

California, Texas serve as testing grounds for open-source voting technology

By CHARLIE BAN
STAFF WRITER

With counties staring down eventual replacement of their election management systems, some in California and Texas are leading the charge for an alternative that could save counties a lot of money and change an industry.

“Counties just don’t have multi-millions to pay for new voting systems.”

Open-source voting would use software designed by counties, which could run on inexpensive computer terminals to design, print and count paper ballots. All of which purportedly increases transparency and security. Most of the savings would come from eliminating the software license fees charged for management system vendors’ proprietary programs.

Twelve years after the Help America Vote Act (HAVA) mandated new voting technology, the

machines and software are reaching the end of their usable lives in counties nationwide, and voting officials are feeling pressure.

Travis County, Texas’ machines have generally been reliably operational — though a few have begun freezing — but County Clerk Dana DeBeauvoir said she is worried they won’t remain in working order for long. HAVA’s \$3.5 billion that helped fund the new election management systems will likely not be replenished to help replace them.

“It’s the same urgency we all feel in counties everywhere,” she said. “We all bought new voting systems at the same time and now we’re all watching them approach their ends-of-life at the same time. Counties just don’t have multi-millions to pay for new voting systems.”

Inyo County, Calif., with fewer than 19,000 residents, doesn’t have the money. Kammi Foote, the county’s clerk-recorder and registrar of voters, serves as the president of the California Association of Voting Officials and National Association of Voting Officials, which advocate for the use of open source voting

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Photo by David Hathcox

Efren Carrillo, Sonoma County, Calif., and his son, Matias Alvarez, on their way to accept a Best of Category Achievement Award for Sonoma County. See more photo coverage of the Annual Conference beginning on page 9.

NACo joins state income tax Supreme Court case

By LISA SORONEN
EXECUTIVE DIRECTOR
STATE AND LOCAL LEGAL CENTER

In *Comptroller v. Wynne* the Supreme Court will determine whether the U.S. Constitution requires states to give a credit for taxes paid on income earned out-of-state. This case is of particular interest to NACo members since it involves a county tax.

Forty-three states and nearly 5,000 local governments tax residents’ income. Many of these jurisdictions do not provide a dollar-for-dollar tax credit for income taxes paid to other states on income earned out-of-state. A decision against Maryland’s Comptroller in this case would limit state and local government taxing authority nationwide.

The Wynnes of Howard County, Md. received S-corporation income that was generated and taxed in numerous states. Maryland’s tax code includes a county tax. While Maryland law allowed the Wynnes

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‘Made in Rural America’ initiative an opportunity for all

By ARTHUR SCOTT
ASSOCIATE LEGISLATIVE DIRECTOR

At the signing of the 2014 Farm Bill earlier this year, President

Obama directed the White House Rural Council to strengthen rural economies through bolstering agricultural and manufactured exporting operations in rural com-

munities. The subsequent “Made In Rural America” export initiative has brought together federal, state and local partners to develop a series of regional forums to assist rural business and community leaders develop long-term relationships with federal export service providers.

On Aug. 8, NACo and the Cedar Rapids Metro Economic Alliance hosted the Midwest Regional Forum at Cornell College in Linn County (Mount Vernon), Iowa. NACo Immediate Past President Linda Langston welcomed a crowded room of almost 100 rural

business and community leaders to the third regional forum of the export initiative.

U.S. Trade Rep. Michael Froman spoke to attendees about creating jobs, attracting investment and strengthening the local economy. Doug McKalip, senior policy advisor for the White House Domestic Policy Council also spoke with the group about the importance of exporting rural goods and services to build a viable workforce.

Immediately following the Midwest forum, sights turned to Gila

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BREAKING NEWS



NACo has named David F. Thompson as the new president and managing director of NACo’s Financial Services Center (FSC) and Bill Jasien as the new executive chairman. Thompson currently heads the North Carolina Association of County Commissioners. He will start Nov. 5.

Jasien has been serving as FSC’s interim managing director over the past four months. In his new role, he will provide strategic direction and oversight for FSC.

Look for a full report in the Sept. 8 issue of County News.

Counties share foreign investor program experiences

By **PETER JOSEPH**
EXECUTIVE DIRECTOR
ASSOCIATION TO INVEST IN THE USA (IIUSA)

Six years ago, Riverside County, Calif. — like many counties at the time — was looking for a catalyst to pull it through the great recession. With 15 percent unemployment, Riverside was hard pressed to attract the funds and partners needed to spur development projects and, one day, turn the county around.

So when Tom Freeman, now the county’s foreign trade commissioner, was directed by chairman of the county’s Board of Supervisors to explore a “new” investment program called EB-5, he wasn’t sure what to expect. Within a year, however, Freeman had authored a report endorsing the investor visa program as an economic tool with vast potential. Soon after, the county opened its Office of Foreign Trade (OFT) to oversee use of the program in hopes of improving the county’s economic outlook.

What, then, is EB-5? As Freeman quickly learned, the EB-5 program was created by Congress in 1990 to attract investments in U.S. job-creating businesses and projects from qualified foreign investors. Under the program, investors are required to invest a minimum of \$1 million, or \$500,000 if the funds are invested in certain high-unemployment or rural areas, as Riverside County had been. The investment projects must also demonstrate that at least 10 new jobs were created or saved per EB-5 investor as a result of the investment.

In the years that followed its establishment, OFT has collaborated with Boards of Trade, Chambers of Commerce, mayors, managers and congressmen to bridge funding gaps for development projects through EB-5 Regional Centers. Those regional centers, or entities designated by the federal government to facilitate the investment of significant amounts of capital in large-scale projects, range from those publicly owned and operated by state economic development agencies to public-private partner-



This year, SolarMax donated and installed more than 2,000 solar panels for the UC Riverside Center for Environmental Research and Technology carport and solar energy system, which were mounted above 200 parking spaces and will power three UCR buildings and five charging stations for electric vehicles in the parking lot.

ships and private sector investment companies. Today, 95 percent of all EB-5 capital is raised and invested through regional centers.

Riverside County has since used EB-5 foreign investments to encourage innovation, expanding its green energy, medical and recreational-tourism sectors. Projects have included a major solar panel manufacturer, three medical facilities including the USA Continental Medical Plaza, industrial and commercial sites, as well as the Desert Dunes Golf Resort.

Solar Max, the panel manufacturer, is a particular point of pride for Freeman. The company’s founders had come to the county with an idea, but did not have the funding to get the project off the ground. With guidance from Riverside’s OFT, the group formed the Inland Empire Renewable Energy Regional Center to manage the investment process and eventually raised \$45 million in EB-5 funds.

The company was able to renovate an abandoned military facility and has since revitalized an entire community. Solar Max currently has more than 250 employees, is the second largest solar panel manufacturer in California and has plans to expand to northern California and Arizona.

Moreover, Riverside isn’t alone. Numerous counties have partnered with EB-5 investors to complete much-needed projects that create jobs and spur economic developments. In Arizona, Pima County Supervisor Ray Carroll and an experienced hospital developer sought the partnership of the Green Card Fund, an EB-5 Regional Center, in constructing Green Valley Hospital. The 50-bed, full-service general acute care hospital, currently under construction and

slated to open in 2015, will create a projected 1,223 direct, indirect and induced jobs in the growing Pima County community.

Carroll explains that, presently, Green Valley relies on hospitals in Tucson, which can take an ambulance up to 45 minutes to reach. And with a local population of mostly retired citizens — its median age is

72 years old — Green Valley was in urgent need of a hospital.

“Finding the EB-5 program was a godsend for Pima County,” said Carroll. “Access to a state-of-the-art medical facility like the Green Valley Hospital is long overdue for our constituents. We are beyond proud to have made it a reality at last.”

Particularly for rural and suburban regions like Pima, Carroll says it can take years just to wrestle with political will and secure the necessary funding for infrastructure projects. He said communities like his have “infinite need and limited resources,” but that the EB-5 program has been the answer to Pima’s physical and economic health.

“On top of this critical community development, Pima County will see employment and quality of life rise significantly,” Carroll added. “Projects like the Green Valley Hospital simply would not exist today without EB-5 investment funds.”

Both Freeman and Carroll said their counties’ role has been to assist regional centers and investors through permitting and environmental regulations processes, as well as to help them locate potential employees to fulfill their EB-5 requirements. By selecting legal and economic

teams to shepherd visa applications through the system, the county itself is able to address hiccups as they appear.

“EB-5 is not an overnight recipe for success,” Freeman cautions. “A successful EB-5 development project requires hard work, determination and follow-up.” Riverside County still only has an anticipated employment growth of 1.5 percent — just barely above that of the recession era — and is still five to six years away from a full economic recovery.

But in the case of Riverside and Pima counties, the hard work is worth the effort. EB-5 investment projects even allowed Riverside County to take properties back onto its tax rolls and generate revenue. That increase in property taxes from EB-5 funded projects has been an enormous boost in the county’s fiscal recovery effort.

“The benefits of investing the county’s time and efforts in EB-5 projects can be exponential,” Freeman said, “considering the dire economic situations counties have found themselves in recently. This program has brought jobs and growth where they were desperately needed.”

Visit IIUSA.org to learn more about the EB-5 foreign investor program.

Toolkit helps lobby Congress back home

Although August is usually the “silly” season in Washington, D.C., it’s been anything but silly this summer, inside and outside the beltway.

That makes it even more important for NACo members to make certain county issues are not overlooked in the storm of national events and electioneering this month. And August (as well as early September) is a perfect time to communicate with congressional representatives as they spend their recess back home away from Capitol Hill.

To assist counties in communicating with their congressional members, NACo’s legislative affairs team has put together an August Advocacy Toolkit — a nuts and bolts guide to interacting with federal representatives and senators about the key issues that impact county governments.

The 21-page online guide helps NACo members plan and promote their visits, providing tips for working with the media as well as policy and regulatory briefs to keep discussions focused and well informed.

The briefs, in six issue areas ranging from EPA’s proposed

“waters of the U.S.” rule to surface transportation reauthorization, outline each issue’s background, county impact and current status. They also provide custom talking points and links to the members of the appropriate congressional committees. Names and contact information for NACo’s legislative affairs staff are also provided.

You can access the toolkit by going to NACo’s website where a “Learn More” link is available via the rotating top display, or you can download it at www.naco.org/augustadvocate.

CORRECTIONS

► Due to an editing error, the name of the David Davenport Scholarship winner was spelled incorrectly in the Aug. 4 issue. Her name is McKenna Kilburg.

► A photo caption with the story “Planners showcase urban water’s role in rebuilding New Orleans-area parishes, economic development,” Aug. 4, incorrectly stated the capacity of a rain garden in New Orleans. It can hold 88,000 gallons of water.

Quick Takes

TOP TEXAS COUNTIES FOR CRUDE OIL

	# of Barrels
Karnes County	5.4 million
La Salle County	4.4 million
Gonzales County	3.6 million
McMullen County	2.9 million
Andrews County	2.8 million

Source: Dallas Business Journal, June 2014

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Don't Let EPA Put Your County UNDER WATER

Earlier this year, EPA and the Corps of Engineers released a proposed rule – Definition of Waters of the U.S. Under the Clean Water Act – that could dramatically expand the range of waters that fall under federal regulation.

