

NACo welcomes new Congress, administration

(NACo issued the following statement Nov. 9.)

The National Association of Counties (NACo) congratulates and looks forward to working with President-elect Donald Trump and the 115th Congress to address some of the nation's most pressing challenges.

"Now that the elections are over, counties stand ready to assist with a smooth transition," said NACo President Bryan Desloge, a Leon County, Fla. commissioner. "We must come together to heal political divisions, foster civil discourse and focus on achieving results together. Today, there are no red counties or blue counties — only counties united in pursuing new opportunities and creating healthier, safer, more vibrant communities."

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The U.S. Capitol Christmas Tree, harvested from the Payette National Forest in Adams County, Idaho, begins its debut tour across the state before it heads east for a 3,925-mile journey. The 80-foot tall Engelmann Spruce was cut Nov. 2. It is expected to arrive at Andrews Joint Air Force Base in Prince George's County, Md. Nov. 27. Photo courtesy of the U.S. Forest Service

Term-limit proposals draw mixed results

By **Charles Taylor**
senior staff writer

The third time was the charm for proponents of term limits in Montgomery County, Md. — by a wide margin of more than two to one.

On Election Day, 69 percent of voters cast their ballots to limit County Council members and the county executive to three consecutive four-year terms, effective in 2018.

In 2004, the last time the is-

sue was put to voters, it lost by 4 percentage points; in 2000 it was defeated by 8 percentage points.

The dramatic swing in opinion in Montgomery County, the state's most populous jurisdiction, came as no surprise to Council President Nancy Floreen, who opposed term limits. She saw it as part of a broader anti-incumbent wave.

"Given the overall tenor of the

See **TERM LIMITS** page 13

County priorities in balance during lame duck session

By **Eryn Hurley**
legislative assistant

With the 2016 general election behind it, Congress will return from recess the week of Nov. 14 for a lame duck session that is expected to adjourn on Dec. 16. With many pundits projecting before Election Day that control of the U.S. Senate as well as the White House could be up for grabs, congressional leaders indicated their plans for the lame duck session

would be driven by the outcome of the 2016 elections.

Now, with Republicans retaining control of both chambers of Congress and with a victory by Republican presidential candidate Donald Trump, how Congress will proceed with its remaining work is a hotly discussed topic.

With just a few weeks left in the 114th Congress, members are faced with a long list of un-

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All levels of government need to work together

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Desloge continued, “We welcome the new members of Congress, several of whom have backgrounds in county leadership positions and understand the unique challenges county governments face at the local level.”

The 115th Congress will include many former county officials who will bring their expertise and knowledge of county government to Washington. (See list of newly-elected, p. 3)

NACo is eager to work with the new administration and Congress on several policy issues that affect the nation’s 3,069 counties, including:

- marketplace fairness legislation, leveling the playing field for Main Street businesses
- tax reform, ensuring that municipal bonds remain a low-cost tool for building schools,

roads, hospitals and libraries

- effective implementation of federal surface transportation legislation

- full investments in the Payments in Lieu of Taxes and Secure Rural Schools programs

- behavioral health and criminal justice reform, and

- strong consultation in the federal regulatory process.

“Whether it’s legislation or regulations, counties are often responsible for implementing federal decisions at the local level,” said NACo Executive Director Matt Chase. “Every level of government must work together to shape policies that improve the quality of life for all Americans. From building and maintaining infrastructure to providing essential services and fostering conditions for economic growth, counties are on the front lines serving America’s communities.” **CN**

House committee releases severely critical report on WOTUS rule

By Julie Ufner
associate legislative director

The House Committee on Oversight and Government Reform has released a report critical of the Obama Administration’s controversial “Waters of the U.S.” (WOTUS) rule-making.

Spearheaded by the committee’s Republican staff, the report, *Politicization of the Waters of the United States Rulemaking*, examined several years of documents, emails and interview transcripts, and makes the case that the WOTUS rulemaking process was “rife with legal shortcuts, predetermined conclusions, and political-driven timelines.”

The report draws a number of highly critical conclusions, including:

- The rule’s tight timeline was based on political considerations. This prevented the rule from undergoing a full and meaningful review process.

- The U.S. Army Corps of Engineers, which shares Clean Water Act (CWA) responsibilities with the Environmental Protection Agency, was cut out of the WOTUS rule-making process.

- The rule is not based on sound science. The science document, to support the basis of the proposed rule, was finalized only after the rule was proposed.

- The agencies did not consider alternatives to the WOTUS rule.

- EPA did not adequately consider costs to all im-

pacted entities, and did so by classifying the rule as “definitional” to avoid consultations required under the Regulatory Flexibility Act and Small Business Regulatory Enforcement Fairness Act.

- The final rule was written before the public comment period closed; and

- EPA and the Corps failed to adequately consult with states, local governments and tribes.

Waters of the U.S. is a term used in the CWA to define which waters fall under federal jurisdiction versus those that fall under state authority. Waters (and their conveyances) that fall under federal jurisdiction require federal CWA permits for construction and

maintenance projects.

In 2014, as a result of several court cases, the EPA and the Corps proposed a revised rule.

Although NACo expressed multiple concerns on the rule’s impact on county-owned and maintained roadside ditches, bridges, flood control channels, drainage conveyances and wastewater and storm water systems, the rule was finalized in 2015.

Almost immediately after the rule was finalized, numerous lawsuits were filed in various district and appeals courts by 31 states and private parties. The WOTUS case is now before the 6th U.S. Circuit Court of Appeals. Oral arguments are scheduled to begin after March 29, 2017. **CN**



SNAP/STATS

HIGHEST PERCENTAGE REGISTERED VOTERS PER CAPITA*

County	Percentage
1. Oakland County, Mich.	75.8%
2. Louisville Jefferson County Metro Government, Ky.	75.1%
3. Wayne County, Mich.	74.8%
4. Jefferson County, Colo.	73.5%
5. Nassau County, N.Y.	73.3%

*In counties with populations greater than 500,000
Source: NACo Research Department

WOTUS IN THE COURTS

Almost immediately after the WOTUS rule was finalized, numerous lawsuits were filed in various district and appeals courts by 31 states and private parties. The cases, consolidated in *Murray Energy Corporation v. U.S. Environmental Protection Agency*, now rest in the 6th U.S. Circuit Court of Appeals.

The states that oppose the WOTUS rule include Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin and Wyoming.

These states argue that the rule violates the Clean Water Act, Administrative Procedure Act, U.S. Constitution and the National Environmental Policy Act. A broad swath of industry groups echoed many of the arguments made by the states.

Even though environmental groups have intervened in support of the rule, many groups have expressed concerns that the rule does not go far enough to protect water quality and have urged the courts to strike these sections of the rule.

The 6th U.S. Circuit Court of Appeals is scheduled to begin oral arguments after March 29, 2017.

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Trump agenda holds promise for Western public lands, coal

By Charles Taylor
senior staff writer

The future of public lands management and U.S. energy policy could look very different under the Trump Administration, based on President-elect Donald Trump's pronouncements to date.

County News spoke with county commissioners from Western public lands and energy-producing states to get their perspectives and priorities.

Alan Gardner, chairman

of the Washington County, Utah commission, said that Trump's policies "can't be any worse" than the current administration's.

"I've been in a meeting with Donald Jr.," Gardner said, referring to the president-elect's eldest son, "and you can tell they just don't have any experience in that, but they were willing to talk and to learn, and so I'm very optimistic that they're going to be a lot more receptive once they understand the issues." Trump Jr. has served as an advisor to

his father on natural resources-related issues.

"It's going to depend on the people he gets in there to run things," Gardner said of Trump Sr.

Mariposa County, Calif. Supervisor Kevin Cann described himself as a "total moderate," politically speaking, but added that he would love to see modifications made to the Endangered Species Act, where he believes the pendulum has swung too far

See PUBLIC LANDS page 8

EPA announces plans to update the lead and copper rule for drinking water

The Environmental Protection Agency (EPA) released a white paper on its Lead and Copper Rule (LCR), Oct. 26, opening the door for revisions to the 25-year-old rule and possible increased costs for the counties that own or operate drinking water facilities and infrastructure.

Over the past several years, EPA has been studying ways to revise the LCR and has held several briefings with its state and intergovernmental partners to discuss options. However, the recent lead contamination crisis in Flint, Mich., has prompted the agency to move toward a final rule.

EPA's white paper lays out several specific areas of the LCR that may be changed. Potential revisions include improving lead service line (LSL) replacement requirements. EPA noted that much of the discussion over revisions has revolved around mandatory, proactive LSL replacement. The current rule only requires LSL replacement after tests show lead levels above 0.015 parts per million (ppm) and also allows for partial replacement in lieu of full replacement.

Lead and copper contamination, which often seeps into drinking water through plumbing materials, can cause serious health problems ranging from stomach pain to permanent brain damage.

Under the Safe Drinking Water Act, EPA issues drinking water regulations that either establish a maximum contaminant level or prescribe treatment techniques. The LCR is considered a treatment technique rule since it requires water systems to sample tap water to determine what actions need to be taken in order to reduce exposure. Since there is no safe level of lead contamination, EPA has set a maximum contaminate level goal of zero. In practice, the LCR requires that action be taken to reduce

contamination if tests reveal lead levels above 0.015 ppm or copper levels above 1.3 ppm.

Because LSL replacement would likely take decades to finish and be very expensive, corrosion control treatment (CCT) requirements are expected to remain a key element of a revised LCR. EPA is considering strengthening CCT requirements to improve clarity, reduce uncertainty, broaden the application of the rule to small and medium systems (those serving fewer than 50,000 people) and require more proactive application of CCT.

EPA's white paper lays out several specific areas of the LCR that may be changed

EPA is also considering establishing a "health-based benchmark" to strengthen protection. The agency is currently conducting research to further understand the relationship between lead levels in drinking water and blood lead levels. EPA may use this research to inform notification and public education requirements, risk mitigation efforts and identification of priority areas.

Additionally, EPA is looking at ways to clarify and strengthen sampling requirements. Citing the challenges associated with implementing sampling procedures — residents collect samples themselves, and some have argued that the current rule allows too much discretion in sampling methods — EPA signaled that a revised LCR may include more prescriptive sampling requirements.

