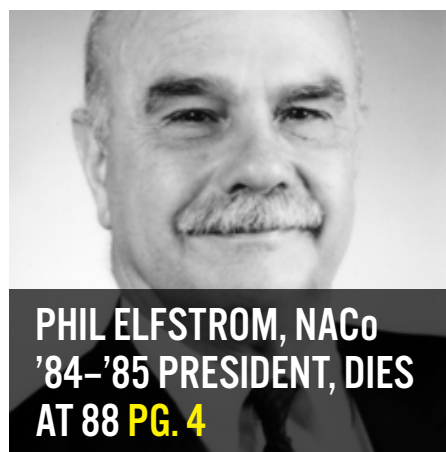




GOOD NEWS FOR COUNTY AIRPORTS IN NEW PROPOSED FAA BILL PG. 2



PHIL ELFSTROM, NACo '84-'85 PRESIDENT, DIES AT 88 PG. 4



EPA DELAYS IMPLEMENTATION OF OZONE RULES PG. 6

NATIONAL ASSOCIATION *of* COUNTIES

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Court: FCC didn't have authority to cap rates on inmate phone charges

By Mary Ann Barton
senior staff writer

The U.S. Court of Appeals for the District of Columbia Circuit has struck down a Federal Communications Commission regulation capping in-state inmate phone rates. The court said the FCC does have the authority though to limit prices on out-of-state calls.

The court sided June 13 with prison phone company Global Tel*Link in its lawsuit against the FCC, saying that the 1996 Communications Act prevents the federal government from regulating state phone rates. Last year, Wisconsin, Arizona, Arkansas, Indiana, Kansas, Louisiana, Missouri and Nevada joined in the legal challenge.

The attempt to cap the rates was initiated several years ago by the Obama administration.

"This order from the FCC

was nothing less than a power grab that I am pleased to see ... invalidated," Arkansas Attorney General Leslie Rutledge said. "The FCC failed to consider numerous issues including costs that would have directly impacted the local budgets of cities and counties across Arkansas."

The June 13 ruling lifting the rate caps — of no more than 11 cents per minute in state or federal prisons or 14 cents to 31 cents per minute in local jails — was welcomed by the Trump administration's new chairman at the FCC.

"Today, the D.C. Circuit agreed with my position that the FCC exceeded its authority when it attempted to impose rate caps on intrastate calls made by inmates," FCC Chairman Ajit Pai said. "Looking ahead, I plan to work with my

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NACo President Bryan Desloge shakes hands with Rep. Rob Bishop (R-Utah) June 22, at the first hearing of the House Task Force on Intergovernmental Affairs, chaired by Bishop. Photo by Hugh Clarke

Senate looks to close deal on health overhaul

By Brian Bowden
associate legislative director

The Senate released draft legislative text of its health care overhaul bill June 22. To add yet another acronym to

the healthcare reform saga, they are calling their bill, the Better Care Reconciliation Act (BCRA). It builds off the version the House passed on May 4, called the American Health Care Act (AHCA), which was

originally intended to repeal and replace the Affordable Care Act, or ACA.

Senate Majority Leader Mitch McConnell (R-Ky.) is

See HEALTH page 2

Public discussion of incarceration a priority for *Orange Is the New Black* author

By Charlie Ban
senior staff writer

Piper Kerman minces no words about her good fortune, despite spending 13 months in three federal prisons because of a money laundering and drug trafficking plea. Upon release, a marketing job offer at a friend's telecom company helped her regain her footing and set her on a path back to prison, this time as a writing instructor, and as a speaker

and advocate for justice policy reform. All of that is unlikely for most offenders.

"If I didn't have that job waiting for me, I wouldn't be talking to you right now," she told *County News*, a month before she addresses the NACo Annual Conference in Franklin County, Ohio July 22.

Her 2010 memoir, *Orange Is the New Black*, was adapted for television in 2013 and recently debuted its fifth season on Netflix. Though the



Piper Kerman

television show spreads its attention among, and has received critical acclaim for, its portrayal of a diverse cast in a series of dramatic storylines, her book focuses on her personal story of adjustment to incarceration. She serves as a consultant for the show and teaches at two state prisons in Ohio.

Following are excerpts from the interview with Kerman.

See ORANGE page 12

Senate weighs health overhaul

From HEALTH page 1

now working to bring together different factions in the Senate to reach the critical 50-vote threshold to pass the bill. Some Republican senators — Rand Paul of Kentucky, Mike Lee of Utah, Ron Johnson of Wisconsin and Ted Cruz of Texas — released a joint statement saying they could not vote for the bill as presently drafted, though Leader McConnell will work vigorously to sway their votes over the next week.

It is not just conservative Republican senators he will have to appease, either. Sens. Susan Collins (R-Maine) and Lisa Murkowski (R-Alaska) have previously expressed concerns with how the bill's cuts to Medicaid would impact hospitals, low-income individuals and people with disabilities. Other issues, including federal funding for Planned Parenthood and the ongoing opioid epidemic, have been raised by Republican senators.

McConnell must ensure no more than two Republicans vote "no" on the bill to achieve a simple majority under the special legislative procedure known as "budget reconcilia-

tion," which health reform is being considered. He hopes to call a vote on the Senate floor this week before both chambers leave town for the July 4 recess.

Like in the House, a vote will likely only occur once Republicans are certain they have the support necessary for passage. If the Senate is successful in passing this legislation, its bill would have to go back to the House for approval before being sent to the president.

Senators return for three weeks in July and may make further attempts to pass a bill if they are unsuccessful this week. However, they want to avoid extending the issue beyond the long August recess. Congress and the administration are eager to move on to other legislative priorities such as tax reform and infrastructure, and there are other pieces of health legislation that Congress must consider before the end of the fiscal year, in addition to funding the federal government. [CN](#)

For the latest updates and analysis of the Senate bill and how it will impact counties, visit www.naco.org/BCRA.

New House FAA bill text released; good news for county priorities

By Kevan Stone
associate legislative director

House Transportation and Infrastructure Committee Chairman Bill Shuster (R-Pa.) introduced his much-anticipated FAA reauthorization bill June 21. With the current one-year extension expiring on Sept. 30, this new bill would last for six years, providing more long-term certainty regarding aviation policy. While the national headlines may gravitate to the intention of privatizing air-traffic control, there are several provisions included in the bill that are positive for county governments.

Chairman Shuster's bill, the 21st Century Aviation Innovation, Reform and Reauthorization Act (21st Century AIRR Act) will be brought before the House transportation committee this week for a markup with the hopes of a full floor vote when Congress returns from the July 4 recess. The Senate will soon introduce its own version of a long-term FAA bill in the coming days as well.

The bill contains several key features for counties. The Essential Air Service (EAS) program, which supports commercial flights for the nation's most rural communities, would see increased funding each year throughout the bill's lifetime. In fact, the final year of the authorization would fund EAS at \$350 million, almost double the current funding level.

This vital program to connect the nation's most rural communities with larger transportation hubs will ensure continued travel options for county resi-

dents as well as key opportunities for economic development. In his budget blueprint earlier this month, President Trump had advocated for the program's elimination.

Also included in the bill is language that acknowledges NACo's call for greater local government involvement in the development and implementation of policy regarding unmanned aerial systems, or drones, within their boundaries. The bill mandates that recommendations for local government roles and responsibilities be addressed specifically through the Drone Advisory Committee's (DAC) Task Group on Roles and Responsibilities (TG1).

NACo is the only local government group with representation both on the DAC and TG1. This will make NACo a primary voice as these federally-formed groups continue their work to develop an appropriate framework for local government involvement and successful UAS implementation.

Another NACo priority, the Airport Improvement Program (AIP), a key grant mechanism to assist airports in starting new projects, would see an increase in the 21st Century AIRR Act. Funding levels under the bill would increase each year through 2023, in total raising AIP funding from the current level of \$3.35 billion to slightly more than \$3.8 billion, which amounts to a \$467 million increase.

With committee markup scheduled for this week, amendments to the bill may be made in hopes of patching

together enough support to pass the full House. NACo will continue to advocate for county priorities, including raising the Passenger Facilities Charge (which remained unchanged), which has not been increased since 2000. Currently capped at \$4.50, an increase in this ticket fee would allow all airports to address their infrastructure needs in a timelier manner.

Other provisions in the bill address passenger rights, including banning airlines from bumping a passenger once they have boarded the airplane—a direct result of the United Airlines incident earlier this year—to new requirements to provide space for mothers to nurse at medium and large-sized airports. Additionally, commercial airlines will now be required by law to notify the public of any system-wide power outages, which have caused substantial delays for passengers over the past few years.

The future of the bill, though, remains uncertain, primarily due to the inclusion of language that would privatize the air traffic control system. Some fear the measure could see a repeat of last year, where the insistence on privatizing air-traffic control as part of the bill resulted in time running out on the congressional calendar, forcing the one-year extension that is now in place.

Currently there is both support and opposition on both sides of the aisle, and given the potential for debate over privatization and other provisions of the bill, it is unclear how quickly the legislation will be able to proceed. [CN](#)

SNAP/STATS

STATES WITH MOST COUNTIES

State	Counties
Texas	254
Georgia	159
Virginia	134
Kentucky	120
Missouri	115

Take a Stand

As the Senate looks to hold a vote soon on its comprehensive healthcare plan, the National Association of Counties (NACo) continues to be extremely concerned about potential changes to the Medicaid program that would shift federal and state costs to counties. As their starting point, the Senate used the House-passed healthcare overhaul package known as the American Health Care Act (AHCA), which would cut federal funding for Medicaid by over \$800 billion over 10 years. President Trump's FY2018 budget recommends another \$600 million in reductions for a total of a \$1 trillion cut in federal funding for Medicaid.

In addition to Medicaid cuts, the Senate is also proposing other changes that could significantly impact our county services and the well-being of our residents, including prevention and public health.

These funds are critical not only for reducing the harm caused by more routine issues such as flu and food-borne illness, but also in preparing for high-consequence infectious diseases. Unfortunately, I have learned firsthand through experiences with Ebola and West Nile virus that public health emergencies can strike quickly and have deadly consequences.

For those of us on the front lines of ensuring the health and safety of county residents, healthcare is not a political issue — it's a common sense one. Our healthcare industry partners are our strongest allies in protecting the health of our communities. They are also critical economic partners for counties. In my home county within the Dallas-Fort Worth metroplex, the industry has generated nearly \$20 billion in labor income and contributes hundreds of millions in state and local sales tax.

On the flip side, Dallas



Judge Clay Jenkins
Dallas County, Texas

County is still one of the most highly uninsured counties in the country, with around a 20 percent uninsured rate. Still, this 20 percent rate represents hard fought gains through enrolling individuals in marketplace plans through the Affordable Care Act (ACA), reducing the uninsured rate from around 27 percent.

The AHCA as proposed does not make the common-sense reforms needed to the ACA, but instead increas-

I would like to personally ask all of you to contact your senators, educate them on your county's role in health care and ask them to oppose this current legislative proposal.

es the number of uninsured by 23 million nationally. Our local hospitals and providers already provide hundreds of millions of dollars in uncompensated care annually. Dallas County's Parkland Hospital alone provided \$871 million in 2016. Statewide numbers of uncompensated care exceed \$7 billion a year.

I am glad we can collaborate through organizations like NACo to advocate for the best policies for our constituents. With the Senate looking to move quickly toward a vote, it is critical that we reach out now to our senators on their behalf to insist that

we refocus the conversation in Washington on improving our health care system, not merely shifting costs to our local taxpayers.