Types of county-maintained infrastructure potentially affected

- Roads and Roadside ditches
- Flood control channels
- Storm water sewers
- Green infrastructure (*aka Low Impact Development*) used to manage stormwater runoff

Visit www.naco.org/wous to find:

- NACo's Analysis of the Proposed Rule & Impacts to Counties
- Policy Briefs & Comparison Charts
- Action Items for County Officials, such as
 - Extension of commenting period
 - Sample county resolutions
 - Sample comments
 - Drafting an Op-Ed
 - Contacting your Member of Congress

REMINDER:

Comments are due Oct. 20. It is critical that all counties, regardless of how the proposal might affect them, weigh in with their analysis. For information on submitting your comments, go to NACo's WOUS website at www.naco.org/wous.



Visit www.naco.org/wous today.

Counties lead the way with open-source tools

By **CHRISTOPHER JOHNSON**
EDITORIAL ASSISTANT

The City and County of San Francisco County, Calif.; Clackamas County, Ore.; Charles County, Md.; and Roanoke County, Va. earned first place honors in the 2014 Digital Counties Survey, which recognizes leading examples of counties using technology to improve services and boost efficiencies. The Center for Digital Government and Digital Communities program, in partnership with NACo, identifies the best electronic practices among counties nationwide, regardless of size. “Counties across the country are using technology to enhance services, maximize efficiency and

save money,” said NACo Executive Director Matt Chase. “The Digital Counties Survey recognizes counties’ best practices and effective uses of technology to better serve their communities.” Two East and West Coast counties earned the top rankings in their respective population categories for effectively and efficiently using digital technologies to serve citizens, streamline operations and achieve measurable benefits. Hundreds of submissions were judged by a panel of experts. San Francisco County took top honors in the 500,000 or more population category for developing an open-data site that created standards for the collection and free distribution of open data as well

as using social media’s analytics to track public sentiment. Clackamas County, Ore. was honored in the 250,000–499,999 population category for its open-source mapping services, a cost allocation system that allows departments greater control over the utilization and cost of technology, and the deployment of Clackamas Broadband Express, a fiber ring that links rural and urban parts of the county. “This recognition is a great honor for Clackamas County,” said county Chief Information Officer Dave Cummings. “This validates all the innovation and hard work of the technology services staff partnering with the county departments and county leadership, all striving to provide the best services possible to the citizens of Clackamas County.”

Charles County, Md. led the 150,000–249,999 population category for its numerous projects in southern Maryland. This includes its enterprise asset management system that syncs with mapping data tracking everything through the creation of a data analytics program. This is the county’s 12th straight Digital Counties Survey award. Roanoke County, Va. received its award in the up to 150,000 population category for projects around GIS, radio and governance. The county GIS portal showcases mapping services spanning from property tax applications to voting maps and 3D views of the land. “Roanoke County’s leadership in the use of information technology has been consistently recognized as one of the top five counties since 2004,” said Bill

Hunter, director of Roanoke County’s Communications and Information Technology Department. “Our success lies in transitioning from a service provider to a true business partner with other county departments.” The survey also mentioned the top 10 technology trends expected in 2015: cybersecurity; hiring and retaining competent IT personnel; shared services; budget and cost control; mobility and mobile apps; disaster recovery and continuity of operations; open government; virtualization; broadband and connectivity and governance, data center consolidation and cloud computing.

Digital Counties Survey Winners

500,000 or more population

- 1 – San Francisco County, Calif.
- 2 – Montgomery County, Md.
- 3 – Fairfax County, Va.
- 3 – San Diego County, Calif.
- 4 – Oakland County, Mich.
- 4 – Sacramento County, Calif.
- 5 – Palm Beach County, Fla.
- 6 – Baltimore County, Md.
- 6 – Hennepin County, Minn.
- 7 – Alameda County, Calif.
- 7 – Mecklenburg County, N.C.
- 8 – Bexar County, Texas
- 8 – Wake County, N.C.
- 9 – Los Angeles County, Calif.
- 9 – Miami-Dade County, Fla.
- 10 – King County, Wash.
- 10 – Westchester County, N.Y.

250,000–499,999 population

- 1 – Clackamas County, Ore.
- 2 – Dutchess County, N.Y.
- 2 – Loudoun County, Va.
- 3 – Bell County, Texas
- 3 – Hamilton County, Ind.
- 4 – Dakota County, Minn.
- 4 – Sonoma County, Calif.
- 5 – Douglas County, Colo.
- 6 – Washoe County, Nev.
- 6 – Richland County, S.C.
- 7 – Chesterfield County, Va.
- 7 – Ottawa County, Mich.

- 8 – Tulare County, Calif.
- 9 – Sarasota County, Fla.
- 10 – Leon County, Fla.

150,000–249,999 population

- 1 – Charles County, Md.
- 2 – Cabarrus County, N.C.
- 3 – St. Tammany Parish, La.
- 4 – Arlington County, Va.
- 5 – Boone County, Mo.
- 6 – Berrien County, Mich.
- 6 – Davidson County, N.C.
- 7 – Dona Ana County, N.M.
- 8 – Jackson County, Mich.
- 8 – Mohave County, Ariz.
- 9 – Barnstable County, Mass.
- 10 – Cherokee County, Ga.
- 10 – Onslow County, N.C.

Up to 150,000 population

- 1 – Roanoke County, Va.
- 2 – Albemarle County, Va.
- 3 – Martin County, Fla.
- 4 – Sussex County, N.J.
- 5 – Nevada County, Calif.
- 6 – Gloucester County, Va.
- 6 – Tompkins County, N.Y.
- 7 – Franklin County, Va.
- 8 – Eaton County, Mich.
- 9 – Allegan County, Mich.
- 10 – Montgomery County, Va.



Profiles in Service
Karen McRunnel
Executive Management
NACo

- Number of years active in NACo:** 30 years
- Occupation:** Executive Assistant to CEO, NACo Board of Directors Liaison
- Education:** Junior college and life experiences
- The hardest thing I’ve ever done:** Trained four executive directors
- Three people (living or dead) I’d invite to dinner:** JFK, Elvis, Sean Connery
- A dream I have is to:** see my five grandchildren graduate from college.
- You’d be surprised to learn that I:** moved to D.C. by myself in 1976 to work for a congressman from Minnesota. My husband and five kids moved here three months later.
- The most adventurous thing I’ve ever done is:** take a river cruise in Russia from Moscow to St. Petersburg.
- My favorite way to relax is:** reading detective series, i.e., James Patterson, David Baldacci, etc.
- I’m most proud of:** my children and grandchildren.
- Every morning I read:** my email.
- My favorite meal is:** breakfast
- My pet peeve is:** telemarketers
- My motto is:** With God all things are possible.
- My favorite movie is:** All 007 James Bond movies starring Sean Connery
- My favorite music is:** Irish (Celtic Women), soul and Il Volo
- My favorite president is:** JFK
- I like working at NACo because:** NACo is a respected membership association that has the opportunity to build relationships between Congress, the Administration and counties throughout the United States in an effort to promote respect and understanding through an ongoing dialogue and exchange of information. An added benefit for me is meeting all of our board members over the years and building lasting friendships while attending 120 NACo conferences.

Maryland case tests local taxing authority

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to receive a tax credit against their Maryland state taxes for income taxes paid to other states, it did not allow them to claim a credit against their Maryland county taxes. Maryland’s highest state court held that Maryland’s failure to grant a credit against Maryland’s county tax violated the U.S. Constitution’s Commerce Clause, which denies states the power to unjustifiably discriminate against or burden interstate commerce. Among other things, the Maryland Court of Appeals noted that if every state imposed a county tax without a credit, interstate commerce would be disadvantaged. Taxpayers who earn income out of state would

be “systematically taxed at higher rates relative to taxpayers who earn income entirely within their home state.” The State and Local Legal Center (SLLC) and the International Municipal Lawyers Association (IMLA) *amicus* brief challenges the Maryland Court of Appeals decision on several grounds. First, the power of state and local governments to tax the income of its residents, wherever earned, has been upheld repeatedly at the Supreme Court. Second, the scope of the Commerce Clause regarding individual non-resident income taxes has not been clearly defined by the court and should not now be construed to mandate credits. Third, taxation is a legislative matter that should not

usurped by the judiciary. And finally, state and local governments must make complex policy choices and tradeoffs when devising a taxing system. If Maryland were required to provide a dollar-for-dollar tax credit, a neighbor with substantial out-of-state income would contribute significantly less to pay for local services than a neighbor earning the same income in-state, even though both take equal advantage of local services. And to counterbalance a dollar-for-dollar tax credit, a county would need to raise some other tax, which will fall disproportionately on some other neighbor and often be more regressive. Maryland’s choice to avoid these results “does not cross any constitutional line.”

Commissioner has 'true heart' for Christian country music

By CHARLES TAYLOR
SENIOR STAFF WRITER



You'd think Joe Kantz would have no trouble finding his voice. The Snyder County, Pa. commissioner is, after all, a part-time professional Christian country singer.

That gave him no advantage, however, during a session of NACo's County Leadership Institute two years ago — when he was asked to improvise a song without words, vocalized on the syllable “ah” that expressed his purpose in life. Kantz recalls it as “one of the most humbling experiences, singing-wise, that I've ever had.”

Now he is equally humbled — and excited — that *Down This Road*, a CD he and his singing partner, Scott Bordner, recorded in Nashville, has been nominated for two Inspirational County Music Association awards: new artist of the year and best vocal duo or performance. The duo goes



Joe Kantz (r), a Snyder County, Pa. commissioner, walks with his singing partner, Scott Bordner, as they appear on the cover of their new CD *Down This Road*.

by the name True Heart, after a Bible verse, Hebrews 10:22, which begins, “Let us draw near with a true heart in full assurance

of faith....” The readers of *Power Source* magazine, an industry publication, will decide the winners, to be announced in November.

Since the CD's release in May, he said offers to perform have been rolling in — from in-state and outside Pennsylvania. The duo's heightened profile has even attracted attention from Branson, Mo.

The recording isn't Kantz' first. In more than 20-plus years of singing, he figures he's recorded at least a dozen CDs in Pennsylvania. But working with Nashville musicians was different. It cost more, but the results have been worth it.

“When you're a local artist and you record locally, you always say... you don't get that much of a difference (in Nashville), you just pay a lot more,” he said. “Well, you might pay a little bit more but, boy, it does make a difference, I think, now that I've done it.” Bordner said it can cost anywhere from \$5,000 to \$10,000 to record a 10-track album in Music City.

Erick Coolidge, a Tioga County, Pa. commissioner, a singer himself, friend of Kantz' and a colleague in the County Commissioners Association of

Pennsylvania (CCAP), says of True Heart: “They have a unique nature about their music. It's the real deal; it's all-in.”

It was Kantz' upbringing in a local Methodist church that is largely responsible for his being a county commissioner today; he was first elected in 2007 at the age of 36 and has served as chairman all seven years of his tenure.

As a child, a member of his church was a former three-term county commissioner, Guy Mitterling. A pre-teen Kantz was “intrigued” by the respect the man was shown in the community and looked up to him.

“And at the age of 12 years old, I began to aspire to be a county commissioner someday,” Kantz said. “He truly influenced me to seek out being a county commissioner later in life, and that really directed my entire life to some degree.”