An official proposed rule is not expected until 2017. **CN**

For more information, contact: Julie Ufner, associate legislative director for the environment, at jufner@naco.org or 202.942.4269.

From Courthouse to Capitol Hill 2016 Congratulations

HOUSE	COUNTY	LOCAL TITLE
Jimmy Panetta D-Calif.	Alameda	County Prosecutor
Salud Carbajal D-Calif.	Santa Barbara	Supervisor
Lou Correa D-Calif.	Orange	Supervisor
John Rutherford R-Fla.	Jacksonville-Duval	Sheriff
Jim Banks R-Ind.	Whitley	Councilmember
Thomas Suozzi D-N.Y.	Nassau	County Executive
John Faso R-N.Y.	Nassau	Grants Officer
Tom Garrett R-Va.	Louisa	County Commonwealth Attorney
SENATE	COUNTY	LOCAL TITLE
Kamala Harris D-Calif.	Alameda	Deputy District County Attorney
Todd Young R-Ind.	Orange	Deputy County Prosecutor
Catherine Cortez Masto D-Nev.	Clark	Commissioner

City-county opioid task force set to publish recommendations

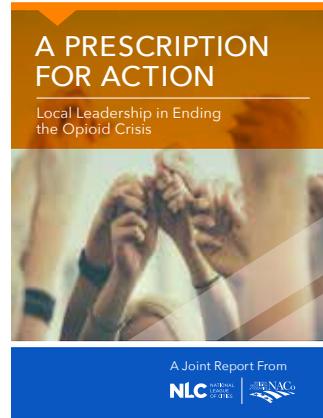
By Hadi Sedigh
associate legislative director

The task force jointly launched by NACo and the National League of Cities to assess solutions that address the opioid epidemic will release a report on Nov. 17 with recommendations for local, state and federal leaders. The report's recommendations were formulated by the task force over the course of several months and are based on conversations within the task force, with other local officials from across the country,

and with national experts on opioid abuse and overdose.

The joint task force's report addresses recommendations to officials at all levels of government, but is largely focused on policies and programs that can help city and county officials address opioid abuse in their local communities.

Local recommendations in the report are split into four sections: leadership, prevention and education, treatment, and public safety and law enforcement. The report also highlights examples of



city and county programs that are helping communities decrease their rates of opioid-related overdoses and fatalities.

The publication of this report is the culmination of efforts that began in early 2016. Task force members — who were appointed by presidents of each organization — convened in March in Washington, D.C. to begin discussions of effective local responses to the opioid crisis.

In the summer, NACo hosted a series of virtual town halls focused on different aspects of the local response, and a panel discussion at the NACo Annual Conference in Long Beach, Calif. The task force then reconvened

in August in a Northern Kentucky event hosted by co-chair Judge Gary Moore of Boone County.

During that meeting, task force members visited the Kenton County Detention Center and a local methadone clinic to observe treatments of individuals struggling with opioid addiction, and were joined in discussion by Michael Boticelli, director of the White House's Office of National Drug Control Policy. **CN**

Visit NACo's website on Nov. 17 to view the task force's report.

Comprehensive energy bills carry county priorities

NACo has called on conferees deliberating comprehensive energy legislation to support several key county issues and include them in their final legislation. In a letter to Senate and House energy, commerce and natural resources leadership, Oct. 31, NACo Executive Director Matt Chase encouraged the members of the conference committee to work together to address the following critical issues for the nation's county governments.

The following text offers key points from the letter.

Secure Rural Schools

- The SRS program expired on Sept. 30, 2015 and has yet to be reauthorized. If the Secure Rural Schools program is not reauthorized, forest counties and schools will not receive another SRS payment.

- The SRS program provides crucial support to local schools, transportation infrastructure, law enforcement and other county services in more than 720 counties and 4,000 school districts nationwide, impacting 9 million students across 41 states.

- Counties urge Congress to provide local governments with the budgetary certainty they need to continue providing critical services to our shared constituents. We encourage you to work swiftly to reauthorize the SRS program for FY16 and into the future.

Provide Greater Flexibility for Counties Under Title III of SRS

- Counties encourage Congress to provide additional flexibility in the utilization of funds under Title III of the SRS.

- Title III of SRS provides critical resources to counties to support search and rescue, fire protection and other emergency services performed by the county on federal land.

- Congress intended SRS Title III funds to support not just actual search and rescue activities but also the significant costs to train and equip the emergency services personnel who provide these costly services on federal public lands.

Support Stewardship Revenue-sharing with Counties

- Stewardship contracting authority allows the Forest Service to implement forest management projects supported by revenues generated through the sale of forest products yielded by the management project.

- Counties support stewardship contracting as one of the many tools at land managers' disposal to responsibly manage our federal lands. However, since its inception, revenues generated through stewardship contracting have been exempt from revenue sharing with counties.

- Sharing revenues from stewardship contracting will provide much needed support for forest counties, their roads, schools and other critical services to help offset the presence of non-taxable federal lands within their jurisdictions.

Enact Comprehensive Forest Management Legislation

- Congress must work to reverse the decline in our federal forests by enacting meaningful forest management reforms that improve forest health and restore forest production.

- Counties believe that active management of federal lands and forests must be done in a sustainable manner to ensure the health of our federal lands for generations to come and we are intergovernmental partners with the federal government in achieving these goals.

- The health of our federal forests has a direct effect on public health, safety and economic wellbeing of counties across the United States. Not only do unhealthy forests increase community wildfire risk, they can also negatively impact community access to clean water and air, threaten wildlife habitats and reduce county opportunities for forest-related tourism and job creation.

End 'Fire-Borrowing'

- Counties encourage Congress to enact a permanent legislative solution to end the budgeting practice commonly known as "fire borrowing," which draws down funds from non-firefighting accounts to pay for federal firefighting needs.

- The drawdown of funds through fire borrowing negatively impacts the ability of the federal government to undertake important forest-health and fire-prevention activities and places the safety of forest communities at risk.

- We urge Congress to enact a legislative fix to the method of funding wildfire suppression on national forests and grasslands by providing access to funding outside of the statutory discretionary limits for emergency purposes.

Enact the Public Lands Renewable Energy Development Act (PLREDA)

- The reforms included in PLREDA will support a timelier review of renewable energy project applications, expedite project development and extend royalties and lease income from solar and wind projects developed on federal lands to their home counties.

- As renewable energy resources are developed, counties will be called upon to provide essential infrastructure

and county services to support energy facilities.

- PLREDA's balanced approach to renewable energy development is what has garnered it broad stakeholder support from counties, governors, the energy industry, sportsmen and environmental groups as well as eight bipartisan Senate co-sponsors and 69 bipartisan House co-sponsors.

- In order to ensure PLREDA's balanced approach is maintained, counties urge Congress to adopt the full scope of PLREDA as a part of the conference agreement.

Extend Brownfields Cleanup

- The Brownfields Program helps local communities redevelop and repurpose contaminated sites nationwide.

- Since its creation, the EPA Brownfields Program has provided crucial assistance to local governments for the reuse of hazardous, polluted and underutilized properties.

- Each federal dollar that has been invested since the program was established (\$22 billion) has leveraged approximately \$18 in other investments, close to \$400 billion in total.

- Reauthorization of the program will allow local governments and communities to undertake more brownfields cleanup programs nationally. **CN**

Pipeline protest stretches North Dakota county staff, resources

By **Charlie Ban**
senior staff writer

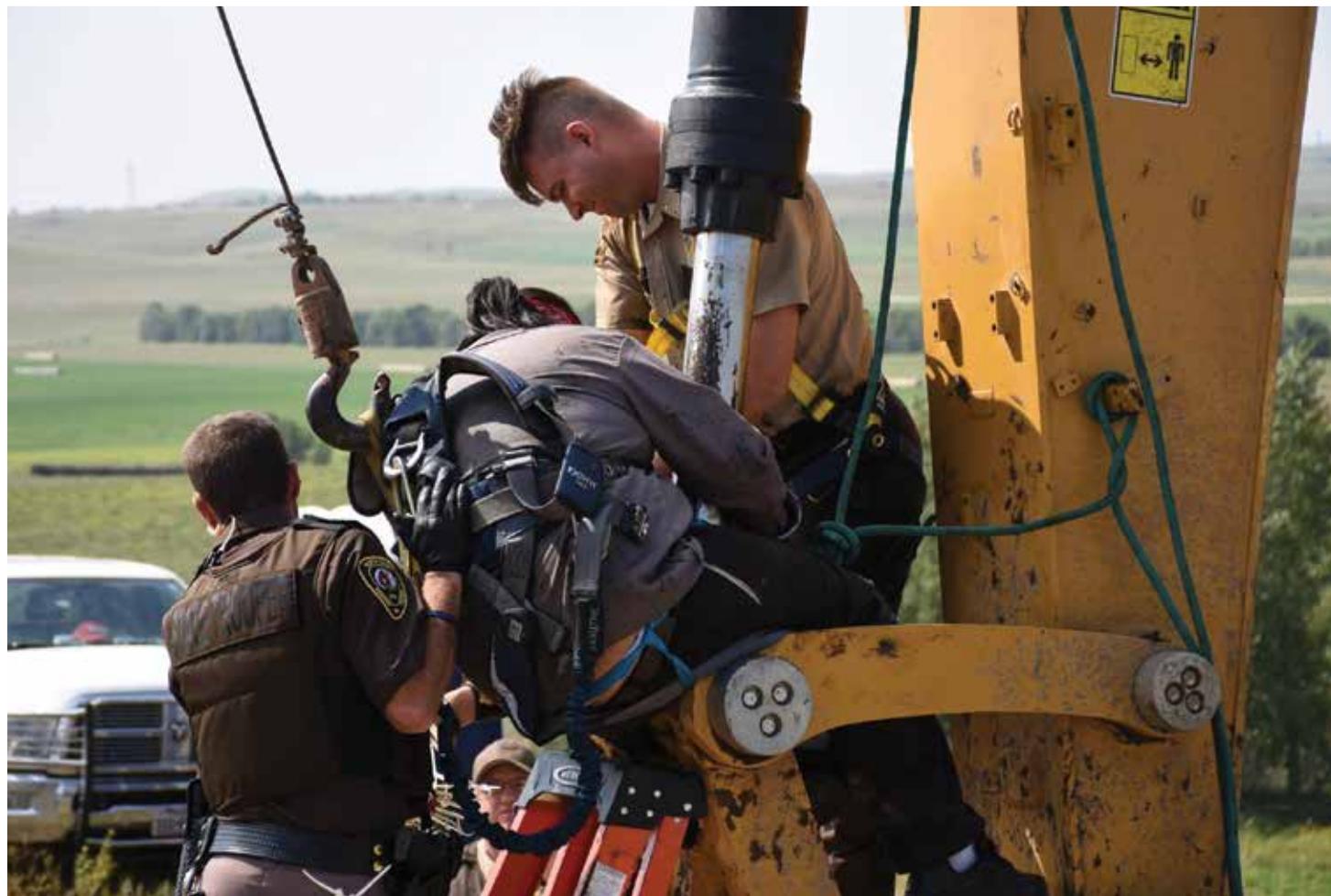
Three months of high-profile protests of a multi-state oil pipeline are stressing the North Dakota county that has played host to the demonstrators.

