CN 50TH ANNIVERSARY
CountyNews

THE BABY BOOMERS ARE COMING. IS YOUR COUNTY READY? PG. 6

NEW GUIDE HELPS RURAL COUNTIES FIGHT OPIOID CRISIS. PG. 9

COUNTY SUBSIDIZES FIREPLACE 'SWAP-OUT' FOR CLEANER AIR. PG. 13

NATIONAL ASSOCIATION of COUNTIES VOL.50, NO. 22 NOVEMBER 12, 2018

FCC could slash county franchise fees

By Mary Ann Barton
editor

Cable TV franchise fees paid to counties and other local governments could be slashed under a deregulation proposal being considered by the Federal Communications Commission, according to the National Association of Telecommunications Officers and Advisors (NATOA).

How much could counties lose? It could be in the millions of dollars, according to Nancy Werner, general counsel for NATAO. "Lawyers I have talked to have said 30 [percent] to 40 percent and others have guessed at 100 percent," she said.

There's room for a consider-

See FCC page 3

Voters show their identification Election Day, Nov. 6, 2018 at an Arlington County, Va. school. Counties across the country ran local elections on a day that saw historic midterm election voter turnout. Rob Crandall / Alamy Stock Photo

County levy helps run Montana veterans office

By Charlie Ban
senior writer

The wide-open spaces that draw many to Montana's Big Sky Country can be less appealing when it means traveling eight hours to reach services people need.

The reality of driving two hours to a Walmart is part of the trade-off people make to live where they want, but when it comes to the more specialized needs of veterans who need help accessing services, that distance becomes a liability. Often one that can take up to eight hours.

"In northeastern Montana, that's how far people are traveling to get to veterans services," said Mike Warner, veterans service officer in the Valley Veterans Service Center in Ravalli County. "Some of our state's veterans have a long way to go, even for Montana's standards."

It's the fourth-largest state, home to roughly 98,000 veterans as of 2016 and 23 veterans service officers.

North and South Dakota, by comparison, are roughly the same size, combined, and serve roughly 10,000 more veterans with 109 veterans service officers. That imbalance righted itself slightly this year when citizens of Ravalli County voted for a levy to fund the county's veterans service office, the first in the state run by a coun-

See VETERANS page 2

OK on Medicaid could spell relief for counties

By Charlie Ban
senior writer

The consequences resulting from the voter-driven Medicaid expansions in three states — Utah, Nebraska and Idaho — will remain to be seen, but state associations see potential for at least a little relief for counties that have to provide health care.

Montana voters voted against Medicaid expansion, which would have been been funded with an increase in the tobacco tax.

Nebraska's measure passed with strong support in urban and rural areas, which Larry Dix, executive director of the Nebraska Association of Counties, said stemmed from the relief Medicaid could provide to the state's struggling rural hospitals. Medicaid coverage for inmates will also relieve the pressure on counties to pay for that care.

The full effect of Idaho's expansion will depend on a number of factors.

"We know it will be a potential cost saver for counties, we just don't know by how much yet," said Seth Grigg, executive director of the Idaho Association of Counties. "There's uncertainty for what it means for mental health."

Idaho counties spent $20 million on indigent medical care over fiscal year 2018. Roughly 65,000 people in the

See VOTE page 5

Veteran services office could be model for others

From VETERANS page 1

ty, which allowed the office to hire two additional staff members.

That additional levy increased the veterans' service center's budget to $247,000 from its previous $85,000 budget. It's the latest step in a three-year-old effort that Warner hopes can be a model for other counties throughout the state.

"The passage of the mill levy demonstrated the nature of our community and its support for our veterans," said Commissioner Greg Chilcott.

"This was originally a grassroots effort by our veterans, they were being underserved, and we knew we could do better."

Warner has been there for the office's growth. In 2015, when he was the only staff member, he managed a caseload of roughly 250. Now, the office helps more than

1,800 veterans access services through the federal Veterans Administration bureaucracy — which has averaged out to more than one new veteran signing up for services every day.

"It's amazing to me that three years ago we didn't have a working computer, and now we have a place that veterans' groups from all over can call home," he said.

"We have four full-time staff members, five work-study positions and a counselor five days a week, all thanks to the Ravalli County community.

"Their support in passing that levy shows how much our citizens value our veterans and want them to have the resources they need."

The Valley Veterans Service Center — it kept its original name as an homage to the Vietnam veterans group that spearheaded the county's first veterans service efforts eight years ago — started in earnest in 2015 when the county hired Warner as its veterans service officer.

"I worked out of a house that wasn't wheelchair accessible, which wasn't ideal for a county with a lot of older, Vietnam-era veterans," Warner said. "I opened a binder my first day and there were actual cobwebs inside."

The county offered used computers to help get the VSO started, and Warner and Dan Griffin, who was hired a year later, demonstrated the service that won over Ravalli County voters.

"The levy passed with 78 percent of the vote, which is the highest any mill levy has passed in Ravalli County," Warner said.

"Our citizens have stepped up and that's a vote of confidence and a sign we're on the right track. They don't want our veterans to lack services."

Warner said his office has seen veterans come from hours away to sign up for VA services. That kind of need in other counties is reason enough for him to pitch Ravalli County's veterans service office structure to other counties — there's certainly a need for local help for veterans.

"There's the question of where counties can begin. Well, you have veterans in your community, so that's the best place to start," Warner said.

"These are people who are trained to be leaders, if you get a whole bunch of leaders together, there's nothing they can't overcome."

Warner is pleased with the success of his VSO's recruitment efforts given the cultural aspects of many Montana veterans.

"This is a place where a lot of people come to be left alone," he said. "We have a lot of ex-Special Forces guys who own their property in the woods and want to be left alone. If they come out to engage with us, that's a sign we're doing something right." CN

SNAP/STATS

STATES WITH HIGHEST ADOPTION RATES

NO. PER 100,000 ADULTS—2008–2012

STATE	ADOPTION RATE
Alaska	137
Montana	114
Kansas, Utah	108
Oklahoma	105
Arkansas	103

Source: Child Welfare Information Gateway, Children's Bureau, HHS

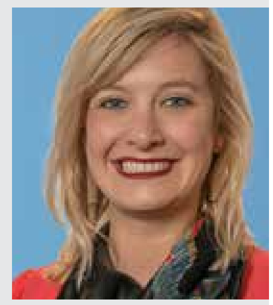
ON THE MOVE

NACo OFFICERS

- Immediate Past President **Roy Charles Brooks** tries his hand at shodo, a type of calligraphy using an ink-dipped brush to create characters, a traditional part of Japan's culture. Brooks represented NACo in Japan as part of the CLAIR Fellowship local government exchange program Oct. 27-Nov. 6.

NACo STAFF

Guequierre



Jennings

Hurley

- **Paul Guequierre** is NACo's new communications director, responsible for managing and coordinating media relations and other communications activities. Paul served as the director of communications for Urban Libraries Council and American Constitution Society for Law and Policy. He earned a bachelor's degree in Journalism & Mass Communication from the University of Wisconsin and a Master of Public Administration from American University.
- **Jessica Jennings** is NACo's new associate legislative director for transportation. Before joining NACo, Jessica served as special assistant and policy advisor for the U.S General Services Administration, Office of Congressional and Intergovernmental Affairs. She earned a a bachelor's degree in Political Science from North Carolina State University and a master's in Human Environmental Science from the University of Alabama.
- Associate Legislative Director **Eryn Hurley** updated the American Public Human Services Association's leadership on county advocacy efforts during the Harvard Human Services Summit in Suffolk County (Cambridge), Mass. October 26-28.

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Franchise fees in jeopardy?

From FCC page 1

able amount of debate because the FCC is proposing to allow cable companies to deduct the fair market value for a wide range of public benefits from their franchise fee obligations, namely public, educational, and government (PEG) channel capacity and transmission. "The fair market value of say a channel in a small town is going to be more valuable than say a channel in a large urban area," Werner said.

These channels "are a way for a community to have a voice," she said.

In Montgomery County, Md., Mitsuko Herrera, a director in the county's technology services department, said that "cable operators have passed through the cost to construct and operate these cable channels to subscribers over the past 15-25 years, and now the FCC would allow cable operators to collect again the value of these channels."

In some smaller jurisdictions, Herrera noted, the "value" of the cable channel may be more (because value is not capped by the FCC) than what the jurisdiction receives in franchise fees. "So effectively, the FCC is inviting cable operators to force smaller jurisdictions, where there is already limited newspaper and almost no television news, to pick between operating cable channels that provide the public with access to board meetings and community information, or receiving any funding from franchise fees," she said.