As commission chairman, Kantz is very hands-on. “One of the responsibilities that I chose to do early on — I take care of all the building and property maintenance,” he said. “So if there's a problem, if a gutter gets clogged on the roof, chances are I'll be on the roof cleaning out the gutter, or taking my maintenance man up there and we'll work on a project together.”

He enjoys being busy. He serves as treasurer for CCAP, and when not singing or clearing courthouse gutters, he runs a small marketing business and hosts a weekly radio program, Gospel Music Weekend, which airs on two local stations. He lists among his favorite things: bow hunting, woodworking, DIY home projects and ice cream. He and his wife of 17 years, Amber, have a 10-year-old daughter, Nia.

If the going ever gets rough at the courthouse, Kantz has his friend, Coolidge — who's been in office for nearly two decades — to help him keep things in context. “When he gets too darn serious, I make a smart remark and get him to relax a little bit,” Coolidge said. “It's 19 years for me. Some of what we think is a big deal is kind of a bump.”

Bumps or no, when Kantz sings he said he forgets the problems he might be dealing with at the county courthouse. “For that one hour or that two hours that I'm singing, I'm there to do what I feel passionate about, and that's to sing songs about something that really means something to me as a Christian.”

**See this article online at www.countynews.org for links to True Heart's website, where you can hear selections from the CD.*

Open-source voting systems can run on any computer

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systems in public elections. Inyo is partnering with several other small California counties to release a request for proposals to build an open-source system for their use.

“The voting machine vendors were helpful when every voting district in the country needed to buy new machines in a hurry, but election officials don't like to be rushed,” she said. “We need options so that doesn't happen again.”

The key to open-source voting systems' savings is that the software could be run on any computer, and Foote estimates that the \$4,000 to \$5,000 price tag for Inyo's voting machines, with the voting system license and terminal, could be cut to a \$200 to \$300 cost for a tablet computer. Likewise, DeBeauvoir compared wholesale replacement of Travis County's election management systems — cost \$14 million — to an estimated \$8 million to put an open-source system in place. Of that \$8 million, \$5 million would go toward software development, and \$3 million would pay for computers and tablets.

“It's the most cost effective and sustainable solution,” Foote said. “This could affect every voting jurisdiction in the United States, and many are little tiny counties like mine. They need to have a

solution they can actually afford.”

How this could happen varies by state. Travis County did not need any statutory changes to pursue its system in Texas, but the California Assembly had to pass Senate Bill 360 for Inyo and Los Angeles counties to pursue

“Everyone who needs to know how the system works, does, because it's not a proprietary system that's a mystery to anyone besides the developer..”

theirs. Now, only the secretary of state needs to approve new voting systems, eliminating required approval from state regulators and the U.S. Election Assistance Commission.

The secretary of state's requirements are similar to the federal approval process, so Foote said the change eliminated extra layers of bureaucracy while retaining attention to security.

The phrase “open source” raises questions about the method's security, but DeBeauvoir said the reality is more complicated than the term

makes it seem.

“Most of the time people talk about ‘open source,’ it refers to the general public being able to improve a program, but with election software, it's a much smaller group that's involved, just election officials,” she said. “There won't be any 13-year-old programmers at home tweaking the software.”

Foote said the normal security measures common to county government systems — cryptography for example — could be added on top of the new election management system.

“The transparency that the system affords goes a long way to ensuring its accuracy,” she said. “Everyone who needs to know how the system works, does, because it's not a proprietary system that's a mystery to anyone besides the developer.”

All of this puts counties in a position to change an entire industry. As administrators of the country's elections, the direction counties take will determine the fate of the election management system vendors.

Efrain Escobedo, manager of governmental and legislative affairs for Los Angeles County's registrar-recorder, said the county's election system has been subject to its vendor's whims with little room for change.

“We spend \$1.8 million annually

on maintenance for our systems, and we can't find another firm to do the work that's cheaper,” he said. Los Angeles County is hoping to release an RFP for its open-source system in the next few months.

“It's safe to say we'll have more ability to negotiate savings by the sheer reality that we won't be tied to a single vendor,” Escobedo added.

Though the county-vendor relationship would change as more counties adopt open-source voting systems, it would not necessarily end the relationship. Vendors aren't expendable, DeBeauvoir said, and she expected many of them to respond to various RFPs from different counties.

“We'll still need someone to take over management of upgrades and testing,” she said. “You can't just remove the vendor. We don't want to throw away that base of knowledge.”

Foote said it rearranges the power dynamic in holding elections.

“There are only a few vendors that were selling voting machines when HAVA went into effect,” she said. “They were building systems and hoping election districts bought them, they were looking for a return on investment. Now we'll be in a position where we'll be part of a fee-for-service model and dictating what we need. Government can be in a leadership role in how those systems operate.”

2014 Annual Conference Wrap-up

Resolutions spark debate at Annual Conference

An important part of the Annual Business meeting held during the Annual Conference is the adoption of new policy positions to guide the association's advocacy efforts on Capitol Hill and with the Administration. This year in New Orleans, members adopted more than 30 new policies, as well as dozens of American County Platform changes and "interim" resolutions from the 2014 Legislative Conference.

Following are the new NACo policy positions.

AGRICULTURE AND RURAL AFFAIRS

● Grain Inspection, Packers and Stockyards Administration

Issue: Large corporate influence on agriculture policy.

Adopted Policy: NACo supports a GIPSA ruling that ensures a fair, competitive market for all grain and livestock producers.

● Surplus Military Equipment Agreement between U.S. Department of Defense and the U.S. Environmental Protection Agency

Issue: Regulatory standards placed on surplus equipment utilized by rural counties.

Adopted Policy: NACo supports the continuation of the U.S. Department of Defense (DOD) program that provides surplus military equipment to state and local governments. NACo supports continuation of the national security exemption granted by the U.S. Environmental Protection Agency (EPA) for the use of surplus military equipment by state and local governments.

COMMUNITY, ECONOMIC AND WORKFORCE DEVELOPMENT

● Pursue Rules during Implementation of the Workforce Innovation and Opportunity Act to Allow for Expanded Use of Incumbent Worker Training Funds

Issue: H.R. 803 (referred to as the Workforce Innovation and Opportunity Act) was approved on July 9, 2014 and limits local workforce investment boards abilities to use incumbent worker training funds to specific purposes.

Adopted Policy: As part of the implementation of the new Workforce Innovation and Opportunity Act (WIOA), which was passed by the House on July 9, 2014, pursue rules that would authorize the use



Photo by Jack Hernandez

NACo Immediate Past President Chris Rodgers, offers his opinion during a spirited debate on the minimum wage resolution at the Board session.

of incumbent worker training dollars for training programs to assist in economic development purposes whereby existing employees may receive training that would upgrade their skills (as passed WIOA allows for training programs to "to retain employment or avert layoffs").

● Urge Congress to Address the Minimum Wage

Issue: The federal minimum wage standard has not increased while the cost of living has gone up resulting in financial distress on members of our communities.

Adopted Policy: The National Association of Counties (NACo) urges Congress to adopt legislation addressing the minimum wage in all sectors of the economy.

● Support the Reauthorization of Export-Import Bank of the United States

Issue: The Congress of the United States of America is in the process of reauthorizing the Export-Import Bank of the United States of America in this session of the Congress and seeks the input of the National Association of Counties and our International Economic Development Task Force. Congress takes up reauthorization on July 7, 2014.

Adopted Policy: The National Association of Counties (NACo) supports, endorses and advocates for the reauthorization of the Export-Import Bank of the United States. NACo encourages each and every county in the United States

of America and all 50 states and 4 territories to support, endorse and advocate for the reauthorization of the Export-Import Bank of the United States of America.

ENVIRONMENT, ENERGY AND LAND USE

● Support Affordable and Reliable Energy

Issue: Adequate analysis of the cost/benefit of regulations and legislation related to the use of coal as an electricity source is continually necessary.

Adopted Policy: NACo urges Congress and the Administration to re-evaluate restrictions on the mining, transportation and burning of coal. NACo believes the U.S. Environmental Protection Agency's existing and proposed rules, regulations and standards should be further studied to fully understand the costs and benefits on electric utility operations, electricity availability and capacity, electric rates; the economic impacts to manufacturers, the economic and health impacts to communities and consumers.

● Level the Playing Field for Certified Forest Products in Green Buildings

Issue: Green building policies that only reward the use of forest products certified by the Forest Stewardship Council (FSC), in effect favor foreign timber over domestic timber certified by credible

organizations such as the American Tree Farm System (ATFS) and Sustainable Forestry Initiative (SFI).

Adopted Policy: NACo urges the adoption of federal government policies that recognize multiple green building rating programs in order to maintain a neutral position with regard to forest products certified by American Tree Farm System (ATFS), Forest Stewardship Council (FSC), and Sustainable Forestry Initiative (SFI).

● Utility Distribution Generation Policies and Regulations

Issue: Distributed generation (DG) can offer economic, reliability, and environmental benefits to consumers and utilities. Policymakers are engaging in discussions of costs and benefits that will affect all utility consumers, those who choose to utilize DG sources and those who utilize traditional electric utility energy.

Adopted Policy: NACo encourages federal agencies and Congress to work collaboratively with all stakeholders to update net metering policies. These policies should include various approaches that include equitable and sustainable policies for distributed generation integration and operation, respect regional diversity, ensure electric rates are fair and affordable and that all customers have safe and reliable electricity.

● Keystone XL Pipeline

Issue: Allowing construction of

the Keystone XL Pipeline.

Adopted Policy: NACo urges Presidential or Congressional approval for the Keystone XL Pipeline.

HEALTH

● Support Funding for Alzheimer's Disease Research, Community Education and Outreach, and Caregiver Support

Issue: Lack of sufficient funding for Alzheimer's disease research, Alzheimer's community education and outreach, and resources for caregivers, family members, and those afflicted with Alzheimer's disease.

Adopted Policy: NACo supports the continuous and increased use of federal funds to support Alzheimer's disease research, Alzheimer's community education and outreach, and resources for caregivers, family members, and those afflicted with Alzheimer's disease.

● Improve the VA's New "eClaims" Initiative

Issue: The U.S. Department of Veterans Affairs (VA) has developed a new "eClaims" website that is intended to improve many services for veterans, including the disability claims process; unfortunately, parts of this "eClaims" initiative may do more harm than good for some of our veterans.

Adopted Policy: NACo should help increase accountability for three aspects of the VA's new "eClaims" initiative that may harm our veterans' ability to access benefits. First, NACo urges Congress to stop implementation of the proposed VA rule that would totally end the use of standard paper forms for the filing of disability claims. Many veterans simply can't access the internet and this would suppress their basic rights to seek benefits that they are otherwise fully entitled to. Second, NACo urges Congress to determine how many Veteran Service Officers (VSO's) throughout United States do not have access to the Stakeholder Enterprise Portal (SEP), with a particular analysis of how security credentialing limits a VSO's ability to access a veteran's record and to successfully advocate on behalf of a veteran. Third, NACo urges Congress to investigate how the new "eClaims" initiative will limit the role of VSO's as advocates for veterans. Without VSO representation, there will likely be an

See RESOLUTIONS page 7

Committee opposes juvenile 'life without parole' sentencing

RESOLUTIONS from page 6

increase in the initial denial rate for claims, an increase in the number of appeals, an increase in the ultimate number of unsuccessful claims, and an increase in the length of time for final benefits to be awarded.

