

NACO National Association of Counties

CountyNews

The Voice of America's Counties

NATIONAL ASSOCIATION OF COUNTIES ■ WASHINGTON, D.C.

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D-Block reallocation passes tech subcommittee

The House Communications and Technology Subcommittee has passed a bill that would, among other actions, reallocate the 700 megahertz D-Block (broadband) spectrums for public safety uses.

This is a key recommendation of the 9/11 Commission. NACO has been a strong advocate of this action and will continue to push for final consideration.

Here are some of the provisions of the bill affecting counties:

See **D-Block** page 9

QuickTakes

States with Most Smokers

Kentucky	29%
Missouri	26%
Oklahoma	26%
Louisiana	26%
Mississippi	26%

Source: Gallup, 2011

CountyNews Features



Photo by Jack Hernandez

James Rhodes, planning director, Pitt County, N.C., talks about health considerations in county planning activities during NACO's "Creating Healthy Counties" forum, Dec. 1-2 in Washington, D.C. The forum explored how counties could advance community wellness initiatives and demonstrate positive returns on local investments in county health projects. It included presentations from IRS, CDC and private sector representatives, as well as examples of successful county programs to encourage healthy behaviors.

Minibus package sets spending levels for county priorities

The "minibus" FY12 appropriations bill, signed by President Barack Obama Nov. 18, contains three of the usual 12 annual appropriations bill — agriculture, commerce-justice-science and transportation-HUD — and provides \$128.1 billion in discretionary funding.

The package also included another continuing resolution, which extends FY11 funding levels through Dec. 16 for programs that have not received an FY12 appropriation.

Following are four summaries, arranged by issue area, that detail the major funding provisions affecting counties.

Agriculture Appropriations

Overall, county priorities fared well in conference negotiations on the final FY12 Agriculture, Rural Development, FDA and Related Agencies Appropriations Act. The final bill provides \$19.8 billion in discretionary spending authority, which avoids the deeper \$2.6 billion in cuts proposed by the House. Nevertheless, the funding level still represents an approximate \$350 million or 1.8 percent cut from current spending.

Several policy riders also made it into the final bill including a NACO-supported provision allowing for the restoration of USDA-sponsored

inspections of horse processing facilities. In addition, the bill will block USDA from implementing proposed new standards limiting white potatoes and starchy vegetables in school meals. Conferees also accepted the policy rider championed by Sen. Tom Coburn (R-Okla.) that would bar farmers or farm operations with adjusted gross incomes exceeding \$1 million from receiving subsidies under the direct payment program.

Funding for Extension services remained steady, and Food Safety received additional resources. The NACO-supported increase of \$50

See **MINIBUS** page 8

Colorado counties race to regulate oil, gas drilling

By CHARLES TAYLOR
SENIOR STAFF WRITER

Oil and gas exploration is coming to previously untapped parts of Colorado — like El Paso and Douglas counties along the eastern Front Range of the Rocky Mountains. And if test wells find significant petroleum resources, production drilling would surely follow.

This has some local officials scrambling to deal with the anticipated consequences, both good and bad.

In September, El Paso County commissioners passed a four-month suspension on issuing oil and gas permits to give the county time to create local land use regulations to address drilling and exploration. This came on the heels of Texas-based Ultra Petroleum's announced plans to step up exploration in the county. Arapahoe, Douglas and

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Utah counties in full-court press to keep R.S. 2477 roads open » **Page 6**

New toolkit can help when issuing bonds » **Page 2**

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Western Pennsylvania counties share Internet 911 upgrade » **Page 6**

New online tools help protect county capital

By FRANK SHAFROTH

LEGISLATION AND INTERGOVERNMENTAL
RELATIONS DIRECTOR
MUNICIPAL SECURITIES RULEMAKING BOARD

Last year, counties and parishes issued \$29 billion in tax-exempt bonds to finance critical infrastructure and improvements for their citizens. Now, the Municipal Securities Rulemaking Board (MSRB), which received an expanded mission to protect counties and other issuers of tax-exempt debt under the Dodd-Frank Financial Regulatory Act, has launched a toolkit with both webinars and written guidance to help county leaders.

The online toolkit provides new resources to county leaders, so that a county can borrow at the lowest possible cost, act to ensure it is not being taken advantage of, and have electronic access to key information to make sure the county is competitive in the capital marketplace.

The information can help elected and appointed county officials — whether their county issues bonds once a decade or many times a year — hire outside professionals and communicate with potential investors.

Today, almost any shopper goes

to the Web to assess the quality and cost of what she or he wants to consider purchasing. A county's bonds are no different. And because counties rely on tax-exempt bonds to finance schools, libraries, sewer lines and virtually every other part of their infrastructure, these new tools are intended to serve as a valuable resource.

The new toolkit consists of a video and worksheet on key information to know before issuing a tax-exempt bond; a video and fact sheet about the MSRB's Electronic Municipal Market Access (EMMA) website, and a fact sheet about submitting continuing disclosures to the EMMA system.

Six Steps

The first item explains six keys for county officials to know about issuing tax-exempt bonds: who the players are, how the process works and how to use information and the MSRB's rules to ensure no outside financial consultant can take advantage of your county. Because MSRB requires registration for underwriters and financial or municipal advisors such as those a county might hire to help bring its bonds to market, the MSRB requires both that they



register and that they comply with the MSRB's rules. Counties can, check to see if their underwriters and municipal advisors are registered by visiting the MSRB's website at www.msrb.org and clicking on the "Municipal Bond Market" tab. To view rules that apply to underwriters and municipal advisors, county officials can go to the "Rules" section of the MSRB's website.

The nation's county governments should expect a high level of professional conduct from both underwriters and municipal advisors. Under the MSRB's rules, underwriters and municipal advisors must provide accurate information related to the sale of bonds. These financial professionals are required by federal law to act in ways that ensure state and local governments are not taken advantage of, defrauded or otherwise treated unfairly.

MSRB rules require both underwriters and municipal advisors to deal fairly with county issuers: They are required to provide accurate information when giving advice or information related to the sale of bonds, and they also cannot omit important information that is relevant for decision-making. Moreover, underwriters must deal fairly with counties with regard to all aspects of the underwriting of their bonds — including honoring commitments made to a county regarding distribution of the county's securities.

Moreover, MSRB's rules prohibit conflicts of interest that can harm county issuers. For example, effective Nov. 27, underwriters cannot act as financial advisors to counties issuing bonds, and then become an underwriter on the same transaction.

Under the law, municipal advisors owe a fiduciary duty to their county-issuer clients. They may not let any financial relationships or interests they have prevent them from acting in the best interests of county as it seeks to raise money at the lowest possible cost.

Let EMMA Help Your County

Just as a retailer wants to take

advantage of the Internet to sell products, so too counties can use the MSRB's EMMA system to communicate important information directly to investors — in addition to existing requirements to keep their investors informed, at the time a county issues bonds and afterwards. These steps can reduce the overall cost of borrowing to the county — stretching the dollars further — or reducing the costs to taxpayers.

The MSRB operates the EMMA website as a centralized platform for state and local government issuers to communicate important information about themselves and their securities to municipal bond investors. But, in addition, the MSRB allows state and local government issuers to voluntarily submit other categories of investment-related information, such as annual budgets, and the timing and accounting standard used to prepare the annual financials. It is up to each county to decide whether to submit more information than what is minimally required.