With this in mind, I would like to personally ask all of you to contact your senators, educate them on your county's role in health care and ask them to oppose this current legislative proposal.

Sincerely,

Clay Lewis Jenkins
Dallas County, Texas Judge
Chair, NACo Health Steering
Committee

SCOTUS to take on partisan gerrymandering

By Lisa Soronen
SLLC executive director

In what is likely to be one of the major cases in its next term — *Gill v. Whitford* — the Supreme Court has agreed to decide whether and when it is possible to bring a claim that partisan gerrymandering is unconstitutional.

While the court has repeatedly struck down district maps that rely on racial gerrymandering, it has never ruled that maps drawn to secure partisan advantage are unconstitutional.

In 2011, Wisconsin legislators redrew state assembly districts to reflect population changes recorded in the 2010 census. Map makers used a model designed to predict the likelihood that various pro-

posed districts would elect a Republican.

The challengers argued that the redistricting map "treats voters unequally, diluting their voting power based on their political beliefs, in violation of the Fourteenth Amendment's guarantee of equal protection [and] unreasonably burdens their First Amendment rights of association and free speech."

In the 2015 election, Republican candidates received less than 49 percent of the statewide vote and won seats in more than 60 percent of the state's assembly districts; and, in 2014, 52 percent of the vote yielded 63 seats for Republicans.

In their challenge, they proposed a standard for determining the influence of partisan gerrymandering in the district-drawing process.

Drawn from a 2015 article written by Nicholas Stephanopoulos, a University of Chicago law professor and a lawyer for the challengers, the standard is based on "wasted votes"—votes in each district cast for a non-winning party's candidate. By dividing the difference between the sums of each party's wasted votes by the total number of votes cast, the proposed standard yields an efficiency gap.

The challengers argue that efficiency gaps over 7 percent violate the Constitution. The efficiency gap in Wisconsin was 13.3 percent in 2012 and 9.6 percent in 2014, according to the proposed standard.

A panel of three federal judges ruled in favor of the challengers, finding that the map enacted by the Wisconsin leg-

islature was a result of partisan gerrymandering and prohibited by the First and Fourteenth Amendments.

Vieth v. Jubelirer (2004) is the last time the court examined the issue of partisan gerrymandering. It failed to deliver a clear ruling on whether and when it is unconstitutional.

Four justices— then-Chief Justice William Rehnquist and Justices Sandra Day O'Connor, Clarence Thomas, and Antonin Scalia — wrote that courts should never review partisan gerrymandering claims because there is not a manageable process for determining when the role of politics in redistricting is impermissibly influential.

And four other justices — Justices John Paul Stevens, Ruth Bader Ginsburg, David

Souter and Stephen Breyer — opined that courts should be able to review partisan-gerrymandering claims.

Justice Anthony Kennedy, the deciding vote, agreed that the court should not review the particular case at issue, but noted that he might consider a challenge to political gerrymandering in the future if there were "a workable standard" for determining its constitutionality.

Kennedy is likely to cast the deciding vote in *Gill v. Whitford*.

NACo is a founder, a funder and a board member of the State and Local Legal Center (SLLC), headquartered in Washington, D.C. The center extends NACo's advocacy on behalf of counties to the highest court in the land.

Court lifts cap on inmate call rates

From FCC page 1

colleagues at the Commission, Congress, and all stakeholders to address the problem of high inmate calling rates in a lawful manner.”

FCC Commissioner Mignon Clyburn blasted the court’s decision, calling it “deeply disappointing.”

“Today’s D.C. Circuit decision is deeply disappointing, not just for me and the many advocates who have fought for more than a decade to bring about much needed reform in the inmate calling services regime ... it is a sad day for the more than 2.7 million children in this country with at least one incarcerated parent,” she said.

Correction departments are paid “commissions” (anywhere from 20 percent to 65 percent or higher in some cases) on inmate phone calls; telephone revenue is often used for costs of maintaining and monitoring phone use, inmate programs and even building improvements.

The court ruling means that in Oklahoma, for example, prisons and jails could see \$1.2 million a year from inmate calls; the Oklahoma County Sheriff’s Office could see \$375,000 a year, according to Oklahoma Attorney General Mike Hunter.

Representing a coalition of local governments, Oklahoma Solicitor General Mithun Mansinghani said states, not the FCC, have the power to cap fees on intrastate calls. He noted that the fees did not take into account costs for jails to offer the phone services, such as escorting inmates to phones and monitoring and recording calls.

“Absent these tasks performed by jail and prison officials, allowing inmates unfettered and unsupervised access to phones would present unacceptable risk to the lives and well-being of both those inside and outside the prison, Mansinghani wrote to the court. **CN**

Phil Elfstrom, ’84-’85 NACo president, dies at 88

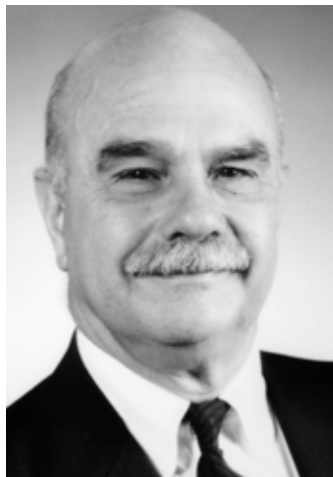
By Charlie Ban
senior staff writer

Phil Elfstrom, a Kane County, Ill. commissioner and County Board chairman who served as NACo president in 1984-85, died May 27 at age 88.

He spent 23 years on the Kane County Board, in that time reorganizing the county’s operations, developing pedestrian trails and preserving access to the Fox River, all while population grew westward from DuPage County into Kane.

“He really held that presidency of NACo as a great personal honor,” said Batavia Mayor Jeff Schielke, a friend of Elfstrom’s since the 1960s. “In his bedroom at his retirement center, he had photos from his NACo days on the walls.”

During his tenure as NACo president, Elfstrom emphasized that staff should be responsive to counties’ needs, even as austerity measures forced a two-thirds staff reduction in the early ’80s.



Elfstrom

“That was his primary objective, he felt very strongly about that,” said William Murphy, who served as NACo president two years before Elfstrom and remained close with him. “With everything that went on, NACo still had to be about the member counties and their needs.”

Elfstrom also served as president of the Kane County Forest Preserve Commission.

“He characterized leadership in suburban Chicago,” Schielke. “He was legendary, and he really sought to enhance the world for future

generations. Largely, he was very successful.”

A writer for *Illinois Issues* compared Elfstrom, with his bald head and mustache, to G. Gordon Liddy and remarked, “His voice is unforgettable. It has enough gravel in it to shame a pirate captain.”

Murphy said that writer wasn’t the only person to see that resemblance.

“One time, we were in Washington and tried to go to a restaurant, but there was a two-hour wait,” Murphy said. “The maître d’ saw him and asked if he was Liddy and sure enough, we had a table a few minutes later.”

His sometimes-gruff exterior belied a warm personality.

“He could be intimidating at times, but he also had a deep belly laugh,” Murphy said. “He was always very sincere, and his word meant something.”

Elfstrom was instrumental in opening a revenue-generating 400-acre landfill that later became a golf course

and helped pay for a stadium for the Kane County Cougars minor league baseball team in 1991. He also expanded transportation planning throughout the county, lobbying the Legislature for a quarter-cent tax increase that funded the expansion of a major road. He also planned a bridge across the Fox River that joined Batavia and Geneva.

“He was a dynamic, remarkable guy who gave a lot of public service. When he set a mind to a task, he did it,” said County Clerk Jack Cunningham. “There were times when Phil and I were working against each other, but I always held him in high esteem, he never let things get personal.”

Elfstrom is survived by his sister, Kathryn Margaret McGuigan; and a nephew, Frank McGuigan. Contributions in his memory may be made to the Covenant Care Hospice Foundation, 3755 E. Main St., Suite 165, St. Charles, IL 60174. **CN**

Proposed bylaws change on tap for Annual Business Meeting in July

This change will affect only the number of votes a county receives and will not change NACo dues.

At the 2016 Annual Business meeting, action was deferred on one proposed bylaws change until 2017. The proposed bylaws change, first recommended by NACo’s Board of Directors in 2015, affects the NACo voting formula for counties that vote at the Annual Business meeting.

This update would account for changes in population across the country in recent decades, and aims to maintain a balance within and across the association.

What does this all mean? Right now, each county gets a certain number of votes for the Annual Business Meeting to use for policy resolutions, national officers, bylaws

and changes to the American County Platform. The number of votes each county receives is determined by its NACo dues – dues are calculated based on population. This change will affect only the number of votes a county receives and will not change NACo dues.

Currently, counties receive one vote for every \$500 — or fraction thereof — in dues paid by the county. For example, a county that pays \$650 in dues receives two votes for the Annual Business Meeting. Under the new proposed formula, member counties would receive one vote for every \$1,200 in dues paid by the county. If passed, this change will go into effect for 2018.

Think of this change as altering the number of slices in a pie. Currently, there is one big pie and it is cut into over 9,000 pieces — so each slice is pretty small. Under the proposed formula change, take that same single pie and cut it into just over 5,000 pieces

— so each slice is a little bigger. Counties may only receive one slice now instead of two, but the single slice is actually bigger than the previous two combined.

NACo has uploaded a one-page summary and explanation of the proposed formula change to the NACo website. You can find it at www.naco.org/governance under the Bylaws tab. The proposed bylaws change to the weighted vote formula will come before the NACo Membership Meeting, Monday, July 24. Please contact Jamie Richards at 202.942.4258 or jrichards@naco.org with any questions. **CN**

State budgets, stalemates threaten counties

By Mary Ann Barton
senior staff writer

When it comes to talk about looming budget cuts, it may not be the feds that present the most immediate threat. For some counties, it may be statehouses that pose the greatest risk.

States have experienced lackluster revenue growth, according to the National Association of State Budget Officers. The association survey, *Spring 2017 Fiscal Survey of States*, released June 15, reports that 33 states missed their budget revenue projections; four states are “on target,” while 13 are experiencing higher revenue collections compared to what they projected.

Recommended budgets for FY18 are extra cautious as states contend with slow revenue growth and limited budget flexibility, in addition to substantial federal uncertainty, the survey noted. FY18 budgets are projected to grow just 1 percent based on governors’ recommendations.

In Pennsylvania, the House-passed budget bill contains sweeping funding cuts for county-run human services, criminal justice and administrative programs amounting to millions of dollars. The proposal is even more extreme than the lean budget unveiled in February by Gov. Tom Wolf (D).

The County Commissioners Association of Pennsylvania contends that if the proposed budget cuts by the House hold firm as the Senate deliberates, counties will be forced to raise property taxes.

“Service needs and case-loads are not discretionary and do not go away just because the state does not provide funding; counties still have to meet service delivery mandates,” CCAP warned. “Under HB 218, counties would experience significant and devastating cuts, which would ultimately mean increases in local taxes to maintain these services.”

In an op-ed to county residents, Cumberland County, Pa., Commissioners Vince Di-Filippo, Jim Hertzler and Gary Eichelberger wrote, “our success in holding the line on your county property taxes will be in jeopardy if the state keeps shifting obligations onto the backs of counties.”

As proposed, the House-passed budget slashes millions of dollars in state funding for mandated programs run by the county such as juvenile probation services: cut \$18.9 million; adult probation services: \$16.2 million; mental health services: \$5 million; behavioral health services: \$4 million; and homeless assistance: \$2.8 million

Budget crisis in Illinois

In Illinois, state lawmakers failed to send a budget to Gov.