● Immigration Health Care

Issue: Improving immigrant access to health care coverage.

Adopted Policy: NACo supports extending eligibility to anyone residing in the United States, regardless of immigration status, to purchase Qualified Health Plan coverage through the Health Insurance Marketplace exchanges, including access to premium assistance and tax credits. The federal government should help local health departments fund public health services for immigrants living and working in our counties.

● Call on the Federal Drug Administration to Finalize Rules Around Electronic Cigarettes and Other Novel Tobacco Products

Issue: Federal Drug Administration regulation of electronic cigarettes (e-cigarettes) and novel products such as nicotine gels and dissolvables.

Adopted Policy: Urge the Federal Drug Administration to act swiftly and implement rules for the sale manufacture, distribution, and marketing of electronic cigarettes and novel products.

● Improved Quality in Nursing Homes through Workforce Development and Creative Staffing Models

Issue: Staff turnover is a major obstacle to continuity, quality of care and quality of life in nursing homes. Medicaid and Medicare funding, which recognizes the cost and importance of adequate staff; and the ability to hire, train and retain staff of varying skill levels, helps to provide high quality and person-centered long-term care services.

Adopted Policy: The National Association of Counties urges Congress to authorize innovative demonstration projects to test models of care that use direct-care workers (DCWs) in advanced roles.

● Supporting Alternate Service Delivery for Veterans and Their Families

Issue: Address capacity and efficiency of the Veterans Administration system in provision of health care and related support services to veterans and their families.



Photo by Jack Hernandez

Exercising their franchise, cheerfully, are NACo Board members, Dennis Sandquist, McHenry County, Ill. (r) and Shelly Pinkelman, Crawford County, Mich.

Adopted Policy: NACo supports legislative and administrative action at the federal and state levels to develop alternate means of providing health care and related support services to veterans and their families, including partnership with traditional for-profit, non-profit, county-based and community health care providers.

HUMAN SERVICES AND EDUCATION

● Reauthorize the Elementary and Secondary Education Act

Issue: The Elementary and Secondary Education Act has not been reauthorized in more than 12 years.

Adopted Policy: NACo calls on Congress to reach a compromise on the reauthorization of the Elementary and Secondary Education Act and enact legislation this year.

● Reduce Poverty by Half in 10 Years

Issue: Despite War on Poverty and gains made over the past 50 years, poverty still affects millions of individuals and families in the United States.

Adopted Policy: The National Association of Counties (NACo) supports the establishment of a Federal Interagency Working Group on Reducing Poverty, which will create and carry out a national plan to cut poverty in half in ten years. NACo also supports policies to eliminate the disproportionately higher rates of poverty among children and racial minorities.

● Unaccompanied Children Crossing the Border

Issue: Addressing the growing number of unaccompanied children from Central America crossing the southern United States border.

Adopted Policy: NACo calls on

the Administration and Congress to address the growing humanitarian crisis of unaccompanied children crossing the border from Central America, to ensure that adequate federal funds are appropriated to shelter and provide care, includ-



Photo by David Hathcox

Kay Cashion, Guilford County, N.C., presides at the Justice and Public Safety Committee, which she chairs.

ing medical assistance, while they remain in the country, to ensure that the costs of the care provided to these children are not transferred to counties and to work with the countries of origin to address the conditions that have led to this crisis.

● Elder Justice Initiative and Strengthening the Elder Justice Act

Issue: Elder Justice Act reauthorization and full funding.

Adopted Policy: NACo supports federal funding for and continuation of the Elder Justice Act, including the President's FY 2015 budget request of \$25 million for the Elder Justice Initiative.

JUSTICE AND PUBLIC SAFETY

● Oppose Juvenile Life Sentencing without Opportunity for Parole

Issue: Children should never be sentenced to "life without parole" for offenses they committed at an age that is characteristic of impulsive, immature and risk-taking behavior — things we know are common for all adolescents.

Adopted Policy: NACo supports eliminating life without parole as a sentencing option for children. We support just and age-appropriate accountability measures for children that will ensure that every child, regardless of offense, is given a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. We therefore, call upon State Legislatures across the country and the U.S. Congress to enact legislation that abolishes life without parole for children and provides them with meaningful and periodic sentencing reviews. These legislative changes should be applied both retroactively and prospectively so that no child is allowed to have their human rights violated because of when they were sentenced.

● Limit Jury Awards against Counties for Federal Law Claims

Issue: County governments are largely unprotected from excessive jury awards for compensatory damages arising from claims made under federal law.

Adopted Policy: NACo urges Congress to place appropriate restrictions on the amount of compensatory damages awardable against County governments for claims made under federal law.

See RESOLUTIONS page 8

Support for Wildfire Disaster Funding Act urged in Congress

RESOLUTIONS from page 7

● Rescind FEMA Mitigation Policy on Hydraulic Fracturing

Issue: FEMA Flood Mitigation Policy Banning Hydraulic Fracturing on Property Purchased with FEMA Mitigation Funds.

Adopted Policy: The National Association of Counties (NACo) urges FEMA to rescind its policy banning hydraulic fracturing on any property purchased with FEMA mitigation funds.

● Prevent Fraud against Veterans and their Families

Issue: Address fraudulent practices in provision of services to veterans and their families.

Adopted Policy: NACo supports county efforts to work with state and federal agencies in educating veterans and the public about fraudulent and misleading programs, including fundraising efforts for illegitimate organizations claiming to provide benefits to veterans, and vendors who charge a fee to assist veterans in obtaining benefits, and in reviewing statutes for the purpose of establishing appropriate penalties for such acts.

● Resolution on U.S. Immigration and Customs Enforcement (ICE) Accountability

Issue: Counties are asked to house immigration detainees in county jails without financial reimbursement from the federal government.

Adopted Policy: NACo urges Congress and the Executive Office to hold our federal government, specifically U.S. Immigration and Customs Enforcement (ICE) to be financially responsible and to indemnify counties for all liability resulting from ICE detainment of persons solely for ICE purposes; where persons would otherwise be released.

● Urge FEMA to Address Policies re: De-obligation of Approved Disaster-Relief Funds

Issue: Since 2010, the Federal Emergency Management Agency (FEMA) has aggressively sought to recover and de-obligate (clawback) previously approved recovery funds distributed to local governments by FEMA through the Robert T. Stafford Disaster Relief Act. The process has created growing uncertainty in counties' abilities to accept disaster-relief funds.

Adopted Policy: NACo urges the federal government to clarify the process whereby FEMA can declare that funds distributed to



Photo by Jack Hernandez

Michael McGinley, Beaverhead County, Mont., takes the floor during a policy debate at the Board meeting.

local governments and approved by FEMA for disaster relief efforts are de-obligated so as to ensure that:

1. The de-obligation process includes a reasonable time frame for counties to respond to information requests, and
2. FEMA makes timely decisions on appeals filed by counties that face the potential rescission of previously appropriated federal funds.

Public Lands

● Wild Horse and Burro Management

Issue: Wild Horse and Burro Management.

Adopted Policy: NACo supports Congressional legislation to give individual states exclusive authority to manage wild horses and burros on federal lands, including exclusive authority to determine appropriate herd management levels (AMLs) and dispose of animals that exceed AMLs at each state's discretion, just as states do now for other wildlife species.

● End the Sequestration of Shared Mineral Lease Act Revenue to the States and Returning All Sequestered Revenue to the States

Issue: The sequestration of Mineral Lease Act revenue to the states.

Adopted Policy: The National Association of Counties (NACo) supports ending the sequestration of Mineral Lease Act (MLA) revenue to the states and giving back all such sequestered revenue to the states,

consistent with the fact that MLA revenue shared with states does not constitute federal budgetary expenditures and should not be subject to mandatory sequestration under the Balanced Budget Emergency Deficit Control Act (BBEDCA) of 1985 as amended.

● Support Performance Analysis of BLM Master Leasing Plans

Issue: Many BLM Regional Management Plans (RMPs) are outdated and do not incorporate recent county input that takes into consideration changes in landscapes, economics, multiple uses, populations and local government community needs. In IM-2010-117, BLM was ordered to begin using a Master Leasing Plan process under certain conditions, which was controversial.

NACo Public Lands Steering Committee in 2013 officially opposed the MLP process. However, the MLP process has been implemented in some states and it would be helpful to know if the MLP process is meeting its goals such as more predictability, faster leasing from fewer protests, and if there have been opportunities for increased transparency and county input into the leasing process.

Adopted Policy: NACo supports BLM preparing a performance analysis/status report on the results from implementing IM-2010-117, including comparing post IM-2010-117 leasing results with pre-IM-2010-117 leasing results on elements to include but not limited

to: number of parcels leased, public involvement, county government involvement, lease issuance times, post-lease production rates, protest rates, number of stipulations, length of time for processing Master Development Plans (MDPs).

● Urge Congress to Address the Growing U.S. Forest Service Trails Maintenance Backlog

Issue: To promote solutions to reverse the trail maintenance backlog on U.S. national forests that currently impedes recreational access, visitation and recreation-related tourism.

Adopted Policy: NACo should urge Congress to pass legislation to improve and safeguard our rich treasury of national forest trails, as recommended in the March 2014 letter to Congress from over 50 regional and national trail- and recreation-focused organizations.

● Support the Wildfire Disaster Funding Act (S. 1875)

Issue: The U.S. Forest Service and Bureau of Land Management have been forced to spend increasing proportions of their budgets on wild land fire suppression, diverting critical resources from the very programs designed to prevent fires. To illustrate, the proportion of budgets of the U.S. Forest Service devoted to wild land fire suppression has increased from 13% in 1991 to 41% in 2013. S. 1875 would move any spending above 70% of the 10-year rolling average for fire suppression outside of the agency's baseline budget by

making additional costs eligible to be funded under a separate disaster account.

Adopted Policy: NACo supports S. 1875, the Wildfire Disaster Funding Act, so that the budgets of the U.S. Forest Service and Bureau of Land Management will have protection of its resources appropriately devoted to hazardous fuel treatments through active management of the federally owned landscape, rather than having those resources drained by wild land fire suppression.

● Support Increased Funding for Forest Service Infrastructure Maintenance

Issue: Support increased funding for the maintenance of U.S. Forest Service roads.

Adopted Policy: NACo supports increased U.S. Forest Service funding to address the U.S. Forest Service's infrastructure and maintenance needs.

● Support Reauthorizing the Federal Land Transaction Facilitation Act

Issue: Reauthorizing the Federal Land Transaction Facilitation Act (H.R. 2068)(S. 368).

Adopted Policy: The National Association of Counties (NACo) supports reauthorization of the

Federal Land Transaction Facilitation Act, a balanced approach to western lands that facilitates the sale of Bureau of Land Management (BLM) lands identified for disposal, which generates revenue for high-priority conservation.

Telecommunications and Technology

● Support Local Government Siting Authority Regarding All Wireless Facilities and Related Infrastructure

Issue: Growing concerns regarding any potential limits on local government wireless facilities and infrastructure siting authority and the need for further clarification of specific language within section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012

Proposed Policy: NACo opposes any effort to limit the regulatory role of local government authorities regarding modifications and/or siting of tower facilities and wireless transmission equipment. NACo also urges the Commission and Congressional Leaders to ensure all rule-making, guidelines, and best practices are developed in a cooperative manner with state and local governments.

