institute class poses June 14 atop NACo’s Washington, D.C. office. Front row: Allan Angel, Kent County, Del.; Tare Davis, Warren County, N.C.; Bert O’Rear, Allendale County, S.C. Second row: Tracy Graham, Audrain County, Mo.; Chris Abbuhl, Tuscarawas County, Ohio; Chas-tity Benson, California State Association of Counties; Jason Richberg, Suffolk County, N.Y.; Royceann Porter, Johnson County, Iowa; Alexis Hill, Washoe County, Nev.; M.C. Keegan-Ayer, Frederick County, Md.; Ross Butcher, Fergus County, Mont.; David Sikes, Toombs County, Ga. Third row: Aaron Mays, Shawnee County, Kan.; Neal Gaalswyk, Cass County, Minn.; Stan Ponstein, Kent County, Mich.; Benjamin Wehmeier, Jefferson County, Wis.; Amy Milliken, Warren County, Ky.; J.D. Clark, Wise County, Texas; Curtis Koch, Davis County, Utah. Fourth row: Brett Wachsmith, Kittitas County, Wash.; Rex Scott, Pima County, Ariz. Photo by Hector Emanuel

Counties offer stability for victims of community violence

by Meredith Moran
staff writer

Counties are investing in supportive services for community violence survivors through hospital-based violence intervention programs.

Jefferson County, Ala. and Travis County, Texas have both devoted funding — \$1.1 mil-

lion and \$500,000, respectively — to create programming that provides longer-term and trauma-informed care to those impacted by community violence.

“This is a priority,” Jefferson County Health Officer Mark Wilson said.

“Obviously, we have a big problem with gun violence,” he noted. “Birmingham, in partic-

ular, has a very high rate — one of the highest in the country, and we as a health department hadn’t really addressed the issue of violence directly and didn’t really have any staff dedicated to that previously, so we started looking into it and ... we contracted with The Health Alliance

See **SURVIVORS** page 2

Rural Nevada counties boost services with new health district

by Charlie Ban
senior writer

Four rural Nevada counties take their training wheels off on July 1.

That’s when they’ll leave the safe but inadequate health ser-

vice agreement with the state and form their own health district, the first to cover rural counties.

Ever since their work during the COVID-19 pandemic gave officials the confidence to handle their own health services,

county officials in Churchill County say they believed that local control was within reach. Pershing, Mineral and Eureka counties and the city of Fallon will join Churchill County.

See **HEALTH** page 3

Court addresses tax forfeitures

From RULINGS page 1

depends on if it is “adjacent” to WOTUS, with a “continuous surface connection” to navigable waters.

NACo joined an amicus brief urging the court to adopt a decision that clarifies that water supply and treatment, flood control and stormwater management infrastructure is not WOTUS under the CWA.

The court’s decision does not fully provide that clarity; it is difficult to determine whether the new test will insulate county-owned infrastructure from WOTUS coverage, and it remains to be seen how the federal government will rewrite regulations to comply with the ruling. Because the court’s test limits the definition of WOTUS, some of the infrastructure that had previously been swept into the broader definition may like-

ly be excluded.

Tax forfeitures

Tyler v. Hennepin County centered on a lawsuit brought forth by Geraldine Tyler, who owed Hennepin County, Minn. \$15,000 in unpaid property taxes, interest and penalties for a condo in which she did not reside.

After the county sold the condo for \$40,000 and kept the proceeds above and beyond Tyler’s \$15,000 debt, Tyler sued, arguing that she was owed the \$25,000 surplus under the Fifth Amendment’s Taking Clause, which bars the government from taking private property for public use without adequately compensating the property owners, as well as the Eighth Amendment’s ban on excessive fines.

See RULINGS page 12

Counties are addressing ‘cyclical violence’

From SURVIVORS page 1

for Violence Intervention to lead us through a process of looking at whether our local political and community landscape would be appropriate for this type of program.”

The alliance formed a community roundtable with broad representation from local advocacy groups, he said, including Moms Demand Action, county representatives, health department employees and people in the community who had been affected by gun violence.

The Violence Intervention Prevention Partners program, run by the non-profit Offender Alumni Association, came as a result, connecting Jefferson County community violence survivors to counseling and referrals for housing and job opportunities.

“I think the police can only do so much and the hospital’s engagement is there when individuals are in surgeries or they’re injured, but there’s no ‘aftercare,’ no ongoing continuum of care, as it relates to the individuals and their lives — being healthy, safe and whole again,” said Dena Dickerson, the Offender Alumni Association’s program director.

“The families are impacted, the communities are impacted, and though it may not touch your home, personally, up close, it still impacts you as well,” she said. “And I think we all want safe communities; we want vibrant communities.

“This is our role in that ecosystem that ensures that, because that’s a space that hadn’t been tapped into,” she said. “We can call the cops, we can call the EMT, the emergency unit at the hospital can take care of the individual, but then what? What happens next for those persons?”

The \$1.1 million grant from the Jefferson County Health Department allowed the orga-



Travis County, Texas
Judge Andy Brown

nization to hire three violence intervention specialists, a supervisor, a youth coordinator and a family engagement specialist, as well as contribute to emergency funds for clients. The program launched in February and has eight clients.

“One of our clients had been in the hospital for 30 days, but that client actually had a job before he was harmed and his bills didn’t stop, so we have some discretionary funds that we use for those emergencies to eliminate some of that stress of trying to move forward,” said Deborah Daniels, executive director of the Offender Alumni Association.

An element that made the Offender Alumni Association stand out in its application for the health department’s grant funding was that it employs people who have been impacted by community violence themselves, Wilson said.

“Our violence intervention specialists are individuals who have had or experienced some type of violence during their life, so they can really relate to where those individuals are and help them to navigate to a safe space and then try to help them on a path to a life of success, one that is both meaningful and productive,” Daniels said.

Travis County, Texas is another county attempting to curb its high community violence rates through hospital-based intervention programming. The

Travis County Commissioners Court in November unanimously approved the “Safer Travis County” resolution which aims to reduce gun violence.

The hospital-based intervention program built into the resolution — which will be funded through American Rescue Plan Act dollars — hasn’t launched yet, but the county’s Health and Human Services Department submitted a program proposal and it’s in the procurement process, according to Travis County Judge Andy Brown.

“Like so many places in the country, gun deaths are the number one cause of suicides and homicides in Travis County,” Brown said. “... When we looked for what works in reducing gun violence, we’ve realized that it’s meeting people’s unmet needs, so providing mental health resources, providing health care resources and especially focusing on people who have experienced some amount of gun violence. It’s often people who end up in the hospital as a victim of gun violence who are more likely to be involved in gun violence in the future.”