For more information, you may contact Frank Shafroth at 703.797.6735, or fshafroth@msrb.org.

Whitley appointed to national government accounting advisory board

Past NACo president and Tarrant County, Texas Judge Glen Whitley has been appointed to the Texas Governmental Accounting Standards Advisory Council, a group that makes recommendations on policy to a national board that sets government accounting standards.

Whitley is one of five new members of the council, appointed in November by the Board of Trustees of the Financial Accounting Foundation, which oversees the council and the Government Accounting Standards Board.

Whitley will serve a two-year term on the 30-member advisory council beginning Jan. 1, 2012. The council is responsible for advising the Governmental Accounting Standards Board on technical issues, project priorities and other matters that affect setting standards for state and local governments accounting and financial reporting.

"As a certified public accountant, I am proud to represent my profession's viewpoint on these important issues," Whitley said. "As an



Glen Whitley

elected county official, I am proud to represent the concerns that local government, and especially county government, may have regarding how standards for accounting and financial reporting are set."

Whitley was nominated to the advisory board by NACo. He has been Tarrant County Judge since 2007 and prior to that served, as Tarrant County Precinct 3 commissioner since 1997.

What is the MSRB?

Congress created the Municipal Securities Rulemaking Board, or the MSRB, in 1975 as part of the Securities Act Amendments, authorizing the organization to create rules designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in processes facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and to protect investors and the public interest. The MSRB does not, however, regulate the activities of counties or other municipal entities or have jurisdiction over them.

Last year, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which expanded the mission of the MSRB. A key change in its mission under the new Dodd-Frank law was to protect counties and other municipal entities by regulating the professional conduct and qualifications of municipal securities dealers and municipal advisors, and by operating market information systems that promote access to data and disclosure documents.

The MSRB provides real-time municipal market data and documents, including for the first time, credit ratings, on its Electronic Municipal Market Access (EMMA) website. EMMA makes available, free of charge, municipal bond offerings and disclosure documents as well as real-time trade data for 1.5 million outstanding municipal bonds, interest rates for auction rate securities and variable rate demand obligations, and municipal market statistics.

Through this website, counties can easily track their bonds on EMMA and compare the trading activity of their bonds with similar bonds. Counties can also use EMMA to track the performance of their variable rate demand obligations (VRDOs) as well as comparable VRDOs.

To access EMMA, go to <http://emma.msrb.org>.

CountyNews

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Counties worry about water quality, dust, road damage

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Elbert counties have also drafted regulations.

Douglas County recently extended the comment period on its proposed rules from Nov. 18 to Dec. 16, to provide more time for public input.

"When oil drilling does come to the Douglas County area, we want to be able to provide landowners with the ability to be able to protect their quality of life," said Joël Lambe, a retired environmental protection specialist and a member of Landowners Alliance for N.E. Douglas County (LAND). The group is concerned that standard petroleum industry leases don't adequately protect air and water quality, among other issues.

"Water is a huge issue along the Front Range," said Andy Karsian, legislative coordinator for Colorado Counties Inc., the state's association of counties. "It was already a concern in regards to development and water rights here in the dry West, and now that we've got this image of fracking and fracking fluids being pumped down into the aquifer; there's a lot of paranoia out there."

Eastern El Paso County is "wholly dependent" on groundwater, said Amy Lathen, chairwoman of the Board of Commissioners, "so there's a great concern about the quantity and the quality of groundwater." The area's aquifer extends about 1,000 feet below the surface; hydraulic fracturing there would occur at a depth of some 6,000 feet, industry officials say.

From Western Slope to Front Range

Colorado's Front Range sits atop as much as 1 billion barrels of oil, according to some estimates, which could contribute up to \$4 billion in annual revenues to the state's economy.

"Traditionally in Colorado oil and gas has been what we call a Western Slope issue," Karsian said, and much of the drilling occurred on federal lands — on the more rural west side of the mountains. But increasingly, exploration is occurring in heavily populated Front Range counties — El Paso County, for example, the state's most populous jurisdiction with 622,000 residents, and Arapahoe County (pop. 572,000). About 80 percent of the state's population lives east of the Rockies, in cities such as Denver, Colorado Springs and Aurora.

"The industry is literally in the backyard of these ranchers along the Front Range that have never had to deal with it," Karsian added. "So

consequently, the commissioners are hearing loudly about these impacts and the concerns from the constituents, and they are having to quickly draft regulations — learn what they can and can't do."

The state largely regulates oil

and gas drilling — the "down hole" activities — via the Colorado Oil and Gas Conservation Commission (COGCC). But counties can have some say about surface impacts such as setbacks from water; roads; and dust and noise mitigation.

That's what El Paso County hopes to address. Historically, exploration had been treated as a conditional use at the county level, Lathen said.

"That's the same kind of thing that you would have for a fireworks

stand or a fruit stand or something like that. That's all we had in our regulation, which up until now was fine," she said. "We're looking at everything, but especially roads,"

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"MY CLIENTS HAVE A LOT ON THE LINE, SO I'M NOT GOING TO CUT CORNERS."

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PUBLIC DEFENDER
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Weld County prospers from petroleum industry operations

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she said, noting that petroleum exploration could generate thousands of truck trips that can damage roads.

State and Industry React to Regulations

When El Paso County suspended permitting while developing its regulations, the COGCC didn't quite go ballistic, but it was not pleased. Its director, Dave Neslin, called the action "unnecessary" and "contrary to the public interest," and said it was inconsistent with the state's regulatory role, according to reports.

"The bottom line is that we just needed to get some things done and the industry did not like that," Lathen said. Admittedly pro-business, she finds herself in a tough position as one of five Republican commissioners in a "very conservative" and business-friendly county, home to the U.S. Air Force Academy. It's "very, very good economic policy to have companies like this come in," she said, "but you have to make sure that it's responsible." Most of the protections needed are already in place, but the county is working to ensure all its bases are covered, she said.

Even so, shortly after the vote, an oil company canceled a scheduled visit for El Paso County officials to tour its operations Weld County, Lathen said. Weld has years of experience and good relations with the petroleum industry.

Ron Teck, the El Paso County's government affairs liaison, had set up the visit. "There was kind of a

suspicion on the part of the industry rep that had arranged the tour for me that the commissioners had pretty well made up their minds what they were going to do," he said, "and that trying to educate via a tour might be a futile exercise."

A few weeks later, the county revised the suspension because of an "operational conflict" in the way it had been written, Lathen said. "Because we already had some companies with pending permits for exploration, we revised the suspension to go back to what we had before." That will allow exploration as a temporary use but does not allow for production drilling. The county hopes to have its regulations finalized by the end of December.

Weld County Prospered As Petroleum Industry Grew

Colorado's Oil and Gas Association (COGA) is sympathetic to the county's plight, said Doug Flanders, a spokesman for the trade association. "We understand where these counties are coming from and that these are real issues that they want to address and to talk about," he said. "But we are trying to also seek that balance ... between those community interests and having a predictable regulatory environment so that we can continue to that have investment and jobs in Colorado."

For an example of what that investment can mean, one can look to Weld County. Petroleum operations have been occurring there for about 30 years, according to Barbara Kirkmeyer, chairwoman of the county's

Board of Commissioners. It has 40 percent of Colorado's oil and gas wells — more than 17,000 — the most wells of any county in the state and possibly the nation, county officials say. Industry activities account for approximately \$2.5 billion in assessed value.