In September, the FCC voted to confirm that a local franchise authority's ability to regulate cable service does not extend to broadband and other non-cable TV services and that in-kind commitments those authorities get from providers as part of franchise agreements count toward the 5 percent franchise fee cap, with the exception of providing public, educational and government channels. The Commission is considering applying the proposed new rules to state-level franchising actions as well, not just local franchising.

A group of 11 senators, led by Sen. Ed Markey (D-Mass.), have written to FCC chair Ajit Pai asking him to rethink the proposal: "Currently, towns and cities across the country are permitted to require as part of cable franchise agreements that cable operators meet demonstrated community needs by setting aside channels for public, educational or governmental stations," they wrote.

"However, the commission's proposal would permit cable companies to assign a value to these channels, and then substract that amount, and the value they place on any other in-kind contributions, from the franchise fees the cable operator pays the local community," they said.

The senators noted that "our constituents watch PEG channels to monitor local government proceedings, hear the latest news from nearby college campuses and consumer other locally produced programming including emergency alerts and directives. We fear this proposal will result in a dire drop in resources for PEG channels throughout the nation."

There are more than 1,500 public, educational, and governmental studios/operations and an estimated 3,000 PEG channels in America. Religious programming represents 30 percent of local access programming. Tens of thousands of hours of programming is produced by veterans, seniors, the disabled and ethnic, minority and second language groups.

Other senators signing the letter include Senators Tammy Baldwin (D-Wisc.), Maggie Hassan (D-N.H.), Ben Cardin (D-Md.), Jeff Merkley (D-Ore.), Bernie Sanders (I-Vt.), Gary Peters (D-Mich.), Ron Wyden (D-Ore.), Pat Leahy (D-Vt.), Richard Blumenthal (D-Conn.), and Elizabeth Warren (D-Mass). CN

County officials head to Capitol Hill after Election Day wins

By Bev Schlotterbeck
consulting editor

County officials from across the country will swap the county courthouse for an office on Capitol Hill after taking home wins in the Nov. 6 election.

They will be sworn in as new members of the 116th Congress Jan. 3, 2019.

Here's a snapshot at press time of those being followed by *County News*.

St. Louis County, Minn. Commissioner Pete Stauber won an open seat in Minnesota's 8th District defeating Joe Radanovich, a 32-year-old former state representative.

Stauber's victory in the 8th District is the second for a Republican in 71 years. The seat is held by Rep. Nick Nolan (D), who is retiring.

In a race too close to call at *County News* press time, Salt Lake County Mayor Ben McAdams was leading incumbent Rep. Mia Love (R) in the contest for the state's 4th District. McAdams has served as mayor of Salt Lake County since 2013. Love, the first black female Republican to serve in Congress, was running for her third term.

Cook County Commissioner Jesus "Chuy" Garcia, handily won the Illinois' 4th District seat now held by retiring Rep. Luis Gutierrez (D), who endorsed him.

In another easy victory, former Knox County, Tenn. Mayor Tim Burchett defeated his opponent by more than 30 points to snag Tennessee's 2nd Congressional District.

Veronica Escobar, who resigned as El Paso County, Texas judge executive in August 2017 to run for office, was elected to represent the Lone Star State's 16th district.

And in an election twist, Lehigh County, Pa. Board Chair Marty Nothstein was running in two races: One contest to represent the newly redrawn 7th Congressional District, and a special election to fill the remaining term of Rep. Charlie Dent (R), who retired from the old 15th Congressional District.

Nothstein, a Republican, fell behind in his bid to win the new 7th District, losing to Democrat Susan Wild.

However, as of Wednesday, Nov. 7, he had a razor-thin lead of 58 votes over Wild with provisional and absentee ballots remaining to be counted.

If the results stand, Nothstein would represent the former 15th Congressional District through the end of the year.

Statewide races

In statewide races, Clark County, Nev. Board Chair Stephen Sisolak will move from Las Vegas to Carson City, thanks to his successful bid for governor of the Silver State. Sisolak will be the first Democrat to hold the office since 1994.

Meanwhile, Hennepin County, Minn. Commissioner Jeff Johnson and Dutchess County, N.Y. Executive Marcus Molinaro failed in their bids to move to their states' governor's mansions.

Johnson was bested by Democrat Tim Walz in the Minnesota race while two-term incumbent Andrew Cuomo kept his lock on New York's urban areas to beat Molinaro.

Molinaro carried 44 of upstate New York's 50 counties and added three additional counties in his column, but was outflanked by Cuomo's wins in New York's large cities. CN

BEHIND THE SEAL

ALPINE COUNTY, Calif.

Adopted: 1888

Tucked against western Nevada, Alpine County, Calif.'s seal features the Goddess of Liberty seated in the left foreground with a spear and shield in either hand and a grizzly bear standing by her side. In the center, a miner is at work with a brick and a spade. Two vessels float at full sail in a body of water bounded in the background by mountains with a passageway in the center. A semicircle of 13 stars form an arch over the word "EUREKA."

If you would like your county's seal featured in "Behind the Seal," contact Charlie Ban at cban@naco.org.

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CountyNews

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www.NACo.org/CountyNewsArchive

Will a divided 116th Congress work on bipartisan priorities important to nation's counties?

by Hadi Sedigh

Four years of bicameral Republican control of Congress will end in January after Democrats secured a majority in the U.S. House of Representatives in the 2018 midterm elections.

On some issues — including several key county issues — alignment of the parties' priorities could result in bipartisan agreement on major pieces of legislation.

The day after the election, Senate Majority Leader Mitch McConnell (R-Ky.) expressed willingness to work with Democratic House leadership on a new infrastructure package, which President Trump has cited as a priority throughout his administration.

Several other legislative packages important to counties could become bipartisan priorities in the next Congress if they are not first addressed in the final "lame duck" weeks of the current session, including an overdue reauthorization of the farm bill and potential movement on a major criminal justice reform bill.

Whether or not the election results Nov. 6 are considered a "blue wave," Democratic momentum heading into the elections failed to prevent Republicans from maintaining and strengthening their majority in the U.S. Senate, setting up a divided 116th Congress that could be marked by partisan contention and gridlock.

Heading into the midterm elections, two factors seemed likely to influence the outcome in Congress: the historical improbability of the president's party maintaining control in the House, and a particularly challenging set of races for Democrats in the Senate. With most races settled, each of these factors has played out as predicted.

Republicans lost at least 30 seats in the House, skewing closely to the average loss of 25 seats for the president's party in midterm elections since World War II.

Democrats, meanwhile, were felled in the Senate by an election map that called for the party to defend 26 of 33 contested seats, including blue seats in five states that President Trump won by at least 18 points in 2016.

The end result is a divided 116th Congress in which both parties could struggle to advance their legislative priorities.

In the House, the impact of the Democrats' victory will be tempered by the party's relatively slim majority in the chamber and, more importantly, continued Republican control of the White House and Senate.

In the upper chamber, a likely two-seat gain will increase the GOP's margin for internal dissent in confirmations of federal judges and cabinet officials, but the party is still several votes short of a filibuster-proof majority.

In races for governorships and state legislatures throughout the country, meanwhile, Democrats made considerable gains, chipping away at significant majorities built by Republicans over the last several years.

Outside the nation's capital, 36 states held gubernatorial races in the 2018 midterm elections.

Democratic candidates fared well in these races, managing to flip seven governorships previously held by Republicans: Illinois, Kansas, Maine, Michigan, Nevada, New Mexico and Wisconsin. Despite this sizeable shift, the GOP will retain control of a majority of governors' mansions across the country, thanks to its 33-governorship majority heading into the midterm elections and pickup of a formerly Independent seat in Alaska, leaving the party in control of 27 states heading into 2019.

Democratic momentum in the midterm elections carried over to state legislatures, where Democrats flipped a total of six legislative chambers in five states: Colorado's Senate, Maine's Senate, Minnesota's House, New Hampshire's House and Senate and New York's Senate.

The House in Alaska, on the other hand, switched from Democratic to Republican hands.

Overall, Democrats reduced the Republican control of state legislative chambers from 67 heading into the midterm elections to a still-significant 62 heading into 2019. CN

Hadi Sedigh is the director of NACo's Counties Futures Lab and previously served as NACo's associate legislative director for Justice & Public Safety.

Voters have their say: From homestead tax exemptions to lobbying practices

From VOTE page 1

state previously made too much for Medicaid coverage and not enough for their own coverage, but Grigg said it was safe to assume many of those people would now be covered.