The Jefferson County program is operating in a similar way, Dickerson said, and focuses on the concept that violence is cyclical and affects the whole community beyond the gun violence survivor.

“We know that violence never has a winner, and we also know that violence never impacts one person,” Dickerson said. “It impacts the family, and it impacts the community. When an individual has been harmed or has found themselves in one of these situations, that is not just the individual that needs to be engaged, but we need to engage the whole family, whether it’s their significant other or whether it’s the family or even the children, they too are traumatized by the situation, so it’s a holistic approach that we take.”

SNAP/STATS

STATES WITH LOWEST UNEMPLOYMENT RATES MAY 2023

STATE	PERCENT
South Dakota.....	1.9%
Nebraska.....	2.0%
New Hampshire.....	2.1%
North Dakota	2.1%
Alabama.....	2.2%

Source: Department of Labor

CountyNews

President
Denise Winfrey

Publisher
Matthew Chase

Chief Public Affairs Officer
Brian Namey

Public Affairs Coordinator
Alyxa Hawkins

Editor and Senior Writer
Mary Ann Barton

Digital Editor and Senior Writer
Charlie Ban

Junior Staff Writer
Meredith Moran

Design Director
Leon Lawrence III

ADVERTISING STAFF

Job Market/Classifieds representative

National Accounts representative

Mary Ann Barton
202.942.4223
FAX 866.752.1573

Published by:
National Association of Counties
Research Foundation, Inc.
660 N. Capitol Street, N.W. STE. 400,
Washington, D.C. 20001
202.393.6226 | FAX 866.752.1573
E-mail cnews@naco.org
Online address www.countynews.org

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

Mail subscriptions are \$100 per year for non-members. \$60 per year for non-members purchasing multiple copies. Educational institution rate, \$50 per year. Member county supplemental subscriptions are \$20 each. Send payment with order and address changes to NACo, 660 N. Capitol Street, N.W. STE. 400, Washington, D.C. 20001.

POSTMASTER: Send address changes to County News, 660 N. Capitol Street, N.W. STE. 400, Washington, D.C. 20001

(USPS 704-620) n (ISSN: 0744-9798)
© National Association of Counties
Research Foundation, Inc.

NATIONAL ASSOCIATION of COUNTIES

NACo

We are committed to getting County News on your desktop ASAP. Send your address corrections to cnews@naco.org.

Central Nevada Health District will be the first in the state among rural counties

From HEALTH page 1

“The state’s a great resource and a great partner in a lot of ways, but we can do this better,” said Caleb Cage, interim director of the health district. “The state has been talking about establishing rural districts since at least 2007, but it’s the counties that are actually making it happen.”

Although urban Clark and Washoe counties have health districts, Central Nevada Health District will be first to represent the needs of rural counties and the first to span multiple counties. Those needs include public health preparedness, nursing, preventable diseases, food safety, permitting and aging services.

An emergency order in May 2020 allowed Churchill County to create a public health department within its social services department to handle COVID testing, contact tracing and vaccine delivery. Those successes built momentum, and by late 2021, the wheels were in motion for the health district to start providing mandated services and more within two years.

“We had more capacity than we knew, and the community was open to all of it,” said Shannon Ernst, Churchill County’s social services director. The 25,000-resident county’s nominal board of health meets for roughly five minutes twice a year, Ernst said, satisfying state statute but not accomplishing anything of substance.

J.J. Goicoechea was involved in the health district planning while he was a Eureka County commissioner and he said that what would seem like a modest level of service anywhere else would be a dramatic improvement to what his county received from the state. His county is home to a population of nearly 1,900, spread over 4,200 square miles. He’s now the state’s secretary of agriculture. Pershing County has 6,600 residents and Mineral County has 4,500.

“It was mainly environmental services, like inspections, and I don’t know how good of a job they’re doing on some of that. They’re stretched pretty thin,” he said, noting staffing challenges at the coun-



Health workers prepare vaccinations during the pandemic. COVID-19 pandemic response work gave Churchill County the confidence to create its own health department.

ty’s northern clinic. “We have a large elderly population out there and we’ve got a lot of very remote people out across rural Eureka County and we just can’t reach them.

“We don’t have a lot of social services out here and there’s basically no mental health support.”

The governments involved in the district found themselves bound by shared priorities to

improve their health services. Eureka, Pershing and Mineral counties have all wanted better community health nursing support for years.

“I think there was a trust earned through the pandemic that naturally transferred to this conversation,” said Churchill County Manager Jim Barbee.

Ernst has done extensive tours of the partner counties to evaluate their needs, and while

the pandemic has accelerated technological adoption on the service-provider side, she noted that hasn’t followed suit for residents, leaving many with unattractive options including for environmental health services.

“You have to go online or go to Carson City to get a permit,” she said. “We are making sure that within each community, there’s a representative there five days a week. Residents want to know that they matter, and they can talk to somebody physically.”

Local control of health ser-

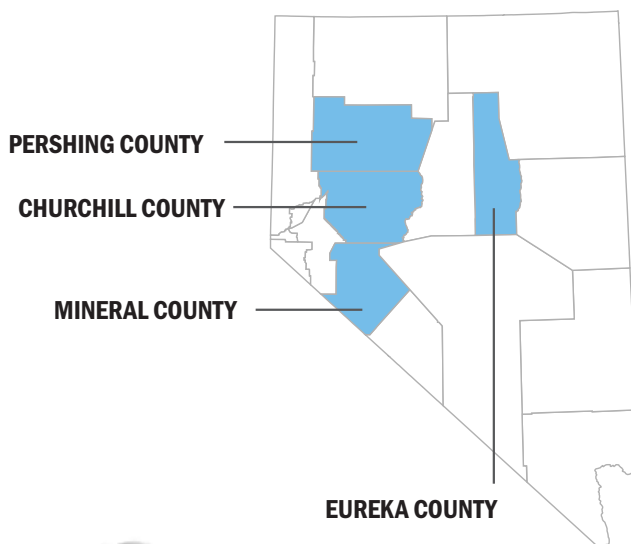
plementing those services and protecting those communities is a significant improvement.”

Each county and Fallon will have two members on the district’s board of health. Health district staff will be Churchill County employees, with a goal of having a clinical manager, one registered nurse, one advanced practice registered nurse, one or two medical assistants and one community health worker in each community, along with an administrator and clerical specialist in each. The district also aims to hire financial specialists, two public health staff members and two environmental services staff.

The district’s first goal, however, is reaching the staffing level to ensure continuity of services provided by the state by the July 1 changeover. After that, services will expand with staffing, while the district works to partner with existing providers.

“When we look at non-mandated services, we are obtaining additional grant funding for services and the goal is to offer services in each community, such as tobacco, but if there is a coalition already providing that, we will partner to support their efforts and fill gaps they cannot provide,” Ernst said.