Bruce Rauner late last month due to political gridlock and were returning for a special session called by the governor. Political pundits there predict the state will start its third fiscal year July 1 without a budget. The gridlock is making life difficult for counties.

“The impasse has prevented the enactment of a complete budget and resulted in only incomplete or stop-gap budgets being approved to provide for a minimum level of governmental functioning,” said Cook County Commissioner Deborah Sims, in her newsletter to constituents, about the ongoing problem that began in 2015.

“As a result, state and local projects dependent on state funding are stalled, as well as payments to vendors and departmental operating funds to provide critical constituent

services,” she said. “The matter has led to the downgrading of the State’s credit rating, an uncertain business climate and an overall decrease in economic activity. These budgetary and legislative stalemates require that counties become more creative and flexible in developing solutions to minimize the impact of the crisis on the residents and communities we serve.”

The budget fiasco has hurt counties in Illinois in various ways. A shelter for domestic violence victims in McHenry County, Ill., which maintains an office in the county courthouse and is partially funded by the county, is short \$300,000 in state funds after its funding fell through the cracks during a stop-gap budget measure passed last summer.

The organizations that contract with the state to run shel-

ters for the homeless, care for the elderly and help domestic violence victims are waiting six months or more to get paid, according to news reports. Those shelters have had to make cutbacks on employees or close.

Kansas legislature says ‘no’ to governor’s tax cuts

An experiment in supply-side tax cuts started in 2012 by Republican Gov. Sam Brownback was rolled back this session by the state Legislature. Lawmakers in the Republican-controlled House and Senate overrode the governor’s veto of a bill to raise taxes and close a nearly \$889 million budget gap.

How did counties make out? “We were hoping to get relief from the tax lid,” said Melissa Wangemann, general counsel and director of Legislative Services for the Kansas Association of Counties, referring to a previously passed law that requires a vote before counties can raise property taxes.

“They had bigger issues, with the mess the state has become,” she said. “Nothing bad happened to us, as it has in the past.”

Tax increases and the rollback of the governor’s tax cuts are expected to provide more money for community mental health centers (\$24.2 million in 2018 and 2019), safety-net clinics, public schools, long-delayed pay raises for state workers and open additional patient beds at a state mental hospital. There is also funding that will increase pay to service providers from Medicaid’s Home and Community-Based Services. Lawmakers approved tax increases to raise an additional \$1.2 billion over two years, over Brownback’s objections. The new law raises personal income taxes and repeals an exemption for some farmers and business owners. Wangemann noted another plus: County hospitals and mental health

A STATE BUDGET SPELLS GOOD NEWS FOR TENNESSEE COUNTIES

State budgets don’t spell bad news in Tennessee. Counties there will see \$70 million a year distributed directly to them for road and bridge repairs, after state lawmakers recently passed a new fuel tax hike — the first in nearly 30 years. At the same time, they’re also cutting state sales tax on groceries to 4 percent and some business taxes to encourage job growth.

“This is the single largest revenue enhancement for county highway departments in more than 30 years,” J. Rodney Carmical, executive director of the Tennessee County Highway Officials Association, told *Tennessee County News*. “Gas and diesel fuel revenues to local governments have been stagnant for many years. Our highway departments have not been able to do much more than basic maintenance. Many have had to let staff go because they just haven’t had the money to keep their local road program going.”

The fix for a \$10 billion infrastructure backlog that includes 962 road and bridge projects across all 95 Tennessee counties will be delivered through a user-based approach of raising the gas tax by 6 cents and diesel tax by 10 cents, each over the next three years, officials said.

Tennessee’s state gas tax is 21.4 cents a gallon. Starting July 1, drivers will begin to pay 25.4 cents tax per gallon with 1 cent increases next year and the following year. The tax on diesel fuel is now at 18.4 cents a gallon and that will also rise by 4 cents starting July 1, with 3-cent increases in 2018 and 2019.

Lawmakers were able to come up with the tax hike for infrastructure while cutting other taxes thanks to a nearly \$2 billion state budget surplus.

The “Improving Manufacturing, Public Roads and Opportunities for a Vibrant Economy (IMPROVE) Act,” signed into

law April 26 by Republican Gov. Bill Haslam, also includes new authorization for the 12 most populous counties to hold a local option referendum to impose additional local taxes for transit projects. This could be an additional rate added to existing local taxes such as sales tax, property tax and hotel taxes with the money specifically dedicated to a particular transit project.

The buildup to passage of the IMPROVE Act started with county officials hosting state lawmakers, giving them a tour of infrastructure needs in their communities.

The Legislature also approved a \$55 million shift in one-time state funding to add to the \$21 million that Tennessee counties already see from the State-Aid Road Fund. A separate high-priority bridge program was also approved, with aid on the way for more than 560 local bridges on a list deemed deficient or in need of attention.



OTERO COUNTY, N.M.

Introduced in: 2017

Created by: Kathy Bernardo

The Otero County Commission called for a contest in 2017 to replace a seal that featured the New Mexico Museum of Space History in front of the Sacramento Mountains with an F-117A Nighthawk Stealth Fighter in the background.

About 30 students, ages 11–22, submitted artwork. County department heads picked the top 10 entries, from which three commissioners chose their respective top three, then their single favorite.

Would you like to see your county's seal featured? Contact Charlie Ban at cban@naco.org.



The new design is a circular logo that depicts a Yucca plant, native to New Mexico.

The White Sands National Monument, a nearly 150,000 acre expanse of gypsum crystal dunes that spreads into adjacent Doña Ana County, serves as the backdrop

The red Zia sun symbol appears in the background. The Zia sun symbol symbolizes the "Circle of Life": four winds, four seasons, four directions, and four sacred obligations.

EPA delays implementation of 2015 ozone rules

Environmental Protection Agency (EPA) Administrator Scott Pruitt announced June 6 that the agency plans to delay for one year the implementation of the 2015 National Ambient Air Quality Standards (NAAQS) for ground-level ozone. The ozone rule, which was finalized in 2015, would tighten the current ozone standard of 75 parts per billion (ppb), last set in 2008, to 70 ppb.

Since December 2015, EPA has been working with states to determine which counties violate the 70 ppb standard. The agency was expected to make final nonattainment designations for the 2015 ozone standard by October. Barring legal challenges, the rule would have been implemented over the next several years. For example, even though the 75 ppb ozone standard was set in 2008, it's only been fully implemented over the past two years.

However, Pruitt's declara-

tion will effectively halt implementation of the 70 ppb ozone standard for a year. This will allow the agency to review the criteria for the rule and give the states more time to develop air quality plans based on the new rule.

Ozone is one of the six air pollutants regulated by the Clean Air Act's National Ambient Air Quality Standards (NAAQS) program. Under NAAQS, EPA is required to reassess air quality standards every five years. Primarily known as a summertime pollutant, ozone forms when sunlight reacts with pollutants such as volatile organic compounds emitted from chemical plants, gasoline pumps, oil-based paint, and auto body and print shops. Sources of nitrogen oxides (NOx) include power plants, industrial facilities and motor vehicles.

Under the Clean Air Act, states and counties serve as co-regulators with the federal government and are ul-

timately responsible for the implementation of new and existing air quality standards. A more stringent ozone standard could have a significant effect on counties nationwide. Currently, 227 counties, primarily urban and in the East, are regulated under ozone air quality standards. Under the new 70 ppb standard, the number of impacted counties is expected to increase to more than 350 counties.

Nonattainment designations have a significant impact on counties' ability to update and improve their transportation systems and attract and retain businesses as they are required to impose tighter regulations on local businesses and other pollution sources in order to meet the standards.

NACo supports delaying the 2015 ozone NAAQS until after the 2008 NAAQS have been fully implemented and analyzed for impact. **CN**

State budget decisions could cut county service funding

From STATES page 5

centers can now restrict open and concealed-carry guns into facilities.

Florida lawmakers toy with tourism dollars

Local tourism dollars were saved during a special session called by Republican Gov. Rick Scott who was reportedly furious after the Florida Legislature had cut those dollars from \$76 million to \$25 million.

Many of those dollars go to the local visitor bureaus that help bring tourists — and their dollars — to county businesses and ultimately county coffers. The entire amount was preserved during the special session, but with stiffer reporting requirements with the goal of making Visit Florida's spending more transparent.

Marketing dollars are important to local governments

like Sarasota County, where one out of every five jobs is in the tourism industry. Last year, the county welcomed 2.4 million tourists. Visit Florida President and CEO Ken Lawson told participants at a Visit Sarasota County tourism event last month that for every dollar the state spends on tourism, it sees \$3.20 in return. The governor had sought an increase in the tourism budget, from \$76 million to \$100 million.

Minnesota transit

Hennepin and Ramsey counties in Minnesota have voted to raise transit taxes, after state lawmakers balked at funding new light-rail lines. Faced with a shortfall in the state budget, the counties increased their transportation tax to a half cent, permitted under state law. The move will give Hennepin County an addition \$65 million a year; Ramsey County will see

Recommended budgets for FY18 are extra cautious as states contend with slow revenue growth and limited budget flexibility.

about \$41 million the first year after it's implemented Oct. 1. "The right thing is to give people [transportation] choices," said Board Chair Jan Callison during the June 13 vote. "I wish we did not have to make this choice." Still needed to fall in place: Critical federal dollars from the Federal Transit Administration, which is uncertain.

In South Carolina, counties asked to pony up on pensions

Budget cuts aren't the only way that state lawmakers are

socking it to county coffers. In South Carolina, a new law mandates that counties increase the amount they pay into state retirement accounts, from \$11.56 to \$18.56 for every \$100 earned by a county employee.

That will add nearly \$773,000 to the Aiken County budget, for example. The employee contribution is also going up .5 percent, from 8.66 to 9 percent and will remain at that level.

Counties however will have to raise the amount they kick in each year by 1 percent, until 2023. South Carolina Gov. Henry McMaster signed the Pension Reform Act into law in April.

Oregon counties may lose state grants

In Oregon, counties in the Columbia River Gorge National Scenic Area are looking at possibly losing funding for land use and development

planning of National Scenic Area land, required under state law. A state Senate committee proposes to remove technical assistance grants to Multnomah, Hood River and Wasco counties. The funding has been provided since the 1990s to pay for staffing in each of the three counties and surrounding counties in Washington state, Clark, Skamania and Klickitat counties.

Angie Brewer, planning director for Wasco County, first raised a red flag about the issue in early 2017. Amanda Hoey, executive director of the Mid-Columbia Economic Development District, said "the counties are the most effective mechanism" for implementing scenic area planning requirements, as they have traditionally had "trained and knowledgeable individuals to conduct reviews and assist with permit reviews." **CN**

NSA: Russian intel attempts to hack county election computers

By **Mary Ann Barton**
senior staff writer

Russian military intelligence “likely compromised” a computer software company that does business with county election offices across the country and also tried to hack computers of more than 100 county election employees on the eve of the 2016 presidential election, *The Intercept* news site recently reported.

Russian hackers hit election “systems” in 39 states, according to *Bloomberg.com*.

Investigators found there had been a manipulation of voter data in a county database but the alterations were discovered and rectified, *Time* reported June 22. Investigators have not identified whether the hackers in that case were Russian agents.

The *Intercept* article, based on a leaked top-secret National Security Agency report, details how Russian military intelligence sent phony emails last August to seven employees of an election software company, Tallahassee, Fla.-based VR Systems, whose products are used in counties in eight states: California, Florida, Illinois, Indiana, New York, North Carolina, Virginia and West Virginia. Not all counties in each state are clients of the company, whose computer software manages voter rolls.