"Here's the most positive impact to our county," she said. "We have no long-term debt in our county; we have no sales tax and no use tax, and we do a mil levy reduction of about 5 ¼ mils back to the people who are paying property taxes."

"We've really just worked to develop relationships with the industry, and that's what we encourage all of our counterparts to do," Kirkmeyer said. "In our county, it's been working very well."

But that wasn't always the case. In the early 1990s, the agriculture, home building, and oil and gas industries were "clashing" in Weld County, she recalled.

"It was tumultuous, there was a lot of legislation that was being proposed; they were trying to preempt local land use powers, those types of things," she said. "What we finally did is we sat down with the industry and with those other groups, and worked on the state regulations, to help to address some of those things."

Flanders said one of the concerns he's heard at public meetings on draft regulations in various Front Range counties is that if the oil and gas industry comes to their areas, property values will fall and people will move.

Weld County would appear to disprove that theory, he said. Weld has been one of the fastest growing counties in the state over the past decade with a 38 percent increase in population and an average 160 percent rise in property values.

"We want to work with the county commissioners, we want to work with the planning commissions," he said. "We have met with Douglas County, and set up meetings with El Paso County to walk through the different items that they would like to try to address and how there might be another way to address them...."

Flanders said the state has a mechanism in place for counties to appoint "local government designees" a county-level point person to bring local concerns to the Oil and Gas Commission and work through the state's process.

"What we have actually been talking to these different counties about is you don't want to raise expectations that you can do things that you may or may not be able to do," he said.

Weld County's Kirkmeyer said, "In our county, it's not that we think that the industry should get to go hog



Photo courtesy of Gateway News

This hydraulic fracturing, or fracking, rig appeared early last month in unincorporated Adams County, Colo., much to the surprise of residents of a nearby neighborhood in Commerce City.

wild, and have negative impacts on the other property owners within our county. We do work with them and they work with us which is really good."

Still, it will take a delicate balancing act for the new oil and gas counties to address the issues on all sides, Karsian said. "I think people

have a legitimate concern and they just want to be reassured that their concerns are being cared for, and I think that all of the commissioners are very sensitive to this in all these counties — at the same time trying not to potentially kill this golden goose that they may have coming in to help allay some other problems."

Profiles in Service



» Ilene Manster
NACo
Membership Coordinator

Number of years at NACo: 3

Education: East Carolina University, George Mason University

The hardest thing I've ever done: cook a Passover Seder meal for 20 people.

Three people (living or dead) I'd invite to dinner: Princess Diana, Adam Levine, Mel Brooks

A dream I have is to: perform on Broadway.

You'd be surprised to learn that I: went to school for vocal performance with a concentration in opera.

The most adventurous thing I've ever done is: travel halfway across the world with my younger brother.

My favorite way to relax is: with a good book and my three cats.

I'm most proud of: my family and the things that we manage to accomplish together.

Every morning I read: the comics.

My favorite meal is: mom's homemade manicotti.

My pet peeve is: Metro subway passengers that won't let people off of the trains before they try to get on.

My motto is: "Failure to prepare is preparing to fail" — John Wooden (This is why I always prepare!)

The last book I read was: *Death du Jour* (a Temperance Brennan book).


My favorite movie is: *The American President*.

My favorite music is: *Handel's Messiah*.



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Mortgage service faces lawsuits from counties

By CHARLIE BAN
STAFF WRITER

SpeedRead » » »

- » MERS claims 70 million mortgages nationwide
- » MERS-held mortgage transfers are not noted in county records
- » Counties can't collect recording fees on MERS-held mortgages

Lawsuits are mounting against a company whose operations circumvent county courthouses and eliminate recording fees.

Counties are filing suits against Mortgage Electronic Registration Systems, a Reston, Va.-based company known as MERS that speeds up the transfer of home mortgages. In doing so, however, the company bypasses the county deed-recording process, preventing the county from collecting fees for those transfers — which could be close to \$1 billion nationwide — and prevents them from maintaining accurate records.

"When the counties are already hurting for lack of federal and state funding, we're not getting the money that's rightfully due to us," said Evie Rafalko-McNulty, Lackawanna County, Pa.'s recorder of deeds and secretary of the Pennsylvania Recorder of Deeds Association. "For county commissioners, this is about a financial loss, but for recorders this is about the loss of our authority."

"Part of our role as counties is

to keep track of who owns or has an interest in the land, and MERS puts our integrity at stake."

MERS tracks transactions when mortgages are sold, or services interests are transferred. Those changes remain in the MERS database and are not reflected in local recorders' or registers' files.

Rafalko-McNulty estimates that since 2004, MERS has cost Lackawanna County at least \$700,000 in recording fees. Loss estimates are difficult to form, because only MERS knows the number of transactions that have taken place involving the more than 70 million mortgages MERS claimed as of October 2011.

But based on a conservative filing fee of \$14 per transaction,

estimates place losses at a minimum of \$980 million nationwide.

A Washington County, Pa. lawsuit claims Pennsylvania's 67 counties might have lost as much as \$100 million because of MERS. That lawsuit seeks to recover \$1.6 million in recording fees over seven years, and Lackawanna may join that suit as a class action.

"From its inception, we've thought it was a bad idea," said Deborah Bardella, Washington County's recorder of deeds. "It's always been on our radar and little by little we've watched the fee revenue drop and drop."

She expects very few Washington County residents have any idea of MERS' impact.

"If I'm the mortgage holder, I have no idea how many times it's been sold and transferred," she said. "I just send in my monthly payment and don't even suspect anything."

In Texas, Dallas County filed suit against MERS and Bank of America to recover between \$50 million and \$100 million in filing fees lost in the state's 254 counties. Counties in Kentucky, Ohio and Oklahoma have also filed suits to recover filing fees.

Ingham County, Mich. estimates its losses as more than a million dollars and the state's losses in the tens of millions of dollars. Ingham and Branch counties filed a class-action lawsuit against MERS, and a handful of banks and mortgage lenders.

MERS has made an already troubled foreclosure situation in Michigan more hazardous.

Curtis Hertel Jr., Ingham County's register of deeds, said because the state has foreclosures by advertisement, a homeowner may go through the foreclosure process and not see a judge until the house is gone and his credit is ruined. The ease with which a mortgage can be foreclosed upon, coupled with the economic downturn, has accelerated the number of annual foreclosures to nearly 1,800, compared to approximately 400 in the first half of the last decade.

"An elected official has no way of intervening in the foreclosure process, and that's tied our hands," Hertel said.

Ingham County has set up a hotline for mortgage fraud victims and hired an attorney to represent them, with 50 cases in process and

50 in waiting. Various lawsuits, including one by Delaware's attorney general, have been filed across the country based on MERS' business practices, separate from counties' complaints about lost fees.

On top of the financial issues, counties are losing control of their records, because the property owner for many parcels, MERS, has its own database, accessible using a Social Security number.

"That's the first thing we tell people not to do if they want to avoid identity theft — enter their Social Security number on a site owned by a company to which they have no relationship that's apparent to them," Hertel said.