SCOTUS 2014 review targets county-connected decisions

By LISA SORONEN

EXECUTIVE DIRECTOR

STATE AND LOCAL LEGAL CENTER

From First Amendment rights to the Affordable Care Act, the U.S. Supreme Court decisions so far in 2014 reflect what appears to be a key characteristic of the court under Chief Justice John Roberts — an inclination toward nominally incremental rulings with vast potential for great change. Below are cases the Supreme Court ruled on that affected counties.

(This is the first in a two-part series on U.S. Supreme Court decisions with a county connection.)

First Amendment rights

In a 5–4 decision the Court held in *Town of Greece v. Galloway* that Greece did not violate the First Amendment by opening its meetings with a prayer. From 1999–2007 all prayer givers were Christian and some referred to Jesus. The court

concluded that legislative prayer is not required to be nonsectarian and that the prayers in this case weren't coercive.

In *Marsh v. Chambers*, the court held the Nebraska Legislature didn't violate the First Amendment by opening its sessions with a prayer delivered by a chaplain paid from state funds. The proposition that *Marsh* allows only nonsectarian prayer "is irreconcilable with the facts of *Marsh* and with its holding and reasoning." Only allowing nonsectarian prayer would require state legislatures and local governments to "act as supervisors and censors of religious speech" and it isn't clear when a prayer is sectarian.

Prayer before Town Board meetings isn't coercive just because citizens who attend meetings often have business before the board. Prayers in this context—and the state legislative context where citizens can only address the legislature by invitation — aren't intended for the public but for the lawmakers "who

may find that a moment of prayer or quiet reflection sets the mind to a higher purpose and thereby eases the task of governing."

In *Lane v. Franks*, the court held unanimously that the First Amendment protects a public employee who provides truthful sworn testimony, compelled by a subpoena, outside the course of his or her ordinary responsibilities. Edward Lane, a program director at a public community college, claimed he was fired in retaliation for testifying at a criminal trial that he fired a state legislator who was on his payroll but wasn't doing any work. The First Amendment protects public employee speech made as a citizen on a matter of public concern.

The court did not decide whether the First Amendment protects truthful subpoenaed speech made as part of a public employee's ordinary job duties.

In a unanimous opinion in *McCullen v. Coakley*, the court held that a Massachusetts statute making it a crime to stand on a public road or sidewalk within 35 feet of an abortion clinic violates the First Amendment. The court reasoned the law "burden[s] substantially more speech than necessary" to achieve the state's interests in ensuring public safety, preventing harassment, and combating obstruction at clinic entrances.

The court offered state and local governments three suggestions, other than generic criminal statutes, to deal with public safety problems at abortion clinics: passing legislation similar to the federal Freedom of Access to Clinic Entrances Act which prohibits injury, intimidation or interference toward someone seeking an abortion; criminalizing following and harassing people entering a clinic; and criminalizing obstruction of clinic entrances. The SLLC's *amicus* brief asked the court not to rule in a way that would limit state and local government's ability to use buffer zones to protect public safety in a variety of contexts.

14th Amendment Rights

The court held 6–2 in *Schuetz v. Coalition to Defend Affirmative Action* that voters may by ballot prohibit affirmative action in public university admission decisions.

In 2006 Michigan voters adopted a constitutional amendment which prohibited preferential treatment in admissions to public universities on the basis of race, sex, color, ethnicity or national origin.

The majority of the court concluded this amendment does not violate the Equal Protection Clause of the 14th Amendment, and while

the decision was limited to the use of race in public university admission decisions, Michigan's constitutional amendment also prohibits the use of racial-preference in state and local government employment and contracting. Presumably, these provisions are also constitutional.

Affordable Care Act Birth Control Mandate

In *Burwell v. Hobby Lobby* the court held 5–4 that the Affordable Care Act's birth control mandate violates the Religious Freedom Restoration Act (RFRA), as applied to closely held corporations. RFRA provides that the federal government "shall not substantially burden a person's exercise of religion."

As relevant to state and local governments, the court concluded that closely held corporations are "persons" under RFRA. The Dictionary Act defines person to include corporations, and the court saw "nothing in RFRA that suggests a congressional intent to depart from the Dictionary Act definition."

The Religious Land Use and Institutionalized Persons Act (RLUIPA) bars state and local governments from enforcing land use regulations that substantially burden "the religious exercise of a person." If for-profit corporations are "persons" under RFRA, they are also likely "persons" under RLUIPA. As Justice Ruth Bader Ginsburg pointed out in her dissenting opinion — quoting the SLLC's *amicus* brief — this will have negative consequences for state and local governments: "[I]t is passing strange to attribute to RLUIPA any purpose to cover entities other than 'religious assembl[ies] or institution[s]'. That law applies to land-use regulation. To permit commercial enterprises to chal-

lenge zoning and other land-use regulations under RLUIPA would 'dramatically expand the statutes reach' and deeply intrude on local prerogatives, contrary to Congress intent. Brief for National League of Cities et al. as *Amici Curiae* 26."

Clean Air Act Good Neighbor Provision

The Clean Air Act's (CAA) Good Neighbor Provision prohibits upwind states from emitting air pollution in amounts that will contribute significantly to downwind states failing to attain air quality standards. In *EPA v. EME Homer City Generation*, the lower court concluded that upwind states must be given a chance to allocate their emissions budgets when they are known, before the federal government can do so, and that EPA can only rely on physical contributions to air pollution when determining responsibility for downwind pollution.

The court, in a 6–2 opinion, disagreed. It concluded the CAA does not require that states be given a second opportunity to file State Improvement Plans (SIP) after EPA has informed them of their emissions budgets. The CAA makes it clear that once EPA has found a SIP inadequate, EPA has a statutory obligation to issue a Federal Improvement Plan.

The court further concluded that the Good Neighbor Provision does not require EPA to disregard costs and consider only each upwind state's physically proportionate responsibility for each downwind state's air quality problem. "EPA's cost-effective allocation of emission reductions among upwind States, we hold, is a permissible, workable, and equitable interpretation of the Good Neighbor Provision." States and local governments filed on both sides in this case.

Website seeks to build cultures of resilience

By CHRISTOPHER JOHNSON

EDITORIAL ASSISTANT



Weather and other extreme events are becoming more destructive and costly to counties. Floods, wildfires, tornadoes and other natural hazards collectively kill or injure thousands each year costing the government billions of dollars.

To improve the nation's resilience in the face of these wide-ranging disasters, the National Research Council (NRC) and the National Academy of Sciences (NAS) have created the Resilient America Roundtable, a website dedicated to help bring together citizens and experts from the academic, public, non-governmental organizations and private sectors to advance discussion on resilience.

"Our response to the 2008 floods and our recovery process has been applauded by many at the federal level," said Linda Langston, NACo immediate past president and Linn County, Iowa supervisor. "This opportunity gives counties the chance to critically assess the assets and risks as well as measure what truly assists in building a community's resilience."

The roundtable's mission stands on four pillars:

- understand and communicate risk
- identify means to measure community resilience
- share data and information related to disasters, risk and resilience, and
- build or strengthen partnerships and coalitions within and among communities to build resilience.

The roundtable will help incubate ideas, projects, outreach and community exchange that foster community and national resilience to disasters through meetings, workshops and other activities.

It will also partner with communities to design and implement pilot projects to engage decision makers while helping officials build approaches for deciding how and where to invest resources to reduce risk and build resilience.

Linn County was recently selected to be one of the first pilot projects for the community resilience program.

Counties can subscribe to Resilient America's email list to receive announcements and other updates on activities at <http://eepurl.com/ZXAMn>.

**To access the Resilient America Roundtable website, see this story online at www.countynews.org*

NETWORK WITH NACo

Social media is one of the most effective ways to connect with peers, resources and county residents.

■ FB.COM/NACODC

■ TWITTER.COM/NACOTWEETS

■ YOUTUBE.COM/NACOVIDEO

■ LINKEDIN.COM/IN/NACODC

STATE TO STATE

IDAHO NORTH DAKOTA

What issues are driving state associations' legislative agendas? What are the latest and most persistent challenges your county colleagues in other states are facing? What looks to be looming on the horizon?

State-to-State explores these questions and helps keep you in touch with your fellow leaders across the country.

Maine



Taming state plans to assume more control over county jails was the top priority of the Maine County Commissioners Association (MCCA) during the state Legislature's 2014 session. A law enacted in 2008 mandated that the local share of jail budgets be capped at a specified amount. Any shortfall was to be made up by the state Board of Corrections. However, jail costs have been "far exceeding the state allocations," said Rosemary Kulow, MCCA's executive director.

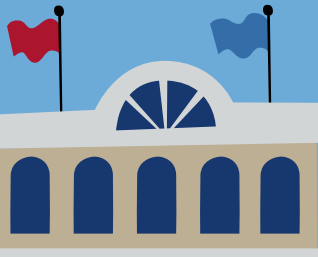
This created what the Legislature termed an "emergency" in L.D. 1824, a bill "to provide additional authority to the state board of corrections." The Legislature created a task force, whose members included representatives from the MCCA, the Maine Association of Sheriffs and other stakeholders, which reached a compromise they all could live with, she said. It passed but was vetoed by the governor, an action subsequently overridden by state lawmakers. One provision of the law allows the State Board of Corrections to transfer inmates from overcrowded county jails to others that are under capacity. "We may see some improvements along the line of seeing more economies of scale and more savings," Kulow said. "But what it boils down to is that counties will still need additional funding from the state to make sure that county jails operate safely and in an up-to-date

fashion for the safety of our citizens, corrections officers and the inmates that they house." MCCA will continue to work with the State Board of Corrections to create standards that will apply across the board to all the counties and their jail systems, Kulow said. As for ongoing county challenges, she said the still-recovering economy remains a concern. The Pine Tree State's 16 counties, as with counties everywhere, are looking for new sources of revenue other than property taxes. MCCA recently had a strategic planning retreat that Kulow said was valuable in hearing from counties how the association can better serve their needs. "I think that technical assistance and education of newly elected and appointed officials are high on their priority list," she said. "MCCA now has employees who are doing that through their focus on Maine counties."

West Virginia



The 2014 West Virginia legislative session was completely inundated with water issues in the aftermath of the early January leak into the Kanawha River of a chemical used to wash coal that tainted the drinking water for 300,000 residents in eight counties. "Five days after the spill the West Virginia Legislature began a session-long investigation of the legal loopholes that allowed this event to occur, from company reporting requirements, to the current state water resources management plan and new methods of regulating similar chemical facilities. "Here in West Virginia we have only an annual 60-day regular session to debate all legislative issues, without the governor calling a special session. While this was a hugely important issue that needed to be addressed, it overshadowed most everything else," said Vivian Parsons, executive director, County Commissioners Association of West Virginia. The issues West Virginia's counties had hoped to address in the last session remain. Parsons fingered soaring regional jail costs for county governments and issues that contribute to these rising costs such as substance addiction and the need for additional drug treatment centers. She also tapped economic stagnation, unemployment, threats to the scope of county commissioners' constitutional duties; and watching out for unfunded mandates or legislation that could financially



IN MAINE'S 16 COUNTIES, THERE ARE

54 county board members.
There are no elected county executives.

IN NORTH DAKOTA'S 55 COUNTIES, THERE ARE

169 county board members.
There are no elected county executives.