The problems remain in the $8.6 million counties spent the last fiscal year on mental health. Limited capabilities in Idaho hospitals mean many people subject to involuntary commitments end up treated at facilities that are not eligible for Medicaid reimbursement.

The changing nature of behavioral health care services will affect how Utah's expansion goes, once it takes effect in April 2019.

"At this point there are differing opinions on the long-term impacts," said Adam Trupp, executive director of the Utah Association of Counties.

"The initiative included a provision that exempted counties from paying their portion of the cost — the county match — for the expansion population. It also did not include a provision for a 'carve out' for behavioral healthcare services," he said.

Behavioral healthcare appears to be considered mainstream healthcare, he added, which would open the door for the Accountable Care Organizations in Utah, the main Medicaid providers, to take over all care for the expansion population.

"If that occurs, then the county authorities and county providers will have a much more narrow role and, in fact, may have almost no role in the healthcare system," he said.

Utah voters also passed a medical marijuana provision, which includes limitations on land use authority of local governments, a prohibition on taxing the products and multiple limitations on law enforcement and prosecution related to possession and production.

> Arizona voters banned taxes on services such as pet grooming and fitness activities.

"The Utah Legislature is considering ways to modify the initiative, now law, without violating the intent of it," Trupp said. "That is proving to be very complicated and some of the solutions offered may be as troublesome as the problem they are seeking to correct."

California voters defeated Proposition 10, preserving keeping a limit on local governments' ability to impose rent control and exempting single-family homes and condos from rent control. They also defeated Proposition 6, which would have repealed the state's 2017 gas and diesel tax and require a ballot measure to increase those taxes in the future. The California State Association of Counties was also active in opposing Proposition 5, which was defeated. It would have expanded an already existing property tax break for home-owning seniors and people with disabilities, at the cost of over $1 billion per year for local agencies.

Arizona counties cannot enact or increase taxes on services including fitness activities, pet grooming, financial services and healthcare. Counties there can now only tax goods and property.

Florida's counties cannot abolish constitutional, or row, offices or require them to be elected offices. Voters in the Sunshine State did, however, defeat a $25,000 homestead tax exemption, and approved a permanent cap on property tax assessment increases for non-homestead property. Public officials, including county officials, will be barred from being paid for lobbying work during or six years after their terms in office.

Louisiana's voters voted to prohibit convicted felons from seeking or holding a public office for five years after completing their sentences.

New Hampshire residents can now take legal action against the state or local government to declare that the government spent, or has approved spending, public funds in violation of a law, ordinance or constitutional provision. CN

The baby boomers are coming — Is your county ready?

By Mary Ann Barton
editor

If you remember using a pay phone, a typewriter or listening to music on a record player, you're likely a member of the baby boomer generation.

This unusually large generation is living longer, in better health and working longer — and because of that, they're looking for meaning, new careers and new experiences. About 10,000 baby boomers — those born between 1946 and 1964 — turn 65 each day. About 26 million of them began hitting retirement age about 10 years ago and another 50 million will turn 65 in the next 10 years.

By the year 2026, 17 states will be in what Fitch Ratings calls a "super aged" category, meaning at least 20 percent of their populations will be 65 or older. And by 2030, all baby boomers will be older than 65, expanding the size of the older population so that one in every five residents will be retirement age.

"The aging of baby boomers means that within just a couple decades, older people are projected to outnumber children for the first time in U.S. history," said Jonathan Vespa, a demographer with the U.S. Census Bureau.

As the baby boomers age and retire, what impact will they have on counties?

When it comes to an aging population, for starters you're likely see a rise in health care costs and tax subsidies in your county, said Frank Shafroth, director for State and Local Government Leadership at George Mason University in Fairfax County, Va.

Medicaid is the second largest budget item for states behind education and counties will have to bear more of the costs as costs rise for the states.

"Counties, far more than cities, provide health care — and with Americans living longer (about 50 years ago, the average life expectancy was 70.9; today it's 77.9) than previous generations, retirement health care is almost certain to consume a greater portion of county budgets," Shafroth said.

Counties invest approximately $83 billion annually in community health and hospitals, and about $28 billion to the non-federal share of Medicaid, NACo research shows.

While health care for senior residents could put a strain on county budgets, other considerations include things like capped home assessments and other tax breaks for seniors, according to Shafroth. Property taxes account for about 35 percent of local revenue.

Limiting property tax assessments crimps county budgets, Shafroth said. "Any limitations on one of the most critical sources of county income — property taxes — especially coming in an aging America, could put many counties between a rock and a hard place."

County residents in Illinois will help make up a gap for baby boomers who account for 52 percent of the 3.2 million owner-occupied homes in the state. That's because senior citizens' home assessments are capped, and they pay taxes only on that frozen amount until they move from the home. In 2015, those exemptions accounted for $6.5 billion in home values being transferred to other residents, according to the state department of revenue.

"This is a big chunk of the population and they're going to live longer," said Carol Portman, president of the Taxpayers Federation of Illinois. "The dollar cost to everyone else in some of these instances is going to grow in ways that likely weren't anticipated when each one of these breaks were added individually."

In California, voters gave a thumbs down Nov. 6 on Proposition 5, which would have allowed homeowners age 55 and older to receive a tax break when they move.

The California State Association of Counties (CSAC) opposed the measure. "What the real estate industry is really trying to do with this measure is turn over the market and drive up prices so their end profit is really to their benefit," said Dorothy Johnson, CSAC legislative representative. CSAC argues that it would have permanently eroded the property tax base and result in county losses totaling hundreds of millions of dollars statewide, growing to $1 billion annually for local governments and an additional $1 billion loss for schools. The California Legislative Analyst's Office concluded that Prop. 5 would eventually cost local governments $2 billion a year in revenue.

On top of reduced property taxes, a county with a large senior population could see more demand on county services such as 911 calls, ambulances and hospitals, addressing dementia as a public safety responsibility and adopting programs for dealing with loneliness.

In addition to services geared to medical and healthcare issues, counties must also look at recreation and service opportunities for healthy boomers.

These are all some of the issues that Kathy Schey deals with on a daily basis, as the head of Frederick County, Md.'s new Division of Senior Services, which got off the ground earlier this year. The county released a report in 2016, which took a year to prepare from surveys and community focus groups, that made 33 recommendations for improvements in services for seniors. (See the report at: *https://bit.ly/2PgBAUH*.)

The report highlighted the need for a new division to address the needs of the county's exploding senior population, expected to grow at a rate three times that of the overall population and exceed the number of school-aged children by 2020, according to the Maryland Department of Planning.

The division's departments will include:

- Home and Community Connections, which promotes aging

See BOOMERS page 7

Baby boomers: Economic boon or bust?

From BOOMERS page 6

in place, remaining healthy, active and in the community

- Life Enrichment, which promotes education, civic and social engagement, recreation and fitness, and
- Operations, which fuels the entire division

"Our goal is to empower, engage and equip each individual, meeting them at their point of need, interest or ability," Schey said. In addition to the 2016 report, the county is also using a 2013 needs assessment that identified several major areas the county needs to work on, including:

- Accessible and affordable housing
- Transportation
- Long term services and supports
- Opportunity for health
- Social and Civic Engagement
- Economic and workforce development, and
- Communications, outreach and collaboration.

"Of special interest is the collaboration of the Senior Services Division and Frederick County TransIT to address the transportation needs," Schey said. "This is particularly important as our county is the largest geographic county in the state of Maryland."

"We know that Frederick County seniors want more transportation options, from walkable communities to public transit," she noted. "In addition to fixed route and rural shuttle service, our County TransIT Services provide paratransit service for seniors and people with disabilities. This paratransit service is a lifeline for seniors with no other way to get to medical and other appointments."

Seniors can call or book their trip online, and TransIT will send a driver to pick them up and take them to their destination. There is no federal funding for the program (compared to 50 percent federal funding contribution to fixed route or rural services). State funding has been flat at only $159,159 for well over 10 years, and the county contributes more than $500,000, she said.

"With the fast-paced growth of our senior population, TransIT has been inundated with trip requests, more than there are resources to fill," she said. "As a result, citizens are sometimes unable to access this vital transportation. This is an area that needs attention, as transportation is the gateway to accessing healthcare, socialization, and connection to the community." CN

SOME LOCAL GOVERNMENTS VIE FOR ATTENTION OF RETIRING BABY BOOMERS

It's a demographic some local governments are courting. Fueled by dollars from both Leon County, Fla., and Tallahassee, Fla., "Choose Tallahassee" is going out of its way to recruit baby boomers as residents. Headed up by an executive director and with help from a cadre of volunteers, the entity bought ads with the tagline "Things Aren't the Same Since You Left" aimed at baby boomers who have left the area, gone to college there or once worked in the area. Ads are targeted at parents enticing them to recruit their parents living elsewhere, showcasing advantages such as free babysitting. Other ads are targeted to boomers, touting free tech support and handyman services from their offspring.