The district will take charge of existing office space, which



‘I THINK THERE WAS A TRUST EARNED THROUGH THE PANDEMIC...’

vices will also make them more accountable to the people they serve, Barbee said.

“If I’m in Eureka, trying to call the number somewhere in Carson City that’s under an agreement with the State Board of Health with whom I have no connection... they’re not folks that I see in the grocery store. For right or wrong, it’s just reality of the structure, and so I think that local communities having access to those im-

varies from a room in Eureka County to a house in Mineral County to a new building that Churchill County is pursuing, which would serve as the administrative center. A \$100,000 buy-in by each community plus a \$5 per capita fee will fund the district. A 20 percent contingency payment will create an additional \$200,000 account.

“This comes at a greater cost to the local community,” Cage said. “These communities could have maintained the status quo and just hoped there’s not another pandemic, but they didn’t do that. Very often in Nevada,

Jim Barbee, Shannon Ernst and Caleb Cage

See HEALTH page 4

New local care coming soon

From HEALTH page 3

because budgets are so tight and the opportunity to develop new tax revenue resources is so limited, money is the limiting factor. These communities said, ‘We want this even though it’s going to cost us more money to pull this off in a local fashion.’”

Goicoechea sees it being a major boon for his county and others.

“It will give us a chance to be more proactive and not just

reactive,” he said. “If they’re doing homebound food delivery, we want a nurse embedded in these communities at least every couple of weeks who has a relationship with them and they feel comfortable enough to talk to them.

“A lot of people don’t know what their blood pressure is or they need to have their meds straightened out. It will be simple basic things that a lot of people take for granted in other areas.” **CN**

Hire Quality Staff
@ Jobs Online



WORD
SEARCH

MONROE COUNTY, FLA.
Created by: Mary Ann Barton

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

BICENTENNIAL: The county will celebrate its 200th year on July 3.

FOUNDED: The county was founded July 3, 1823 from St. John’s County.

HEMINGWAY: Author Ernest Hemingway lived in the county; his home is now a museum.

HURRICANES: The county has been hit by hurricanes including the 1935 Labor Day hurricane that reached 185 MPH, the strongest to ever hit the United States, according to NOAA.

KEYS: The county is part of the Florida Keys.

LARGE: The county has a total area of 3,738 square miles; 983 square miles of land and 2,754 square miles of water.

MIAMI: The county is located 15 miles south of Miami.

MONROE: The county is named for U.S. President James Monroe, the fifth president, who served in the White House from 1817 to 1825.

PIE: Key Lime Pie reportedly originated in the county where key limes grow in abundance.

SAILFISH: Anglers flock to the county to fish for sailfish.

SEAT: The county seat is Key West.

SOUTHERN: The county is the southernmost county in the United States.

TOURISM: Tourism is the largest industry for the county; in 2018, tourism brought in \$255 million in tax revenue for state and county coffers.

TRUMAN: President Harry S Truman kept a home in the county during his presidency; it is open for tours.

TURTLES: The county is home to the Turtle Hospital, helping turtles injured mainly due to boat strikes.

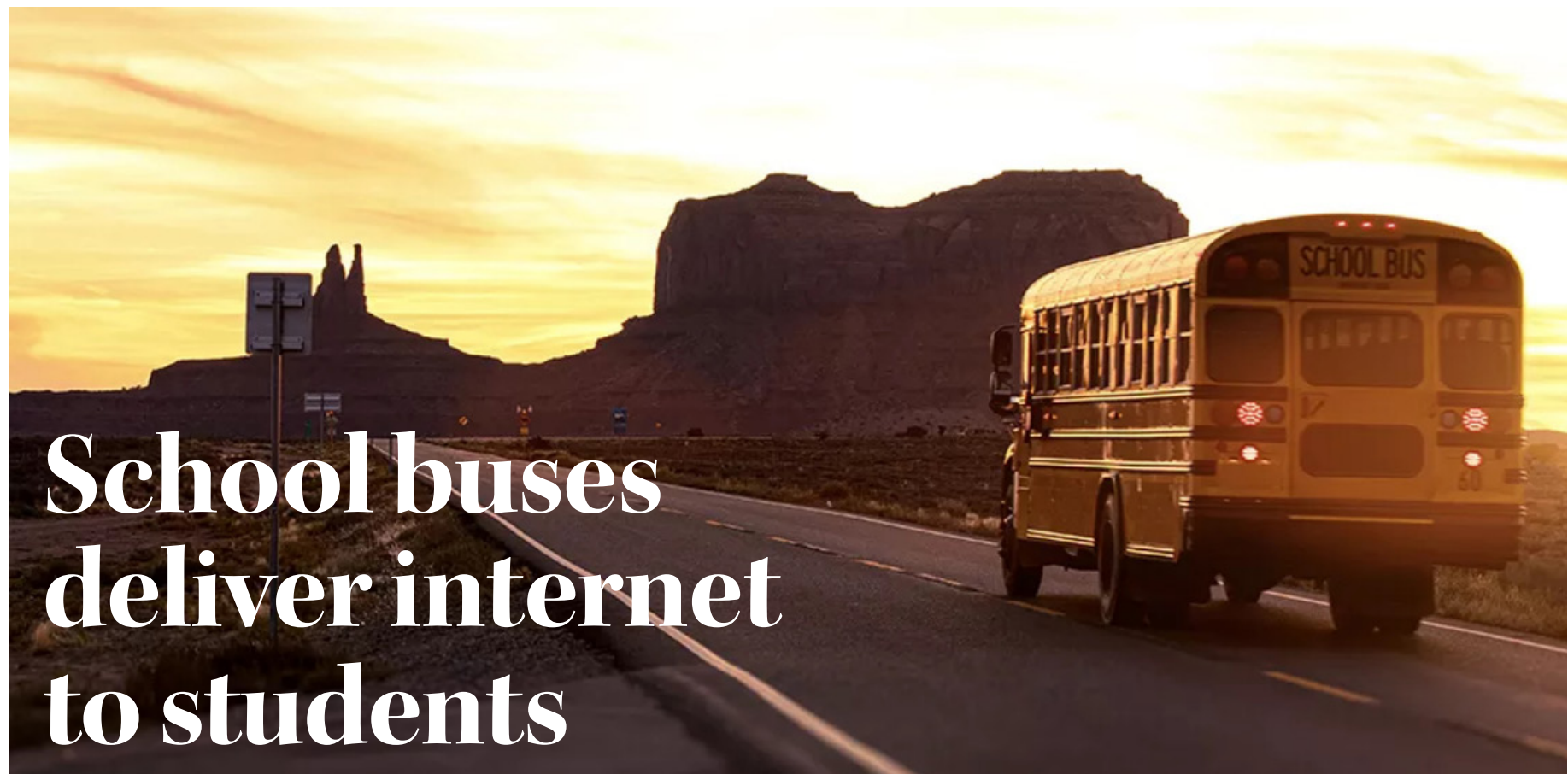
NATIONAL
ASSOCIATION
of COUNTIES

NACo®

LARGE URBAN COUNTY CAUCUS SYMPOSIUM

October 4-6, 2023 | Orange County, Florida

Register
Today!