Roughly 2,000 people have camped out on U.S. Army Corps of Engineers land in Morton County while protesting part of the Dakota Access Pipeline's charted 1,100-mile path, which protesters maintain would threaten the Standing Rock Sioux reservation's water and run through ground sacred to the tribe. Demonstrations began in April but became a concern when the protest swelled starting Aug. 10. Incidents with law enforcement have increased, including attempted murder charges for one demonstrator who fired a gun at an officer Oct. 27 during a riot. Fires have damaged county and state bridges.

"They're putting their lives on the line out there," said Commission Chairman Cody Schulz. "We approve of the protest, as long as it's peaceful and nonviolent, but it hasn't been that way for a while."

"Early on, it was a beautiful thing. It was a cultural awakening, with the Lakota Sioux tribe coming to speak out. But in the last 6-8 weeks, you've seen the issue hijacked by environmental extremists who are much more willing to create mayhem through illegal acts and even violence."

Between Aug. 10 and Nov. 8, 420 people were arrested in connection with the protest, which Schulz said has taxed the court system and jail, which was forced to create temporary cells in the basement using fences. It also taxed Morton County's complement of 34 sworn officers and prompted a request for help, which was denied by the federal government but an-



Morton County, N.D. sheriff's deputies extract a protestor who has chained himself to construction equipment for building the Dakota Access Pipeline. Photos courtesy of the Morton County Sheriff's Office



Plenty of cameras record an exchange between a Cass County, N.D. sheriff's deputy and demonstrators.

swered by other counties via mutual aid agreements, and they came from places like Hennepin County, Minn. and Dane County, Wis.

Morton County has been responsible for housing and feeding the mutual aid officers, and that tab has run north of \$4.4 million, much of which Schultz said will be reimbursed by the state. Administrative staff have been pitching in to support the sheriff's deputies, and that kind of

workload over that amount of time has stretched the county personnel.

"It's been an incredible strain," Schulz said. "Anytime you have an operation this large, there's a lot of administrative work and our normal staff is working incredibly hard to pick up the slack logistically so our deputies can focus on their jobs."

"Early on, if there were any arrests, they were a direct result of civil disobedience and

they were orderly," he said. "We have a good relationship with the Lakota Sioux, and we realize they don't have direct control over the protestors, but we do think they have the moral authority to disavow what is going on; the violence and destruction."

The destruction has included broken fences on private ranch land, agricultural products being stolen and points, Schulz said, to protestors looking for trouble and running afoul of residents who have nothing to do with the pipeline.

"About 75 of our private landowners saw their lives disrupted by the pipeline before the protests even started, working on the easements for their land," he said. "Now they're seeing some intimidation from the protestors."

Though earlier on private property, the protest has moved to land owned by the Army Corps of Engineers,

which has allowed the protestors to stay in a defined area, though the Corps has asked for the county's help dismantling an illegal bridge and removing trespassers.

Schultz said this is reason enough for the federal government to send help.

"It's a federal issue and the federal government has not yet been helpful," he said. "If the state hadn't declared an emergency, we wouldn't be able to recoup the costs for mutual aid."

The law enforcement response has met with criticism, including protests in counties where sheriffs sent help via the mutual aid compact. But Schulz said the opposition narrative is incomplete.

"When I read about what is going on here, I hear a lot about pepper spray, but they never talk about the precipitating action that takes place," he said. "That's why law enforcement is responding." **CN**

Federal FY17 budget first order for lame duck session



With the election of Donald Trump there will be new priorities for Congress. Gino Santa Maria / Shutterstock.com

From LAME DUCK page 1

finished business including the need to pass FY17 funding legislation to avoid a government shutdown when the current Continuing Resolution (CR) expires on Dec. 9. The lame duck also provides one last opportunity to finalize other outstanding legislative issues such as ongoing negotiations on Water Resources Development Act (WRDA) and comprehensive energy policy legislation.

Congress must pass legislation to avoid a government shutdown

The biggest task for lawmakers this lame duck session is reaching a spending agreement to extend government funding past the expiration of the current CR in early December. Lawmakers must decide whether to negotiate with the current administration to enact long-term spending legislation to fund the government

through FY17, or enact another stopgap spending measure that would allow the time for the presidential transition to occur and negotiate appropriations legislation with the new administration.

How Congress addresses the challenge of funding the government will have a direct impact on many county priorities that rely on federal discretionary spending, including: substance abuse and mental health block grants, Payments in Lieu of Taxes program and Community Development Block Grants. Ultimately, Congress must decide whether to negotiate.

The current CR also included several items important to counties, such as \$1.1 billion in funding to combat the Zika virus and \$7 million to help jumpstart implementation of the Comprehensive Opioid Addiction and Recovery Act. The bill also included \$500 million in emergency relief to

areas in Louisiana, West Virginia and Maryland hard hit by floods.

Prior to the election, Speaker Paul Ryan (R-Wis.) and Senate Majority Leader Mitch McConnell (R-Ky.) both suggested a strategy for funding the government that involved passing a series of smaller funding measures called “mini-buses,” rather than a single, omnibus spending bill incorporating all 12 appropriations bills into a single piece of legislation.

Smaller “mini-bus” packages favored by the House majority, would allow less controversial bills to be packaged and passed together while spending bills with more controversial provisions would be negotiated and voted on separately.

Democratic leaders, including House Minority Leader Nancy Pelosi (D-Calif.), have expressed doubts about the plan to move forward a series of mini-bus appropriations measures while McConnell re-

cently noted his support for a single omnibus appropriations measure to fund the government through the end of the year.

Congress may also choose to pass another short-term CR, funding the government into the new administration’s term, and allowing them to negotiate a full year funding measure with a Republican president.

This tack could provide Republican leaders with an opportunity to include policy riders addressing regulations implemented by President Obama in a final appropriations bill, riders that would likely face strong opposition from Obama and congressional Democrats.

However, delaying passage of a long-term funding measure to 2017 could set up another “fiscal cliff” should negotiations on funding the government run up against the expiration of the federal debt limit in March 2017.

Uncertainty for House and Senate Leadership Elections

In addition to their legislative work, the House and Senate will also elect new leaders for the 115th Congress during the lame duck session. McConnell is expected to remain majority leader in the Senate. Senate Democrats will have a new leader with current Minority Leader Senator Harry Reid’s (D-Nev.) retirement at the end of this Congress. Sen. Chuck Schumer (D-N.Y.) is expected to be the new Democratic leader.

Prior to Election Day, a group of hard-line conservatives, upset at the distance Ryan put between himself and their party’s conservative nominee, had discussed blocking Ryan’s election as speaker in the 115th Congress. On Nov. 7, the House Freedom Caucus, a group of about 40 conservative Repub-

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Congressional leadership changes on tap

From LAME DUCK page 6

lican members, sent a letter to Ryan asking him to delay leadership elections, until after the lame duck session. The delay would not only influence how the party handles year-end legislative business, but could also put pressure on Ryan to give more weight to the Freedom Caucus' agenda in the high stakes end-of-year legislative negotiations.

However, following the GOP's Election Day sweep, the continuation of Ryan's speakership appears more certain.

On Nov. 9, Ryan, along with Majority Leader Kevin McCarthy (Calif.), Majority Whip Steve Scalise (La.) and Conference Chairwoman Cathy McMorris Rodgers (Wash.) all announced their intentions to run for reelection to their current positions. The announcement was followed by expressions of support for all four members of the GOP leadership from rank-and-file members across the Conference.

Members of Congress are currently scheduled to return to Washington on Nov. 14 with the Republican Conference's leadership elections scheduled for Nov. 15. Assuming he is re-elected Speaker by the Republican Conference, Ryan will also have to receive 218 votes in the House of Representatives to retain the position, a hurdle that is generally considered a formality.

In addition to congressional leadership positions, there is expected to be some movement at top committee posts due to term-limits and retirements.

Typically, chairmen and ranking members are nominated by the Republican and Democratic steering committees and approved by the larger party.

Steering committees are expected to meet in December. Rank-and-file membership of the various Congressional committees are expected to be announced early in the 115th Congress.

As Congress elects new lead-

ers and Congressional committees are reorganized, NACo will provide an analysis of these changes and the potential impact on county governments and their priorities.

ISSUES NACo IS WATCHING

Although many details of the lame duck session remain fluid, NACo is actively monitoring several issues of importance to counties that could arise during the last days of the Congress.

House and Senate continue to work out policy differences on the Water Resources Development Act

Although the incoming administration may encourage congressional Republicans to hold off on passing substantive policy legislation until President-elect Trump takes office, Congress could decide to continue its work on substantive measures. One candidate for action would be the Water Resources Development Act (WRDA).

Earlier this fall, both the House and the Senate passed WRDA versions and negotiations between the chambers have been ongoing through the recess.

While both bills reauthorize U.S. Army Corps of Engineers (Corps) water resource projects, the Senate bill includes funding for drinking water and wastewater programs.

Because the House and Senate bills differ, a conference committee was appointed to work out the policy differences between them. Should the conference committee reach an agreement between the chambers and the Obama administration, Congress may be able to act quickly and pass WRDA.