Choose Tallahassee even held a contest offering a year of free housing and other perks. The winners, two retired teachers who had planned to move back to their hometown in Alabama, said Tallahassee had many of the perks they were looking for such as college football, plays, musicals and lifelong learning for people over 50. Meanwhile about 10 communities catering to the older crowd — with swimming pools and golf courses — are under construction.

Boomers spend a lot. They're a demographic whose annual economic activity is roughly $7.6 trillion, according to AARP. As of 2013, Americans over the age of 50 represent the third-largest economy in the world, according to the group.

They are also moving more. Using Medicare enrollment, the Census Bureau calculates the movement of the 65 and older population. Although young adults tend to migrate the most, the Census Bureau also sees a spike in migration among retirees.

Central Florida's Sumter County is ranked among the nation's fastest-growing metro areas. That's mainly due to the number of retirees flocking to the area dubbed The Villages. The development, named by Forbes magazine among the top 25 places to retire, spreads into neighboring Lake and Marion counties. The Villages' population grew 33 percent between 2010 and 2017. Earlier this year, the Census Bureau ranked it #10 in the nation as the fastest-growing metropolitan area.

For counties with a total population of 50,000 or more, Sumter County is followed by:

- Broomfield County, Colo., a suburb of Denver, which saw a 17.6 percent increase in population between 2010 and 2014, and
- Rockwall County, Texas, a suburb of Dallas, which saw an increase of 16.9 percent. Both are mid-sized suburban areas.

Among counties with a population of 20,000 to 50,000, Jasper County, S.C. leads the way with 28.1 percent followed by Kendall County, located in Texas hill country north of San Antonio, at 14.9 percent.

For smaller counties with fewer than 20,000 people in 2014, Stark County, Ill., north of Peoria., leads the list at 17.3 percent with Lake County, S.D., north of Sioux Falls, following at 13.9 percent and Sequatchie County, Tenn. north of Chattanooga, coming in third at 12.6 percent.

PROFILES IN SERVICE

HERBERT M. "TIM" RICHARDS, III, DVM

Board Member
Council Member, Hawaii County, Hawaii

RICHARDS

Number of years involved in NACo: Two

Years in public service: Two

Occupation: Veterinarian and rancher

Education: Doctor of Veterinary Medicine, Washington State University

Four people (living or dead) I'd invite to dinner are: Abraham Lincoln, Winston Churchill, my Great Uncle Atherton and my mother, Phyllis A. Richards.

A dream I have is to: Become a regent for my alma mater, Washington State University.

The most adventurous thing I've ever done is: Become a politician.

My favorite way to relax is to: Move cattle for grazing.

I'm most proud of: Rekindling the alumni association of the Washington State University Cougar Crew Rowing Team.

Every morning I read: The local newspapers.

My favorite meal is: Steak tartar and bone marrow.

My pet peeve is: Greed and self-serving dealings.

My motto is: "Damn the torpedoes, full speed ahead."

My favorite movie is: *Band of Brothers*.

My favorite music is: Hawaiian and country western.

My favorite president is: Abraham Lincoln.

My county is a member of NACo because: Being a small county in the middle of the Pacific Ocean, some 2,500 miles from the next nearest state, having working relationships with other counties can only help us solve some of our challenges. In dealing with the federal government, speaking with one voice provides a greater opportunity for us in serving our constituents.

I am a lifetime Girl Scout.

CN JOB MARKET

DIRECTOR OF WORKFORCE & DEVELOPMENT
COUNTY OF IMPERIAL, MO.
Salary: $8,917 - $10,842/mo.
Closing Date: 11/29/2018
County of Imperial is looking for qualified applicants for the following position: DIRECTOR OF WORKFORCE & ECONOMIC DEVELOPMENT Approx Monthly Salary $8,917 - $10,842 Deadline: 11/29/18. For detailed information visit our website at *www.co.imperial.ca.us*. Applications & job descriptions may be obtained at Human Resources Dept. 940 W. Main Street, Suite #101 El Centro, CA 92243

WORD SEARCH

MONTEREY COUNTY, Calif.

Created by: Mary Ann Barton

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

AGRICULTURE: The county's economic contribution to agriculture is $8.2 billion.

AQUARIUM: Monterey Bay Aquarium features more than 35,000 creatures representing more than 550 sea life and marine species.

ART: Art galleries abound in Carmel-by-the-Sea, where there is one art gallery for every 34 residents.

BEES: Pinnacles National Park has the highest concentration of bee species, nearly 400, of anywhere on the planet.

BUTTERFLIES: The county is home to thousands of Monarch butterflies that visit Pacific Grove each year.

COUNT: The county was named for the viceroy of New Spain, Count de Monte Ray.

COWBOY: The county is home to the Monterey Cowboy Festival, which showcases artists who champion the "cowboy way of life."

CYPRESS: The Lone Cypress tree, located on 17-Mile Drive, is thought to be about 250 years old.

DORIS: Film actress Doris Day, 96, is a resident of the county.

GRAPES: The county is classified as Region I and Region II when it comes to growing grapes, comparable to Napa, Sonoma, Burgundy and Bordeaux.

GOLF: The Monterey Peninsula is known as a golf destination; it includes 26 public and private courses.

NORMA: Norma Jean Baker, aka Marilyn Monroe, served as the Artichoke Queen in 1948 in the county's Castroville region.

SALINAS: The largest city and the county seat.

STEINBECK: Author John Steinbeck is from Monterey County; he featured characters who lived in the county.

SUR: If you head to Big Sur, you'll likely be crossing Bixby Bridge, more than 250 feet tall, built by prisoners from San Quentin State Prison.

U.S. Treasury, IRS issue regulations on investment in Opportunity Zones

By Daria Daniel

The U.S. Department of Treasury and the Internal Revenue Service released proposed regulations and guidance Oct. 19 on investment in Opportunity Zones, a newly enacted federal program that aims to spur investment in economically disadvantaged Census tracts.

The regulations will help investors and local governments determine the types of development eligible for Opportunity Zone investments and will provide more details about the tax benefits for investors.

The agencies are seeking comments on the proposed regulations, and counties are encouraged to submit their comments by the deadline of Dec. 14 by visiting *https://bit.ly/2qlfSRe*.

In December 2017, President Trump signed into law the Tax Cuts and Jobs Act (H.R. 1), which authorized the designation of Opportunity Zones to spur investment in distressed communities throughout the United States, by offering tax incentives for investments in those areas.

Each governor nominated local areas within their state for these designations, and the U.S. Treasury reviewed these areas and designated a total of 8,761 zones.

All 50 states, the District of Columbia and five U.S. territories have designated opportunity zones, which will retain that designation for the next decade. The complete list of designated Opportunity Zones is available here: *https://bit.ly/2EkPfFI*.

Opportunity Zone investors will benefit from tax deferment on capital gains invested in a Qualified Opportunity Fund (QOF) until Dec. 31, 2026. If the QOF investment is held for at least five years, there is a 10 percent exclusion of the deferred gain. If held for more than seven years, the tax deferment increases to 15 percent. If an investor maintains the investment in the QOF for more than 10 years, the investor is eligible for an increase in basis of the QOF investment equal to its fair market value on the date that the QOF investment is sold or exchanged.

If your county has designated zones and you are in the process of working to secure investments, have information, lessons learned or best practices to share, please share them with NACo staff: Daria Daniel at *ddaniel@naco.org* and Jack Peterson at *jpeterson@naco.org*. CN

Daria Daniel is the associate legislative director for Community, Economic and Workforce Development at NACo.

Age Discrimination Act applies to any size local government entity

By Lisa Soronen

In its first opinion of the term in *Mount Lemmon Fire District v. Guido*, the Supreme Court ruled 8–0 that the federal Age Discrimination in Employment Act (ADEA) applies to state and local government employers with fewer than 20 employees. The State and Local Legal Center filed an *amicus* brief arguing that it should not apply. State and local governments often rely on small special districts to provide services they don't provide.

John Guido was 46 and Dennis Rankin was 54 when they were laid off by the Mount Lemmon Ariz. Fire District. They claim they were terminated because of their age in violation of the ADEA. They were the oldest of the district's 11 employees.