Rafalko-McNulty said the recorders association is pursuing legislation in Pennsylvania to block the route around county recorders' offices. Succeeding there or in court will be crucial to maintaining their offices' identity.

"Our records are forever, it's the history of our county, not something we shred after 50 years," she said. "You see property records included in historical books, and we need to retain that in a place the public can view it."



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Western Pa. counties share new 911 equipment, technology

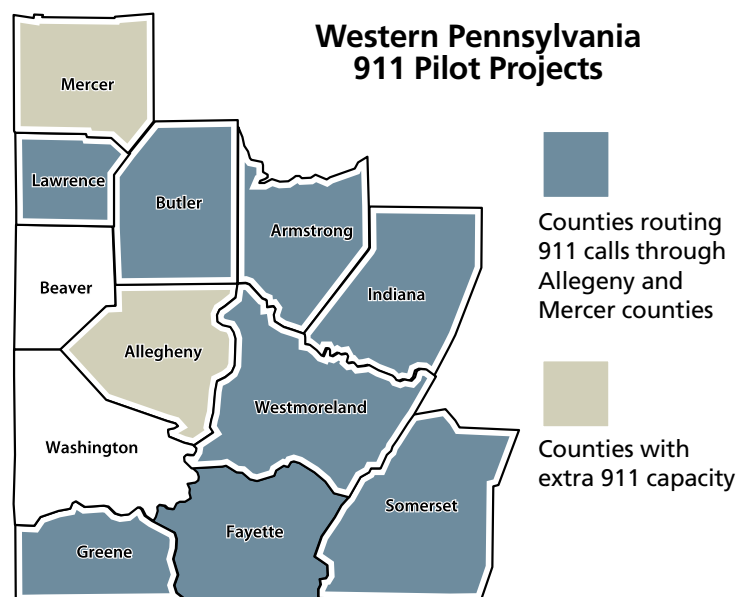
By CHARLIE BAN
STAFF WRITER

Emergency management departments in western Pennsylvania will transform with new capabilities over the next year when 10 counties complete a major 911 upgrade.

The regional upgrade was made possible thanks to Allegheny and Mercer counties' using their new Internet-based communications systems' extra capacity to manage 911 calls for the eight others. Once new equipment is in place, the counties' emergency communications centers (ECC) will be able to receive the text and email equivalent of 911 calls.

"Right now our 911 department is a call center; it's all analog," said Gary Thomas, Allegheny County emergency services' assistant chief and 911 coordinator. "When we're finished, it will be a data center with more than just phone calls coming in. We'll face a bit of a learning curve when we're inundated with new media, but we'll adapt."

As 911 systems reached the end of their maintenance life in Allegheny County (along with the city of Pittsburgh) and Mercer County, their ECCs replaced the systems with models that could not only receive data, but also had much higher capacities. Lawrence,



Butler, Armstrong, Westmoreland, Indiana, Somerset, Fayette and Greene counties, which are all reaching the same point where they have to replace obsolete equipment, will have to pay for a slight upgrade, but at a much lower cost than purchasing a fully fledged system like Allegheny and Mercer did. Allegheny County's full-system upgrade cost approximately \$10 million.

"What's even more noteworthy than the technology is the way these counties are sharing it," said Tim Loewenstein, NACo's representative on the Department of

Homeland Security's SAFECOM Executive Committee. SAFECOM addresses the need for emergency response interoperability among governments.

"These jurisdictions are seeing the big picture and helping their neighbors," he said. "For a lot of counties, this kind of technology is unreachable, but now their services will improve, and the bottom line is the taxpayers win."

Greg Leathers, Greene County's Emergency Services acting director, said the proactive approach has helped the counties win support.

"Everyone has to cut costs

somehow and consolidate, but if you go to the state to talk about it before they tell you it's time to do it, you're going to be looked at a lot more favorably," he said.

The new system's obvious beneficiaries are younger people who habitually use text messaging, but it will also give a new freedom to hearing- and speech-impaired people who could previously only reach 911 using TTY systems in their homes.

"They'll no longer be tethered to their home phones," Thomas said. "And kids, well, both my kids have cell phones and they barely talk on them, they're almost always texting."

It will also be a huge benefit for people who are unable to speak to 911 dispatchers, for fear of giving away their location.

"The (2007) Virginia Tech shootings is a great example of a situation where texting to 911 would have been the best option," Thomas said.

The 911 systems will also be able to receive information from cars equipped with sophisticated communications systems that transmit in event of a crash. The car's location, condition and information as to the number of passengers and whether airbags have been deployed can be sent to local dispatchers even if the

drivers and passengers are unconscious.

The new technology will also allow emergency managers to log into their systems remotely, which Thomas said would be useful if an emergency management facility is unreachable.

Brian Burke, the former Washington County Emergency Management director who is now a senior vice president at public safety communications consultant Mission Critical Partners, said the participating counties will see additional savings because they won't have to pay multiple licenses and site licenses for software.

A federal grant to the Pennsylvania Emergency Management Agency (PEMA) has provided \$2.4 million that the agency will use help those eight counties buy equipment. The money must be spent by Sept. 30, 2012, so that will serve as a deadline for buying equipment and the effective target date for having equipment in place.

PEMA and the eight counties are doing an assessment to determine what new equipment will be needed and how much it will cost.

Jon Hansen, the director PEMA's 911 Bureau, said although the funding plan and scope of the pilot program have not been finalized, the bulk of the grant will go toward building infrastructure.

Counties sue to preserve roads through public lands

By CHARLES TAYLOR
SENIOR STAFF WRITER

There's a clock ticking in the West, and time is running for some of the people who can help counties establish their claim to rural roads that traverse federal public lands.

Four Utah counties are suing the federal government over claims of ownership of so-called Revised Statute 2477 (R.S. 2477) roads. The rights of way through public lands were enabled by Congress in 1866 to promote mining and settlement in the West. The Federal Land Policy Management Act in 1976 repealed that provision but grand fathered pre-existing roads.

To make their case, the Utah counties must show that the roads were county-constructed or prove they were created by "use" — frequently traveled paths and trails that became de facto roads. However, for the latter category the number of the people who can attest to the roads' history is dwindling with the passage of 45 years or more since 1966. Such



Photo courtesy of Holland & Hart LLP

This road through public lands in rural Kane County, Utah is still in litigation to establish county ownership. Not all so-called R.S. 2477 roads are this basic; some are paved.

roads must be shown to have been in continuous use from 1966 to 1976.

"We're at that critical juncture where too much longer, we're going to lose a substantial amount of our witness base," said Mark Ward, a

policy analyst with the Utah Association of Counties. "A lot of people out there have knowledge but they're aging and some of them are dying."

Shawn Welch is an attorney who represents Kane and other counties

in R.S. 2477 disputes. He said the roads run the gamut, ranging from "two tracks" to built-up dirt roads, but some are also "graveled" or paved.

To substantiate the more rugged roads, he said, "You kick the bushes and find a bunch of old timers. You go back and look at pre-'76 aerial photography, maps — what little historical records may be there — if there's any county records documenting the construction or maintenance of the roads."

Utah County officials are looking for residents who remember using several dirt roads in the county from the mid-Sixties to the early 1970s.

Aside from the dying breed of people who can document former road use, Ward said a sense of urgency has been created by the Bureau of Land Management's taking "a more aggressive stance" in closing roads.