Conference committee working to reach consensus on a comprehensive energy bill

Additionally, NACo has

been watching the progress of comprehensive energy and forest management legislation in the House and Senate. (See story, page 4) In the past year both the House and Senate have passed comprehensive energy bills, though their respective bills contain significant differences. A conference committee began meeting in late-summer to negotiate the differences between the two bills for possible action during the lame duck session. As with many items pending before the lame duck Congress, congressional leadership may opt to pause work on advancing the legislation until the new administration takes office.

The Senate's Energy Policy Modernization Act (S. 2012) focuses heavily on renewable energy deployment, energy efficiency improvements, building code upgrades and electrical grid security.

The bill also contains a provision to permanently reauthorize the Land and Water Conservation Fund (LWCF) and other land conservation provisions, which remain controversial among House members from Western states.

The House's North American Energy Security and Infrastructure Act of 2015 (H.R. 8) includes provisions to streamline the permitting process for natural gas pipelines.

Tagging along are related bills or issues that have been incorporated as part of negotiations and which touch several priority issues for counties including the Secure Rural Schools program, forest management reform, wildfire suppression funding, renewable energy development on public lands and the Environmental Protection Agency's Brownfields Program.

Possibility to address comprehensive mental health reform

NACo also continues to watch the Comprehensive Justice and Mental Health Act (S. 993/H.R. 1854), which would reauthorize the Mentally Ill Of-

fender Treatment and Crime Reduction Act (MIOTCRA) and fund local efforts to reduce mental health in the justice system. The legislation has been passed by the Senate and is now under consideration in the House.

MIOTCRA, which has been a long-standing NACo priority, provides grants that state, tribal and local governments may use to develop and implement a variety of programs designed to improve outcomes for justice-involved individuals.

Though unlikely, given the outcome of the 2016 elections, Congress may still choose to bring up the Second Chance Reauthorization Act (S. 1513/H.R. 3406), which would reauthorize the Second Chance Act (SCA). The SCA, which received a mark-up in the House Judiciary Committee in January 2016, authorizes federal grants that assist states, counties and nonprofit organizations in developing and implementing programs to help formerly incarcerated individuals successfully reintegrate into the community after their release from correctional facilities.

Administered through the Office of Justice Programs at the Department of Justice, Second Chance Act programs have helped numerous counties provide reentry services — employment assistance, substance abuse and mental health treatment, housing, family-center programming and mentoring — to adults and juveniles returning to the community from prisons or jails.

Possible delay of DOL's final rule on overtime pay

With the Obama Administration on track to advance more than 4,000 new regulations during his last year in office, Congress may also consider advancing legislation that would put the brakes on regulations such as the Department of Labor's (DOL) final rule on overtime pay during the lame duck session.

The final rule would make 4.2 million Americans newly eligible for overtime pay, and nearly doubles the salary threshold for overtime pay for professional employees, also referred to as "white collar" employees from \$23,660 (\$455 per week) to \$47,476 (\$913 per week).

On Sept. 28, the House passed the Regulatory Relief for Small Business Schools and Nonprofits Act (H.R. 6094). The bill would delay the enforcement of the DOL overtime rule for six months from Dec. 1 to June 1, 2017. The White House strongly opposes H.R. 6094, indicating that President Obama would veto the bill if sent to his desk.

In the Senate, James Lankford (R-Okla.) introduced a companion measure, the Overtime Reform and Review Act. This bill would direct the administration to implement the salary threshold increases in four stages over a five-year period to give workplaces time to prepare for the rule implementation.

One possible way the overtime rule could be addressed that would not be affected by the lame duck session is through court intervention. A group of 21 states has filed a lawsuit in the Eastern U.S. District Court of Texas challenging DOL's overtime rule.

The suit alleges DOL overstepped its authority to establish a federal minimum salary for professional employees, and that the new rule will force state and local governments to substantially increase employment costs, ultimately forcing governments to cut services or lay off employees.

The group challenging the rule is led by Texas and Nevada, and includes: Alabama, Arizona, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Nebraska, New Mexico, Ohio, Oklahoma, South Carolina, Utah and Wisconsin.

Chris Marklund, associate legislative director, contributed to this report. 

Oregon standoff acquittals may embolden other 'patriot' groups

By **Charles Taylor**
senior staff writer

Interior Secretary Sally Jewell expressed safety concerns for her agency's employees after the recent acquittal of Ammon and Ryan Bundy — and others — on federal conspiracy charges related to their occupation last year of the Malheur National Wildlife Refuge in Harney County, Ore.

Others fear that the not-guilty verdicts might encourage other "patriot groups" to take similar actions. For 41 days last year, the Bundys staged an armed occupation of the refuge.

"Yes, I think it could embolden some of elements from outside this county," said County Judge Steve Grasty.

Jewell was disappointed with the verdict and "its potential implications for our employees and for the effective

management of public lands," she wrote in a letter to Department of Interior staff.

The Association of Oregon Counties' Laura Cleland was in Harney County during the standoff, helping county officials with crisis communications.

"On the surface, it seems logical to assume that others might think they have license to replicate this action," she said. "The prosecutors were unable to prove there was a conspiracy, so in that sense they were found not guilty, but they were in no way innocent."

Political Research Associates (PRA), a Massachusetts-based "social justice think tank," called the verdict "a blow to democracy and the rule of law, and a particular insult to the residents of Harney County."

The acquittals are "sure to embolden armed militants

who aim to ratchet up armed confrontation with federal authorities and to impose their will by force of arms on communities they do not represent," Tarso Luis Ramos, PRA's executive director, said in a statement.

Alan Gardner, commissioner, Washington County, Utah, disagrees. "I don't think that this Oregon thing is going to incite others to get out there and carry on. I think it was a fair verdict."

Harney County Sheriff Dave Ward also expressed disappointment with the verdicts but said: "These folks were tried in a court of law and found not guilty by a jury of their peers. This is our system and I stand by it."

That statement on the Sheriff's Office's Facebook page, elicited some 200 responses from followers, for example: A woman identified as Deb-

ra Burnsworth wrote, "This is paving the way for more armed takeovers... as they know they can break the law with impunity..." Another commentator, identified as Patrick Murphy, wrote, "They're going to do this again and the violence will escalate. Terrible verdict."

Cleland said, "This is obviously a concern." She said county commissioners in Oregon are working to establish a Western Partnership Center that would work collaboratively with federal agencies and other stakeholders to "resolve issues before they boil over to the point of direct action."

"We believe the situation in Harney County would have been much worse had it not been for the collaborative work they had done with the Malheur National Wildlife Refuge through the High Desert Partnership in the years leading up to the occupation." **CN**

Trump's public lands policies still under wraps

From **PUBLIC LANDS** page 3

in terms of the designation of critical habitat.

He cited the example of the yellow-legged frog and the Yosemite toad in the Yosemite area, where a few thousand acres of occupied habitat have resulted in millions of acres being designated as critical habitat.

"If we can get some moderation of that," he said, "it will be very exciting for me and I think real progress ahead."

On the environmental front,

Throughout Trump's campaign, he spoke of reviving America's coal industry.

Cann is hopeful that with a single party in control of Congress and the White House, the EPA and Army Corps of Engineers' "Waters of the U.S." rule can be put to bed once and for all. NACo opposes the rule, which would bring county-owned infrastructure such as roadside ditches, flood control channels and wastewater and storm water systems under stricter regulation by the Clean Water Act.

Throughout Trump's campaign, he pledged to "bring back coal." His website says he will "reduce and eliminate all barriers to responsible energy production."

Dan Mosley, Harlan County, Ky. judge executive, said, "It's my hope that President-elect Trump will peel back the over-regulation of the EPA so that these miners can get back to work and enable them to provide for their families. Mosely would also like to see continued investment of federal resource to help distressed counties like Harlan in Appalachia." **CN**

Ballot initiatives raise more than \$150 billion for county transportation

By **Charlie Ban**
senior staff writer

When President-elect Donald Trump laid out his administration's priorities shortly after winning the general election, he stressed the need to rebuild infrastructure. Counties will likely take warmly to that, given that earlier in the evening, results poured in from ballot initiatives and bond issues that raised more than \$155.6 billion in projected revenue.

None are quite on the scale of Los Angeles County's Traffic Improvement Plan, which will increase sales taxes and extend another tax to raise \$120 billion. That plan will seek to expand rail and rapid transit and make it more accessible, repave streets, retrofit bridges for earthquakes and improve freeway traffic flow by reduc-

ing bottlenecks. Measure M continues a half-cent traffic relief tax and adds an additional half-cent sales tax.

Sacramento County, Calif. voters also approved a half-cent sales tax for transit and road projects. The measure is expected to generate \$30 million per year over its 30-year lifespan, with a 70-30 split between road and transit spending from the proceeds.

Stanislaus County's 25-year half-cent sales tax will likely generate a total of \$975 million over its lifetime, after failed attempts to pass what became Measure L in 2006 and 2008. Elsewhere in California, Alameda, Contra Costa and San Francisco counties' voters approved \$3.5 billion in bonds to repair and update the Bay Area Rapid Transit system.

In three years, Kitsap Coun-

ty, Wash. commuters will be able to get to Seattle via ferry across the Puget Sound from three different locations, thanks to a tax increase of 3 cents on a \$10 purchase.

This wasn't just a West Coast trend. Charleston County, S.C. voters wanted a half-cent sales tax to raise \$2.1 billion to widen roads and allocate \$600 million to the Charleston Area Regional Transportation Authority to upgrade its buses and develop a bus rapid transit system.

Maryland's Prince George's County will issue \$200 million in bonds for transportation and public works, including funding for the Purple Line light rail, which will run to neighboring Montgomery County.

Arlington and Fairfax counties in Virginia will issue bonds totaling \$58.8 million (Arlington) and (\$120 million) to pay

for their shares of the Washington Metropolitan Area Transit Authority and for road projects.

Wake County, N.C. voters approved a half-cent sales tax hike to help fund a 10-year, \$2.3 billion plan to add commuter rail and increase bus service throughout the county.

Palm Beach County, Fla. voters approved a 10-year penny sales tax on the first \$5,000 of purchases, which is expected to raise \$810 million for county road and bridge repair, canals, drainage systems, parks and government buildings. Voters in neighboring Broward County rejected a similar measure.