Parsons says—begets a shrinking tax base, declining revenues and budget shortfalls for state and counties. "One area that this hits particularly hard is the funding for infrastructure projects like water, sewer, broadband expansion and roads. West Virginia counties are not responsible for road building or maintenance, but the lack of road building and maintenance by the state hinders economic development at the local level," Parsons said. Regional jails and drug addictions — while not new issues — are something that counties are struggling with more and more as budgets get tighter, according to Parsons. Meanwhile, on a brighter horizon, Parsons pointed to the increasing Marcellus-Utica shale gas extraction in the state. "Counties are hopeful it will bring increasing revenues, jobs, tax base, etc. while still a little apprehensive of the problems and issues that can come with the increased activity."

damage counties as the state's budget gets tighter. Outside Charleston, the state's shrinking coal industry — driven smaller by more EPA regulation

(Beverly Schlotterbeck and Charles Taylor, County News staff, contributed to this report.)

Program provides youths with mental first aid

By Christopher Johnson
Editorial Assistant



Half of all chronic mental illness begins by age 14, and many cases involving youths are often overlooked. In light of this, Clackamas County, Ore. started "Be the One," a youth mental health first-aid training designed to help identify and address mental illness in young adults. Partnering with the Open Minds, Open Doors anti-stigma campaign, Be the One was started in 2012 after Clackamas County was awarded a grant to bring youth mental health training to school communities. It teaches people how to be a first responder with friends, family or co-workers who are going through a mental health crisis. Be the One's strategy is to train — free of charge — 500 Clackamas County parents, teachers and youth service providers in youth mental health first aid. The ongoing session is an interactive, eight-hour training class that introduces participants to unique mental health factors and warning signs in young people. The class identifies risk factors for depression, anxiety, trauma and eating- and substance-abuse disorders. It also offers a five-step action plan to help individuals in

crisis connect with a professional and provides them resources to help if they are suffering from a mental health problem. "The response has been fantastic," said Nina Danielsen, Clackamas County Behavioral Health Division. "Classes are full and communities are interested in hosting these training classes." Mental health first aid has been proven to reduce the stigma connected to mental illness, reducing damaging effects like school drop-outs, relationship issues and drug and alcohol addiction, while increasing awareness about living with mental illness, according to the National Council for Behavioral Health. "The feedback from the training sessions has seen a noticeable change in attitudes around the stigma related to mental health," Danielsen said. "There is more of a willingness to notice and help a young person who may be struggling." Danielsen adds that counties who want to start a program like Be the One need to partner with community agencies and county officials linked to schools and other community groups while looking for grants to cover any costs. **For more information on the Be the One campaign, see this story online at www.countynews.org*

WORD SEARCH

Cuyahoga County, Ohio Facts

O	L	F	N	X	H	J	U	V	E	X	Q	G	J	I	B	O	I	K	Y
M	V	Q	Q	J	E	K	L	S	Y	I	N	L	E	K	P	S	R	W	U
A	W	S	I	Z	A	Z	N	C	O	I	R	Y	Y	D	Z	J	O	S	Q
I	U	N	X	M	L	R	M	A	R	Y	D	E	F	C	B	S	N	R	T
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F	C	I	P	F	R	C	S	U	M	Q	V	P	A	Q	C	B	V	O	M
F	T	R	U	H	E	D	D	Q	C	G	E	E	O	M	F	A	O	Y	R
N	X	N	O	D	U	S	D	K	N	C	L	N	V	P	L	A	I	X	H
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B	J	H	N	V	D	Y	A	H	I	F	M	V	N	P	Z	K	D	T	S
C	U	Y	A	H	O	G	A	R	I	V	E	R	W	B	O	A	F	R	C
P	Y	B	K	P	T	T	G	O	O	E	K	I	S	Y	Z	S	P	I	
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BROWNS (NFL franchise)
CAVALIERS (NBA franchise)
COAL (top energy export across Great Lakes)
CROOKED RIVER (Indian meaning of Cuyahoga)
CUYAHOGA RIVER (major river in county)
HEALTH CARE (strong industry in county)

INDIANS (MLB franchise)
IRON (primary export on the Cuyahoga River)
LAKE ERIE (county located off this lake)
MANUFACTURING (accounts for most of the county employment)
MOSES CLEVELAND (founder of the city of Cleveland in the county)
NOLAN BECK (designed county seal)

Created by Christopher Johnson



County Innovations and Solutions

Merrimack County, N.H.

Nursing Home Invests in Staff Careers, Cuts Expenses

By CHARLIE BAN
STAFF WRITER

It was fitting, given the medical environment, that the Merrimack County Nursing Home in New Hampshire used a lot of bandages.

Unfortunately for the county's budget, those bandages were temporary workers, to the tune of \$3.75 million just in 2001.

“We can keep our superstars on staff and help them progress with their careers.”

“We were operating at 50 percent staffing (33 of 66 registered nurse positions),” said Lori Shibinette, now the nursing home director who, in 2001, had come aboard as the home's medical services director. “In most places there's an ebb and flow of available staff, but we were missing nurses

and nursing assistants — our basic personnel. That was money we weren't even putting into our own staff. And even worse, a national staffing shortage was looming on the horizon.”

The U.S. Department of Labor projected a nursing shortage to peak between 2020–2025, with an estimated 250,000 vacancies across the country, which Shibinette said would have a double impact.

“The Baby Boomer nurses would retire, so we'd lose those workers, but then they'd also start needing nurses in greater numbers,” she said. “We needed a succession plan.”

The best way, she said, was to promote from within, but there were structural, educational barriers to doing that. Without additional schooling, the nursing assistants the county had — younger and liable to stay at the home for years to come — were stuck in a caste of sorts. After surveying the nursing assistants, Shibinette found their major concern was the need to maintain full-time wage and benefits to support their families.



Photo courtesy of the Merrimack County, N.H. Nursing Home.

Nurse Kelly Spindel prepares an injection for a patient. She worked her way through nursing school in the School Hours = Work Hours program. She is now a charge nurse and on a management track to become a nurse manager.

So the nursing home would help, with the School Hours=Work Hours program.

Every year, for one nursing assistant who had been with the home for more than a year and displayed an impressive record, the home would pay them their full wages and benefits, but substitute 24 hours per week of their workload with their classes or clinical rotations.

In the end, the county's support and the nursing assistant's tuition payments, were as roughly equal, at about \$20,000 per year, with a little more from the county's side, depending on the cost of employee benefits. On top of that, participants received flexibility in scheduling their shifts during heavy times in the semester to help accommodate their “crunch times.”

It allowed the nursing home to supplement its pool of applicants for the nursing positions with its home-grown employees, and the vacancies steadily declined.

“That's why it works — it's an (almost) equal investment,” Shibinette said. “We offer a benefit to our employees, but they commit to it, too. We've developed more than a succession plan; we have a career ladder. A registered nurse has career options that nursing assistants don't: leadership positions, specialties. My assistant director of nursing and two nurse managers started out as nursing assistants and went through the program.”

The program does have a catch — a three-year commitment to the county nursing home. So far, only one nurse has not fulfilled that part of the deal.

Along with the number of nursing-assistant vacancies (dropping to no full-time positions in 2013 from 159 in 2001), the county's reliance on contracted, temporary nurses declined to \$360,000 in 2012, from \$3.75 million in 2001. The roughly \$20,000 annual cost has remained consistent, and the program typically gets 10 applicants per year.

“Nobody wants to work in a dead-end job,” Shibinette said. “We can keep our superstars on staff and help them progress with their careers. That gives us more skilled, and more motivated employees, and that means better care for our patients.”

Financial Services News

Deferred Compensation Update

... the only one in the country that receives oversight and is advised by county participants.

Retirement savings continue to dominate the headlines. Have baby boomers saved enough? What about younger people? Will generation Z have saved enough for a comfortable retirement? The questions are endless. The NACo Deferred Compensation Program offers county employees an option that may lead to positive answers to these questions.

The NACo program, also known as a 457 program, is a voluntary retirement savings program that gives county employees the opportunity to save regularly for their retirement on a pre-tax basis.

As part of the oversight of its deferred compensation program, NACo hires an independent consultant to evaluate several different program aspects. These include the creditworthiness of Nationwide Financial, the parent company to

program administrator, Nationwide Retirement Solutions, and the competitiveness of the fixed annuity investment option's return to program participants.

In their analysis of the creditworthiness of Nationwide, the consultants noted that its long-term financial performance and commitment to the general account annuity market is excellent. The consultants' analysis notes that Nationwide's financial strength compares favorably with its peers. In addition, according to the consultants, the ratings agencies view Nationwide highly and with a stable outlook — which generally reflects expectations that the group will sustain a strong competitive position due to its diversified distribution channels, strong brand recognition and strong capitalization.

One of the investment options available to participants is the

fixed annuity that offers county employees the opportunity to earn an investment return at a fixed rate that is established quarterly by Nationwide. In addition, on an annual basis, Nationwide sets an investment rate minimum (or floor) for the year.

According to the study, the 2013 return on this investment option placed highest among its competitors. The report was released at the July 12, 2014 meeting of NACo's Defined Contribution and Retirement Advisory Committee, held in Orleans Parish (New Orleans), La. This study has been conducted every year since 1989, and the NACo program has always come out on top.

“NACo is very proud that our 34-year partnership with NRS continues to deliver a quality program to county employees. Saving for a more

comfortable retirement — is more important than ever as changes in public sector pensions are under review,” said Matt Chase, NACo executive director.

The consultants' analyses are only one feature of NACo's deferred compensation program that distinguishes it from others. As a result of NACo's Deferred Compensation Advisory Committee, the NACo program is the only one in the country that receives oversight and is advised by county participants.

For further information on NACo's Deferred Compensation program, please contact Lisa Cole at NACo at 202.942.4270 or lcole@naco.org or NRS at 877.677.3678 or www.nrsforu.com.

(Financial Services News was written by Lisa Cole, senior director, NACo Financial Services Corporation.)

County Innovations and Solutions features award-winning programs.



News From the Nation's Counties

► ARIZONA

• The **MARICOPA COUNTY** Attorney's Office has launched countywide public-awareness campaign about the dangers of **leaving children in hot cars**.



The "Don't Leave Me Behind" campaign includes a large, mobile billboard that features a child and a dog in a hot car with the words, "Don't Leave Me Behind." The billboard will travel throughout the county on busy streets, highways and shopping centers for about 40 hours a week through August. A public safety announcement will also be broadcast on local television stations now through September.

In summer, area temperatures often exceed 105 degrees. The county will give away windshield shades at community-outreach events for drivers to place in their cars as a reminder of the consequences of leaving children in vehicles, the *Arizona Republic* reported.

• Job applicants in **PIMA COUNTY** may have to be smoke-free for a year if a new **smoking ban for employees** passes. The ban would also add medical insurance surcharges for current employees who smoke, following a test.

Applicants would have to sign an affidavit saying that they have been tobacco- and nicotine-free for one year and pass a test to prove it, Reuters reported. A failed test could be taken again.

Those employees who fail or do not take the test would have to pay a 30 percent premium surcharge after July 1, 2015. It would be increased by 10 percent annually until it reaches 50 percent.

A memo to the Board of Supervisors, which is scheduled to look at the proposal in October, said 32 percent of county workers smoke.