For all these reasons, he said, counties felt it was time to "bring the mother of all lawsuits."

Ward said the volume of claims is strategic. "The counties are hoping that with this it might bring the gov-

ernment closer to the long-awaited time where they might say let's just sit down and try to resolve these outside the court," he said.

A pilot is underway in Iron County, Ward added, to negotiate R.S. 2477 issues with the federal government, which could serve as a model for settling the newly filed cases. And Kane County was successful in 2010 in establishing R.S. 2477 claims on 75 miles of roads, Welch said.

The lawsuits, recently filed in U.S. District Court in Salt Lake City, claim that more than 94 roads in Garfield County, and 710 roads and road segments in Kane County belong to the counties. Carbon and Utah counties have also joined the action.

Ward said about 22 of Utah's 29 counties have enough federal Bureau of Land Management lands and road claims to also become involved. But it's not just a Utah issue.

"It's going across the West, and it's growing," Welch said. There are several R.S. 2477 disputes in

Public Safety and Accountability Act looks to lower jail costs

By REBECCA HSIEH
COMMUNITY SERVICES ASSOCIATE

In February, the Public Safety and Offender Accountability Act was introduced in the Kentucky legislature by Sen. Tom Jensen (R) and Rep. John Tilley (D). Steve Beshear, the state's Democratic governor, signed Kentucky's HB 463 into law on March 3.

The act combined data-driven reforms to help Kentucky use its expensive prison space for the most serious offenders, strengthen parole and probation to reduce recidivism, and track progress under the law so corrections officials could effectively evaluate results.

The law is based on recommendations by the Task Force on the Penal Code and Controlled Substances Act that met throughout 2010 to address the state's exploding inmate population and the role played by drug crimes in

the increase. The Pew Center on the States, which has helped organize similar reform legislation in Texas, South Carolina and Arizona, had been advising the state.

The measure is intended to reduce jail overcrowding and eliminate the need to build more prisons, officials said. The law focuses on how low-risk, nonviolent offenders can be effectively supervised in the community at a lower cost, ensuring that prison beds are available for more dangerous offenders. Specifically, the law distinguishes between serious drug trafficking and drug peddling by establishing a proportionate scale of penalties that ensures those who traffic in larger quantities of drugs are punished more harshly than those who sell small amounts for personal use.

The law revises penalties for simple possession of drugs by reducing the penalty for possession

of controlled substances to a three-year maximum term rather than the previous five-year maximum. It also allows courts to divert minor offenders by permitting deferred prosecution or presumptive probation sentences for first- and second-time possession offenders.

The law also provides guidelines for judges to impose GPS monitoring for medium-risk defendants, establishes funding for and mandates use of evidence-based practices for pretrial supervision and intervention programs. These include mechanisms for reviewing the effectiveness of programs and their use of evidence-based practices, and use of community-based programs for pretrial supervision. Most likely tax dollars will be paying for these programs.

One of the more interesting features of the new law requires any state legislator who files a bill establishing a new crime or increasing the penalty for an existing crime to list the cost in terms of housing or monitoring criminals and identify a source of funding for both prisons and county jails.

Parole boards, in the meantime, could not defer inmates' parole for

longer than two years if they're convicted of a nonviolent, nonsexual felony. In all other cases, parole could not be deferred for more than five years unless a majority of the full parole board agrees.

Conditions of bond and pretrial release now focus more on whether a defendant will return to court. An "own recognizance" (O.R.) bond or an unsecured bond is now required when the defendant is found to be a low flight risk, is likely to appear for trial, and is not likely to be a danger to others. Defendants being held pretrial will receive \$100 dollar bail credit for every day spent in jail unless the court finds them to present a flight risk and danger to others.

Convictions for certain sex offenses and violent offenses will also disqualify a defendant from receiving this credit. The state would develop "graduated sanctions" to use whenever possible to punish criminals who violate the terms of their probation or parole, rather than just returning them to prison or jail for minor violations, such as missing an appointment. It reauthorizes the Task Force on

the Penal Code and Controlled Substances Act to monitor the implementation of the provisions of this act and recommend further changes to Kentucky's criminal justice system.

The Legislative Research Commission estimates that the reforms will produce savings of \$422 million over 10 years for the state. A portion of these savings will be reinvested in substance abuse programs, mental health treatment and efforts to reduce recidivism. Of the remaining savings from the act — after accounting for needed parole and probation services — 25 percent will be distributed to a new local corrections assistance fund to aid local corrections facilities and programs.

Kentucky's new law is considered by some in the criminal justice field to be a very significant and meaningful piece of legislation that shows promise in creating a more efficient and effective justice system. However, it will be important to monitor the impact the new law will have on county justice systems as they face serious budget cut backs and now, new challenges.

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Photo by Joe Szurszewski

CDBG funding includes first set-aside for disaster assistance

MINIBUS from page 1

million for the Food and Drug Administration (FDA) made it into the final bill. The nearly \$2.5 billion funding level for FDA will allow the agency to begin implementation of the recently passed Food Safety Modernization Act.

NACo and coalition partners also succeeded in maintaining the higher Senate funding levels for USDA Rural Development in the conference agreement; however the final bill includes significant cuts to county-supported programs. The rural development budget provides direct funding to rural counties for broadband, community facilities, water-wastewater infrastructure and business development projects.

The final bill provides \$2.25 billion overall for rural development, which is a 7 percent reduction from the FY11 level of \$2.43 billion. The overwhelming Senate rejection in October of the House's proposed 40 percent cut to rural development programs helped conference negotiators avoid even deeper reductions proposed by the House.

A summary of funding levels for the major county-supported rural development programs follows. The modest overall reductions are positive given the current political environment, however some individual programs experienced drastic reductions.

Rural Water and Waste Disposal Programs: The bill provides \$513 million in budget authority to support both grants and loans. This is higher than both the Senate and House positions going into conference, however it represents a \$14.9 million or 3 percent cut from FY11.

Rural Community Facilities Programs: The bill provides \$24.29 million in budget authority to support grants. This represents a \$17.11 million or 41 percent cut. However, the agreement includes \$1.3 billion in direct loan availability, which is a \$1 billion increase that will greatly benefit rural counties with facility projects. This increase did not cost the federal government anything.

Rural Broadband: The bill provides \$37.37 million for distance learning, telemedicine and broadband program grants and loans, which saved the program from the House level of \$15 million. However, this level of funding is \$30.7 million or 45 percent less than the FY11 level.

Rural Business Programs: The bill provides \$74.8 million for rural business grants and loan subsidies. This represents a \$10.5 million or 12 percent cut. The Rural Microenterprise Assistance Program, which

SpeedRead » » »

» Rural development funding lowered 7 percent over FY11

» CDBG formula program down 10 percent

» Highway funday reduced by 3 percent

was funded at \$5.7 million in FY11, was eliminated in the bill.

Renewable Energy for America Program (REAP): The program is funded at \$25.4 million in discretionary and mandatory funding, which represents a cut of \$49.6 million or 66 percent.

HUD Appropriations

The minibus includes \$37.4 billion for HUD, 9 percent less than FY11. It cuts funding for the Community Development Block Grants (CDBG) formula program from \$3.3 billion to \$2.95 billion. While the Community Development Fund section is funded at \$3.3 billion, up to \$300 million, plus an additional \$100 million in disaster funds, is slated for disaster assistance. This is the first set-aside for disaster assistance in CDBG. The final language maintains the 20 percent administrative cap for CDBG. The House proposed cutting this in half.