In Nevada, each county voted on increasing its gas tax. Clark County, the state's largest, saw voters approve an increase that is expected to generate \$3 billion over 10 years. **CN**

MONEYMATTERS

Counties Struggle with State Revenue Limitations, Mandates

By Joel Griffith
deputy research director

A new study to be released by NACo this week examines the financial pressures facing counties as they grapple with state limits on their ability to raise revenue, and the impact of state and federal mandates.

The report includes a breakdown of county revenue sources along with state limitations on property taxation and sales taxes.

Counties directly affect the economic vitality and quality of life in their communities. This role encompasses a range of services, from maintaining 45 percent of America's roads to supporting nearly 1,000 hospitals to keeping communities safe through law enforcement.

These services require massive resources including more than \$106 billion annually in building infrastructure, and maintaining and operating public works; more than \$53 billion annually in construction of public facilities; and nearly \$70 billion annually for community health and hospitals.

But increasing restrictions from the states on counties' capacity to raise revenue is making service delivery more difficult. State caps such as restricting the types of taxes counties may impose, limits on tax rates and total revenues collected, and an obstacle-strewn approval process financially handcuff counties.

Concurrent with these constraints, state and federal governments require counties to provide a growing scope of services. These mandates are often unfunded either entirely or partially. Revenue sharing by states and other state and federal funding for county services alleviate some of these

mandate-related costs. But in many instances, the supplementary sources have declined and become more unpredictable. Overall, seven years following the end of the Great Recession, fiscal tensions continue to reign across counties, with inflation-adjusted general revenue fully recovered in only 46 percent of counties.

A few key takeaways on the revenue limitations include:

- Property taxes and sales taxes are the main general revenue sources for most counties. While counties in 45 states collect property taxes, most often they keep less than a quarter of the total collected (23.7 percent). Most property taxes (49.9 percent) go to schools.

- Forty-two states limit county property tax authority and the number of restrictions has expanded extensively since 1990s.

- Only 29 states authorize counties to collect sales taxes, but with restrictions. Twenty-six impose a sales tax limit and 19 ask for voter approval.

- Counties are struggling with more state and federal mandates, not fully covered by state and federal aid. Many county services are mandated by the states or the federal government — from activities in criminal justice and public safety, health and human services, transportation and infrastructure, to administration of elections and property assessments.

Both the state and federal governments must be more cognizant of the financial pressures created by unfunded mandates. The prudence of a mandate cannot be inferred solely by the constitutionality of that mandate. Resolution of these fiscal issues requires enhanced county autonomy

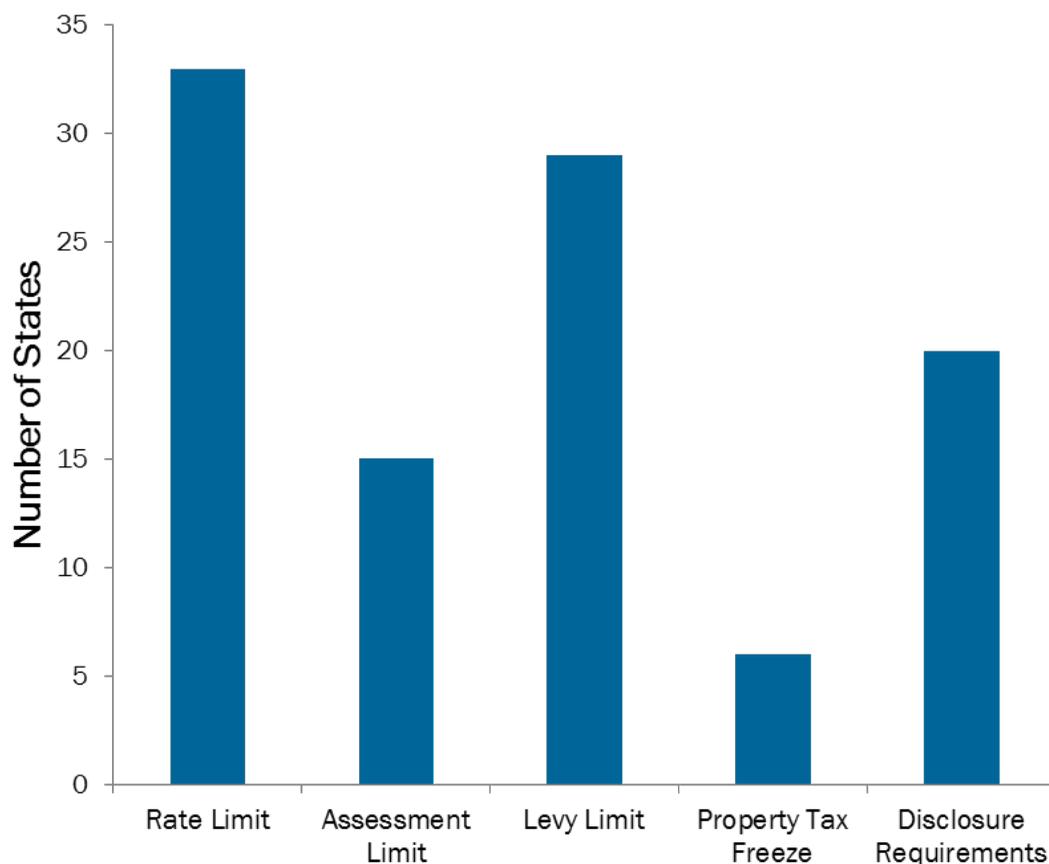
regarding revenue generation.

In addition, both state and federal governments must more fully compensate coun-

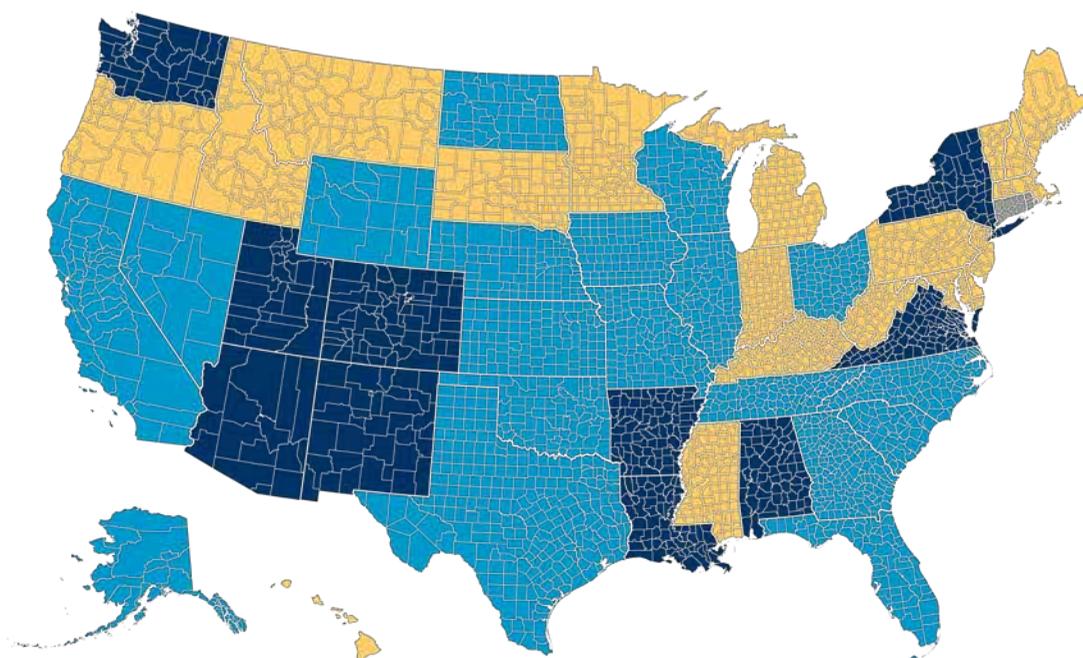
ty governments for the mandates imposed. The continued partnership with the state and federal governments is essen-

tial to counties' ability to effectively and successfully support thriving communities across the country. 

PROPERTY TAX LIMITATIONS: DIVERSE AND WIDESPREAD



SALES TAX MAP



Source: NACo Research Department

County Sales Tax Authority as of November 2016.

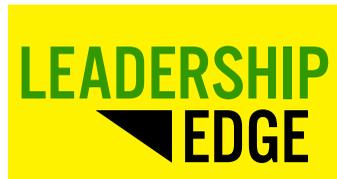
-  Local Sales Tax Permitted Without Voter Approval
-  Local Sales Tax Permitted With Voter Approval
-  No Local Sales Tax Permitted

SAVE THE DATE

**2017 NACo
LEGISLATIVE
CONFERENCE**

**FEBRUARY 25
through MARCH 1
WASHINGTON, D.C.**





Turning Gray: Ensuring that Your County Is a Good Place to Grow Up ... and Grow Old In

By Sandy Markwood
chief executive officer
National Association of
Area Agencies on Aging



We knew it was coming, but somehow it still crept up on us before we were ready: America is graying. Scientific advances allow people to live longer than ever before and, as a result of the post-World War II baby boom, there are more people who are growing older than ever before. These trends will continue for the next several decades. The graying of the population will have a direct and dramatic impact on county policies, programs and services nationwide.

Ninety-seven percent of U.S. counties realized an increase in their 65-plus population since 2010. Based on the Census numbers, the Pew Research Center estimates that between 2010 and 2014, on average, a U.S. county's aging population rose by 12.4 percent.

While many of the counties with the fastest aging population are in Florida, other counties across the country are aging quickly. For example, Douglas and Elbert counties in Colorado, and Routt County, Wyo. had increases in the aging population greater than 50 percent in that timeframe. The grayest counties in the U.S.—all with a percentage population of 65-plus greater than 33 percent—include counties from Virginia, Arizona, New Mexico, Michigan and Texas. These are not counties that older adults are moving to, but rather counties where people are aging in place.

Ninety percent of older adults prefer to age in their existing home or community, according to AARP studies. Many people will need support from friends, family and the community to remain living independently, due to chronic conditions or the onset of Alzheimer's disease or other dementias. The top three services that older adults request to allow them to continue living at home and in

the community are transportation services, home and community-based aging services (meals, personal care, caregiver support) and housing supports, including home modification and repair.

As the population of older adults grows, counties realize the need to support people of all ages as they grow up and grow old with maximum independence, safety and well-being. County policies, programs and services related to housing, transportation and land-use regulations, as well as the community attitude, support and engagement of people across their lifespan, affect whether older adults can live successfully and productively at home and in their community.