The hackers “likely compromised” at least one VR Systems employee’s account to gain log-in information, according to the report. In turn, the hackers set up a phony email account pretending to be VR Systems, to send to election office employees just days before the presidential election Nov. 8.

The phishing email read: “Dear customers, Please take a look at the instructions for our modernised [sic] products. Best regards, VR Systems Inc.” The emails were sent to 122 county election employees with a Microsoft Word document attachment that, if opened, would gain control of the person’s computer,

according to the report. It’s unclear whether county computers were compromised, but *The Intercept* story quoted the NSA report, saying: “Russian intelligence obtained and maintained access to elements of multiple U.S. state or local electoral boards.”

Sen. Mark Warner of Virginia (D), vice-chair of the Senate Intelligence Committee, said he is pushing for intelligence agencies to declassify the

“A combination system, where residents vote on computers that spit out paper ballots that are then scanned is the best of both worlds.” — Praetz

names of states hit to be sure they are helped before any new elections take place.

VR Systems said it didn’t know it was hacked until they were contacted by a client.

‘You can’t hack paper’

While Illinois was one of the eight states mentioned as having clients of the hacked company, Cook County is not a client.

“We’ve always tried to operate from the premise that everything is hackable,” said Noah Praetz, director of elections for Cook County, Ill. Cook County made some decisions 12 years ago to have a verifiable paper trail for every vote. “You can’t hack paper.”

Election officials “have two big goals,” he said. “We have to reassure our voters. Up to now, there has been no indication that any vote has been compromised.” The other goal, he said, “is to assure everybody that we take this incredibly seriously.”

Each state has its own rules and some do not require paper trails. A combination system, where residents vote on com-

puters that spit out paper ballots that are then scanned is the best of both worlds, Praetz said. “You get all the advantages of a computer with the security of a paper ballot.”

Praetz said he is not for all counties using the exact same methods and systems nationwide. “We’re a huge country, individualistic with different management styles. We’re a laboratory of democracy. What works spreads. I think a more central system would be more susceptible to attack. Right now, each one of us election administrators are masters of our own island.”

That’s not to say Praetz didn’t take help offered by the Department of Homeland Security. “We took full advantage,” he said.

The Department of Homeland Security urges any state and local elected official to reach out for cybersecurity assistance. To request assistance, contact the Department of Homeland Security at SLTTCyber@hq.dhs.gov.

North Carolina

Some 21 counties of North Carolina’s 100 counties use VR Systems, according to Kim Westbrook Strach, executive director of the North Carolina State Board of Elections and Ethics Enforcement.

The agency’s partnership with DHS and post-election audits by the state and county boards of elections are among the ways North Carolina protects election data and ensures accurate results, Strach said. “This agency takes any reports of possible interference with our election processes very seriously,” she said. “We are actively investigating reported attempts to compromise VR Systems’ electronic poll book software, which is used on Election Day in 21 of North Carolina’s 100 counties to help check in voters who show up to cast ballots in person. The software is not used during early voting and does not play any role in ballot marking or vote tabulation.”

‘White-hat hackers?’

“The Maricopa County recorder has an in-house IT department that builds its own voter registration software and electronic poll book check-in system,” said county Recorder Adrian Fontes. Fontes also hired “friendly” hackers earlier this year to test the security of the county elections system.

Some other friendly hackers — 25,000 of them — will de-

scend on Las Vegas at the end of July to test election software and hardware at DEFCON, the world’s largest hacking conference.

Their goal: To target American voting machines, as a public service. DEFCON founder Jeff Moss said that he’s concerned that no one has proven where the “soft spots” are when it comes to election software, hardware and voting machines. [CN](#)

WORD SEARCH

OTERO COUNTY, N.M.

LEARN MORE ABOUT THIS FEATURED COUNTY IN 'BEHIND THE SEAL'

Created by: Mary Ann Barton

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

ALAMORGODO: County seat of Otero County, N.M.

CHIHUAHUA DESERT: The largest desert in North America covering more than 200,000 square miles; most of it lies south of the international border.

HAM: Ham the Chimp astronaut is buried at the New Mexico Museum of Space History. The first primate launched into space, in 1961, he died in 1983 at the North Carolina Zoo.

HOLLOMAN: Holloman Air Force Base, located in the county, is named in honor of Col. George V. Holloman, a pioneer in guided missile research.

MISS USA: Miss USA 1984, Mai Shanley, hails from the county.

OTERO: The Otero Mesa is home to a variety of wildlife and is the country's largest area of desert grasslands.

PISTACHIO: Pistachio nuts are grown on farms in the county.

PRONGHORN ANTELOPE: The second-fastest land mammal in the world makes its home in the Otero Mesa.

SACRAMENTO PEAK: The highest point in the county, at 9,262 feet high.

SOLAR: The National Solar Observatory is located in Otero County.

SPACE: The New Mexico Museum of Space History is located here.

TEXAS: The state is on the southern border of the county.

TRANSFORMERS: Parts of the movie were filmed in Otero County.

TRINITY TEST: Code name of the first explosion of an atomic bomb, in neighboring Socorro County.

WHITE SANDS: The White Sands National Monument is located partially in Otero County.

PROFILES IN SERVICE

STEVEN SINGER

NACo Board
Fire and Rescue Chief
Powhatan County, Va.

Number of years involved in NACo: 1

Years in public service: 36

Occupation: Fire Chief

Education: Bachelor's degree from The George Washington University

The hardest thing I've ever done was: The Executive Fire Officer Program at the National Fire Academy.

A dream I have is to: Go into outer space.

You'd be surprised to learn that I: Model railroad (when I have the time).

My favorite way to relax is to: Visit Walt Disney World.

I'm most proud of: My wife and two children.

My favorite meal is: Breakfast for dinner.

The last book I read was: *Voyager* ("Outlander" series #3) by Diana Gabaldon.



My favorite movie is: The *Star Wars* series.

My favorite music is: Music and film scores by John Williams.

My county is a NACo member because: As a member of an affiliate, International Association of Fire Chiefs (IAFC), I can bring forth the concerns and needs of all volunteer and combination fire departments across the country, many which are struggling to meet the demands of modern emergency services. I am honored to represent them at a national level.

My motto is:

'Try not, do or do not, there is no try.'

— Master Yoda



Annual Conference to feature Resilient Counties Forum July 23

At NACo's 2017 Annual Conference in Franklin County, Ohio, county leaders will come together to discuss innovative cost-saving strategies to improve economic resilience within their communities. This special forum, set for Sunday, July 23, 8 a.m. – 4 p.m., will feature a series of quick-fire presentations highlighting disaster planning and response, resource recycling systems, infrastructure financing, and energy innovations.

In the afternoon, attendees can discuss resiliency solutions in a small group setting with nationally-recognized experts and map an implementable action plan for their community-specific challenges. Attendees will rotate through the venue to ask their questions and learn from fellow leaders.

Since 2007, NACo has placed a heavy focus on county resilience. Through the Resilient Counties Initiative, NACo frequently convenes experts and leaders to explore the variety of economic, envi-

ronmental, and social conditions that counties are being challenged with, and how counties are working to bolster their ability to thrive amid these changing conditions.

Earlier this year, at NACo's 2017 Legislative Conference, a panel discussion brought together perspectives from around the country, highlighting successes — like the North Carolina response to Hurricane Matthew — and challenges in emergency manage-

SPEEDREAD

NACo members are encouraged to propose specific topics or resilience challenges to be discussed during this session, and can do so by contacting Jenna Moran at jmoran@naco.org.

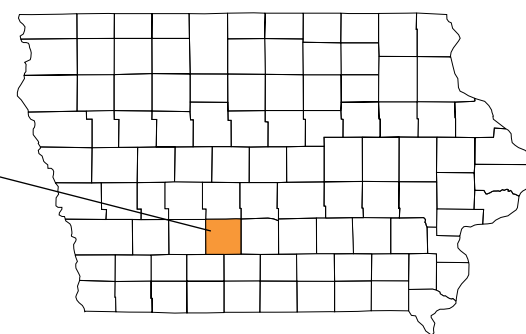


ment from flood mitigation through recovery. In line with this, NACo released *Managing Disasters at the County-Level: A Focus on Flooding*.

The timely conversations continue and will be supplemented with this forum of effective and innovative partnership solutions being used by counties to save money and increase the resilience of their communities. Visit <http://www.naco.org/ResilientCountiesForum> to learn more. **CN**

GET TO KNOW...

Madison County, Iowa



Welcome, Madison County, Iowa

Madison County is famous for being the home of the covered bridges featured in "**The Bridges of Madison County**," one of the bestselling books of the last century, later adapted into both a film and a musical. As **the birthplace of actor John Wayne**, visitors to the county can also make their way down the John Wayne Birthplace Trail, which passes his childhood home, as well as the new John Wayne Museum.



BRIGHT IDEAS | HAMILTON COUNTY, OHIO

Keep on Truckin': County Program Drives Residents into Full-Time Jobs

PROBLEM:

Finding jobs for residents receiving assistance.

SOLUTION:

Expand a training program that matches residents with a job category where applicants are scarce: long-haul truck driving.

By Mary Ann Barton
senior staff writer

Truck driver Anthony Perkins is on the phone, taking a break in Wilson County, Tenn., from hauling paper to office supply stores in Cass County, N.D. A self-described former heroin addict, the 46-year old father of four daughters is now employed full-time. "I went from being a burden on society...now I'm happy to pay taxes," he said.

Perkins turned his life around thanks to a program run by Hamilton County, Ohio. He found the program about eight months ago, trying to get his life together at a sober-living house called New Foundation. "I was out of options, I had hit rock bottom," he said.

One of the requirements for living there was finding your own meals, and Perkins "went down to food assistance," he said. One of his daughters found information about a county-run, free truck-driving school training program for people who were receiving food assistance and told him to go check it out, he said.

"I got into the school right away," he said. "It was a six-week program and something I was determined to do." A friend loaned him an old car that he used to get to and from the sober living house

and the school. He passed the test for a commercial license and was hired by May Trucking and has been on the job now for seven months. One of the benefits? Seeing the country. "I'd been to Florida and back by bus but I'd never really been out of Ohio," he said. He said he especially enjoys traveling out West, where there is less traffic and lots of wide-open spaces.

Another perk? His company allows him to take passengers and he's had a chance to take one of his daughters, who are ages 18 to 23, out on the road. "I get a lot of respect now," he said. "I do recommend it. It's a total lifestyle change."

County connects food assistance, job training

The trucking partnership program that helped Perkins get on his feet came about after the county had previously helped residents get trained for jobs driving trucks using federal dollars. Hamilton County was looking for ways to expand that effort, to get even more people trained for jobs and onto better lives.

The county found a willing pool of eligible trainees through the Supplemental Nutrition Assistance Program, or SNAP, food assistance program — a population that grew to nearly 125,000 today from 77,000 in 2008. Many of them were new to the world of public assistance and ended up at the door of Hamilton County Job and Family Services because they had lost a long-time job during the recession, according to the department director, Moira Weir.

"Even if they were able to find work, it was often in a job paying less than what



Anthony Perkins gets ready to hit the road. Photo courtesy of Perkins

they were used to, and they turned to food assistance to help fill the gap between their monthly income and monthly expenses," she said. SNAP recipients earn 130 percent of the federal poverty level or less to be eligible. That means a family of four must earn less than \$32,000 annually to be eligible. That family would receive a maximum monthly allotment of about \$650, or about \$21 a day, to feed their

family.