School buses deliver internet to students

by Jennifer Kuiper

An hourlong bus ride to school. Each way. In the snow, sometimes.

This isn't a tall tale parents tell their kids, it's reality for students in Coconino County, Ariz., the second largest county in the lower 48 states.

The county's partnership with SpaceX, which has equipped school buses with its Starlink satellite-based high-speed internet, not only helps

students make more productive use of that transit time, but in some cases, offers the only high-speed internet access they have outside of school on the sprawling tribal lands in Northern Arizona.

"The opportunity to deploy new technology to connect underserved rural communities is a tremendous achievement," said Coconino County Supervisor Lena Fowler. "We are incredibly thankful to our partners for the opportunities

they have enabled by delivering enhanced connectivity throughout our most underserved communities."

Coconino County recently featured the partnership at NACo's Economic Mobility Leadership Network (EMLN) meeting in May. The network gathers 25 elected county leaders from across the country, including Fowler, working to support their residents' economic growth. The network members have identified lack

of equitable access to high-speed internet as a major obstacle to economic mobility.

Coconino County collaborated with Flagstaff Unified School District and Page Unified School District to identify and select school bus routes where students traveled for an hour or more in each direction. SpaceX provided the county with two of their Flat High Performance Starlink kits that are installed on the buses, enabling students to stay connected and complete homework during their transit.

The partnership has also offered high-speed internet setups for students' homes in the digital desert.

Fowler and county Chief Information Officer Matt Fowler (no relation) both met with SpaceX in 2019. They secured a private donation for the county to use Starlink using satellite technology. The county identified K-12 free or reduced-lunch eligible students living on tribal lands without access to the Internet or with existing speeds less than 5 Mbps download and 3 Mbps upload. Approximately 150 student households received Starlink equipment for satellite access and two years of service costs covered by charitable donations. The SpaceX Starlink Mobile Technology project that installed equipment on the school buses expanded on those early successes.

Leadership network mem-



A Starlink internet satellite sits mounted atop a school bus.

ber David Stout, an El Paso County, Texas commissioner, faces similar challenges with poor access to high-speed internet in remote and rural areas of his county.

"It was very helpful to learn about Coconino County's agreement with SpaceX because El Paso County also has major gaps in access to Wi-Fi," he said. "There are even areas within the city of El Paso that the two companies that install infrastructure aren't willing to cover. We have rural areas that could also benefit from Starlink for the same reason. We need to look at every option available to make sure we have as much access as possible, and the fact that nobody has looked into Starlink here is something that needs to change." **CN**

Kuiper is an associate program director in NACo's Counties Futures Lab.

I Love My County Because...

Submit your artwork at **NACo.org/ART**

ART CONTEST

Check out the website for more information

Now accepting entries!

California county library creates programming for LGBTQ+ community



by **Meredith Moran**
staff writer

At 1,768 square miles, Sonoma County, Calif. is “a fairly geographically large county — we have people who live in very rural areas, as well as people who live in more suburban and urban areas,” said Aleta Dimas, the library’s adult services administrator.

The library tries to reach out to every segment of the population across the vast county, including its LGBTQ+ community with its “Here+ Queer” digital archive and pride book clubs.

“The ability of all of those populations to be able to participate, for a community that’s not always visible, and for a community where people sometimes feel isolated or feel like, ‘Oh gosh, am I the only one?’ that ability to connect online with other readers who are interested in the same sort of materials has been very valuable,” Dimas said.

To help that population

feel less isolated, the library is compiling an archive of oral histories, essays, photographs and creative works from the county’s LGBTQ+ population to preserve the community’s history and create a space where LGBTQ+ people can feel represented, said Zayda Delgado, special collections librarian and archivist at the county’s history and genealogy library.

“As I was looking at collections, there wasn’t very much on the queer community,” she said.

“When I would have interactions with the public, and someone would say, ‘I know that there was a lot of queer life in the Russian River area, what do you have on the topic?’ I could point them to a handful of items, but not as much as I would have liked.

“... There have been gaps historically because some stories weren’t valued to be told and we want to create the space for everyone in our community, including the LGBTQ+ com-

munity, to know that their stories are important and they’re important to the people around them, they’re important to future generations of people who have probably never interacted with them. Their story has value; their experiences have value.”

The library held an in-person event for LGBTQ+ Sonoma County residents to create oral histories, and people are encouraged to submit their artifacts to the archive on the library’s website on an ongoing basis. It’s working with local partners including LGBTQIA+ Legacy Sonoma County and Positive Images to get the word out.

“The oral histories were particularly powerful because people were able to talk about how they felt accepted in Sonoma County, how Sonoma County in certain times has come to support them and their identity and feel themselves when perhaps they were coming from different parts of the nation or

parts of California where they couldn’t accept their whole selves,” Delgado said.

Another way the Sonoma County Library is carving out space for the LGBTQ+ community is through its Pride Book Club for teens and Queer Book Club for adults, which Dimas runs.

“It came about based on the interests that we saw in readers in our local community, as well as sort of burgeoning publishing of these voices and a variety of wonderful new books that were available,” Dimas said.

“We try to make sure that a wide variety of perspectives are included, so not only identities within the larger queer community represented in those authors and stories, but also people from different ethnicities and different types of literature, like a graphic novel or a book of poetry.”

Dimas said the creation of a book club highlighting LGBTQ+ authors and content has sparked more diverse

choices in the library’s other book clubs as well, which include mysteries, non-fiction, fiction and books written by and about those who are Black, Indigenous and People of Color (BIPOC).

“This book club has positively influenced the rest of our book clubs,” Dimas said. “... It’s not like these books are somehow apart or separate, but rather they have become part of the rich offering of titles that we have for [all of] our book clubs.”

The adult book club’s focus is on analyzing the books, while the teen book club is more about cultivating a supportive environment for LGBTQ+ youth, Dimas said.

“We really focus on creating a resilient and inclusive community,” Dimas said. “So we value those opportunities to connect with community members from a wide variety of backgrounds and provide services that meet their needs and give them an opportunity to experience these unique titles.” **CN**

FORMER COUNTY COMMISSIONER WORKS TO PREVENT YOUTH HOMELESSNESS

After three terms as a Kalamazoo County, Mich. commissioner, Tracy Hall is continuing their dedication to housing equity as executive director of OutFront Kalamazoo, an organization that provides transitional housing to the county’s LGBTQ+ youth.