Many county governments are responding to the graying of their population and putting strategies into place to capitalize on the assets of their rapidly increasing aging population and responding to the challenges that people face as they age.

For example, through the Partnership for Age Friendly Communities, Larimer County, Colo. is working to increase mobility access for its growing aging population. The "Try Transit" campaign is focused on generating awareness of and comfort in using the local transportation systems. Additionally, Larimer County is developing creative housing options to enable older adults who want to move from their existing house

to find other appropriate housing options in the community.

Prince George's County, Md., along with its neighbor Montgomery County, became one of the first national pilots for Dementia Friendly America (DFA), a national effort to assist communities to support citizens living with dementia as well as their care partners.

The DFA initiative provides a community toolkit and resources to engage all sectors

of a community including law enforcement, first responders, businesses, housing, banking, transportation and health care to take steps to develop informed, safe and respectful strategies to support people with dementia.

To successfully enhance the ability of law enforcement officers to investigate and prosecute elder abuse and dependent adult abuse, the San Bernardino County, Calif., De-

partment of Aging and Adult Services created the PC 368.1 Law Enforcement Information Card and training program. The effort provides officers with penal codes applicable to elder and dependent adult abuse that assist them in filing proper charges against perpetrators while also outlining what Adult Protective Services can do to support the treatment of victims.

Preparing your county to meet the needs of today and tomorrow's older Americans is not necessarily an effort that demands an infusion on new funding but rather requires your county to intentionally look at the policies, programs and services that are in place and determining if they are or how they could be made more age-friendly. Planning to make your county more age-friendly will result in making your county a life-long community—a good place to grow up and to grow old. **CN**

ON THE MOVE

NACo STAFF

● **Chris Wathen** has joined NACo as a digital media associate. Wathen brings broad experience in digital media and marketing to the role, including managing state association websites. Born in D.C., he grew up in Maryland and is a graduate of Furman University.



Wathen

● **Hugh Clarke** is NACo's new digital media manager. Clarke joins NACo from the American Postal Workers Union and also has substantial experience working on photos and videos for Major League Soc-



Clarke

cer, musicians and the media. He holds a J.D. from American University and a bachelor's degree from the University of Florida.

● **Linda Langston**, director of strategic relations, represented NACo at the Association of County Commissioners of Oklahoma's conference held in Cleveland County (Norman), Nov. 8-10. On Nov.

10 Langston spoke about the importance of collaboration and action for building Lifelines Council at the Association of Bay Area Governments in San Francisco.

COMING UP

● Nov. 15-17, **Zach George**, membership associate, Washington State Association of Counties, 2016 County Leaders Conference, Spokane County.

● Nov. 15-17, **Andrew Goldschmidt**, membership/marketing director, Kansas Association of Counties, 41st KACo Annual Conference, Johnson County.

● Nov. 16-18, **Linda Langston**, Kentucky Association of Counties, 42nd Annual Conference & Exposition, Louisville-Jefferson County.

● Nov. 20-22, **Andrew Goldschmidt**, Missouri Association of Counties, 2016 Annual Conference & Expo, Camden County, Mo.



MISSISSIPPI COUNTY, ARK.

Adopted: 2000

Designed by: John Allen Nelson

This county seal is composed of elements taken from various government seals of states and federal institutions.

A federal eagle with the olive branch in its right claw is the centerpiece, signifying a people intent on peace

13 arrows in its left claw signifying its ability to wage war, the number of arrows in reference to the original 13 colonies.

The breast plate sits center of the eagle and in the lower center portion of the seal itself and is divided into two sections.



The top half is a banner type version of the United States flag with white stars on a blue background making up the top portion and alternating red and white vertical strips beneath.

On the lower half of the shield is a likeness of the Arkansas state flag.

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

BRIGHT IDEAS | HAMILTON COUNTY, Ohio

Live-streamed Adoption Ceremony Piques Interest in Adopting, Fostering

PROBLEM: How to get more families and individuals interested in adopting children.

SOLUTION: Upgrade the production values of the livestream the county's annual Mass Adoption Ceremony to generate more interest.

By Charles Taylor
senior staff writer



Aubreanna Myers, 3, can barely contain her joy when a judge says this is her adoption day. Photo courtesy of Hamilton County, Ohio

It was the “yay” heard ‘round the world, or at least it could have been thanks to the internet.

That’s what 3-year-old Aubreanna Myers, arms raised in victory, exclaimed when a Hamilton County, Ohio judge said that she and her sister, Catherine, were “here today to be adopted.”

On Nov. 4, they were among 15 children adopted by seven families who agreed to have their adoptions finalized “live” online as part of Hamilton County Job & Family Services (JFS) annual Mass Adoption Ceremony. All of the families had previously fostered their adoptees.

“We deal with a lot of heartache and despair through the year trying to help children who are victims of abuse and neglect,” said JFS Director Moira Weir, “and this is one time when we get to put that aside and really celebrate the power of family. Especially for the teens, who may have been waiting years and spent time in several different placements — finding a ‘forever family’ means so much.”

JFS began live-streaming the event four years ago in an effort to accomplish two things: publicize the need for adoptive and foster families, and to enable loved ones afar to share in

the moment.

Brian Gregg, a spokesman for JFS, said before last year, the video was done “on the cheap.” In 2015, the department kicked up a notch with a more professional, multi-camera video presentation. And the results were significant.

Last year, 200 people viewed the live stream — including someone living abroad — and there were nearly 1,000 hits on family services’ website, hckids.org. On an average day, the site gets about 200 visitors.

Requests for information about specific children averaged fewer than 45 per month before the Mass Adoption Livestream, county officials said. March 2016 saw a new peak in interest with 171 requests, a 280 percent increase. Requests for general information, which used to average about eight per month, peaked at 13 in March, a 73 percent increase, Weir and Gregg said.

Hamilton County investigates more than 5,000 reports of child abuse and neglect each year. On any given day, there are about 900 children in Hamilton County who are in foster care, Weir said. “Before this event, we were averaging less than two web visitors per month per available child.”

Research, according to Weir, shows it takes about 10

“touches” or interactions before a person who’s interested in adopting or fostering a child takes steps towards doing so. More than 350 people viewed this year’s livestream, Gregg said, and at least 114 watched the archived video, according to preliminary figures.

It cost about \$3,100 to hire a film crew and portable streaming studio, Gregg said, money that came out of JFS promotions budget.

“While visiting hckids.org alone may not lead to an adoption,” Weir said, “each visit encourages a prospective parent to look a little deeper, both online and in their heart, into the idea.”

It can be personally rewarding to witness the mass-adoption event, Weir added. “You get to see the results our staff works so hard to get to this point.

“It also helps remind some of us on those days when the job’s kind of difficult, this is the end project and you get to see a lot of happiness, she said. “I love the fact that the community has rallied around it. We get lots of positive media from this which helps us raise awareness.” **CN**

Bright Ideas features noteworthy and award-winning county programs.

WORD SEARCH

MISSISSIPPI COUNTY, ARK.

Created By: Charles Taylor

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

- BIG LAKE NWR** National Wildlife Refuge
- BLYTHEVILLE** Second of two county seats
- COTTON AND SOYBEANS** Important crops grown in county
- DELTA REGION** Multi-state region including county
- EAKER AFB** Air Force Base, 1942–1992, now Arkansas International Airport
- GOSNELL** City within the county
- HORSESHOE ARCH** Historic gateway arch between Blytheville and Steele, Mo.
- NEW MADRID** Seismically active region
- NORTHEAST** Region of state where located
- NUCOR STEEL** A major industrial employer
- OSCEOLA** The first, now one of two county seats
- PEMISCOT COUNTY** Adjacent Missouri county
- QUORUM COURT** County governing body
- SEVENTEENTH** Population rank within state
- VIOLET CEMETERY** Graveyard on National Register of historic places

Montgomery County joins eight Md. counties with term limits

From TERM LIMITS page 1

nation ... in terms of a discomfort with government generally, this is just more evidence of that locally." President-elect Donald Trump made term limits for Congress a part of his platform, and it has sparked renewed interest in the issue.

Several other counties also dealt with length-of-term issues at the ballot box this month. In Anderson County, Tenn., the issue now seems moot, after all but one candidate for its charter commission who favored term limits were defeated.

Commissioner Tim Isbel, who opposed limiting officeholders' terms, was also a candidate. He says he followed the wishes of his constituents. "When I was campaigning, the people I spoke with had the philosophy that you are term-limited anyway, because if you don't do a good job, you will be voted out." He added that since 2010, there has been a turnover of almost 15 commissioners.

Voters in the CitSupporters said this will discourage district parochialism, by adding two members who have a county-wide perspective.

y and County of Honolulu rejected a charter amendment that would have expanded term limits for City Council members from two consecutive terms to three.

In Teller County, Colo., it was the opposite question: whether to do away with term limits. That measure failed 71 percent to 29 percent.

In Montgomery County, four of its current nine council members and the county executive will be ineligible to run for reelection in 2018 as a result of the term-limit vote. And that's just fine with its chief proponent, Robin Ficker, the county resident who led the campaign to get the issue on the ballot. In fact, he thinks the other five council members not yet affected by term limits should "consider not running again." He sees the overwhelming passage

of term limits as a repudiation of the current council's policies. "I think we need a new wave," he said.

A report presented to the County Council earlier this year had recommended against term limits. Its authors concluded from their research that term limits "do not lead to any of the benefits claimed by supporters and instead lead to new problems for citizens."

They do not bring an influx of people into government with fresh ideas nor lead to more diverse candidates being elected, the report stated, and the power of incumbency is not as great an impediment to new candidates — at least at the state and local levels — as some presume.

But Ficker believes that incumbency is an unfair advantage. "It's not like we're in a county of ignoramuses," he said. "This is a bedroom of the nation's capital; we have tens of thousands of people who have vast experience working with government and in government." And yet, he cited an example of when there were four open seats on the County Council, and only six candidates on the ballot. "People realize that it's hopeless to run against incumbents for these low-visibility offices in huge districts."

In neighboring Prince George's County, which has had term limits since the 1990s, voters approved Question D by a margin of 66 percent to 34 percent. It would add two at-large members to the current nine-member council and also addresses the length of terms. Supporters said this will discourage district parochialism, by adding two members who have a countywide perspective.