The fire district argued that the ADEA does not apply to it because it employs fewer than 20 people. The Ninth Circuit disagreed. The term "employer" is defined in the ADEA as a "person engaged in an industry affecting commerce who has 20 or more employees." The definition goes on to say "[t]he term *also means* (1) any agent of such a person, and (2) a State or political subdivision of a State."

The Supreme Court, in an opinion written by Justice Ruth Bader Ginsburg, held that the phrase "also means" adds a new category to the definition of employer (that contains no size requirement) rather than clarifies that states and their political subdivisions are a type of person contained in the first sentence. The court reasoned that "also means" is "additive" rather than "clarifying." The court noted the phrase is common in the U.S. Code and "typically carrying an additive meaning." Finally, the statute pairs states and their political subdivisions with agents, "a discrete category that, beyond doubt, carries no numerical limitation."

The SLLC *amicus* brief pointed out that small special districts, like the Mount Lemmon Fire District, are very common. Particularly in rural areas there are "few alternatives to layoffs and terminations when budget cuts must be made," making small special districts particularly vulnerable to age discrimination lawsuits. CN

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

New guide helps rural counties fight opioid crisis

By Austin Igleheart

SPEEDREAD

Rural Resource Guide to Help Communities Address Substance Use Disorder and Opioid Misuse: *https://bit.ly/2Jprzix*

USDA Rural Opioid Misuse web page: *https://bit.ly/2EXeOMh*

The White House Office of National Drug Control Policy (ONDCP) and the U.S. Department of Agriculture (USDA) has released the Rural Resource Guide to Help Communities Address Substance Use Disorder and Opioid Misuse.

Developed by USDA and ONDCP-led Rural Federal Opioid Interagency Working Group, the guide can be used to help build resilient communities and address opioid misuse in rural areas.

Rural communities across the United States have been hit especially hard by the opioid crisis. In fact, the Centers for Disease Control and Prevention (CDC) reported in late 2017 that the rate of overdose deaths in rural communities had surpassed the overdose death rate in urban areas. The effects of the opioid epidemic are more intense in rural areas, where employment opportunities are often limited and isolation is pervasive, according to the CDC. Between 1999 and 2015, opioid death rates in rural areas have quadrupled among those 18-to-25-year-olds and tripled for females.

To address this problem, the Rural Opioid Federal Interagency Working Group — organized by the White House in May — released the Rural Resource Guide as a means of improving federal interagency coordination and mitigating redundancy in the federal government's response to the crisis in rural areas.

NACo serves as a member of USDA's Rural Opioid Working Group, which is currently developing a series of resources to add to USDA's Community Opioid Misuse Toolbox. The toolbox will provide a full suite of resources designed to support grassroots strategies for addressing the opioid crisis at the local level. This toolbox is free and available to the public and can be found on USDA's Rural Opioid Misuse Webpage. Other programs currently available on the website include the Community Assessment Tool, which helps local leaders assess the causes and impact of opioid misuse in their communities.

The release of ONDCP and USDA's joint guide comes shortly after Congress' passage of comprehensive opioid legislation, which the president signed into law Oct. 24. Counties are encouraged to take advantage of these federal resources as they work to stem the impact of the crisis on their residents. NACo will continue to provide updates as the working group develops and releases additional tools for their Community Opioid Misuse Toolbox. CN

Igleheart is a legislative assistant at NACo. Arthur Scott, associate legislative director, contributed to this article.

the HR DOCTOR with Philpot & Winkeler

Family and Medical Leave Act: Not Always as Simple as It Seems

Many supervisors' comfort level with Family and Medical Leave Act (FMLA) ends with birth or adoption of a child. The birth or adoption FMLA cases are frequent and relatively easy. The arrival of the child is anticipated and talked about with excitement, and in most cases, the employee comes back to work. But what about the other uses of FMLA? And what if they turn into something else?

There are many specifics to FMLA, but in broad terms, the FMLA provides employees unpaid leave to address serious medical issues while both continuing their group health insurance and protecting their job. While FMLA doesn't apply to all employers, it does apply to all public-sector employers. The employee must work 1,250 hours in the previous 12 months to be eligible. The Department of Labor has a great FMLA Frequently Asked Questions (FAQs) on its website.

Let's look at some examples of FMLA.

Deep needs a total hip replacement and will be off work for four to six weeks. Deep has been employed with the county for more than one year, full time and is eligible under the FMLA law. He has never taken FMLA leave previously and works closely with Human Resources to complete the paperwork. Deep told his supervisor the reason for the leave, as he is excited to have the surgery and is hopeful to return to some of the activities he previously enjoyed, such as hiking.

In another county, Clara also needs FMLA, but is hesitant to tell her supervisor why. Clara needs a hysterectomy and will be out six to eight weeks. She is uncomfortable discussing the medical reason for the leave with her male supervisor, Dale, as she feels it will make them both uncomfortable. At the same time, Clara has worked with Dale for nearly 20 years, and knows that if he asks, it is only because he cares. They have discussed other medical needs in the past, such as Dale's ACL surgery, and she doesn't want him to assume the worst. In the end, Clara tells Dale that she needs surgery, is uncomfortable discussing her diagnosis, and shares the amount of time she expects to be off. Dale is understanding and tells her not to worry; he will only tell the staff that she is on leave and he respects her privacy. He wishes her a speedy recovery.

Sometimes, FMLA is not so straightforward. Some employees don't recover as quickly as expected. Some experience complications during surgery. Some undergo many tests and see many specialists before finally being diagnosed or given treatment. Some have repeated follow-up visits that require intermittent leave after the employee has taken full-time leave.

Paulette has shoulder discomfort and pain for several months, but it is not impacting her work. Her physician recommends rest, alternating ice and heat, and over-the-counter anti-inflammatory medications. After seeing her several times and seeing no improvement, the physician recommends physical therapy. Paulette, being under the care of a physician, completes the FMLA paperwork and is granted intermittent FMLA leave. After several months with little improvement, the doctor recommends surgery and Paulette updates her medical certification to show that she will be out of the office on full-time FMLA rather than intermittent leave. In this case, the intermittent leave preceded the full-time leave.

Sometimes, employees are unable to return to work after exhausting their full 12 weeks of leave. Perhaps they truly hoped to experience improved health after their time off, only to find they were unable to return after 12 weeks. Perhaps they never intended to return to work, and only wanted to remain on the insurance as long as possible. It is discouraging for supervisors to have an employee fail to return after holding the position open for so many weeks. And, it is discouraging to lose a valued co-worker.

Veronica has been diagnosed with cancer and seeks cancer treatment in another city. After exhausting her leave, Veronica is not cancer free, but returns home and desires to return to work, to give her life some of the routine she had before becoming ill. The doctor won't release Veronica to return to work, as she is very weak and on many medications. The county grants Veronica an unpaid leave of absence after she exhausts her FMLA to give her additional time to return to health. Veronica does not return to work and eventually loses her battle with the cancer.

Unlike Veronica's case, not all uses of the FMLA law are heart-wrenching or even honest. There is abuse of FMLA. Employees may immediately apply for FMLA after receiving serious disciplinary action, to prevent anticipated termination and gain some time to find other employment. Other employees may try to use intermittent leave to obtain a schedule change or get numerous Fridays and Mondays off work. Employers sometimes receive a doctor's note that seems to be dictated by the employee, saying that an employee cannot work a certain shift, perform a specific duty, or must be able to as often and at any time they believe necessary.

What should the supervisor do when overseeing an employee on FMLA?

- Notify HR when an employee has an overnight hospital stay or is out for three consecutive days and under the care of a physician. Either of these circumstances may constitute a serious health condition under the FMLA. Human Resources will send the appropriate pa-

See FMLA page16

MONEYMATTERS

A Best Practice from the Government Finance Officers Association

Financial Policies

The Government Finance Officers Association (GFOA) has been promoting improved financial management within state and local governments since 1906. GFOA represents more than 19,500 finance officers throughout the United States and Canada, including many of the finance directors, treasurers, debt managers, investment officers, budget officers and accountants that work in the finance department of many NACo-represented counties.

GFOA provides training, research papers, consulting, networking opportunities, publications and recognition-award programs to those members, but its most popular and valuable resource is its series of GFOA best practice statements. These best practices, help governments improve all areas of public finance — accounting, financial reporting, budgeting, capital planning, debt management, financial management, pension and benefit administration, and treasury and investment management.

Best practices, which are available free on GFOA's website at *www.gfoa.org/best-practices*, identify specific policies and procedures that contribute to improved government management. Best practice articles combine policy recommendations, implementation guidance and self-assessment tools. In this way, the GFOA's best practices can be extremely helpful and valuable for elected officials as well as professional staff. This article highlights several of GFOA's most popular best practices that should be required reading for any county elected official.