Teens who identify as LGBTQ+ disproportionately experience homelessness, with estimates showing they make up to 40% of the unhoused youth population. OutFront is aiming to bridge the gap through its Legacy House and Host Homes programs.

“When we think about our unhoused percentage for our young people in the queer community, the other [statistics] that go with that are higher rates of suicide, higher rates of mental health, and those things are happening because of lack of acceptance,” Hall said. “So, we wanted to

make sure that this was a space for them, by people who are like them and create policies that will help keep them safe.”

Host Homes connects unhoused LGBTQ+ youth ages 13-18 with screened and trained community members who commit to provide them housing and food for up to a year. The organization also provides participating youth with other supportive services, including educational resources and career support.

“Our hope is to provide the wraparound services, the life skills training, whatever resources our community can help with so that when they’re ready to move on, there’s stability in the other areas too — housing and then through that, hopefully mental health and finances, even how to do basic things that we were taught growing up,”

Hall said. “Some of our younger people have no idea how to do things like running the washer and dryer, being self-sufficient.

“We want to make sure we’re providing tools and support so that when someone moves out on their own, they’re in a much more stable position than when they came to us.”

Legacy House provides a place for unhoused 18-to 24-year-olds to live, with space for up to six people for up to 24 months at a time. The house was originally created through the county Board and funded through the Kalamazoo County’s Public Housing Commission and is now owned by OutFront. Hall said the “on the ground” work through OutFront is on a different scale than housing initiatives passed during their time as a commissioner, but that it doesn’t make it

any less important.

“When I was on the county commission, housing inequity was our top priority,” Hall said. “And we did a lot of great things as a result, but big things that still seem small in comparison to what the need is here in our county. We’re about 7,000 units short, altogether as a county, so one of the things that we did, of course there’s a whole campaign team that did it, but our voters passed the housing millage ... which brings in \$6.7 million each year [for affordable housing].

“So, at that level, it’s bigger and broader at the county, but the work we’re doing at [OutFront] — it adds a small piece to the puzzle of what our housing challenges are, and every piece matters.”

Something Hall has applied to stepping into OutFront’s

executive director position is the importance of cross-county collaboration and working with organizations that have similar goals. OutFront works with LGBTQ+ organizations across Michigan and the country to adopt new ideas and tweak existing programs to run them in more beneficial ways.

“One of the things that I thought helped make me a good commissioner is I would look and see what other counties were doing and I would say, ‘Okay, Washtenaw is doing this, we can do something similar’ or Wayne County or Oakland County,” Hall said. “... One of the ways I’ve learned the best is by looking at others, because why reinvent the wheel when others are doing it really great, and we can model something and make it our own here in Kalamazoo?” **CN**

PROFILES IN SERVICE

RENEE L. COUCH

NACo Board Member
County Treasurer
Comal County, Texas

Number of years active in NACo: Almost four years. I have been attending NACo conferences since 2012 and became active in leadership positions in 2020.

Years in public service: 15 years

Occupation: Comal County Treasurer

Education: B.S. in Family and Consumer Sciences from Texas State University

The hardest thing I have ever done: Parenting has been the hardest and most rewarding for me. I am so blessed to have two adult daughters, a son-in-law and my first grandchild coming soon.

Three people (living or dead) I would invite to dinner: Barbara Walters, Queen Elizabeth II and my dad Lawrence Sopchak.

You would be surprised to learn that I: Am an elected official. In Texas, the county treasurer is a constitutional office and is elected by the voters



COUCH

every four years. As the county treasurer, I am the county's banker, investment officer and cash manager including payroll, disbursements and paying jurors. I am responsible for the checks and balances of the millions of taxpayer dollars that pass through all county offices.

My favorite way to relax is: A week in Mexico with my toes in the sand.

I am most proud of: Serving as president of the Texas Association of Counties (TAC). COVID happened during the first year of my term and TAC pivoted successfully to continue the important service to all 254 counties in the state of Texas. My goal as president was to strengthen our partnership with NACo, which we did with substantial membership growth.

Every morning I read: Daily devotional.

My favorite meal is: Cajun seafood.

My pet peeve is: People who do not return their shopping carts to the "Shopping Cart Return" and paper clips.

My motto is: "You Get What You Give."

The last book I read was: "The Traveler's Gift" by Andy Andrews.

My favorite movie is: "The Godfather Part II" (actually, the whole series).

My favorite music is: '80s classic rock.

My favorite U.S. president is: President Ronald Reagan. I love his quote at his burial site at the Reagan Presidential Library: "I know in my heart that man is good, that what is right will always eventually triumph and there is purpose and worth to each and every life."

My county is a NACo member because: Initially, Comal County joined to take advantage of the NACo Prescription Card program and U.S. Communities purchasing coops. Over the years, we have used NACo resources to help with understanding federal funding such as, most recently, the American Rescue Plan Act guidelines.

A dream I have is to:
Be a cast member of
"Saturday Night Live."



GET TO KNOW...

Logan County, Ohio

Welcome to Logan County, Ohio

Established in 1818, Logan County, Ohio was named for the Revolutionary War Gen. Benjamin Logan.

The county has the highest elevation point in Ohio, at 1,549 feet above sea level, with Campbell Hill and is also home to the largest caverns in the state, Ohio Caverns.

Another spot, Zane Caverns, is owned by the Shawnee Remnant Band and is the location of the Shawnee & Woodland Native American Museum, which holds artifacts from tribes across the country and has an exhibit on George Drouillard, the Shawnee guide who was the chief hunter and interpreter for the Lewis and Clark Expedition.

Notable Logan County natives include political cartoonist Jeff Stahler and Olympic snowboarder Louie Vito, whose first professional snowboard is displayed in the Logan County Museum.

The county seat, Bellefontaine, was named for the French phrase "beautiful spring" after the limestone springs that once existed in



the city. The first concrete paved street in America is Court Avenue in Bellefontaine, where a statue stands of George Bartholomew, the inventor of concrete pavement. The city is also the location of McKinley Street, the shortest street in the country, at just 20 feet.

In front of the Logan County Courthouse is a fountain with a pineapple on top. The original plan was to have a bell for the county seat's name; However, there was a mix-up and a town in Hawaii received the bell, while Bellefontaine received the Hawaiian pineapple. The county decided to go along with it, and now hosts an annual Pineapple Palooza, where activities include ziplining down Main Street and a log-rolling competition.

Get to Know features new NACo member counties.



SPONSORED CONTENT

ADVANCES IN TECHNOLOGY BRING ESSENTIAL TOOLS TO COUNTIES

by William Cherry

Rapidly advancing technology is now being used to fill the gap created by staffing shortages and vacant positions in county government offices. While it's true that adding the latest tech tools to county offices can help existing staff to work more smartly and efficiently, there are also some challenges to consider.