► CALIFORNIA

• **IMPERIAL COUNTY** is seeking a special deal from the Legislature and Gov. Jerry Brown (D) that would require electric utili-

ties to **buy extra alternative energy** from geothermal power plants that are run by naturally occurring steam from deep in the earth.

The purchases would spur investments that could inject as much as \$3 billion into the Imperial County economy over the next 30 years, state Sen. Ben Hueso of San Diego predicted. He is the author of the bill requiring utilities to contract to buy up to 500 megawatts of electricity by 2024, the *Los Angeles Times* reported.

• With time of the essence for a **heart attack victim**, the **LOS ANGELES COUNTY** Fire Department is linking its dispatch system to an app that will notify users when someone in a public place suffers cardiac arrest.

PulsePoint sends alerts to other users when the emergency service dispatch message goes out, an effort to crowdsource CPR. Users who have downloaded the app and presumably know CPR can then intervene while waiting for first responders to arrive.

The county's response time is generally around five minutes, the *Los Angeles Times* reported, but can be longer in lower-density, longer-distance areas. Medical officials point to three or four minutes after a heart stops beating as the point where brain and body damage could be irreversible.

As of early August, officials said around 13,000 people in the county had downloaded the app. Nationwide, around 175,000 people have downloaded it.

To learn more, visit www.pulsepoint.org.

• Concern over **West Nile virus** has led **ORANGE COUNTY**'s vector control agency to request warrants.

The agency had previously taken to chucking insect-eating fish into neglected pools that they couldn't get access to, usually from a neighbor's backyard.

Vector Control has sought two such warrants, each lists between 60 and 70 properties they'd like to get access to test for mosquito breeding. Burns said they'll be seeking another such warrant.

If they test positive, inspectors will treat the pool, leave a note and report back to the judge. The agency will not break locks or climb locked fences to gain access, KPCC Public Radio reported.

The mid-August tally for Orange County had 18 of the 57 human cases of West Nile virus recorded

in California, making it the leading county in the state.

► MARYLAND

A **FREDERICK COUNTY** **alternative to building affordable housing** has prompted developers to instead pay \$8.4 million in fees.

The *Frederick News Post* reported that without the \$17,500 fee option, 480 moderately priced homes would have been built since 2011. So far, more than \$1 million of that has gone into a fund for county housing initiatives.

The fund has furnished money for the year-round homeless shelter in downtown Frederick and for the land trust that recently emerged from a collaboration between the county and Habitat for Humanity.

► MONTANA

The cost for **other counties to house their prisoners** in the **YELLOWSTONE COUNTY** jail has gone up.

The \$15 increase, to \$100 per day, will partially offset the cost of caring for the inmates, but also contribute to an estimated \$7 million needed for a jail expansion that will house 100 female prisoners.

The new rate will not affect contracts the county has with the state of Montana or with the U.S. Marshals Service to house state or federal prisoners, *The Missoulian* reported. The two primary counties that will be paying the higher rate are **STILLWATER** and **CARBON**. The new rate will raise an estimated \$34,000 a year from those two counties based on what they paid last year.

► NEW YORK

• It was "all in favor" when the **SUFFOLK COUNTY** Legislature recently passed a resolution asking the county attorney to consider taking legal action against the federal government over **commercial fishing quotas**. The largest commercial fishing fleet in the state is located in the county.

Current quotas, imposed by the National Marine Fisheries Service, allow neighboring states to take twice the amount of fish per vessel as New York's fishermen, said Legislator Craig Schneiderman, who proposed the resolution. The restrictions on New York's fishermen are based on a "faulty" and "arbitrary" data collection model, he added.

The legislators believe that since Suffolk hosts the state's largest fishing fleet, the county might legally be able to sue on their behalf.

• Officials in **WASHINGTON**

and **WARREN counties** want to create a new diversionary program to **keep drug addicts out of jail** that gives them a "natural high," combining treatment with an outdoors-themed "challenge" program.

The counties are working with the Council for Prevention of Kingsbury and Center for Recovery of Glens Falls to create the program, similar to one that's been used for eight years with local youths ages 12 to 18, according to the *Glens Falls Post-Star*.

While addressing substance-abuse issues, the program also includes outdoor activities such as hiking, kayaking and canoeing to provide them with new experiences that can channel their quest for an adrenaline rush, according to David Saffer, executive director for the council.

Warren County D.A. Kate Hogan said it would take about \$160,000 to get the program up and running.

► OHIO

• In **BUTLER COUNTY**, commissioners are considering a plan to set aside a wing of the **county-owned nursing home as a detoxification facility** for heroin addicts, according to *The Enquirer*.

Chuck Demidovich, the nursing home administrator who is working with the county's opiate task force, proposed renovating a wing of 20

beds to detox people referred through probate court, children's services and other county agencies. Under the proposal, addicts would stay for three to seven days and receive counseling and medication to ease withdrawal symptoms.

One commissioner who has been active in the task force favors the plan, but the other two expressed concerns about security of other residents at the nursing home.

Fifty-six people in the county died from heroin overdoses in the first quarter of 2014 compared to 49 in 2013, officials said.

Demidovich was asked to return to commissioners in a few weeks with a modified plan that addressed their concerns.

• **CUYAHOGA COUNTY** voters will decide this fall whether **protecting citizens' voting rights** is a fundamental mission of county government. A charter amendment will appear on the November ballot.

County Executive Ed FitzGerald — a Democrat who is running for governor — and supporters say it would put the county on a stronger legal footing in court, should it need to defend its own rules on ballot access, ideastream.org reported.

See NEWS FROM page 13

What's in a Seal?



► **Cuyahoga County, Ohio.**
www.cuyahogacounty.us

Cuyahoga County was established on Jan. 16, 1810. Residents took the county's name from the Indian word "Cuyahoga" or "crooked river." The county was originally part of the Connecticut Western Reserve, and Moses Cleveland brought the first white settlers to the area in 1796. He established the city of Cleveland that same year. With completion of the Ohio and Erie Canal and its location on Lake Erie, Cleveland prospered as a trade center, and the city also became a major industrial site in the late 1800s.

Manufacturing and sales combine for almost half of the county's employment opportunities. Some residents work in the shipping industry, transferring coal, iron ore and steel across the Great Lakes. Tourism, with the Rock and Roll Hall of Fame Museum and three professional sports franchises — the Cleveland Browns, the Cleveland Cavaliers and the Cleveland Indians, help the economy of the county flourish.

The seal, designed by Cleveland Institute of Art senior Nolan Beck, focuses on four areas: the water signifies Lake Erie and the Cuyahoga River; the green leaf represents the beauty of its forests; the bridge represents engineering and design, and the heart line signifies its strength in health care.

(If you would like your county's seal featured, please contact Christopher Johnson at 202.942.4256 or cjohnson@naco.org.)

Job Market & Classifieds

■ ASSESSOR – LINCOLN COUNTY, S.D.

Salary: \$4,458 – \$4,683 monthly; DOQ.

The assessor is the director of a department with overall responsibility for valuing all real property in Lincoln County including residential, commercial, industrial and agricultural classes of property. This position leads a staff of over 10 individuals to ensure accurate property appraisals are conducted and assessment records are maintained in accordance with South Dakota regulations. This is an appointive position; the incumbent serves at the pleasure of the Board of County Commissioners pursuant to S.D. state law.

Examples of Duties Include:

- Establish office mission, goals, and objectives and communicate accordingly to office staff. Lead the department in the planning, development, coordination and implementation of the Equalization Office's policies, procedures, goals and objectives.

- Manage personnel matters including hiring, managing staff, evaluating performance and addressing disciplinary issues.

- Ensure appraisal staff's educational requirements are current and all appraisals and appraisal processes are in compliance with the South Dakota Department of Revenue and Regulations.

- Prepare annual budget and ensure that the office operates within that budget. Oversee the market income and construction data to determine annual assessment of real property within Lincoln County.

- Investigate and respond to unresolved inquiries or complaints from citizens or public officials concerning property valuation issues. Investigate and prepare appraisal defense.

- Attend community meetings and offer responses to community concerns.

- Handle public relations and media relations. Conduct on-site inspections, when necessary, to collect data to establish a true market value.

- Provide county commissioners, all necessary individuals, and/or boards with all essential charts, tables, comparisons, and data.

- Explain and defend values to the Local, County, and Consolidated Board of Equalization along with the Office of Hearing Examiners during the yearly appeals process.

- Adhere to relevant statutory requirements under SD state law.

Minimum Qualifications:

- Bachelor's Degree in business administration, mathematics, statistics, or a related field plus five years of progressively responsible technical and administrative work in the appraisal of real property for tax purposes. Equivalent combination of education and experience may be considered.

- Possession of a Certified Appraiser Assessor certification or ability to obtain certification within one year. Must have a valid driver's license and maintain a safe driving record with Lincoln County.

- Thorough knowledge of and prior training in methods, techniques, and procedures utilized in mass appraisal of property for tax assessment purposes.

- Knowledge of current state laws governing the assessment and collection of real property taxes.

- Ability to maintain organized records and reports.

- Strong mathematical aptitude.

- Ability to gather and interpret survey/land measurements and real property descriptions.

- Ability to use complex computer appraisal software along with the necessary office equipment to complete essential functions of this position.

- Ability to communicate effectively verbally and in writing.

- Ability to establish and maintain effective working relationships with employees, other agencies, and the public. Ability to maintain professional appearance and demeanor.

Preferred Qualifications

- Possession of a Certified Appraiser Assessor (CAA) certification as well as a Certified South Dakota Assessor (CSDA) certification.

- Knowledge of computer valuation appraisal software. Previous supervisory and budget management experience preferred.

To Apply

Submit completed application, resume and cover letter by September 12 to: Lincoln County Human Resources 104 N. Main Street Suite 140, Canton, S.D. 57013 Applications available on Lincoln County's website under "Employment" at: www.lincolncountysd.org. Please call 605.764.6609 for questions on application process.

All applications must be post-marked by September 12 to be considered.

Lincoln County is an equal opportunity employer and does not discriminate on the basis of race, color, creed, religion, national origin, citizenship, ancestry, gender, pregnancy, marital status, sexual orientation, age, disability, veteran's status, genetic information, or any other protected group in accordance with state and federal law. Arrangements for accommodations required by disabilities can be made by contacting Human Resources at 605.367.4337.

■ DIRECTOR OF EMERGENCY SERVICES – COUNTY OF CHESTER, PA.

Salary: \$86,470 annually; DOQ.

Director of Emergency Services, Chester County, Pa. — staff of over 200 in 9-1-1 & all aspects of emergency services, budgeting, disaster planning, training coordinate for emergency responders, coordinate with agencies at all levels. Requires Master's, min. 10 years leadership experience, working knowledge of applicable regulations. Salary starting based on education and exp.

Apply online www.chesco.org.

Intel to invest billions in Oregon's Washington County over 30 years

NEWS FROM *from page 12*

"This is our way of saying this is one of our home-rule powers," FitzGerald said. "We take it seriously. We've put it in our charter."

He has argued that restrictions on early voting hours and the ability of counties to distribute absentee ballots are attempts to suppress likely Democratic voters.

► OREGON

- A coalition of counties from the eastern part of the state has rejected the Forest Service's proposed Blue Mountains Forest Plan Revision.