> Best practice articles combine policy recommendations, implementation guidance and self-assessment tools.

Financial Policies

Financial policies provide guidelines for financial decision-making and are central to a strategic, long-term approach to financial management. Governments adopt formal financial policies to institutionalize good financial management practices, clarify strategic intent, promote long-term thinking, manage risks and set decision-making boundaries.

GFOA has a few best practices related to financial policies. In the best practice titled Adopting Financial Policies, GFOA recommends that governments formally adopt financial policies. GFOA then provides best practices that supplement the main category such as:

- Capital Planning Policies
- Debt Management Policy
- Policy for Retirement Plan Design Options
- Economic Development Incentive Policies
- Establishing an Effective Grants Policy, or
- Establishing an Effective Investment Policy.

Each best practice (available from GFOA's financial policy resource center at available at gfoa.org/financial-policy-resource-center) provides considerations for each government in developing its own policy or set of financial policies.

Fund Balance Guidelines for the General Fund

Another important policy for every local government is its policy on fund balance. In its Fund Balance Guidelines for the General Fund best practice, GFOA recommends that governments establish a formal policy on the level of unrestricted funds that should be maintained in the general fund.

The adequacy of an unrestricted fund balance in the general fund should consider each government's own unique circumstances. Nevertheless, GFOA recommends, at a minimum, that general-purpose governments, regardless of size, maintain unrestricted budgetary fund balances in their general fund of no less than two months of regular general fund operating revenues or regular general fund operating expenditures.

Audit Committees

The public's attention is also focused on the importance of sound internal controls, reliable financial reports and independent audits. An effective audit committee is crucial for achieving all three.

GFOA's Audit Committees best practice explains the proper design and operation of audit committees in the public sector.

An audit committee is a practical means for a governing body to provide much needed independent review and oversight of the government's financial reporting processes, internal controls and independent auditors. An audit committee also provides a forum separate from management in which auditors and other interested parties can candidly discuss concerns. By effectively carrying out its functions and responsibilities, an audit committee helps to ensure that management properly develops and adheres to a sound system of internal controls; that procedures are in place to objectively assess management practices; and that the independent auditors, through their own review, objectively assess the government's financial reporting practices.

GFOA's recommends that the governing body of every state and local government should establish an audit committee or its equivalent, and that the audit committee should be formally established by charter, enabling resolution or other appropriate legal means, and made directly responsible for the appointment, compensation, retention, and oversight of the work of any independent accountants engaged for the purpose of preparing or issuing an independent audit report or performing other independent audit, review, or attest services;

Pension Obligation Bonds

Across the United States, it is difficult to discuss fiscal sustainability and financial management without mentioning the challenge many governments face with their pension liability. Pension obligation bonds, commonly known as POBs, come up regularly as a strategy for addressing that liability, however, any government discussing the use of POBs must also understand their considerable risk.

GFOA has a Pension Obligation Bonds advisory (advisories identify specific policies and procedures necessary to minimize a government's exposure to potential loss in connection with its financial management activities). The advisory explains that these taxable bonds are sometimes issued as part of an overall strategy to fund the unfunded portion of a government's pension liabilities by creating debt. The use of POBs rests on the assumption that the bond proceeds, when invested with pension assets in higher-yielding asset classes, will be able to achieve a rate of return that is greater than the interest rate owed over the term of the bonds. However, POBs involve considerable investment risk, making this goal very speculative. Failing to achieve the targeted rate of return burdens the issuer with both the debt service requirements of the taxable bonds and the unfunded pension liabilities that remain unmet because the investment portfolio did not perform as anticipated.

GFOA's advisory on POBs clearly states that GFOA recommends that state and local governments do not issue POBs.

Overall, GFOA has approximately 200 best practice and advisory statements that provide the foundation for many of its products and services and provide guidance for state and local governments.

We encourage all governments to implement these best practices as part of an overall effort to improve financial management.

If you have any questions on a best practice or are looking for additional information, examples, or implementation guidance, please don't hesitate to contact GFOA at 312.977.9700 or at *research@gfoa.org.* CN

BRIGHT IDEAS MARICOPA COUNTY, Ariz.

Fireplace 'Swap-Out' Improves Air Quality

PROBLEM:
Wood-burning fireplaces were adding a lot of smoke that hurt Maricopa County, Ariz.'s air quality.

SOLUTION:
Subsidize conversions to gas-burning fireplaces or the installation of emissions control systems.

By Charlie Ban
senior writer

The fireplace serves a gathering place and entertaining space in a lot of households, something that really ties a room together. But in Maricopa County, Ariz., some of those fireplaces are a health menace.

Nestled in a valley that is subject to wintertime temperature inversions, the Phoenix area is liable to sit under a gathering mass of smoke that can sink into residents' lungs, once the wood-burning fireplaces light up for the season.

The Valley of the Sun becomes the Valley of Smoke, because temperature inversions limit air movement, and smoke hangs in the air for a long time. It's particularly dangerous for children, the elderly and people with lung conditions.

"Seasonal smoke has been an issue, particularly in south and west Phoenix," said Tina Wesoloskie, the county's travel reduction and outreach manager. "Scientists take samples of the air and what their studies showed was a lot of that smoke was coming from fireplaces."

Three of the county's 23 air-monitoring stations had particularly high concentrations of fine particulate matter from smoke, so the county's fireplace retrofit program focused on encouraging homes in those areas — comprising nearly 97 square miles — to swap out wood-burning fireplaces for gas units or emissions controls. Both options aim at dramatically cutting down the amount of fine particulate matter in the air:

- Natural gas fireplaces, available for homes with gas lines, has a 99 percent emissions reduction.
- The catalytic emissions control system, installed in the chimney, reduces fine particulate matter by 70 percent.

The county does various outreach campaigns, including door hangers for houses in the target area and media outreach on Facebook, Twitter and Next Door. When air quality warrants the county declaring a "no burn day," smoke makes it easy to suss out who is disregarding the order, and gives the county a chance to pitch the program.

"We don't always get positive press when it comes to "no burn" days, but we hope that by offering these alternatives and subsides, we can offset some of that," Wesoloskie said.

Once signed up for the program, homeowners take surveys to determine their wood burning habits and chose their refit option.

Those refit costs range between $900 to $2,000, with some costs to the owner for projects over-the-limit overruns that typically happen if gas lines need to be extended. The catalytic converter might necessitate a chimney cleaning before installation.

"There are programs like this in the Pacific Northwest, but typically those fireplaces are located in the mountains, in less-concentrated locations," Wesoloskie said. "And those fireplaces are often used for heating purposes. Around Maricopa County, most fireplaces are ornamental, so people aren't relying on them to heat their homes," though there are some exemptions if wood burning is the home's sole heating source.

Wesoloskie said the county expected many program participants would pick the emissions reduction converter, but so far, the 440 converts have broken 60 percent in favor of the gas fireplaces.

"You can still operate the gas fireplaces on 'no burn' days," she said. "That might be why they're more popular." Over a little more than two years, the county has spent $700,000 on the program, which is funded by money paid to the county as penalties.

"This is a good way to upgrade your own home with limited cost to the homeowner," Wesoloskie said. "And it takes a lot of the smoke out of the air that will ultimately lead to bad health conditions for people all over Maricopa County." CN