To get the expansion on the road, the county — working with the U.S. Department of Agriculture's Food and Nutrition Services (USDAFNS) — developed a plan to expand the program using SNAP employment and training dollars. But those dollars needed a local match. The county turned to the state of Ohio to identify funding that could be used for the local match.

The county created the program, secured the training through competitive procurement, screened and referred eligible clients to the program, and supported and monitored their participation in the program.

The state of Ohio made the SNAP Employment & Training 50/50 dollars available to counties and provided guidance and support. The USDA's FNS provided guidance and support to the county in setting up the program and championed the effort from the beginning, Weir noted.

From food stamps to full time

Funding for the program, which started July 1, 2016, was limited and time sensitive — it had to be spent by Sept. 30, 2016. Eleven recipients in all graduated from the truck driving school. Seven of them, including Perkins, are now employed full time, earning an average \$47,112 annually.

Funding was recently secured to continue the program, a spokesman said.

"Programs such as this take the county agency from the position of providing a handout during troubled times of need to a hand up to long-term stability," Weir said. "Eventually, the agency would like to duplicate this program and help food assistance recipients receive training in the health care and advanced manufacturing fields." **CN**

CAPITAL LOOP

EPA delays implementation of the 2015 ozone rules

The Environmental Protection Agency will pause tighter ozone rules one year for further study. The more stringent standard was expected to have a significant effect on counties nationwide. NACo has supported a delay in implementation until prior rules from 2008 were fully implemented and studied.

Congress considers legislation to restructure the PACE program

A program that lets homeowners finance energy-efficient improvements such as solar panels through special property tax assessments may face increased regulatory hurdles. New legislation regarding

Property Assessed Clean Energy programs would require local governments using the program to comply with lending requirements akin to mortgage lending.

HUD secretary emphasizes efficiency and public-private partnerships in 2018 budget

Testifying before House and Senate appropriations subcommittees, Housing and Urban Development Secretary Ben Carson maintained his agency could increase its performance despite a proposed \$7.4 billion budget cut. Among the slated cuts are elimination of the Community Development Block Grant and HOME Investment Partnerships programs, both of which are cru-

cial to local governments.

Senate leadership eyes health care vote this month

Though no bill text has been released, a Senate repeal of the Affordable Care Act must achieve at least \$119 billion in deficit reduction under that body's rules. The House version cut Medicaid \$834 billion over 10 years, which concerns counties as the owners of hospitals and providers of indigent care.

House Freedom Caucus releases tax reform goals

A coalition of about 40 of the most conservative members of the House has released a set of principles they hope to see achieved through comprehensive tax reform. They include lower corporate and small business tax rates, accelerated business expensing, voluntary repatriation of offshore earnings at a reduced tax rate and doubling the standard deduction for individuals.

USDA announces new assistant to the secretary for rural development

As part of a comprehensive reorganization of Department of Agriculture's subcabinet, Secretary Sonny Perdue named Anne Hazlett assistant to the secretary for rural development.

House Ways and Means introduces bill that would reauthorize home visitation program

The House Ways and Means Committee Human Resources Subcommittee Chairman Adrian Smith (R-Neb.) introduced a bill to reauthorize the Maternal, Infant and Early Childhood Home Visiting program at the current level of \$400 million per year for FY18—FY22.

Longtime NACo contributor, Cook County Commissioner Robert Steele dies at 55

By Charlie Ban
senior staff writer

Robert Steele, a commissioner and the president pro tempore of the Cook County, Ill. Board and former member of the NACo Board of Directors, died June 19 at the age of 55. He had recently suffered from pneumonia.

Steele served on the National Association of Black County Officials Board of Directors and was NABCO president from 2008–2010. He served on the NACo Board of Directors from 2012–2013 and ran for NACo second vice president in 2016, ultimately supporting San Diego County Commissioner Greg Cox.

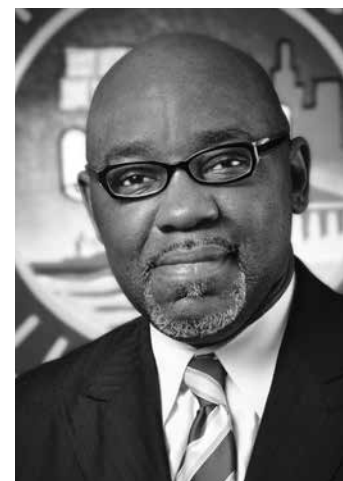
"I believe that NACo is a catalyst for change where government leaders can advocate, with a collective voice, on national policies, exchange ideas and build leadership skills, all while pursuing cost-effective solutions to running county enterprises," he wrote in his candidate statement at the time.

He had been a member of the Cook County Board since 2006, when he succeeded his mother, Bobbie, in her West Side Chicago seat. At the end of her tenure on the County Board, Bobbie Steele served as the first female Cook County president, following the incapacitation of NACo Past President John Stroger due to a stroke.

"NACo extends its deepest sympathies to the Steele family," said NACo Executive Director Matt Chase. "Commissioner Steele was a gentleman and passionate leader for counties and people."

Steele served on the NACo Financial Services Corporation Defined Contribution and Retirement Plan committee from 2006–2015, and was chairman for the last six of those years.

"What I loved about him



Steele

was his common-sense approach," said FSC Executive Chairman Bill Jasien. "We would have these lofty ideas from a corporate level and he would remind us that we had to relate to the front-line county workers we were trying to serve, we had to keep everything straight-forward enough that they didn't feel like they had to be experts at investment to take advantage of these opportunities to save."

Jasien said Steele would pop in on new-employee orientations when his schedule allowed, hammering home the need to save for retirement.

"It's a powerful message, when you're just starting out working for Cook County and a commissioner shows up and tells you to do something," he said.

Jasien said Steele's positive attitude, particularly in spite of health problems that included amputation of both legs due to Type 2 diabetes and a 2010 kidney transplant from his sister, Joyce, reflected his personal motto, "be a part of the solution, not the problem."

Contributions may be made in his memory to the Gift of Hope Organ and Tissue Donor Network, www.giftofhope.org, or the Greater Westside Community Coalition, 3936 W. Roosevelt Road, Chicago, IL 60624. **CN**

ON THE MOVE

NACo OFFICERS, COUNTY OFFICIALS

NACo First Vice President **Roy Charles Brooks** was a featured speaker at the New Mexico Association of Counties Annual Conference held in Taos County, N.M. June 21–23.



Harvey



Brankovic

lic Citizen's Global Access to Medicines and as director of advocacy for the American Dental Education Association.

• **Christopher Harvey** and **Valerie Brankovic** have joined NACo's Legislative Affairs Department as legislative assistants. They will support legislative associate directors by conducting legislative research, writing and editing blog articles and assisting in NACo's overall federal

advocacy efforts.

• **Arthur Scott**, associate legislative director for rural development, outlined local government priorities for the upcoming Farm Bill at the National League of Cities Annual Conference in Cuyahoga County (Cleveland), Ohio, June 20.



Nugent

NACo STAFF

• **Daniel Nugent** has joined NACo as the new health program manager in the County Solutions and Innovations Department, overseeing the Robert Wood Johnson Foundation County Health Rankings & Roadmaps program, the Aetna Foundation Healthiest Cities & Counties Challenge and NACo's Healthy Counties Initiative. Daniel previously worked as a lobbyist for Pub-

MONEYMATTERS%

GFOA ADVISORY

P3s: Public-Private Partnerships

GFOA Advisories identify specific policies and procedures necessary to minimize a government's exposure to potential loss in connection with its financial management activities.

With only a \$200 billion federal commitment in the administration's infrastructure package, it seems that the administration's plan would rely heavily on public-private partnerships (P3) to finance large infrastructure projects. Public-private partnership agreements are complex arrangements that use public and private sector resources to accomplish a stated goal.

Many organizations have used P3 agreements successfully to gain access to capital, develop capital assets, provide services more efficiently, or provide large infusions of cash to help fund other organizational priorities. However, P3 agreements also contain varying degrees of risk, and some organizations have pursued projects that have been controversial and detrimental to the short-term and long-term fiscal health of the public-sector entity.

P3 agreements can leave the public entity exposed to fiscal or political fallout if proper due diligence does not occur, the private partner fails to perform, or if expected project outcomes do not happen. Careful planning and analysis is necessary with every P3 project.

GFOA has developed resources for approaching P3 agreements in a structured way that mitigates risk and improves prospects for long-term success.

Recommendations

Organizations, and especially the finance officer, must understand what is at stake and make informed, strategic decisions on whether to pursue P3 opportunities. Finance officers should be involved throughout the process of a public entity's

consideration of potential P3 opportunities. Not fully understanding the overall financial implications, including what the public entity may forfeit, can result in P3 agreements that may not serve the public interest or be detrimental to the long-term financial health of the organization.

Before deciding to pursue or enter into a P3 agreement, the public entity should carefully analyze the potential P3 agreement, including all financial impacts. The list of key considerations below has been developed to help local jurisdictions decide whether to pursue a P3 opportunity.

• Legal Authority of P3.

Does the public entity have the legal and regulatory capacity, including approval from any applicable oversight body, to enter into processes that result in a P3 agreement? Also, does the public entity's contracting-procurement policies or requirements provide for how to handle the proposed P3?

• **Justification for the Project.** Does the project address a public priority and is the P3 project consistent with the overall strategic, master plans and financial policies of the organization?

• **Competition.** Will the potential P3 opportunity be open to competition? What is the expectation for competition in determining the best private partner? Otherwise, is there justification to support a non-competitive process? Also, has the financial, risk and legal analysis of the project been compared to a public-sector alternative?

• **Expected Project Revenue.** If the P3 opportunity involves an upfront payment by the private partner in exchange for operation of a public asset, has the public entity evaluated and prioritized how to use project proceeds?

• **Independent Analysis.**



Has the public entity or an independent third party analyzed the P3 opportunity to verify revenue projections, demand and other assumptions used in the P3 evaluation?

• **Method for Performance Monitoring.** Is there a proper management structure in place and within the proposed agreement in the event that anticipated or expected results are not achieved? How will performance be monitored against expected results and who will have this responsibility? Will there be check-in milestones, executive reporting and service-level targets in place to monitor and report performance of the project?

• **Flexibility During the P3 Term.** Does the expected term of the P3 agreement limit the public entity's flexibility in responding to changing demographics or other circumstances? Does the P3 agreement limit the public entity's flexibility to make certain decisions about service provision in the future? Does the public

entity have the ability to renegotiate the agreement?

• **Project Risks.** Are project risks and risk transfer elements clearly articulated and understood by all key stakeholders? Is the public entity responsible for any costs should the private entity not perform?

• **Transaction Costs.** Does the project proposal contain a comprehensive and realistic statement of transaction costs? Do expected transaction costs limit project benefits? Often, for smaller organizations and smaller projects, the time and costs associated with negotiating and finalizing a P3 agreement can limit the potential benefits from the project.

• **Bond Rating Impact.** What are the potential positive or negative bond rating impacts on the public entity? Are municipal payments treated as operational expenses or debt service in a flow of funds?

• **Public Participation and Disclosure.** Have appropriate public outreach mechanisms, such as community meetings,

informational newsletters, and other communications or actions as may be required by law, been met to provide transparency and feedback?

• **Availability of Assistance.** Do external resources such as professional associations, state agencies or non-profit organizations exist to support and assist the public entity with the consideration, process and/or drafting of the agreement? P3 agreements are typically complex and will require access to specialized financial, legal or technical skill sets. Many smaller governments may also lack the resources necessary to ensure adequate, independent analysis and due diligence when evaluating potential opportunities. **CN**

This report was excerpted, in part, from the GFOA Newsletter, June 15, 2017. Founded in 1906, the Government Finance Officers Association (GFOA) represents public finance officials throughout the United States and Canada.