A council member who has served two consecutive terms as a district member is ineligible to serve more than two consecutive terms as an at-large member.

Seven other Maryland counties — Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard and St. Mary's — already have term limits. **CN**

CAPITAL LOOP

NACo, allies flag looming health care safety net cuts

● NACo and 20 health-focused national organizations have sent a letter to congressional leaders urging them to prevent significant funding cuts to programs counties use to provide health services to their low-income populations. Programs such as the Children's Health Insurance Program; community health centers; Medicaid disproportionate share hospital payments; Maternal, Infant, and Early Childhood Home Visiting Program; and the National Health Service Corps will see significant funding cuts on Oct. 1, 2017 unless Congress acts to prevent the reductions.

U.S. Surgeon General and National Prevention Council Release Healthy Aging Report

● U.S. Surgeon General Dr. Vivek Murthy and the National Prevention Council released Healthy Aging in Action, a report that identifies recommendations and actions to promote healthy aging in communities and improve health and well-being in later life. Former NACo President Valerie Brown serves on the presidentially appointed Federal Advisory Group to the National Prevention Council.

EPA and DOT release final rule on greenhouse gas emissions, fuel efficiency standards for medium- and heavy-duty trucks

● The Environmental Protection Agency (EPA) and the Department of Transportation's National Highway Traffic Safety Administration released a joint final rule establishing new fuel-efficiency standards to reduce greenhouse gas emissions and fuel consumption for medium- and heavy-duty vehicles such as combination tractors, heavy-duty pickup

trucks, and vans and vocational vehicles.

States sue Department of Labor on overtime pay rule

● States, led by Nevada and Texas, have filed suit in a Texas federal court to challenge the Department of Labor's over-

time rule changes. The states claim the new rule will force state and local governments to substantially increase employment costs, ultimately forcing governments to cut services or lay off employees.

To learn more, please visit www.naco.org/capitalloop

PROFILES IN SERVICE

CATTIE EPPS
Human Services and Education Steering Committee
Commissioner
Russell County, Ala.



Number of years active in NACo: 12

Years in public service: 15

Occupation: Retired

Education: Some college

The hardest thing I've ever done: Giving birth

Three people (living or dead) I'd invite to dinner: President Obama, Gladys Knight and Colin Powell

A dream I have is to: Travel the world.

You'd be surprised to learn that I: Enjoy work

The most adventurous thing I've ever done is: Ride a motorcycle.

I'm most proud of: My family.

Every morning I read: The Bible.

My favorite meal is:

Black-eyed Peas, corn bread, with baked pork chops

My motto is:

Love conquers all things.

The last book I

read was: *Autopsy of a Deceased Church.*

My favorite movie is: *Selma*

My favorite music is: Gospel

My favorite president is:

Barack Obama.

My county is a NACo member:

To be aware of issues, policies that impact counties.

My favorite way to relax is: Play solitaire.



NEWS FROM ACROSS THE NATION

CALIFORNIA

● A federal judge has denied former **LOS ANGELES COUNTY** Sheriff Lee Baca's request to have his criminal **trial moved outside the county**, the *Los Angeles Times* reported.

Baca is charged with obstructing justice and lying to federal investigators — stemming from the role he allegedly played in a 2011 plan to interfere with an FBI probe into abusive deputies working in county jails.

● The **SANTA BARBARA COUNTY** Sheriff's Office says that "**virtual kidnapping**" attempts are on the rise in his county and in neighboring **SAN LUIS OBISPO COUNTY**.

These schemes usually involve criminals who contact their victims by telephone and demand payment for the return of a "kidnapped" loved one. No kidnapping has occurred, but the callers try to convince their marks otherwise, such as by having someone scream in the background.

Usually, the kidnapers demand that ransom payments be made immediately by wire transfer. Most schemes try to instill a sense of fear, panic and urgency in an effort to rush the victim into making a hasty decision.



● A settlement has been reached with nine counties in a **consumer-protection lawsuit** against My Pillow Inc., which sells bedding products.

The company agreed to pay \$995,000 in civil penalties and another \$100,000 in contributions to nonprofit groups that provide or support sleeping accommodations — including shelters.

Counties involved in the settlement are **ALAMEDA, MARIN, MONTEREY, NAPA, ORANGE, SANTA CLARA, SHASTA, SOLANO** and **SONOMA**.

They had alleged that the company made claims about its products that were "not supported by competent and reliable scientific evidence." My Pillow also failed to disclose that its designation as the National Sleep Foundation's "official bed pillow" included a contribution to the organization.

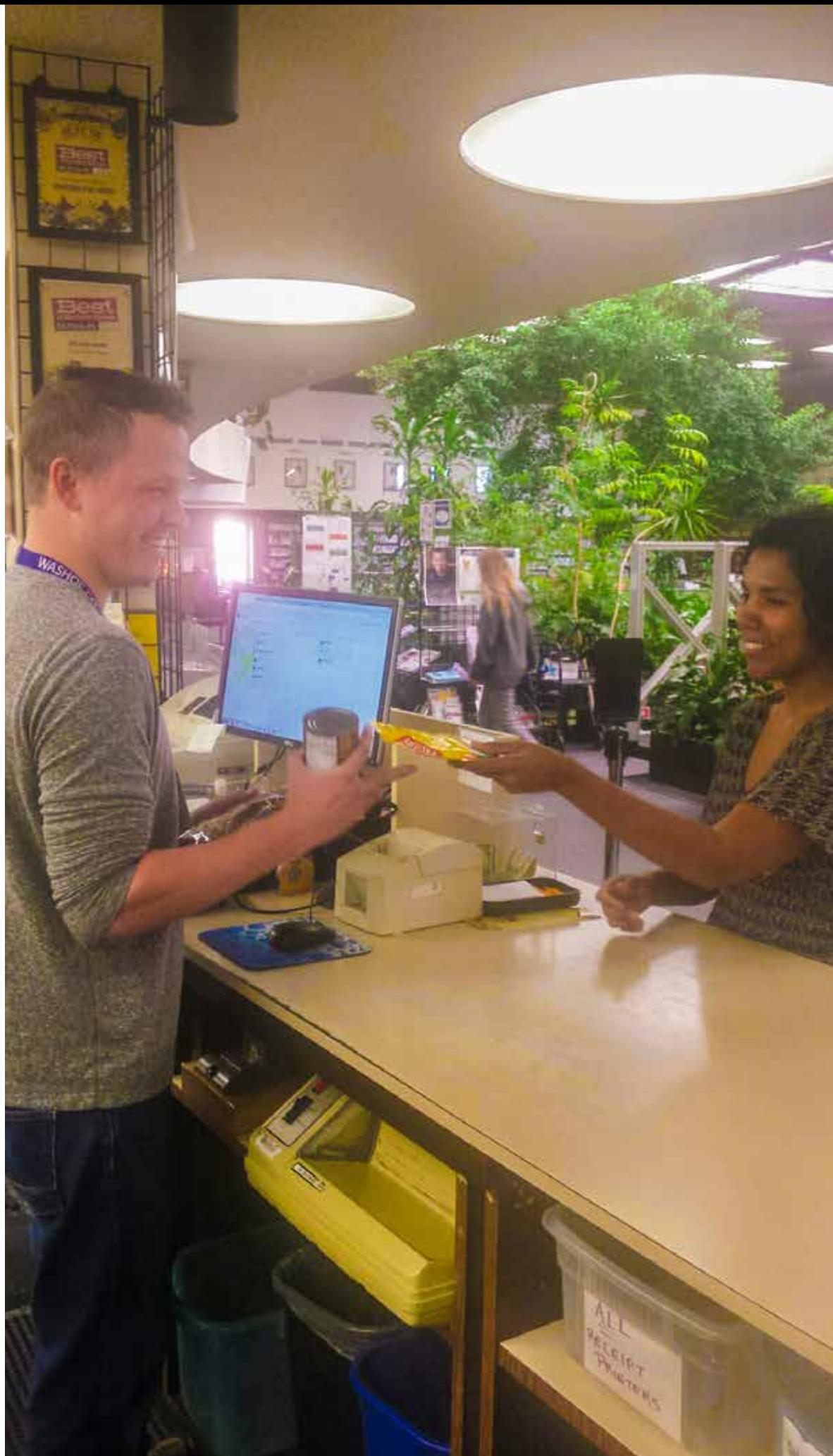
COLORADO

Free self-help legal advice is just a computer link away in **BACA COUNTY**. The Board of County Commissioners is sponsoring **two online legal clinics** for people who need legal advice but don't have their own lawyers.

Volunteer attorneys answer questions, help fill out forms, and explain the process for legal issues in the areas of family law, civil litigation, property law, probate law, collections, appeals, landlord-tenant law, veterans' benefits and civil protection orders, the *Kiowa County Press* reported.

The clinics are for information only, and are not a substitute for legal representation, according to county officials.

The county sits in the state's southeast corner and has a population of approximately 3,600.



A Washoe County library employee absolves a patron of her overdue fine in exchange for a food donation. Photo courtesy of the Washoe County, Nev. Library System

NEVADA

The **WASHOE COUNTY** library system will honor a one-for-one exchange rate — **an item of food satisfies a book's**

tardiness — throughout the month of November. The program is open twice a year — in fall 2015 and spring 2016, the system received 18,939

pounds of food and waived \$18,056 in fines.

Proceeds go to the Food Bank of Northern Nevada and Project Mana.



DELAWARE

The First State's first **playground designed for autistic children** is now officially open in **NEW CASTLE COUNTY**. Planning for HIGH 5 PARK began last year, after a group of parents asked park officials to fence a safe area for kids on the autism spectrum.

County Executive Thomas P. Gordon said the park will provide safe and appropriate outdoor recreation and is designed to help parents better supervise their children's playtime.

INDIANA

On their insurer's advice, **MADISON COUNTY** commissioners say they had no choice but to pay to free its computer data that was being held hostage. A **ransomware attack** on Nov. 4 left police, fire and other government workers unable to access their computers. The county did not disclose the amount, *The Herald Bulletin* reported.

Lisa Cannon, the county's IT director, said county officials are confident that no personal information from local residents was compromised. "The

investigation is ongoing," she added.