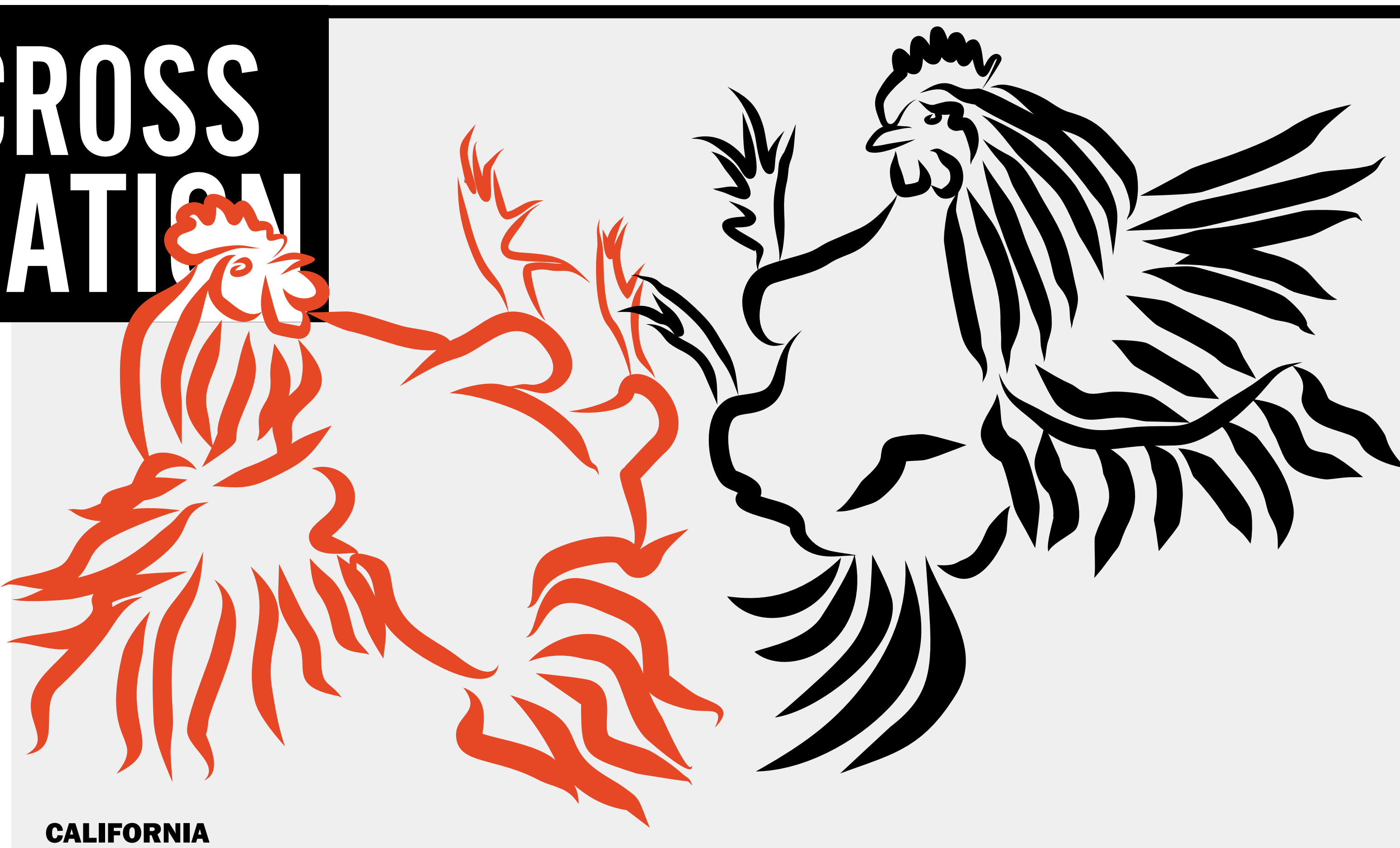
"Fireplace Retrofit Program" is the recipient of a 2018 NACo Achievement Award in the Health category. Does your county have an innovative program that improves county government and enhances services for county residents? Apply for the 2019 Achievement Awards! Visit www.naco.org/achievementawards.

GET TO KNOW…

Welcome, Grayson County, Texas

Welcome to Grayson County, Texas
Grayson County was formed in 1846 and is named for Peter Wagener Grayson, former Attorney General of the state of Texas. The county is the **birthplace of General Dwight D. Eisenhower**, who served as the 34th president of the United States from 1953 to 1961. Visitors can tour the Eisenhower Birthplace State Historic Site in Denison where he was born in 1890. Lake Texoma, one of the largest reservoirs in the United States, is located in Grayson County on the Red River. During a drought in 2011, low water levels revealed **several "ghost towns" that had been submerged beneath the lake in the 1940s** when the reservoir was filled.

NEWS FROM ACROSS THE NATION



CALIFORNIA

• **LOS ANGELES COUNTY** recently **cracked down on cockfighting** after the largest cockfighting bust in U.S. history last year, a Humane Nation reported. The county sheriff's department and county animal care and control were on the scene to document nearly 8,000 birds on an 80-acre property. Investigators found sick and dying birds as well as knives and training equipment. As a result of the bust, the county passed an ordinance that went into effect this fall that limits the number of roosters that residents can keep on private property. Up to 10 roosters can be kept on a large lot. The ordinance was drafted by the county's department of animal care and control and introduced by Supervisors Kathryn Barger and Sheila Kuehl.

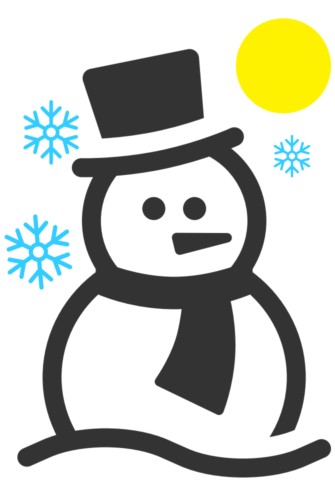
CALIFORNIA

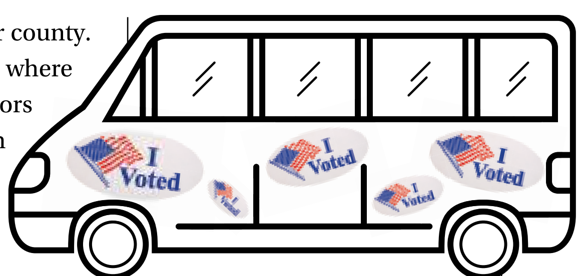
• **SAN LUIS OBISPO COUNTY** residents on a budget are breathing a sigh of relief due to a **new way to pay their property taxes**, the *San Luis Obispo New Times* reported. The Board of Supervisors recently approved a resolution to promote a new online payment system that allows homeowners to pay their property taxes in monthly installments. "I think it's a pretty neat thing," Jim Erb, county treasurer and tax collector, told the paper. "We are kind of the first county in the state to have an official installment program."

Before this new payment program, dubbed "Easy Smart Pay," was approved, residents had to pay their property taxes in two hefty installments each year. The new payment idea got off the ground after Supervisor Bruce Gibson requested that the county look into it to help residents in his district better afford to pay new sewer service charges in the 2017-2018 fiscal year. "It really is a jump into, let's call it the 21st century for how county residents can interact with their government," he said. "Hopefully we can see this expand."

FLORIDA

Economic development doesn't always mean adding a new corporate headquarters or retail giant to your county. How about a place where residents and visitors can go have some fun in the snow? In the Sunshine State? **PASCO COUNTY** is considering approving a **snow-themed amusement park**, which would be a first for Florida. Developers say the proposed park could feature a 300-foot snow tubing run and a separate area to play and build snow sculptures, the *Tampa Bay Times* reported. Other snow parks located in warmer climates — in Georgia and California — offer seasonal snow tube rides. The company in Florida hopes to open its snow park next fall and still requires a county permit to operate. A community meeting with nearby residents is set for December. "It really differentiates us," said Adam Thomas, the county's tourism director. "There's not another snow park in Florida. It's really going to draw a lot of attention to Pasco in a good way."

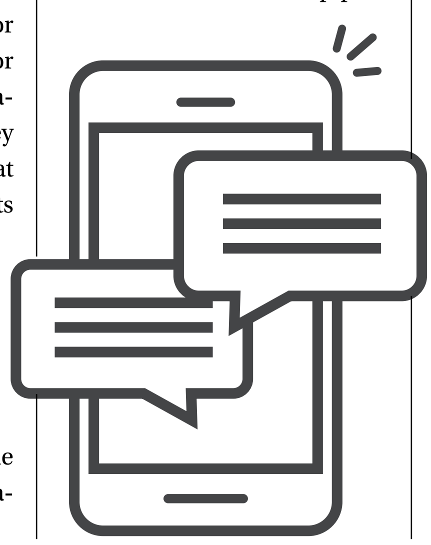




GEORGIA

• Some **BIBB COUNTY** residents questioned on Facebook the use of **county vans driving voters to the polls**, WMAZ-TV reported. The county Parks and Recreation Department normally takes the van out to drive seniors to the grocery store or park, from the county senior center. Is it illegal? The TV station contacted the attorney general's office, which said that while the county can't use its resources to support an individual candidate or party, there's no reason why they can't drive people to the polls if it's bipartisan. "A lot of people don't have transportation or a way to get to the polls," a senior told the TV station. "It is a real blessing."