The Forest Service had set a deadline of Aug. 15 for public comments on the plan, which will provide the framework for management of three national forests: the Malheur, Wallowa-Whitman and Umatilla. The three forests touch on 10 counties.

At a recent meeting, the group voted unanimously to reject the proposal and tell the Forest Service it needs more work the *Blue Mountain Eagle* reported.

Members said they can't accept any of the alternatives proposed by the Forest Service, and they also criticized the underlying assumptions for those alternatives, saying the result is inadequate to address economic, social and environmental goals.

- On the other side of the state, Intel has announced that it will spend \$100 billion in WASHINGTON COUNTY over the next 30 years in exchange for relief from its property taxes. The company is the state's largest private employer with 17,000 employees.

County Commissioner Roy Rogers said the money will help keep Intel's campus in Hillsboro, the county seat, on the cutting edge of computer and smartphone technology, Fox 12 News reported.

Most of the money will be spent on equipment, he said, adding that "the intent of it is to make certain they remain world-class and remain right here in Washington County, and we are excited."

Intel negotiated its commitment to Washington County under the state's Strategic Investment Program; a private-public partnership, it that allows some large companies to pay less in income taxes. The Board of Commissioners will hold a public hearing on the Intel proposal on Aug. 26.

► PENNSYLVANIA

Two counties crossed by rail

lines that carry large volumes of crude oil haven't been notified about the cargo—despite U.S. Department of Transportation (DOT) recent requirement that that states share such information with local first responders.

CAMBRIA and LEBANON counties say they are not receiving the notifications, the *Belleville News-Democrat* reported. DOT issued an emergency order May 7, following the derailment of a CSX crude oil train in Lynchburg, Va. that caused a large release of Bakken crude.

The Pennsylvania Emergency Management Agency requires county emergency management officials to sign nondisclosure agreements that limit the sharing of the crude oil train information with first responders. The DOT order is intended to provide better information to fire departments and hazmat teams in the event of an oil train derailment.

It requires railroads to notify states about shipments of 1 million gallons or more of Bakken crude within their borders, the equivalent of about 35 loaded tank cars.

► SOUTH CAROLINA

"Charleston County is out." With those words from County Council Chairman Teddie Pryor, the county has withdrawn from the Charleston Regional Development Alliance.

CHARLESTON COUNTY will stop funding the alliance, a key industry-recruiting agency in the state's Lowcountry region. Instead, it will pursue a new job-seeking partnership with BERKELEY and DORCHESTER counties, which are also members of the alliance.

"We're moving forward with something different," Pryor told *The Post and Courier*, "and if the other counties want to, that's fine."

County officials wanted the alliance to focus more on recruiting new industry, leave industry retention and expansion up to the county and include the county earlier in any incentive packages being proposed or offered.

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

Oregon hosts next forum

RURAL AMERICA *from page 1*

County, Ariz. for the Southwest Regional Forum hosted by Gila County, the Tonto Apache Tribe, Town of Payson, Town of Star Valley and the Gila County Industrial Development Authority.

On Aug. 11, Gila County Supervisor Tommie Martin was joined by Fred Hochberg, chairman and president of the Export-Import Bank of the United States, for the fourth regional forum.

The forum examined ways rural businesses can access new opportunities and the role exports play in adding jobs to ensure long-term sustainable growth.

Attendees heard from experienced local exporters and a panel of local, state and federal organizations, which discussed resources to help rural companies meet their export objectives.

The administration views NACo as a key stakeholder in the development of the initiative along with the Delta Regional Authority and the Appalachian Regional Commission. Together, the partners developed a series of five regional forums beginning in Washington County (Canonsburg), Pa. June 4.

Each forum program includes a

panel of federal, state and regional export service providers examining various resources and technical assistance available for rural businesses. Attendees also hear from a panel of local business leaders discussing the numerous resources available for current and potential exporting opportunities as they showcase their successful relationships with key federal, state, regional and local resources.

Attendees and participants are able to carry their conversations over into a more intimate setting for a reception immediately following each event.

The fifth and final forum will be held in Clackamas County, Ore., at 1 p.m. PDT Aug. 28. Keynote speakers for the northwest forum include Maria Contreras-Sweet, U.S. Small Business administrator; Phil Karsting, USDA Foreign Agriculture Service administrator and Doug McKalip, senior policy advisor to the White House Domestic Policy Council. The event will be held at the Abernethy Center in Clackamas County (Oregon City), Ore.

Contact Arthur Scott at ascott@naco.org or visit <http://1.usa.gov/NbonIO> for more information on the Made in Rural America export and investment initiative.

The H.R. Doctor Is In

On-boarding without Getting Bored

Every organization wants new and promoted employees to excel. Not only is success wonderful for the individual but it is essential if the agency is to meet its responsibilities to serve the public with honor and to exceed expectations.

The proper start for brand-new employees involves a concept called New Employee Orientation or “On-boarding.” It should be a process when the newbie emerges at the end more aware of expectations and more confident. This is in opposition to what may happen to a person emerging out of some overly complex bureaucratic encounter — the person feels drained, frustrated and confused. On-boarding is a critical opportunity, which can have long-lasting implications for the success of the employee and for controlling liabilities for the organization.

Having made a case for how important on-boarding is, why is it often ignored or skimmed over? Why is it managed so that it leaves behind feelings which people dread — not unlike spending many days of

On-boarding is a critical opportunity, which can have long-lasting implications for the success of the employee and for controlling liabilities for the organization.

their first two weeks at work abandoned in a cubicle with a computer. It should be a time shared with a compelling speaker or facilitator — perhaps the best one in the organization — called into service to help shape the future of the entire agency by informing its new staff members when they need help most.

- Begin with essential core concepts. I recommend ethics and the values associated with public service, such as honesty, responsibility, accountability and R-E-S-P-E-C-T for the stakeholders. The mission

sors and elected officials.

Note that these strategic core values transcend any one agency policy. None involve filling out a 20-page form. Yet these are the underlying critical reasons why each new employee has a job in the first place. They are the strategic and the critical few.

Of course, thereafter the new employee orientation needs to convey clearly more specific key policies — such as “a workplace of equity.” This is a cornerstone of employee expectations, not to mention liability risks if not followed, for performance and behavior involving no conflicts of interest, no unlawful discrimination, no bullying, threats of violence, sexual harassment, etc. This is also a time to make sure that the safety and emergency management roles for each employee are clearly stated.

It is also a time for every employee to come to appreciate that attendance is an essential function of every job in the organization. Including the importance of performance evaluation process at the very beginning of employment will help the person know what the basis will be by which their work will later be evaluated. The latter points call out for an agency to review its performance process and make sure that it is job-related, defensible and is actually used.

All of the insurance paperwork and all of the filling out of forms in order to make benefit choices is a great subject for prior mailing to the employee’s home.

A hard copy or perhaps a DVD with the information makes sense. That may encourage benefit choices to become a family activity.

Soon after employment—but not at the beginning of orientation—each employee can be asked to make their wide array of decisions and have a chance to speak to people knowledgeable about the organization’s benefits. As important as the benefit and payroll documents may be, it should not be at the core of the process. It should not be the major point remembered at the end of orientation.

Finally, there is one piece of paper that every employee should be required to review and sign. This document will live in the personnel file and may be very valuable later. It is a written and signed receipt confirming that the employee attended the orientation, was conscious throughout (or at least semi-conscious), received

copies of key core policies, and had an opportunity to review them and ask questions. The form also calls for them to acknowledge that they understand the importance of these policies and commit to honor and comply with them.

On-boarding is a genuine encounter moment in which an em-

ployee’s future with the organization can be set out in a positive way. It should be a high-priority policy, and an important opportunity not to be squandered.



Phil Rosenberg
The HR Doctor • www.hrdi.net

NACo on the Move

► NACo Officers and Officials



Riki Hokama

- NACo President **Riki Hokama** spoke about NACo, Why Counties Matter and his presidential initiative at the business meeting of the Association of County Commissioners of Alabama Annual Conference in Baldwin County Aug. 20, the opening general session of the North Carolina Association of County Commissioners Annual Conference in Buncombe County Aug. 16 and the general session of the South Carolina Association of Counties Annual Conference in Beaufort County Aug. 5.

- NACo First Vice President **Sallie Clark** spoke about NACo and the benefits of being a member, Why Counties Matter and federal issues affecting counties at the opening general session of the Association of Arkansas Counties Annual Conference in Pulaski County Aug. 20 and the opening general session of the County Commissioners Association of Pennsylvania Annual Conference in Lancaster County Aug. 4.

- NACo Second Vice President **Bryan Desloge** spoke about NACo and Why Counties Matter at the County Commissioners Association of West Virginia Annual Conference in Cabell County Aug. 4.

- NACo Executive Director **Matt Chase** spoke about national issues affecting counties and led a workshop on federal issues and the impact on South Carolina counties at the South Carolina Association of Counties Annual Conference in Beaufort County Aug. 4.

► NACo Staff

- **Brian Bowden** has been named the new legislative assistant in the legislative affairs department. Previously, he worked with the Centers for Disease Control and Prevention where he supported the U.S. Surgeon General and other health senior officials. Bowden will assist the legislative department with research, writing, grassroots advocacy and work with the policy steering committees and caucuses.



Brian Bowden

- **Emilia Istrate**, research director, spoke about NACo’s *Strong Economies, Resilient Counties* report and County Intelligence Connection (CIC) 2.0, at the general session of the Maryland State Association of Counties Summer Conference in Worcester County Aug. 15.

- **Rob Pressly**, program manager, moderated the panel “Forest and Flood Management as Adaptation Strategies: Lessons from Local Officials” at the California Adaptation Forum in Sacramento County Aug. 19.

► Coming Up

- **Andrew Goldschmidt**, director, membership/marketing, will be exhibiting on behalf of membership at the Texas Association of Counties Annual Conference in Travis County Aug. 27–29.

On the Move is compiled by Christopher Johnson, editorial assistant.

Government Employment IS NOT an ATM

One of the HR Doctor’s favorite analogies in public employment is that of an ATM machine. Most employees appreciate the importance of the services they render and are proud to be part of a public agency. A sad few, however, appear by their behavior and performance to be much more interested in what they get, as opposed to what they give.

It is as though their careers are played out in front of an ATM machine where all they seem to be able to do is push the buttons for withdrawals. They appear less often to make any deposits. That small number of employees ends up causing disharmony and liability. If they are not counseled or corrected, they can become internal saboteurs for decades.

To attack this problem assertively, agency hiring processes themselves should be reviewed to help them identify behavioral issues which may give rise to job-related problems. That may empower the organization to move on to hiring other people who will be more likely to use both functions in the ATM.

jury duty? The low priority placed on this process is directly opposite of its importance.

On-boarding need not be expensive or complicated to make it valuable and interesting. Here are some tips:

- Don’t make it an exercise in boring, one-way communication. It should never be a process which begins with the handing out of 200 pounds of policies, paperwork and insurance forms. Nor should it consist of several DVDs with instructions for employees to spend

statement of the organization should include a challenge to each employee to embark on a constant search for improvement and not to ever walk by something wrong without intervening to make it better.

- Another of the core concepts is the idea of special diligence—the notion that public employees in particular, by virtue of their authority as agents of the government, are obligated to make the community better. This is an obligation to the taxpayers and those who need their services, not to mention the supervi-