Author: Reforms needed in criminal justice system

From ORANGE page 1

Comparing Netflix's *Orange Is the New Black* to her book

When we were starting work on the first season of the show, I had lunch with (producer) Jenji Kohan; she told me the plans they had for the first season. She said, 'I love your book but there's not much conflict in it.'

I understand that film and television depend on externalized conflict, depend on interpersonal conflict of all sorts. The book affords me the opportunity for introspection, to delve into internal conflict that is impossible to put on the screen. It's a substantially different form of storytelling.

What is truly important to me are the themes of the book — race and class and gender and power and friendship and empathy, and all those things — are present in the show, so that is what is truly important.

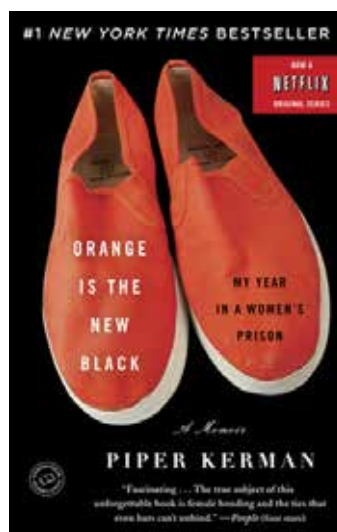
Clearly a hit television series reaches many more millions of people than the best best-selling book could, and it has more Americans thinking and talking about the criminal justice system.

We have chosen to incarcerate more of our own people than any society in human history and that only happened during my lifetime. I simply think if that's how it's going to be, than way more people need to think and talk about it. If the result is more people are thinking and talking and asking questions, then that's tremendous, that makes me very happy.

Reentry after incarceration

It takes a while, even if you're serving a relatively short sentence. The experience of incarceration has a very steep learning curve. Those institutions are worlds unto themselves. By design, most prisoners are cut off from the outside world and that extreme isolation of incarceration makes it harder for people to return successfully.

When I was released, I had



\$28 in my pocket and a windbreaker in Chicago in March, but I also had a family that was ready to receive me and was well-positioned to make sure I had the things I needed. I had a fiancée who could provide me with safe and stable housing, which is the first step in successful reentry and it's one of the most difficult steps. For a lot of the women I was incarcerated with, it was not a question that the first roof over their heads, after they left, was going to be that of a homeless shelter.

Six of Kerman's seven one-hour seminars on adjusting to life after incarceration were taught by prison staff with no experience in the subject matter. But that, she said, represents a high-water mark for post-release programming.

The resources seem to be more readily available at a federal facility than many state systems and certainly more than county and city jails. They're some of the most under-resourced correctional facilities that we have. Someone serving time in a county jail is probably physically closer to home than someone who has been sent off to a federal prison, but even in these better-resourced prisons you see a woefully misguided approach to getting folks ready for reentry.

What we see too often is that in correctional systems, the gears are not moving properly to prepare the many people who are moving through the systems to have their best shot at succeeding.

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The number one thing I've heard from people who, like me, have a felony conviction, is that the scarlet letter of a felony is a huge impediment in their return to the workforce. We know that there are tens of thousands of statutes on the books that make that more difficult, things like not being able to get a barber's license because you have a felony, nonsensical things.

On the role and position of local jails, and opportunities for county government to improve criminal justice outcomes

Local jails offer an opportunity, Kerman said, to keep families together, but overcrowding reduces their effectiveness.

If we're going to choose to confine somebody, the closer to home they are, the better; the easier it is for their family friends or whoever they have connections to in the community to visit them.

If a woman from a poor family in the Bronx is incarcerated in Danbury, Conn., she might as well be on the moon, as far as seeing her children is concerned and the likelihood of being visited by them. Most incarcerated mothers never see their children, and that's because of the distance between the prison and where they call home.

People who can maintain connections do better. They have the potential to be connected to community resources and organizations that will provide in some way for a successful reentry process.

Local jails end up being incredible bottlenecks for people who have not been convict-

ed of a crime. They're being held at local jails, at taxpayer expense, often because they are simply too poor for bail or bond. It's a huge problem and it's a recent area of focus around the country, and I think we're seeing rapid progress in places for bail reform unless incarceration is truly necessary for public safety. This is one of the most important issues for us to confront at the county jail level.

We can all wrap our heads around the fact that if we get folks out of city and county jails who don't need to be there, then the institutions are going to run much for folks who do need to be there.

When correctional institutions are filled far over capacity, generally the most they can do is try to maintain safety and security, at the expense of rehabilitation for inmates.

The nexus of that all comes back to county government most times because that's where we see decisions about bail and bond happening.

Counties in most states play a large role in funding indigent defense, which Kerman sees as an investment.

When we see people exonerated after serving time, we know not all Americans can expect that their Sixth Amendment rights to counsel will be respected.

If every American received the representation they deserved, then we would have far fewer people in prison or in jail. Taking that responsibility to deliver indigent defense is one of the most important things that sits with county governments and it would be money well spent.

On rehabilitation and learning from inmates

Kerman began visiting prisons in 2013, which prompted her career change to teaching inmates, after working in corporate and public interest communications.

I found in state prisons there was more rehabilitative work going on than in the federal facility where I was housed (Danbury Federal Prison Camp in Connecticut).

I believe firmly that as a country and a community, we won't seriously consider the better steps we should be taking in the criminal justice system unless we recognize the personal and human impact from that system, that work or don't work. For that, we need to hear from people who are most affected by the criminal justice system: incarcerated people, kids whose parents are incarcerated, families, people who have been victims of crime.

That's how people really understand what the stakes are — when you put it in that personal context. That's why I felt it was important to go back into prison and work with people who are incarcerated and help them develop their skills and talent.

If we want to understand how a 9-year-old gets arrested, we have to actually talk to the person who is now 36 years old, reflecting on his mother's drug addiction and all the other factors that put him into the juvenile justice system.

One of the things we talk about in class is conflict. Conflict inherently makes for an interesting story and the different types of conflict, layers of conflict put nuance on that, and certainly, as you can imagine, our students have had a lot of conflict in their lives and being able to think more critically about their own lives, being able to express the insights that they've learned, can yield some profound results. **CN**

CONGRATULATIONS TO THE BRILLIANT IDEAS AT WORK 2017

Arts and Historic Preservation

Miami-Dade County Movie & TV Map Tour, **Miami-Dade County, Fla.**

Children and Youth

Family Access Center of Excellence (FACE), **Boone County, Mo.**
Born to Read, **Catawba County, N.C.**
Birth to Age Eight Collaborative Initiative, **Dakota County, Minn.**

Cradle to Crayons Clinical Services, **Maricopa County, Ariz.**
One at a Time: Feeding Hungry Children and Preventing Juvenile Crime in a Small NY City, **Orange County, N.Y.**
Breaking Cycles Graduated Sanctions Program, **San Diego County, Calif.**

Youth Internship Program, **San Diego County, Calif.**

Civic Education and Public Information

ISAC Voting in Iowa Video Series, **Iowa State Association of Counties**

"Let's Balance" Budget Game, **Leon County, Fla.**

Up in the Air: An Air Pollution Education Program, **Maricopa County, Ariz.**

Rockdale Tax Office Text Message Connect, **Rockdale County, Ga.**

Community and Economic Development

Realtor to the Rescue, **Oakland County, Mich.**

Neighborhood Concerns Zoning Code Enforcement Application, **Roanoke County, Va.**

Home-Based Business Assistance Program, **York County, Va.**

County Administration and Management

Using Real Time Data to Create an Accessible Inspections Environment, **Collier County, Fla.**

Strategic Plan Targets & Bold Goals, **Leon County, Fla.**

Combating Homelessness: An Incentive Based Approach, **Los Angeles County, Calif.**

Flood Control District Structure and Storm Drains, **Maricopa County, Ariz.**

Implementing a Shared Services Strategy for Information Technology, **Orange County, Calif.**

Animal Care Center Development Program, **Pima County, Ariz.**
Kitten and Feral Cat Program, **Placer County, Calif.**

County Resiliency: Infrastructure, Energy and Sustainability

Recycling in a Hazardous Materials Facility, **Boulder County, Colo.**

Green Infrastructure Map Series, **Broward County, Fla.**

Oxford Retention Basin and Pump Station Multi-Use Enhancement Project, **Los Angeles County, Calif.**

MC Swap, **Maricopa County, Ariz.**

Montgomery County GreenFest, **Montgomery County, Md.**

LitterTRAK and PGCLitterTRAK, Mobile apps for tracking progress toward cleaner and healthier waterways, **Prince George's County, Md.**

Criminal Justice and Public Safety

Neighborhood Livability Project, **Clackamas County, Ore.**

Adult Probation Distance Learning, **Coconino County, Ariz.**

Improved, Sustained Visitation Services for Children and Families, **Fairfield County, Ohio**

Smart Justice Advisory Council, **Fulton County, Ga.**

Consolidation of 911 Dispatch, **Leon County, Fla.**

CANVAS, **Maricopa County, Ariz.**

Secondary Trauma Group, Implementing Organizational Resiliency for Prosecutors, **Missoula County, Mont.**

A Comprehensive Stress Management Program for Correctional Employees, **Montgomery County, Md.**

Custody to Community (CTC): Mentally Ill and Medically Fragile Offenders, **San Bernardino County, Calif.**

Assisting Children of Incarcerated Parents, **Washington County, Minn.**

Financial Management

Developing a Financial Book Purchasing Model for Public Libraries, **Wake County, N.C.**

Health

Responding to Sexual Assault: HIV Post-Exposure Prophylaxis, **Alachua County, Fla.**

Food Agent Program, **Baltimore County, Md.**

Jail Outreach Program, **Boulder County, Colo.**

Wellness for Every Body, **Hennepin County, Minn.**

A Novel Approach to Sickle Cell Disease Closes the Healthcare Gap for Adults in South Los Angeles, **Los Angeles County, Calif.**

Enhanced Hepatitis C Surveillance and Prevention, **Macomb County, Mich.**

Healthy Cooking for Life Program, Max Thompson Family Resource Center Kitchen Renovation, **Macomb County, Mich.**

Maternity Partnership Oral Health Initiative, **Montgomery County, Md.**

Health 360 Program, **Placer County, Calif.**

Wellness & Resiliency, **Prince William County, Va.**

Connections Program, **San Bernardino County, Calif.**

Everyone SWIMS (Self-Sufficient, Well-Being, In House, Mental Health, Services) Program, **San Bernardino County, Calif.**

Peer-to-Peer Programs, **San Francisco City and County, Calif.**

Vocational Rehabilitation Employment and Training Programs, **San Francisco City and County, Calif.**

Water Well Program and Community Outreach Project, **San Luis Obispo County, Calif.**

St. Lucie County's Wellness Matters Program, **St. Lucie County, Fla.**

Human Services

Survivor Training and Empowerment, Utilizing your Potential (STEP-UP), **Alameda County, Calif.**

Stand Together: A School-Based Anti-Stigma Peer-to-Peer Initiative, **Allegheny County, Pa.**

Collective Impact Initiative, **Coconino County, Ariz.**

Social Services Mobile Application, **Durham County, N.C.**

Trucking Partnership, **Hamilton County, Ohio**

The Kearney Center, **Leon County, Fla.**

Joint Regional Workforce Development Planning, **Maricopa County, Ariz.**

Ensuring Safety: IHSS Caregiver Backup System (BUS), **Riverside County, Calif.**