MARYLAND

Two **MONTGOMERY COUNTY** council members have proposed a measure that would force the county's employee pension fund to **divest its stock in fossil-fuel companies**. That comes to about \$65 million out of the county's \$4 billion investment portfolio.

Councilmembers Roger Berliner and Nancy Navarro say that the council has a moral and political obligation to shed its stake in oil, natural gas and coal companies. Such companies, they say, have a direct impact on global climate change.

MICHIGAN

Starting Jan. 1, **WAYNE COUNTY** will provide **free transit passes to employees** who commute to and from work via public transportation. The benefit is available to all county employees, including seasonal and part-time workers, the *Detroit Free Press* reported.

County Executive Warren Evans said that increasing public transit ridership is good public policy, since it eases traffic congestion and benefits the environment by taking cars off the roads.

About 26 percent of the households in this Detroit-area county do not own a car, according to the Regional Transit Authority. Increasing access to transit is also expected to remove a barrier to employment, Evans said.

NEBRASKA

SARPY COUNTY houses, but does not run, an office of the Nebraska Department of Motor Vehicles. But the DMV office's reputation is so bad that the County Board is **asking it to leave**. Board Chairman Don Kelly has sent letters asking the DMV to find a new location by July 2017.

County officials and staffers told *the Omaha World-Herald* that they've seen people waiting so long at the DMV that they've ordered pizza and sandwiches for delivery to the courthouse.

Previously, the DMV was required to partner with each county, with the DMV responsible for processing and testing applicants, and the county for collecting fees and issuing the temporary documents. Counties kept part of the fee to offset their costs. County Board members want to return the fees the county receives with the idea that the state use the money to find a new location to rent in Sarpy County.

NEW JERSEY

A **HUNTERDON COUNTY** program to **help drug users battle addiction** is being adopted throughout the state.

The Steps to Action Recovery and Treatment (START) initiative compiles direct referral information and gives it to people who have been arrested on drug charges or treated in emergency rooms.

It is one of the primary weapons in the arsenal in the county's escalating war against

the use of heroin and other opiates that has reached record numbers and 2,000 packets have been distributed in the last three years, NJ.com reported.

OHIO

● **CUYAHOGA COUNTY** has sold \$6 million in liens on 619 **tax-delinquent properties** to private investors.

Counties may sell liens to outside investors after a property owner has failed to pay taxes for more than one year.

Since 1999, the county has recouped more than \$188 million for the county and local governments owed the tax money, *The Plain Dealer* reported.

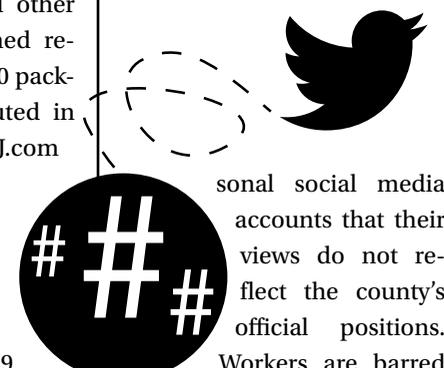
● A new **LUCAS COUNTY** program aims to help job seekers prepare for interviews and improve their skills for **manufacturing careers**.

The WorkReady Initiative will include seminars on computer training, employment-survival skills training, and the requirements for manufacturing jobs, the *Toldeo Blade* reported.

PENNSYLVANIA

Social media posts by **WESTMORELAND COUNTY** employees will be subject to review by government officials under a revised policy approved by the county commissioners.

The policy, which must be acknowledged by all county workers, requires that employees clearly denote on their per-



sonal social media accounts that their views do not reflect the county's official positions. Workers are barred from disclosing confidential information or disparaging the county and its programs. Although accounts will not be monitored, complaints will be investigated.

The county's policy also bars workers from posting on social media sites, even from their personal devices, while at work.

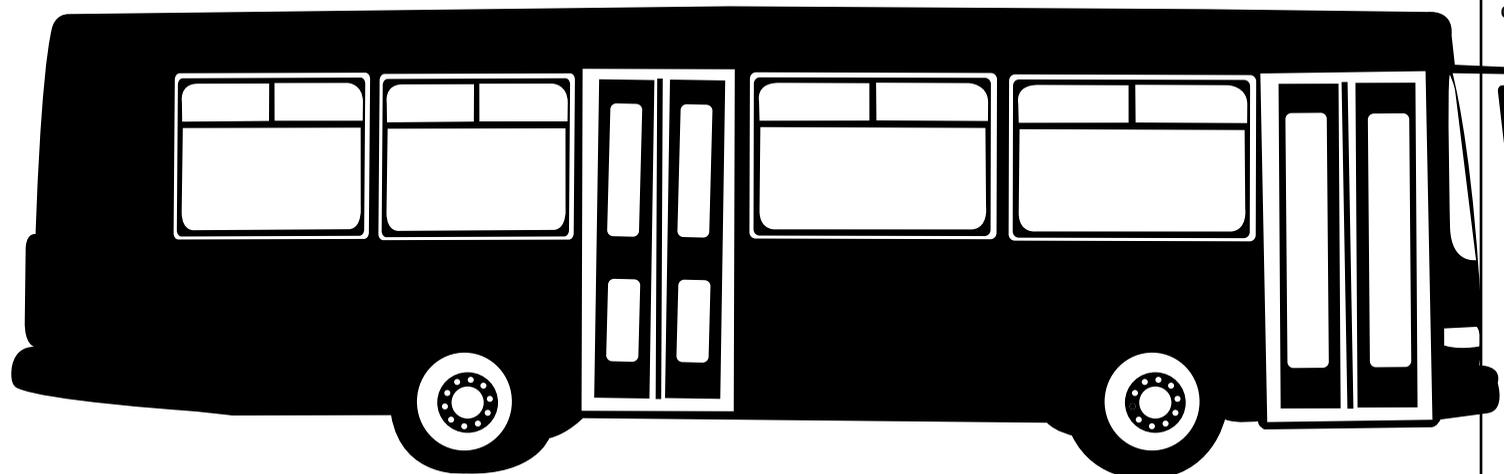
"We have to realize that social media is very popular and anyone's opinion isn't representative of the county's position, so we have to make sure we have a policy. But we also need to respect people's First Amendment rights for free speech," Commissioner Ted Kopas told *The Tribune Review*.



WASHINGTON

Regional Animal Services of **KING COUNTY** has cross referenced its pet registration records with grocery store club cards to target people who buy pet food but have **not registered pets**.

The county hired a mailing company that bought a list of prospective pet owners, which it used to send warnings about the penalties for not registering pets, the *Seattle Times* reported. **CN**



News From the Across the Nation is compiled by Charles Taylor and Charlie Ban, senior staff writers. If you have an item for News From, please email ctaylor@naco.org or cban@naco.org.

the HR DOCTOR

With Phil Rosenberg

Phil Rosenberg

Turkeys and Elections: A Time to Reflect, Celebrate

Thanksgiving is always one of my favorite holidays. This year it has a special meaning because I'm very thankful that the totally annoying and prolonged agony of the presidential election campaign is over — at least I hope it is.

It got to a point where ending the election process with its wacko behavior and nastiness was more important than who won.

This Thanksgiving, we look forward to inviting friends to join us at our beautiful home in Central Florida called Sanctuary. In particular, Sanctuary will earn its namesake this year because we promise to make the evening meal and conversation full of enjoyment, humor and music.

We will levy a hefty fine on any guests who dares to mention the election or the outcome.

The folklore around Thanksgiving is that it was a time of celebration for the Pilgrims who survived the traumas of trying to make it through the early months in a new and frigid world. It is a time to recognize that they would not have made it through their dangers and horrors without working out some partnership

with the very smart and experienced Native Americans they encountered.

Those Native Americans probably looked initially at the Pilgrims as perhaps a new group of trading partners, friends and people with different technologies, which they might acquire or share. So they offered help and a feast of sorts followed in the form of what we now call Thanksgiving.

Not unlike Columbus Day, which celebrates the "discoverer" of the New World, it is likely that most Native Americans today would feel that the holiday folklore led more to long-term exploitation and misery than to a cause for celebration.

We can only hope that the election results and the arrival of a new Administration give us a much-needed time to celebrate the beginning of a time, which could be wonderful.

Many people voted, not unusually, for the candidate they regard as the lesser of two evils. Many at home and around the world asked whether the candidates were really the best that America had to offer.

However one might answer the question, it is important that the new Administration — as well as the party whose standard bearer didn't win — realize that they, like the Pilgrims will only survive, and indeed our country will only survive and thrive, by much more of a partnership right from the start than we have been witnessing in the past.

A new Administration taking over, amid civility and collegial relations is also a great time to think strategically.

The Congress has a duty, which it has failed miserably, to step away from an the pettiness of "gotcha" government and move back to compromise and civility. These are essential ingredients in our government's ability to function.

Without a return to civility and mature behavior in

the federal government, only the lawyers and lobbyists will continue what must be regular celebrations of all the new business that they will receive. These will be built around lawsuits, investigations, scare and hate tactics, and continued headshaking by the vast majority of Americans.

Once the Inaugural Parade finishes its triumphal march down Pennsylvania Avenue, wouldn't it be a great opportunity to consider policies built around modernizing and controlling the pain of unnecessarily long and annoying election processes?

A national debate about reforms such as strict time limits for campaigning to begin and end, repeal by the Supreme Court of the Citizens United decision, public funding of presidential elections if not other elections, or term limits for Congress members (just as exists for the president and in many local governments). Why shouldn't we act now to reduce the national root canal we have been experiencing?

A new Administration taking

over, amid civility and collegial relations is also a great time to think strategically — perhaps starting with our health insurance system. It seems to reward unhealthy personal behavior without sufficient emphasis on prevention and healthy living and lifestyle. Wouldn't it be great if education could relieve the burdens of future generations by preparing for 21st-century jobs and civic engagement without years of burdensome extraordinary debt?

Wouldn't it be great if service to the U.S.A. and nonpartisan patriotism — and recognition of all that we have and all that we could achieve — might replace the tribalism, shouting and threats leveled throughout this election campaign?

No matter whom you voted for, this author holds the view that we share a profound duty to cut out the shouting and define our success by how much we achieve by cooperation, strategic thinking and collaboration.

Wasn't that the essence of what allowed the Pilgrims to initially survive in the New World? **CN**