• **FULTON COUNTY** Commissioner Bob Ellis recently introduced the "Text 4 Help" program to county schools and county government, the *Marietta Daily Journal* reported. The program's goal is to **relieve youth stress and anxiety**. The anonymous crisis text line is aimed at providing a valuable resource for students seeking support or an outlet to share concerns. "We are so proud to be the first in the Southeast to launch the Text 4 Help program," Ellis said. The program got its start in 2014 in Lake County, Ill. by a non-profit, Linking Efforts Against Drugs or LEADS. The Fulton County text line is funded by a grant from the Fulton-DeKalb Hospital Authority. The program was launched there in January at several high schools and will be expanded to include 10 more schools.



MICHIGAN

• **KALAMAZOO COUNTY** has launched a website for residents where they can find data and resources on **community health**. Called the Kalamazoo County Data Hub, the county's Health and Community Services Department gives residents and others easy access to county data. "The whole goal is to be transparent and all-encompassing with all health indicators whether they're positive or negative," said Mary Franks, the county's epidemiologist. The data includes everything from a special report on the opioid epidemic in the county to county health rankings. You can view the website here: *https://bit.ly/2Sk1ZzJ*

- **MUSKEGON COUNTY** will sell up to $45 million in bonds to **close a pension fund shortfall**, County Administrator Mark Eisenbarth told the *Muskegon Chronicle*. County officials feared a looming pension crisis after a five-year financial forecast last year predicted annual contributions to the Municipal Employee Retirement System (MERS) would skyrocket to $17.4 million by 2022. "We are trying to avoid massive payments…as MERS wants every municipality to be near or up to 100 percent [funded] in the next 10 years."

MONTANA

GALLATIN COUNTY has joined 10 other counties to **ban indoor vaping**. The county health board recently voted to include electronic cigarettes in the county's Clean Indoor Air Act policy, the *Bozeman Daily Chronicle* reported. The ban took effect last month. Anyone who violates the ban could be fined between $25 to $100. Shop owners could also face fines, depending on the number of violations. A county health officer said that enforcement will be driven by complaints. One vape shop owner said they plan a lawsuit, because customers need to be able to sample different flavors of "e-liquids" which they wouldn't be able to do with the ban in place.

NEVADA

The **WASHOE COUNTY** Sheriff's Office offered **free x-ray screening of candy** on Halloween at the county courthouse, and for two days after at the District Courthouse and justice center, KOLO News reported.

NEW YORK

- **ONONDAGA COUNTY** has been selected to join the **Pritzker Fellows program**, which gives grants to improve literacy for children age three and younger. This grant will go to the Early Childhood Alliance. The alliance will expand to include helping daycare providers give kids the foundation for early learning. It already fuels a campaign that encourages parents to talk, read and sing to their children starting at birth.

- Faced with a new state law that prohibits children from being housed in the same jails as adults, 11 counties are banding together to **create a non-profit organization to build a regional jail** specifically for children under the age of 18. Few counties in the Finger Lakes and Southern Tier have facilities to house children, so they must send them away to counties that do, often hours away. Under the new Raise the Age law, kids have to be in jails close to their families.

PENNSYLVANIA

A judge has ordered **ALLEGHENY COUNTY** and the city of Pittsburgh to **release its bid** for Amazon's second headquarters. County Common Pleas Judge Terry O'Brien found no basis for the city and county to exempt details of their pitch under the Right to Know law, the *Pittsburgh Post-Gazette* reported. WTAE News has been seeking the release of the incentives the county and city offered the e-commerce giant.

SOUTH CAROLINA

Nearly 300 homes in **DORCHESTER COUNTY** are being "moved" to **BERKELEY COUNTY** to fix a **121-year-old mapping error**. The shift will give Berkeley County an additional $250,000 in annual property taxes, most of which will go toward its school district. The mapping error is believed to have been made by surveyors around the time Dorchester County was created in 1897, the Associated Press reported.

TEXAS

HARRIS COUNTY has followed Houston's lead in changing regulations to outlaw **robot brothels**. The county's process of updating its rules surrounding sexually oriented businesses was accelerated when a Canadian business expressed interest in opening a location in Houston. The new regulations make it a violation to use "anthropomorphic devices" for sexual activities, Houston Public Media reported.

UTAH

UTAH COUNTY is suing **Gov. Gary Herbert** (R) for **refusing to appoint** any of its nominees to the board taking control of the Utah Transit Authority. Herbert has appointed members nominated by **SALT LAKE** and **DAVIS counties**, but hasn't nominated two candidates forwarded by Utah County, in consultation with **TOOLE COUNTY**, *The Salt Lake Tribune* reported. Davis County consulted with **WEBER** and **BOX ELDER counties**. The Utah County Commission insists that state law requires Herbert to appoint one of its nominees and that the authority's Board not be considered legally formed until a Utah County nominee is seated.

VIRGINIA

CULPEPPER COUNTY handed out **newly designed "I voted!" stickers** on Election Day thanks to a new design submitted for a competition by fourth-grader Natalie Nicholson, 9, CBS News reported.

"I wanted to do the American flag and Virginia, so I said why not just put it all together? So then I just did American flag, Virginia in the middle, and then in the middle of Virginia, 'I voted.'" Nicholson said.

"There was no close competition to Natalie's sticker. She did a really great job," James Clements, the county's director of elections, told CBS News.

Future voters got their own sticker too, thanks to a design by local high school senior Jeffrey Maldonado.

WISCONSIN

DOOR COUNTY may find itself with a **national park** within its borders. The proposal for the Grand Traverse Islands National Park includes 17 islands, extending from Door County to Upper Michigan's Garden Peninsula.

The Grand Traverse Islands would house Native American archaeological sites, more than 40 shipwrecks and five 19th-century lighthouses.

The proposal says hunting, commercial fishing, logging and mining would not be affected by the designation. Before the islands could have a national park designation, a study must first be approved and conducted by the National Park Service, WBAY News reported.

News From Across the Nation is compiled by Charlie Ban and Mary Ann Barton. If you have news, email: cban@naco.or or mbarton@naco.org.

What your county needs to know about the FMLA law

From FMLA page 10

perwork to the employee.

- Track the hours as FMLA on the timesheet once the FMLA is approved. Failure to document and track the hours can lead to uncertainty about the number of remaining hours, creating complications and exposure to risk.
- Allow the employee to return to work only with a release from a physician.
- Safeguard against retaliation or appearance of retaliation following FMLA leave.
- Ensure there is no mention of the leave or medical condition in the employee's coaching, performance evaluation or discipline documents.
- Protect the confidentiality of the employee's leave. If co-worker, Sally, presses for details, let Sally know that you can only say the employee is on leave, and although you realize she is only asking because she cares, you are protecting the privacy just as you would protect Sally's privacy if the roles were reversed.
- If the leave is unexpected, such as a car accident, the supervisor will also need to consider the wording of an out of office reply during a leave. Such a reply might say the employee is on leave and who to contact for immediate assistance.
- If there is a schedule or status white board, it should only show leave, not the specific type of leave, such as sick or FMLA.

Requesting time off to get treatment for a medical condition may not only fall under the protection of the FMLA, but also the Americans with Disabilities Act (ADA). Additionally, there are occasions where medical treatment may result in a disability.

John took FMLA to have surgery to remove a schwannoma of the inner ear.

In doing so, he lost his hearing in that ear and became unable to distinguish where sounds originate. His loss of hearing led to an interactive discussion for a reasonable accommodation under the ADA.

How is FMLA different from ADA? FMLA only provides for protected leave. The ADA, for employment purposes, prohibits discrimination of applicants or employees with a disability and requires employers to provide reasonable accommodations to a disabled applicant or employee. While leave can be an accommodation, reasonable accommodations can also include exceptions to certain policies, physical changes to an employee's workspace, or any other change that allows the employee to perform the essential functions of their job without creating an undue burden on the employer. The FMLA and ADA also differ in what makes an employee qualified under the law.

An employee is not entitled to FMLA-protected leave until they have worked the requisite number of hours. Employees, and applicants for employment, are always entitled to ADA protections.

Additionally, the serious health conditions that are entitled to FMLA leave may not qualify as disabilities under the ADA. While individual employee matters may raise both FMLA and ADA issues, they are distinct and separate laws that must be thoroughly considered on their own terms.

FMLA is a robust law. The examples above covered different scenarios regarding medical leave for the employee's own serious health condition, but additional uses of the law include caring for an immediate family member with a serious health condition, qualifying exigencies from an immediate family member's active duty or call to covered active duty, and care for a covered service member with a serious injury or illness, as well as birth, adoption or foster care of a child (see *dol.gov* for more information). FMLA helps supervisors take care of their work family, while that co-worker takes the time they need to bring health to their family. CN

Erika Philpot is Coconino County, Ariz.'s human resources director. Rose Winkeler is Coconino County's deputy county attorney.