There are three major obstacles to consider before adding new technology to your county offices: (a) the cost of the hardware, software and any installation charges, since these are sometimes not included in the current operating budget; (b) implementation challenges compounded by IT staff shortages and workload bottlenecks; and (c) a lack of conclusive and definitive proof that the new technology will actually provide a positive and worthwhile benefit to the county within a relatively short period.

But what if there was an ad-

vanced technology that eased workloads and paid for itself almost immediately? Even better, what if that same technology actually brought in additional and previously untapped revenues that could go toward the county's operating expenses and/or high-priority projects?

What if there were zero new IT challenges because your county's staff had secure remote access from the county's existing computer systems?

Finally, what if hundreds of other counties across the country were already using this advanced financial technology with proven, measurable results that reduced staff workloads and brought in tens of millions of dollars of new, non-tax revenues every year?

Although all this may sound too good to be true, such a technology already exists and has proven itself many times over. Best of all, it's now available to every county in the country.

One of the greatest develop-

ments in technology for counties over the past several years has been the widespread adoption of three+one's cashVest® system of advanced cash management. By pairing the latest technology with advanced software algorithms that look at every single dollar of a county's historical expenditures and revenues, accurate predictions of future cash flows and liquidity levels can be made with incredible precision. This eliminates potential funding shortages, reduces cash-flow borrowings and instills greater confidence in long-term financial decision-making. This patented technology also analyzes and compares all hard and "soft" banking fees and identifies any accounts or funds that are underperforming market conditions. On average, cashVest finds an average of 73% more liquidity that can be put to work earning today's high interest rates.

This liquidity data is then paired with an ever-expanding network of the most recent

competitive interest rates being offered by banks on CDs, treasuries, and other 100% secure, government-backed, fixed-term investments.

So, what are the actual results of this advanced financial technology?

More than \$1.25 billion in new revenue has been deposited into county and municipal bank accounts over just the past five years! That means additional resources to help counties meet their other spending needs — as well as other technology needs — all without having to raise taxes.

New technology can be daunting, expensive and sometimes delivers inconsistent results. Because of those challenges, it's understandable that municipal officials tend to want to keep doing things the way they always have, letting the latest technology prove itself first. cashVest is an example of an advanced, proven technology that presents county financial officers with a

better, more efficient, and more cost-effective way to serve their taxpayers.

When a tool comes along that eases staff workloads, quickly pays for itself (and more) through higher revenues, and has already proven itself to be an effective and efficient financial asset in hundreds of other public entities all across the country, then the time is right to give this advanced technology a closer look. **CN**

William Cherry is a past president of NYSAC, a past NACo Board member and he served for 24 years as Schoharie County treasurer. As a county CFO, he was responsible for managing and investing all public funds and as budget officer, for finding ways to pay for new technology without increasing taxes. He now serves as the director of Public Partnerships for three+one, and can be reached by phone at 585-484-0311, ext. 709 or by email at wec@threeplusone.us



Which residents benefit from prescription discounts?

Live Healthy helps residents:

- ▷ Without Insurance
- ▷ With High Deductible Plans
- ▷ When Live Healthy has a better price than insurance

Any resident (and their pets) of a county, parish or borough participating in the Live Healthy Discount Program are eligible to save.

Enroll now at NACo.org/Health

*The Live Healthy program is not insurance. Prescription savings may vary by drug and pharmacy; discounts are only available at participating pharmacies.

BRIGHT IDEAS | PALM BEACH COUNTY, FLA.

Florida County Mentoring Program Pairs At-Risk Youth with Role Models

PROBLEM:

The county discovered a gap in mentoring programs for at-risk youth.

SOLUTION:

The county partnered with United Way to create the “Level Up” program, partnering youth with positive role models.

by Meredith Moran
staff writer

A Palm Beach County, Fla. mentoring program is reducing recidivism and providing stability to at-risk youth by pairing them with positive role models.

Palm Beach County’s Youth Services Department created the Enhanced Mentoring Engagement program — known as “Level Up” — with United Way of Palm Beach County’s Mentor Center and the county’s Children’s Services Council after the county recognized there was a gap in mentoring programs for the youth they felt could benefit from them the most, said Tammy Fields, Youth Services director.

“There were a lot of mentoring programs within the county, and many of them had a requirement of a certain grade point average or that the kids hadn’t been in any trouble in order to be able to participate,” Fields said. “But we saw that the kids that may need mentoring the most were the ones who didn’t have the grade point average and had had behavioral issues, so the intent was to create a program where the mentors would also get trained on what the juvenile justice system or the foster care system was like and on trauma-informed care ... so that they would really be able to deal with the unique needs of these kids.”

United Way conducts the training as well as background screenings on all participating mentors, according to Fields. Mentors are required to meet with participants at minimum



monthly and for at least six months; however, many pairings meet more often, sometimes multiple times a week, and their relationships often extend beyond the six-month mark, Fields said.

“In many cases the [mentorship] continues for years, which is wonderful,” she noted. “All of the research shows that if there is a consistent caring adult in a child’s life, even if they’ve had a lot of trauma, that will help build resilience.”

Nearly 300 students, ages 11-to 19, have participated in “Level Up” since it launched in 2021. The majority involved in the program are referred from the juvenile justice system, while others are connected through the foster care system or Palm Beach County schools, according to Fields.

The county sprawls over nearly 2,500 square miles, so the program has three “hub” locations to ensure that more youth can participate without having to worry about transportation.

“Some of the agencies that

are acting as the hubs are also able to provide further career opportunities,” Fields said. “The Boys and Girls Club will do college tours periodically and we also have a relationship with our CareerSource in Palm Beach County to help get the kids back on track so that they’ll make sure that they’re following up on their career aspirations.”

The program pairs mentors and mentees based on common interests when possible and encourages discussion around the mentee’s future career path, according to Fields.

“They have trainings available for unique skills — auto mechanics, computer skills, construction,” Fields said. “If a mentor is in a particular career or area that we see the mentee has a passion for, we try to make that match.”

Eric Van Cleve, a mentor in the program, is an electrician and conducts basic electrical trainings, including wiring and checking power and voltage, for youth interested in pursuing a career in the trade.

“One of my favorite things is

just being able to teach the kids about electrical,” Van Cleve said. “I wouldn’t have expected that teenagers — middle school and high school kids — would take such an interest in the trades, considering just how fast-paced our world is these days. I mean it seems a lot of kids want to be YouTubers or an athlete or something along those lines, but it’s been really fun to just show them what I do for a living, the upsides of it and giving them a realistic approach to life and having a career one day.