Information Technology

Virtual Town Halls: Government at Your Fingertips, **Henrico County, Va.**

LEADER Replacement System (LRS), **Los Angeles County, Calif.**

Vacancy Adjustment Notification System (VANS) for Mental Health Services, **Los Angeles County, Calif.**

Head Start and Early Head Start Virtualization, **Maricopa County, Ariz.**

Self-Service Applications Improve Customer Service Interactions, **Miami-Dade County, Fla.**

WASD-WAZE Partnership Helps Quality Assure WASD CIP, **Miami-Dade County, Fla.**

Automated Virtual Assistant, **Miami-Dade County, Fla.**

Libraries

Coffee and Conversation with a Librarian, **Broward County, Fla.**

Play Smart with Toddlers, **Chesterfield County, Va.**

Cedar-Riverside Community Outreach Program, **Hennepin County, Minn.**

Children's and Teen Neighborhood Collections, **Henrico County, Va.**

Teens Giving Back, **Maricopa County, Ariz.**

Rita Recommends, **Orange County, Calif.**

Parks and Recreation

Countywide Comprehensive Parks and Recreation Needs Assessment, **Los Angeles County, Calif.**

Tech Connect, **Montgomery County, Md.**

OUCARES Day Camp and Staff Training, **Oakland County, Mich.**

Nature Explorer Program, **San Diego County, Calif.**

Goats Browsing in County Park to Contain Invasive Species, **Washington County, Minn.**

Personnel Management, Employment and Training

Diversity and Inclusion Program, **Coconino County, Ariz.**

The Court Relationship Management (CRM) Project:

'Checkboard', **Los Angeles County, Calif.**

Building with Our Veterans, **Mecklenburg County, N.C.**

Degree Alternative Program, **Pasco County, Fla.**

Planning

The District Plan, **Adams County, Colo.**

Development Activity Page, **New Hanover County, N.C.**

Auto Routing and Remote Inspection Project, **Pima County, Ariz.**

Risk and Emergency Management

Brush Truck and Tanker Retrofit Program through a Public-Private Partnership, **Camden County, Ga.**

Improving Emergency Response Times through Geospatial Modeling and Simulation, **Catawba County, N.C.**

Transportation

Invest in Cook, **Cook County, Ill.**

Vision Zero Collision Geodatabase, **Los Angeles County, Calif.**

Rideshare Rewards, **Loudoun County, Va.**

GOVDelivery Incident Alert Service, **Macomb County, Mich.**

Ride on Route 301- Tobytown Isolated Community,

Montgomery County, Md.

Pedestrian Gap Analysis, **San Diego County, Calif.**

Volunteers

Community Ambassadors Program, **Loudoun County, Va.**

Group Facilitator Training, **San Bernardino County, Calif.**



NEWS FROM ACROSS THE NATION

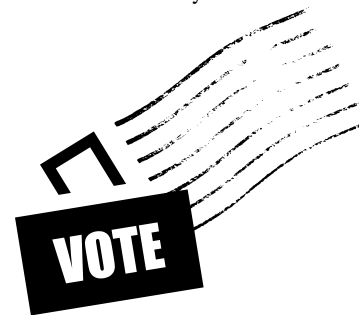
ARIZONA

A new law **prohibiting the use of hand-held phones** while driving went into effect June 1 in **PIMA COUNTY** to combat distracted driving, after a 3-2 vote May 2. Sheriff's deputies will now have the authority to pull over drivers they see breaking the law. If caught, drivers face a \$100 fine or \$250 if they're involved in an accident while on a phone. There is a 60-day grace period for drivers to get used to the new measure.

Fourteen states prohibit all drivers from using hand-held cell phones while driving; 37 states ban all cell phone use by novice or teen drivers and 20 states ban any cell phone use by school bus drivers.

CALIFORNIA

• **VENTURA COUNTY** supervisors narrowly approved a program to **aid and recruit farmworkers** in the county's \$2 billion agriculture industry. Voting 3-2, the board gave the greenlight to the Farmworker Resource Program with funding of up to \$200,000. Labor shortages in the county reach 25 percent during peak season, according to the Farm Bureau of Ventura County.



• The **SACRAMENTO COUNTY** Board of Supervisors earlier this month voted to adopt the election model created by the Voters Choice Act, an **election reform measure** signed into law in 2016 by Gov. Jerry Brown (D). The

county is one of 14 in the state allowed to adopt the Voters Choice Act this year. All other counties will be allowed to adopt the reforms in 2020.

All registered voters will be sent a ballot 28 days prior to Election Day. They'll be able to return their ballot by mail, take it to a drop-off location or cast it in-person beginning the Saturday before Election Day at any vote center in the county.

ILLINOIS

DUPAGE COUNTY remains firm in its decision to **take a pass** — once again — on **legalizing video gambling**. County officials said businesses and a Veterans of Foreign Affairs post wanted to offer the games, first allowed by the state eight years ago. Following 90 minutes of discussions from community members June 13, the coun-

ty board's finance committee declined to vote on the ordinance. DuPage was the first county in the state that decided against video gambling, citing potential social problems. Counties that allow video gambling receive 5 percent of each machine's profit.

INDIANA

BARTHOLOMEW COUNTY and 14 other counties were recently selected to participate in the state's new **"On My Way" pre-K program**. The primarily rural counties will receive state funding to help families send their children to preschool. It's estimated that 6,700 4-year-olds would be eligible in the newly added 15 counties in the program.

State legislation requires the counties to contribute a minimum of 5 percent of the state's total investment in the



county program, which allows participants to attend public or private preschools. To qualify for the program, a family of four cannot make more than \$30,861 or 127 percent of the federal poverty guideline.

MAINE

PENOBSCOT COUNTY recently began offering a new education program to **female inmates**, its fastest-growing jail population. The pilot program offers a variety of free classes in a partnership with Riverside Adult Education Partnership, the University of Maine's College of Education and Human Development and Literacy Volunteers of Bangor.

The women get help with completing high school and preparing for college, child development and parenting and one-on-one tutoring in reading and writing. About 50 women have participated in the program, which started in January.

The University of Maine is tracking the numbers, including any recidivism.

MICHIGAN

Last fall, **CHIPPEWA COUNTY** and the City of Sault Ste. Marie planned a legal battle

against Walmart to fight back against a **"dark store" loophole** that would have seen a loss of \$370,000 after the retailer disputed its property tax assessment. But there's good news: The giant retailer backed down, withdrawing its appeal. "I would like to recognize the efforts that went into achieving this outcome," said County Administrator/CFO Jim German. "We also commend Walmart for seeing the community's side and taking the fair route in this matter."

MINNESOTA

In a heavy downpour, 150 people recently showed up on a Saturday morning when **HENNEPIN COUNTY** held **"Warrant Forgiveness Day"** to resolve warrants for people with misdemeanors. In all, 145 warrants were cleared for 96 people — with the oldest outstanding warrant from 22 years ago. The event was organized to help people clear or resolve their warrant without being arrested, resolving their cases after meeting with a public defender and a prosecutor.

Settlements included doing community service work at or near the event, receiving time

CALIFORNIA

KERN COUNTY Supervisor Leticia Perez (l), first vice president, California State Association of Counties (CSAC), and **SAN BERNARDINO COUNTY** Public Health Director Trudy Raymundo unveil an original oil painting, commissioned by CSAC and the County Administrative Officers Association of California to **commemorate those fallen, injured and affected by the 2015 terrorist attack** in San Bernardino County. The 4 by 6-foot original oil painting by artist Calvin Canepa is titled "Mountain Tranquility." Next to the artwork is a plaque that reads: "In honor of those taken from us, those who were wounded, and the countless others affected by the tragedy of December 2, 2015." A dedication ceremony was held June 16 outside the San Bernardino County Board of Supervisors Chambers, where the painting now hangs. Photo courtesy of San Bernardino County, Calif.



to pay a fine or scheduling a court date in the future to handle a case. People who could not participate in Warrant Forgiveness Day? Anyone with felony or domestic charges, juvenile court cases or DWIs.

Assistant Chief Judge Toddrick Barnette said the event was a way to make “changes to lessen the social and personal impact on individuals who don’t pose a public safety risk, but missed a court date for a low-level misdemeanor offense.”

NEW JERSEY

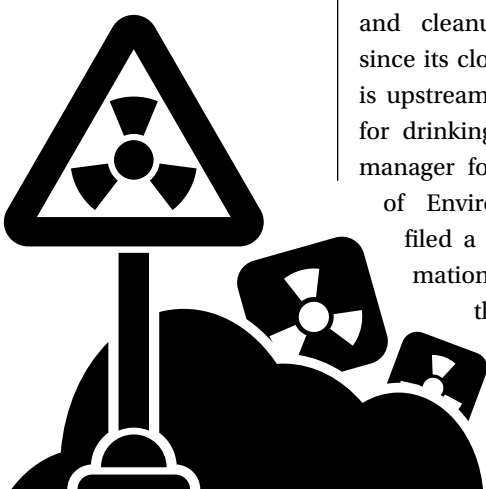
MONMOUTH COUNTY has turned a former youth correctional facility into an **active shooter training ground**.

The Situational Training and Response Simulator (STARS) facility includes a tactical firearms virtual threat simulator, which is equipped with five large screens and shows real life types of scenarios. It’s loaded with more than 100 scenarios and has the capability of custom making situations to the areas in which first responders work. It also includes a classroom area for active shooter incidents, a correctional housing unit for cell extraction drills, a domestic violence response training area and a K-9 agility course.

NEW MEXICO

The **SAN JUAN COUNTY** Commission may consider an ordinance requiring business owners to **clean up industrial properties** after their businesses close.

Vacant decaying buildings



have been the targets of vandalism and scrapping and are generally eyesores, officials told *The Daily Times*. Contamination is also a threat. Suggested penalties include a \$300-a-day fine. A listening board, to hear concerns from local business owners, would likely accompany such an ordinance.

NEW YORK

The **NEW YORK STATE ASSOCIATION OF COUNTIES** has formed an advisory group to examine how to best implement new **enhanced indigent legal services** required by the state.

New laws require counsel at arraignment, cap public defender workloads, increasing public defense support staff, and consolidate arraignment court services. All of those measures will be fully in place by 2023.

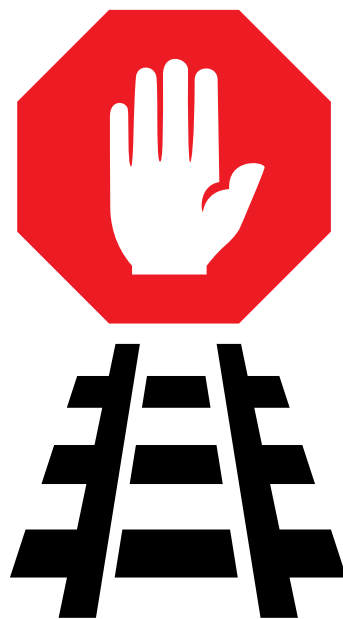
The task force will provide an initial heavy focus on arraignment enhancements as both the court consolidation planning and arraignment coverage process has already begun in many counties. The task force will include representatives from administration, county attorneys, public defenders and elected supervisors.

OHIO

CLERMONT COUNTY officials are suing the Environmental Protection Agency over a **public records request for information** about a closed hazardous waste dump.

County officials have spent decades following the upkeep and cleanup of the dump since its closure in the '90s. It is upstream from a lake used for drinking water. A project manager for the Ohio Office of Environmental Quality filed a Freedom of Information Act request with the EPA in March 2016, and the EPA’s response of nearly 2,900 pages of documents, with-

held 60 documents due to attorney-client privilege, WCPO News reported. EPA released nine of those documents, including redacted versions, after appeal, leaving 51.