The final agreement also reduces the HOME program funding from \$1.6 billion to \$1 billion and includes reforms to ensure that HOME funds are used in a timely fashion, and for worthy projects.

The final agreement also includes \$120 million for HUD's Choice Neighborhood Initiative, a \$65 million increase over the current level. This program expands on the HOPE VI program to improve public housing. The bill eliminated funding for the Sustainable Communities Initiative, which is currently funded at \$100 million, but maintains the office within HUD. There is language in the conference report that indicates that sustainable activities are an eligible use for CDBG formula funds.

The agreement includes level funding of \$1.9 billion for homeless assistance grants. It provides \$18.9 billion for Section 8 housing choice vouchers, \$500 million above FY11. Of this amount, \$17.2 billion is for renewal of current housing vouchers, \$1.4 billion is for program administration. It also includes \$75 million for vouchers for homeless veterans, up from the current \$50 million level.

The final bill also includes \$45 million for HUD's housing counseling program, which was eliminated

in FY11, and \$80 million for the National Foreclosure Mitigation Counseling program. Close to \$6 million was allotted for Section 108 loan guarantees. It also increases the Federal Housing Administration (FHA) higher loan limit up to \$729,750 through Dec. 31, 2013, but not for Fannie and Freddie Mac.

The final agreement includes a provision (Section 409) that prohibits funds from being used for any project that seeks to use the power of eminent domain unless eminent domain is employed only for a public use.

Commerce, Justice and State Appropriations

FY12 appropriations for the Department of Commerce, Department of Justice (DOJ), and other related agencies total \$52.7 billion, a \$583 million decrease from last year's level, and \$5 billion below the administration's FY12 budget request. Subsequently, funding is reduced for key local criminal justice, law enforcement, juvenile justice, and delinquency prevention assistance programs important to counties.

Specifically, the final bill provides:

- \$470 million for Byrne Memorial Justice Assistance-JAG grants (\$39 million less than FY11)
 - \$240 million for the State Criminal Alien Assistance Program (\$34 million less than FY11)
 - \$166 million for COPS hiring grants (\$80 million less than FY11)
 - \$63 million for Second Chance Act funding (\$20 million less than FY11)
 - \$35 million for DOJ's Drug Court Discretionary Grant Program (\$2 million less than FY11)
 - \$30 million for the Juvenile Accountability Block Grant (\$16 million less than FY11)
 - \$20 million for Juvenile Justice Title V Incentive Grants for Local Delinquency Prevention Programs (\$34 million less than FY11)
 - \$15 million for Byrne Competitive Grants (\$18 million less than FY11)
 - \$13 million for Prison Rape Prevention and Prosecution funding (\$1 million less than FY11)
 - \$13 million for DEA Methamphetamine Lab Cleanup assistance (2.5 million more than FY11)
 - \$9 million for Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) program funding (\$1 million less than FY11), and
 - \$418 million for DOJ's Office of Violence Against Woman Programs (\$6 million less than FY11).
- Throughout the debate on

federal appropriations over the past nine months, Second Chance Act funding, COPS Hiring Grants, SCAAP, JJDP Title V Delinquency Prevention and JABG all faced elimination. However, these programs were all ultimately saved thanks to the widespread advocacy of county officials and many stakeholders nationwide.

Transportation Appropriations

The minibus appropriations bill for FY12 generally adheres to the Senate-passed transportation funding levels, which NACo supported.

The final bill provides \$39.88 billion for highway funding, down from the FY11 level of \$41.1 billion but substantially higher than the \$27.7 billion proposed by the House. Another \$1.66 billion for the Emergency Relief program for highways damaged in disasters such as Hurricane Irene and the recent Missouri River flooding is included.

Transit funding is set at \$10.6 billion, a \$311 million increase over FY11, which includes an increase in the Formula and Bus Grants program, and an increase in the New

Starts and Small Starts programs.

The Airport Improvement Program took a cut to \$3.35 billion, the House-passed level, from the current figure of \$3.52 billion, which had been in place since FY06, and despite some vocal opposition, Essential Air Service was funded at \$193 million, a reduction of only \$6.7 million, far better than the House proposal to cut EAS by \$50 million. The Small Community Air Service program is kept alive with \$6 million in funding.

Amtrak received nearly \$1.44 billion, a 4.3 percent cut. Operating assistance for Amtrak is set at \$466 million, a \$96 million cut, and the Amtrak capital program is funded at \$952 million, a \$30 million increase. High-speed rail receives no funding, despite a Senate-supported level of \$100 million, and the TIGER grant program is provided with \$500 million, which the House bill would have eliminated.

(Bob Fogel, senior legislative director, and Daria Daniel, Dalen Harris and Erik Johnston, associate legislative directors, contributed to this report. For more information, call NACo toll-free, at 888.407.6226)

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Top 20 Counties with Largest Elk Population

(In ranking order)

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Gallatin (Mont.)
Yakima (Wash.)
Missoula (Mont.)
Ravalli (Mont.)
Routt (Colo.)
Morgan (Utah)
Uintah (Utah)

Archuleta (Colo.)
Grand (Colo.)
Park (Wyo.)
Sublette (Wyo.)
Asotin (Wash.)
Fremont (Wyo.)
Gunnison (Colo.)

Chelan (Wash.)
Anderson (Tenn.)
Custer (S.D.)
Wasco (Ore.)
Broadwater (Mont.)
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Model Programs From the Nation's Counties

Broward County, Fla.

County Helps Cities Keep Tabs on the Vulnerable

By CHARLIE BAN
STAFF WRITER

The first step to helping those in need is figuring out who and where they are, and Broward County, Fla. has a plan to do that.

The county's Vulnerable Population Registry seeks to keep track of disabled or frail residents living at home in the event of emergencies, primarily hurricanes.

Hurricane Wilma, in 2005, served as a catalyst to develop a registry for the vulnerable, which the program defines as people only able to function independently when normal support mechanisms, including power, transportation and communication systems are available. During Wilma, when all of those systems were down, many vulnerable people were unable to evacuate

when power losses prevented them from taking elevators or making telephone calls.

"We didn't know where people were in need, so we largely had to depend on them coming to us," said Ginny Hazen, the county's human services department's emergency management coordinator, who has taken charge of the registry in the past two years. "It was very haphazard, the Red Cross was overwhelmed, and our human services staff ended up making trips to deliver food and water."

The county contracted with a vendor for a registry soon after. Residents could enter their own information through a county-run website or by telephoning the county's call center. Broward County's 32 municipalities could export information about their residents. The county monitors the



registrants in its few unincorporated areas. That registry, however, was widely panned for being slow, awkward to use and substandard to what the county's Human Services Department wanted.

"It really only worked properly 50 percent of the time," Hazen said. "It was challenging to access, and we ended up paying exorbitant fees for the vendor to customize it to our needs."

The vendor's contract was not renewed and in 2010, the county developed its own system, with dramatic improvements. Had the county contracted with a vendor to design the new system, it would have cost approximately \$70,000, and \$20,000 in annual maintenance fees. The new system performs frequent automatic updates that, in the old system, county personnel had to do manually.