“Obviously, not everybody goes to college, not everybody goes to play in the NFL, so we hope through this program to plant seeds in these kids and let them know that you can still have a good life and provide for yourself and your family with learning something like a trade and being good at it.”

Van Cleve said being involved in Level Up made him realize how much he wished he had access to a similar program when he was growing up.

“I had a rough time growing

up — I got into a lot of trouble,” Van Cleve said. “And I had different men kind of intermittently pore into me at times, but nobody that was really consistent per se ... so hearing about this program and what they do just piqued my interest in wanting to be a part of something that I didn’t have, and a lot of my buddies didn’t have growing up. I think the most rewarding thing is just being able to sit down with these kids.

“I went out yesterday to a group home and saw one of my mentees and the first couple of times meeting with them is always awkward and it’s hard to keep their attention, but after a while of just being consistent and showing up and being vulnerable, showing them that you care and want to help them and them ending up being receptive to that and opening up at some point — it’s a great thing to establish with these kids.” **CN**

The program earned a 2023 NACo Achievement Award in the Children and Youth category.



KENTUCKY

A **rehabilitation program** in **KNOTT COUNTY**, which has an overdose rate nearly triple the national average, created a guitar-making program for those with substance use disorder. More than 200 people in recovery have come through the wood-working program, which has a 71% success rate, since its launch in 2012. “The nature of making guitars, it’s a long curve,” Doug Naselroad, who runs the program, told CBS News. “The gratification is not instant. [It’s the] opposite of drugs. You have to commit a lot of labor-intensive hours to building a guitar.”

ARIZONA

MARICOPA COUNTY residents will now be alerted when **someone records any documents using their name**. The Recorder’s Office launched the new system following a deed fraud case in the county in which someone impersonated a dead man and sold the home he had left his daughter. Now, property owners signed up in the free system will be notified any time someone files a deed or other legal document using their name.

FLORIDA

OSCEOLA COUNTY launched its Pathway to Hous-

ing program, which **provides rental payments for eligible low-income families** for a year, allowing them to save the money to put toward a down payment on a home. The program, which is made possible through the county as well as the non-profit Housing4All and the Salvation Army, also offers homeownership classes on financial literacy and repairing credit.

MARYLAND

PRINCE GEORGE’S COUNTY is partnering with organizations to grant up to \$7,500 to nearly 30 restaurants throughout the county who commit to raising their **minimum wage** to

\$15 an hour. The county is collaborating with One Fair Wage, Capital One and High Road Restaurants to help local restaurants stay afloat while still paying their workers a livable wage.



MICHIGAN

The **CALHOUN COUNTY** Sheriff’s Office created an I.D. bracelet program with the **Alzheimer’s awareness** organization, Miles for Memories, to store emergency and medical

MINNESOTA

HENNEPIN COUNTY and **CROW WING COUNTY** are **training county employees to administer Narcan**. The counties are also providing workers who choose to go through the training with doses of the opioid-reversing drug. County employees’ ability to administer Narcan can save lives, cutting down the time it takes emergency responders and law enforcement to get to the emergency. Nearly 80,000 Americans die from an opioid overdose each year.



information for residents with dementia. Caregivers or family members can access and adjust the information online, which helps law enforcement return any loved ones home if they get lost or wander away.

NEW JERSEY

The **HUDSON COUNTY** Prosecutor’s Office has launched a countywide program to provide a safe space for **hate and bias crime victims** and to increase public awareness about those crimes. The voluntary program involves businesses, social organizations and schools posting a

decal in a front window or common space of their building, letting people know that location provides a safe place for someone to call 911 if they feel unsafe or are the victim of a crime. Individuals must call 911 immediately if a victim of any crime enters the premises and allow the victim to remain at the establishment until police arrive.

NEW MEXICO

BERNALILLO COUNTY recently passed an ordinance regulating secondhand purchases



CALIFORNIA

ORANGE COUNTY is **helping low-income residents receive discounted internet access** through its Affordable Connectivity Program and is providing stipends to those already connected. An enrollment event for the program offered assistance in Spanish, Korean, Vietnamese and Chinese.

See NEWS FROM page 11



President Joe Biden awards Clermont County Deputy Bobby Hau Pham the Medal of Valor. Photo courtesy of Clermont County.

OHIO

CLERMONT COUNTY Deputy Bobby Hau Pham earned the **Medal of Valor**, America’s highest honor for bravery by a public safety officer and was recently honored by President Joe Biden at the White House. Pham rescued a woman from a car sinking into a lake despite not knowing how to swim. The woman made suicidal statements to a mobile crisis hotline Nov. 23, 2021 and when Pham arrived at the lake where she made the call, she resisted help and drove quickly down a boat ramp. With temperatures in the 20s, and the car submerging, Pham had only his flashlight to help him navigate and free the woman from the car, according to a FOX19 NOW interview.

From NEWS FROM page 10

of **catalytic converters**. The county ordinance requires scrap metal yards to extensively document used catalytic converter purchases. The records must include information from the seller’s government-issued ID as well as a photo and thumbprint of the individual. The metal dealer must also confirm where the part came from by identifying the vehicle and confirm that the seller owns the car. They must then hold onto the part for at least 15 days, KUNM News reported.

NEW YORK

MONROE COUNTY will install 60 new “**Life Saving Station**” boxes in high-traffic areas of county-owned public facilities, to successfully bridge the time between an emergency and when first responders can arrive. Each box will contain an automated external defibrillator, Naloxone, a tourniquet, gloves, gauze, EMS shears and a survival blanket and hand sanitizer.

OKLAHOMA

The OKLAHOMA COUNTY District Attorney’s Office will charge user-to-user **fentanyl overdose deaths** as manslaughter in the first degree. The district attorney’s office

said addicts sharing fentanyl with no intent to cause harm to the person they are sharing with present a different scenario for prosecutors, Fox 25 News reported. Each case will be reviewed to see if circumstances dictate a different charge or will include a referral to a drug treatment court.

PENNSYLVANIA

• LANCASTER COUNTY’s Workforce Development Board is trying to help people who



PENNSYLVANIA

• CENTRE COUNTY is partnering with the HOME Foundation for the **Elder Cottage Housing Opportunity**, a program to offer older adults affordable, independent housing placed on a relative’s property. The program is focused on older residents who need some assistance, but don’t necessarily need a nursing home or senior living community. Rent is 30% of the cottage resident’s income and no other costs are charged to the resident or host family. The accessory dwelling units include a bedroom, bathroom, kitchen and living room and a porch with a total area of 529 square feet and it connects to a host property’s utilities. The program is supported by a grant from the Pennsylvania Housing Finance Agency.

dropped out of college or a certificate program to **finish their degrees or certificates**. The county is working with the local chamber of commerce to connect prospective applicants to degree completion programs at Elizabethtown College, Millersville University and Pennsylvania College of Art & Design. Participants do not have to complete the degree they started, and they receive guidance, counseling and health services to address individual needs outside of the educational program. A grant also supports child-care reimbursement, transportation reimbursement, on-campus food assistance or hand-off referral to community resources and referral to housing assistance services, all funded by the Workforce Innovation and Opportunity Act.