OREGON

After **WASCO COUNTY** denied Union Pacific’s **proposed track expansion** along the Columbia River, the Columbia River Gorge Commission has backed up the county’s decision. Thirteen commissioners, appointed by the Washington and Oregon governors and six counties on either side of the river, work with the U.S. Forest Service to set policy for protecting the non-federal lands in the gorge. The commission also serves as an appeals board for land-use decisions.

The county cited concerns about the project’s impacts on the treaty rights of Native American tribes, *The Oregonian* reported. The expansion was proposed for a section of track where an oil train derailed in 2016.

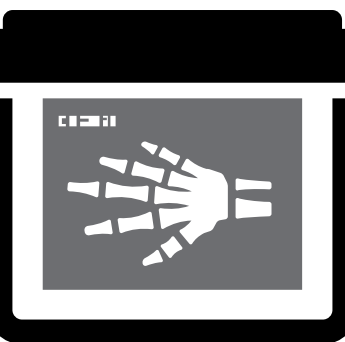
PENNSYLVANIA

Downing your favorite sweet drink will still cost you more in the City and **COUNTY** of **PHILADELPHIA** after Philly’s controversial **beverage tax on sweetened beverages** survived a challenge

in the state’s Appeals Court. The tax, passed last summer, adds 1.5 cents per ounce to most drinks with added sugar or artificial sweetener. The tax would bump up the cost of a Gatorade G2 Grape 8-pack from \$5.99 to \$8.39, according to philly.com.

SOUTH CAROLINA

A healthcare system owned by **ORANGEBURG** and **CALHOUN counties** has begun construction on a freestanding emergency department that will provide services to **BAMBERG** and **BARNWELL counties**. Care available 24 hours a day will include CT scans, x-ray and ultrasound diagnostic imaging and lab and observation services.



The project is funded by a one-time, \$3.6 million state Transformation Fund Grant and additional funds resulting from the region’s designation as a persistent poverty area. This follows the January closure of the former Barnwell County Hospital, which had seen declining patient volumes and increases in uncompensated care, the *Aiken Standard* has reported.

TEXAS

Starting Sept. 1, **COLLIN COUNTY** residents who do not pay their toll bills **will no longer be able to renew their vehicle registrations**, after the county’s agreement with the

North Texas Tollway Association.

The *Dallas Morning News* reports that Collin County residents have a higher rate of scofflaws per population than any other North Texas county. Scofflaws account for 8 percent of overall toll road users.

The habitual violators targeted have accrued at least 100 outstanding tolls and have been issued at least two notices of nonpayment over 12 months.

According to the association, four of every 10 registration payments prompts car owners to pay up. Last year, NTTA issued 166,487 vehicle registration blocks in eight counties and projects it will issue 126,585 blocks this year.

WISCONSIN

The **DANE COUNTY** Sheriff’s Office will join with the NAACP and United Way of Dane County to create an immigration and refugee task force, aimed at **building trust between local law enforcement officials and the immigrant and refugee communities**.

The task force aims to reduce fear by creating safe spaces for open communication between law enforcement and immigrants and refugees, *The Capital Times* reported.

It is a brainchild of the Law Enforcement and Leaders of Color Collaboration, formed in 2014 after the shooting in Ferguson, Mo.

The group will hold a series of community engagement sessions throughout the summer, and a public radio station will hold a question and answer session and participants can attend in person, call in or post their questions online.

News from Across the Nation is compiled by Charlie Ban and Mary Ann Barton, senior staff writers. If you have an item for News From, please email cban@naco.org or mbarton@naco.org.

the HR DOCTOR

with Philpot & Winkler

Gender at the Workplace

Drew, a county employee who works as a file clerk, is an efficient and hard-working employee. Drew also identifies as bi-gendered, meaning Drew has a gender identity that encompasses both genders. Sometimes Drew arrives at work as a male, sometimes as a female.

Gender: What once seemed very straightforward has become complex, confusing and controversial. As a result, county employers, like other employers across the country, are likely to face new questions as gender issues ripple across their workforce.

So, what do you as an employer need to know?

Drew may be considered gender non-conforming, which is a term for individuals whose gender expression is different from what society may expect from an individual of that sex. Drew's co-workers may expect certain behaviors from Drew based on the name "Drew" or based on Drew's gender expression at their first meeting. Being gender non-conforming might be new to them. Drew, though, has outstanding performance and has the right to be free from discrimination in the workplace.

People may express their gender in myriad ways, including through behavior or characteristics they do not intend to display at the office everyday. To avoid both legal challenges and an unwelcoming environment, a hiring manager cannot and should not inquire about gender expression in the interview process. After being hired, so long as an employee's gender expression complies with a gender-neutral dress code, the manager should not discuss an employee's gender expression.

How do employers ensure

policies and procedures address transgender equality?

It is important to review your policy manual to identify whether any policies treat employees differently because of gender, such as a dress code policy or appearance/grooming standards policy. While an individual may be able to adapt attire to conform to the dress code policy, a grooming policy, which may address hair length for each gender, might not be as easily adaptable from day to day.

Also, to ensure equal treatment regardless of gender identity, and compliance with Title VII, employers should confirm any physical fitness standards required of new hires are non-gender specific. Additionally, consider whether there are positions within your agency that may require

additional sensitivity to gender identity, such as a probation officer conducting urinalysis collection or a detention officer conducting a search. In the case of the probation officer conducting urinalysis, if the client has a nonconforming gender identity, it may be necessary for the employer to adjust the employee collecting the sample to match the gender of the client giving the sample. Are there processes, such as using a temperature strip instead of an observed sample that may alleviate the need for such gender specificity?

One of the most common themes in transgender discussions is bathroom usage. According to a March 7 CNN.com article, "as of March 2017, 19 states, the District of Columbia and more than 200 municipal-

ities have anti-discrimination laws and ordinances allowing transgender people to use public facilities that correspond to their gender identity." But not everyone agrees. Other states have enacted or are considering enacting laws that require individuals to use the restroom based on gender at birth rather than gender identity.

The heated national debate could cause employees to become very concerned about bathroom usage, while transgender employees might feel obligated to seek out the nearest single-user bathrooms.

An ideal solution is providing access to single-user, all-gender restrooms (sometimes also referred to as family restrooms). This could mean changes to your facilities, or, at a minimum, changes to

signage. Further, some older buildings might not have single-user restroom design and the cost to construct such a restroom may be prohibitive. Still, single-user-family restrooms meet many needs. For example, they also provide a convenient way for a father to take a young daughter, or multiple children, to the restroom, or to change a diaper at a changing station, without taking multiple children into the men's room.

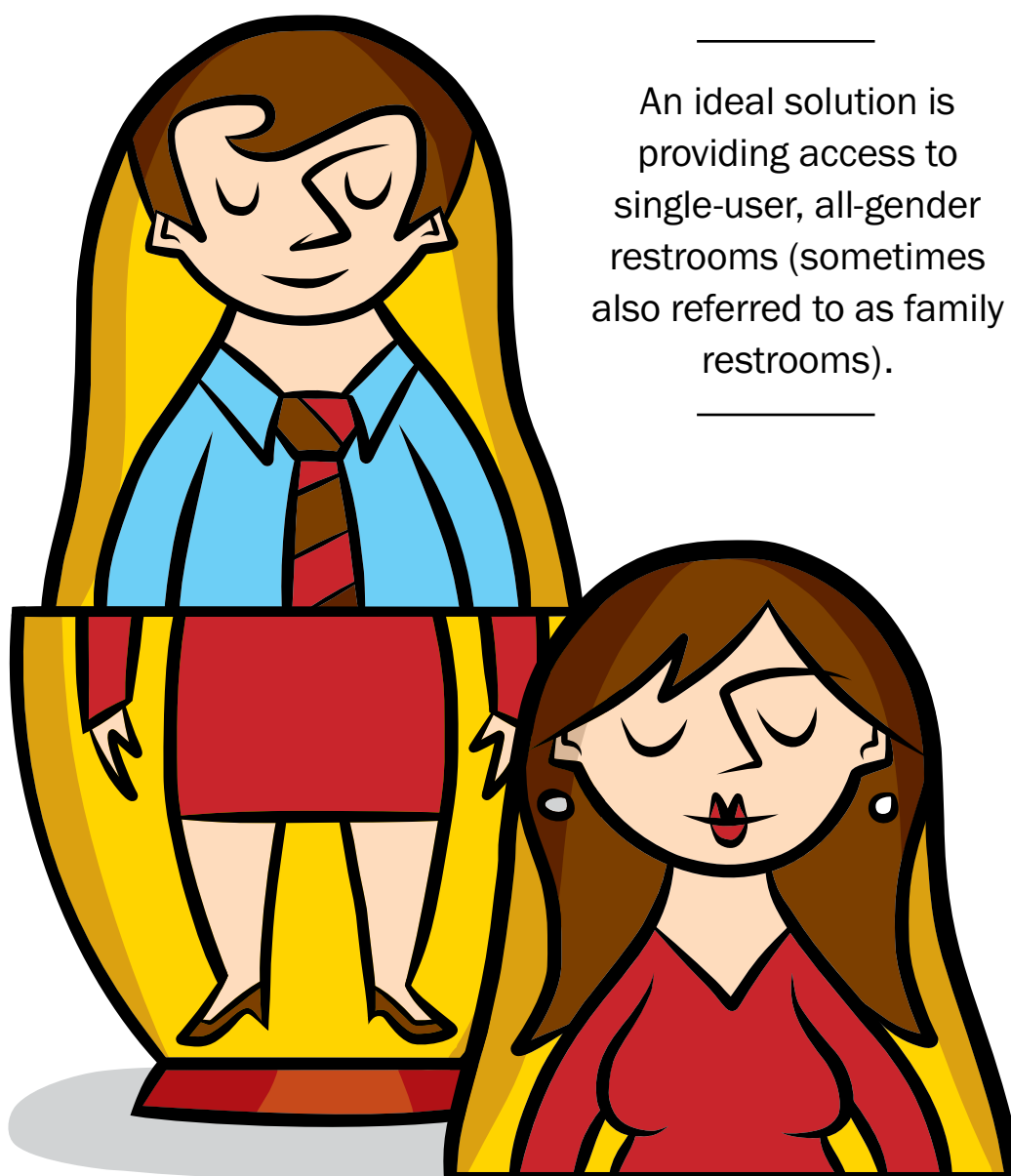
Your employer health plan is another area that may warrant review for nonconforming gender identity issues. The coverage of your employer health plan may seriously affect the ability of your transgender employees to obtain necessary medical care. Some health plans may contain exclusion wording such as "all procedures related to being transgender."

According to Healthcare.gov, if a doctor determines that a preventive service is medically appropriate for a transgender individual and the individual meets the criteria for the recommendation as well as the coverage requirements, the plan must cover the service.

As always, employers should be aware of state laws that provide employer rights and responsibilities. But perhaps even more importantly, employers must try to set aside any personal or religious beliefs and continue to promote a culture free of harassment. Rebranding restrooms is one small part of a growing need for communication and education regarding changing laws and emerging terminology regarding transgender equality.

Recruiting and retaining efficient, effective, hard-working employees in a healthy, fair and tolerant workforce is good for employers and employees alike.

An ideal solution is providing access to single-user, all-gender restrooms (sometimes also referred to as family restrooms).



Erika Philpot is the human resources director and Rose Winkler is the deputy county attorney for Coconino County, Ariz.