As of late November 2011, approximately 2,400 people had registered, though Hazen said that paled in comparison to the 18,000 residents who are registered for paratransit out of the 1.8 million total Broward County residents.

The municipal representatives, mostly emergency services depart-

ments, get weekly reports about registrants in their jurisdiction. Interactivity with the county's geographic information system (GIS) allows municipalities to create a map of registrants and helps validate the addresses entered in registration forms.

Hazen said different municipalities' procedures vary in terms of how they use the registration information, but all warn registrants that signing up does not guarantee them services. Many municipalities are developing volunteer-driven programs to check up on vulnerable citizens who have registered.

The registration system works with all Web browsers, and the secure forms keep information confidential. When registering, users designate their address, type of residence (apartment, condo or nursing facility), languages spoken and type of vulnerability, plus the extent of the registrant's mobility.

A byproduct of the registration system is a closer connection with registrants, who can easily be contacted through the email addresses they provide.

Hazen plans to consult with

the 10 municipalities that use the registry the most to figure out what additional features should be developed.

The county considers the program to be a success based entirely on the system's performance improvements because the south Florida region hasn't experienced a disaster on the scale of Hurricane Wilma since the system was developed.

For more information on developing a registry, contact Ginny Hazen at 954.357.6385.

(Model Programs from the Nation's Counties highlights Achievement Award-winning programs. For more information on this and other NACo Achievement Award winners, visit NACo's Web site, www.naco.org ► Resource Library ► Model County Programs.)

\$6.5B available for public safety broadband

D-BLOCK from page 1

Spectrum

- reallocates the D-Block to public safety,
- requires that public safety return the narrowband 700 MHz spectrum within five years after standards have been set to allow public safety voice communications over broadband. Spectrum would then be available for commercial purposes, and
- authorizes incentive auctions.

Funding

- dedicates up to \$6.5 billion for a grant program to help states construct public safety broadband networks. Sets federal share of grant program at 80 percent but allows for a waiver from the 20 percent match,
- \$100 million for a State Implementation Fund to help state broadband offices negotiate contracts for construction of the network, and
- provides \$40 million to the administrator — a private entity selected by the Department of Commerce — to carry out oversight and management role.

Governance

- assigns the license for the D-Block spectrum to a national administrator, but requires each state to build its own broadband network or work regionally to construct the network with other states, and
 - requires establishment of a Public Safety Communications Planning Board to consist of four federal members and nine non-federal members, including two public safety representatives, one representative of state or local public safety employees, and two members representing other state and local interests as determined by the FCC.
- The board would be charged with developing a National Public Safety Communications Plan to govern the use of the spectrum. The national plan would need to be approved by the FCC.

"While concerns remain about the governance structure, the 'give-back' of 700 MHz narrowband spectrum and funding levels, the bill is an important step in accomplishing a long-standing NACo legislative priority," said Jeff Arnold, deputy legislative director and NACo telecommunications lobbyist.

Roads provide 'basic' rural transportation

ROADS from page 6

California and Alaska, and Idaho is beginning to "weigh in on some."

NACo policy supports maintaining and enhancing public access to public lands and opposes federal action that would change the scope of these rights regarding R.S. 2477 roads.

Some critics claim the efforts are a ploy to preserve access to exploit resources on federal lands. But Ward finds that a ludicrous assertion about westerners who love the land. "These roads form the basic transportation network for a lot of different stakeholders in the rural counties," he said, including recreational users, cattlemen, wool growers, mining claimholders and Native Americans.

He answers opponents of the counties' legal efforts with a question.

"So what you're saying is that the people who are closest to the land, the people who depend on the land, the people that depend on it being a perennial resource just can't wait to get out there and ravage the land and destroy it?"

His implied answer: Of course not.

In Case You Missed It ... News to Use from Past County News

► Five Star Restoration Grant applications now being accepted

Five Star provides \$10,000 to \$40,000 grants on a competitive basis to support community-based wetland, riparian and coastal habitat restoration projects that build diverse partnerships and foster local natural resource stewardship through education, outreach and training activities. Applications are currently being accepted and can be submitted through Feb. 15, 2012.

For more information and to apply, visit www.nfwf.org/fivestar or contact Carrie Clingan at cclingan@naco.org or 202.942.4246.



News From the Nation's Counties

► CALIFORNIA

SAN DIEGO COUNTY and the U.S. Environmental Protection Agency recently gave Baja California \$53,000 worth of **hazmat suits and other equipment** as part of a federally funded plan to improve emergency response across the U.S.-Mexico border.

The equipment includes a decontamination tent, chemical protection suits, breathing masks and mercury-spill kits. The items were paid for by EPA's Border 2012 program through a grant that San Diego County helped to secure.

It is part of a long-running collaboration that includes San Diego County's environmental health experts training more than 120 Mexican emergency responders over the past three years.

A recent EPA report said many of the 34 border facilities that are permitted to handle hazardous waste along the U.S.-Mexico border are clustered in the San Diego County-Tijuana region, according to *SignOnSanDiego.com*.

► FLORIDA

New home construction in **HERNANDO COUNTY** may see a boost after commissioners voted to **suspend all impact fees for the year**.

The fees had already been lowered to \$4,862 from \$9,200 for single-family homes two years ago. Staffers assured the board that with impact fees already collected no planned projects would need to be eliminated—including road, library and public building commitments.

The revenue from fees levied on residential development is used to build new schools or add capacity at existing ones. The district estimated collecting \$300,000 this budget year. Commissioners said the school board and the Brooksville City Council could independently charge higher fees, the *St. Petersburg Times* reported.

► IDAHO

A federal judge suggested **BOISE COUNTY** raise taxes beyond the cap set by Idaho law to help pay a settlement with a developer.

U.S. District Judge B. Lynn Winmill's order says the county "must levy above the 3 percent budget cap" in Idaho law because the county doesn't have the cash on hand to pay the full amount. He ordered the payments — totaling \$5.4 million, including about \$1.4 million in attorneys' fees — after a federal jury last year said the county violated the Fair Housing Act in its handling of an application for a proposed teen treatment center. Winmill said the

county should tap whatever unspent funds in its budget to help pay, the *Idaho Statesman* reported.

County commissioners didn't see how they could maintain county services and pay the judgment, so they sought Chapter 9 bankruptcy protection, but a bankruptcy judge ruled that the county failed to prove it was insolvent.

► ILLINOIS

A 13-member task force will analyze the best way to **provide police protection** to unincorporated parts of **COOK COUNTY**.

Board President Toni Preckwinkle originally proposed a plan to create special service areas in 100 unincorporated parts of the county to cover the cost of sheriff's patrols. Suburban county commissioners, municipal leaders and constituents convinced her to form the task force, the *Daily Herald* reported.

The original plan would have cost property owners in those unincorporated areas \$150 extra on their tax bills per year to generate roughly \$5 million.

Preckwinkle contends the 98 percent of taxpayers who own property in incorporated areas have been "subsidizing" police protection for the 2 percent who are in unincorporated areas because the majority of county residents pay for police protection through their municipal property taxes, while unincorporated residents don't pay that cost.

► MICHIGAN

- All public servants associated with **MACOMB COUNTY** must follow a **new ethics ordinance**.

The 10-page document sets guidelines for disclosure to prevent conflicts of interest and addresses issues including nepotism, gifts and gratuities, and inappropriate use of county time and property.