TEXAS

HARRIS COUNTY will pay 1,500 low-income families \$500 per month for 18 months through its **guaranteed income program**. Uplift Harris will be funded with \$20.5 million from the American Rescue Plan Act and will be open to residents who live below 200% of the federal poverty line.

News from Across the Nation is compiled by Charlie Ban and Meredith Moran. Does your county have news we should know about? Contact cbn@naco.org or mmoran@naco.org.

ON THE MOVE

NACo OFFICERS

• President **Denise Winfrey** attended New Mexico Counties’ Annual Conference in San Juan County.

NACo STAFF

• **Myava Mitchell** has joined NACo as a multimedia producer. She was previously an associate producer at PBS’s Washington, D.C. affiliate. She earned a Master of Fine Arts in Film from Loyola Marymount University.

• **Chris Chung** has joined NACo as a program associate handling behavioral health, justice, environmental resiliency and economic development. He previously served as a Counties Futures Lab intern and earned a bachelor’s degree in political Science from American University.

• **Beth Roberts** is now a



Mitchell



Chung



Roberts

NACo conferences manager, having served as the Counties Futures Lab’s events coordinator. • Executive Director **Matt Chase** attended the Mississippi Association of Supervisors’ Annual Convention in Harrison County. • Associate Program Director **Elise Simonson** attended the Association of Prosecuting Attorneys’ Leadership Network in Multnomah County, Ore. • Chief Research Officer **Teryn Zemuda** served on a jury for the All-America City Awards in Denver City and County, Colo. and attended the concurrent National Civic League board meeting.

BEHIND THE SEAL

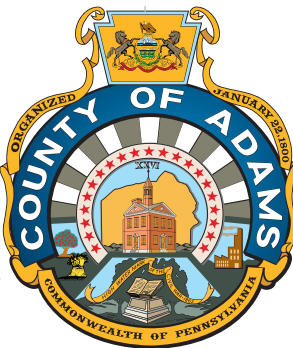
ADAMS COUNTY, PENN.

Founded in 1800, Adams County, Penn. was named for U.S. President John Adams.

The Pennsylvania state seal is featured at the top of the county seal, while the bottom features the high water mark of the Civil War, highlighting the county’s participation in the most decisive battle of the Civil War in Gettysburg, which is located in the county.

The 21 stars represent the county’s 21 townships and surround the county’s original courthouse.

The “XXVI” is included to show Adams County becoming the 26th established county in the state.



A factory is featured for its importance to the county’s economy

a tree is featured for the county’s thriving fruit industry and a sheaf of wheat for the county agricultural industry.

Want to see your county seal featured in County News? Contact Meredith Moran at mmoran@naco.org.

Court rules on nursing homes

From **RULINGS** page 2

The county argued Tyler didn't have standing as she had additional encumbrances and liens for an outstanding mortgage and homeowners' association lien that amounted to more than the so-called equity in her property. NACo joined an amicus brief through the Local Government Legal Center, arguing that the ability to keep surplus proceeds helps county governments afford the administrative costs associated with seizing and selling forfeited property.

The Supreme Court rejected the county's standing arguments 9-0 and held that the county violated the Takings Clause — the court did not reach the excessive fines question. Under the majority opinion, counties are not legally entitled to keep the profits from the sale of tax-forfeited property beyond the existing tax debt.

The ruling preserves local governments' ability to impose

interest and late fees when a taxpayer fails to pay taxes and seize property to recover a tax debt, which are important enforcement mechanisms.

The ruling will restrict counties' ability to keep surplus equity from the sales of tax-forfeited property (which often does not fully compensate for the lost revenue stemming from unpaid property taxes), it protects the ability to pursue penalties, fees and property forfeiture in response to property tax delinquency.

Nursing homes

The Supreme Court's 7-2 decision in *Health and Hospital Corp. of Marion County, Indiana v. Talevski* affirms the Seventh Circuit's holding that residents in Medicaid-funded nursing homes have the right to seek relief in federal court when state or local officials do not meet a certain quality of care.

The court affirmed that private parties can sue for alleged

rights violations under the Federal Nursing Home Reform Act (FNHRA), which sets the standards of care for nursing homes to abide by to receive Medicaid funding. The decision could expose counties, which operate 758 skilled nursing facilities and nursing homes, to costly litigation. The ruling may also increase liability for counties tasked with administering other federal assistance programs authorized under the Spending Clause.

The case arose out of an action filed on behalf of a dementia patient in a county-run Indiana nursing home. The patient's wife claimed that the facility violated her husband's right to be free from chemical restraints by over-prescribing psychotropic drugs and violated his rights related to resident-transfer and discharge procedures. She sued the Health and Hospital Corporation of Marion County (HHC), alleging violations of FNHRA.

A district judge ruled for HHC, finding that rules for Medicare and Medicaid recip-

ients stemmed from the government's power under the Spending Clause, and should be understood as contracts between the government and providers that do not allow for third-party claims.

He ruled that FNHRA does not explicitly authorize private lawsuits that are enforceable and individuals must rely on the existing legal and regulatory framework for protecting rights. Upon appeal, the Seventh Circuit revived the case, however, finding that FNHRA's language does support such claims.

The court rejected HHC's assertion that as a third party, Talevski lacked standing to sue for violations under Spending Clause legislation and that FNHRA "unambiguously" confers individual federal rights and that Congress never intended administrative enforcement to be the sole mechanism for enforcing those rights.

NACo filed an amicus brief in support of HHC, arguing that Congress did not intend to create a private right action

against public actors and that a ruling otherwise will expose states and localities to costly litigation in federal courts. Some governments may choose to opt out of receiving federal funds — undermining important policy goals and ultimately harming the intended beneficiaries of those programs.

The decision creates the potential for substantial litigation against local governments operating nursing homes.

To receive Medicaid funding, counties operating skilled nursing facilities and nursing homes must comply with FNHRA or face federal penalties, including the loss of funds. The financial impact of private parties being able to separately sue nursing homes for violations of FNHRA could be significant, and will no doubt cause a further drain on local governments' already strained budgets. **CN**

Mackey is a legislative director in NACo's Government Affairs department, staffing human services and education.

2023
NACo | **ANNUAL
CONFERENCE
& EXPOSITION**

**TRAVIS
C O U N T Y**

AUSTIN, TEXAS **JULY 21** *thru* **24**



**SCAN FOR MORE INFO
AND TO REGISTER**