It defines public servants as county employees, elected officials and appointees. It makes Macomb the largest county in Michigan to have a code of conduct and the only county in the Macomb-Oakland-Wayne-county area to do so.

- Five groups of **WASHTENAW COUNTY** employees that haven't settled new contracts are expected to start **paying significantly more for their health care benefits** soon.

The Board of Commissioners voted to go along with the state's new 80-20 rule for public employee health insurance, capping the county's contributions toward health care benefits at 80 percent of costs, while the approximately 100



Photo courtesy of Henry County, Ga.

Referee Chris "Santa" Shumate's coin toss is captured in midair in this best-of-show photo taken by John Minnihan at a county park. The photographer took top honors in Henry County, Ga. Parks and Recreation's 2011 photo contest.

► GEORGIA

HENRY COUNTY has lots of new photographs to help highlight its parks and amenities, thanks to the seven winners of Henry County Parks & Recreation's 2011 **Photography Contest**. They were honored at the County Commission meeting Nov. 15. Categories included sports and action; people, pets and play; and nature and wildlife.

Parks & Recreation displays the photos in its offices, while the county's Communications Department features them in various publicity materials to showcase Henry County's parks and recreational facilities.

The parks department also produces a wall calendar featuring the photos, which also helps to promote its offerings.

employees affected will pick up 20 percent starting Jan. 1, 2012.

Public Act 152 of 2011, signed into law in September, limits public employers to paying no more than \$5,500 for health benefits for a single employee, \$11,000 for an employee plus spouse, and \$15,000 for family coverage. It applies to any labor agreements signed on or after Sept. 15.

The bargaining units affected are the general supervisors, public defenders, public defender supervisors, assistant prosecuting attorneys and assistant prosecuting attorney supervisors, *AnnArbor.com* reported.

► NEW YORK

- With possible layoffs in the offing, the **ESSEX COUNTY** Board of Supervisors Personnel and Administration Committee has asked the county's personnel chief to look into reports of **non-residents on the county payroll**. Employees are required to reside in the county, unless they have a waiver.

New employees have a year to move into the county, but county Personnel Officer Monica Feeley said there are some employees

without waivers who have not complied.

Randy Douglas, chairman of the County Board, told the *Press-Republican*: "Maybe Monica could give us a list, titles, not names, and who has permission to do that (live outside of the county)."

- More money from a state-imposed **tax on cellphones** could finally be heading to counties, as intended.

Bills are working their way through both chambers of the State Legislature to require the monthly \$1.20-per-line tax to go to counties to operate and improve public safety communications, *The Daily News* reported.

Last year, \$190 million was collected, but only \$9.3 million — less than 5 percent of the total — was disbursed to county governments. The rest of the money went to the state's general fund.

"The intent was to go to 911 centers to offset the costs. We've been fighting this battle for years and lobbying the Legislature," **GENESEE COUNTY** Sheriff Gary Maha said.

► SOUTH DAKOTA

Several counties aren't seeing the kind of tax revenues they were promised from a **TransCanada oil pipeline** running through their counties, the *Argus Leader* reported.

In 2007, when the company was pushing to build the pipeline in eastern South Dakota, it advertised more than \$9.14 million in tax revenues would be paid to the 10 counties along the route.

Actual payments in the pipeline's first year of operation were one-third of that amount — \$2.95 million to counties and school districts, according to county auditors and treasurers. This excludes taxes TransCanada paid directly to the state, some of which was refunded under an incentive program for large projects.

For example, **MARSHALL COUNTY** was promised \$937,804 but received \$286,281, and **YANKTON COUNTY** received \$247,965 of a promised \$837,988. State and county officials are hopeful TransCanada's estimates will pan out over time.

Financial Services News

IRS Increases Retirement Plan Contribution Limits for 2012

The Internal Revenue Service has announced higher maximum contribution limits for participant-directed defined contribution plans, effective January 2012. The announcement means county workers will be able, by law, to contribute more into their NACo Deferred Compensation Program and similar retirement-plan accounts as soon as the first paycheck of the new year.

The NACo Deferred Compensation Program provided by Nationwide Retirement Solutions is designed specifically to empower public workers to invest payroll-deducted, tax-deferred income that could supplement their projected pension income. Older employees can even catch up on missed opportunities to prepare for retirement.

In January, county workers can contribute as much as \$17,000 per year to their deferred compensation plan account. If they're at least 50 years old, they could contribute as much \$22,500 through the age 50-plus catch-up provision. Certain employees who are nearing their retirement date could contribute as much as double this year's maximum limit, \$34,000, through

the Special 457 catch-up provision.

For most workers, the legal maximum may be beyond their financial reach. Their "max" is the

contribution increase that matches their budget and comfort level. The federal government encourages retirement-plan participants who

may need help saving for retirement through the Saver's Credit, a tax credit created under the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA). For those who qualify, it allows a credit of up to \$1,000 on their federal income tax return for contributing to their NACo Deferred Compensation Program account. Eligibility depends on filing status and modified adjusted gross income.

Nationwide is promoting the 2012 contribution limits, as well as the Saver's Credit, with an underlying theme which reminds public employees that increasing contributions by any amount right now could mean having more options in retirement.

County leaders can support their workers by promoting their sponsorship of deferred compensation. Make sure your employees know that you understand the challenges they face, and how you're working to help them to find solutions through your plan.

Be a cheerleader — educate employees about why supplemental savings is so important. Enlist frontline advocates for your plan. Encourage them to talk it up among coworkers.

Let us help your county's workers feel prepared for retirement — because they've planned for it through the NACo Deferred Compensation Program. Contact Lisa Cole at NACo, lc@naco.org, 202.942.4270 or a Nationwide representative at 877.677.3678, option 2.

(Prepared by Bob Beasley, communications consultant, Nationwide Retirement Solutions. ©2011 Nationwide Retirement Solutions, All Rights Reserved. "Nationwide" and "On Your Side" are service marks of Nationwide Mutual Insurance Company.)

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2012 Regular Deferrals	Age 50+ (incl. Regular Deferrals)	Special 457 Catch-up (incl. Regular Deferrals)	
\$17,000	\$22,500	\$34,000	
Reminders: <i>Investing involves market risk, including possible loss of principal. You cannot use the Age 50 Catch-Up and Special 457 Catch-Up in the same year.</i>			
Maximum Amounts by Pay Frequency	Regular Deferrals	Age 50+ (incl. Regular Deferrals)	Special 457 Catch-up (incl. Regular Deferrals)
Weekly (52 pays)	\$326	\$432	\$653
Bi-weekly (26 pays)	\$653	\$865	\$1,307
Monthly (12 pays)	\$1,416	\$1,874	\$2,833
Semi-Monthly (24 pays)	\$708	\$937	\$1,416
Reminders: <i>This table assumes you're eligible for the maximum deferral limit of \$17,000 in 2012, maximum deferrals begin with your first pay of this year, and are at these amount each pay period throughout the entire year. Amounts have been rounded to the nearest dollar.</i>			
Amount of Tax Credit	Joint	Head of Household	Single/Others
50% of first \$2,000 deferred	\$0–\$34,500	\$0–\$25,875	\$0–\$17,250
20% of first \$2,000 deferred	\$34,501–\$37,500	\$25,876–\$28,125	\$17,251–\$18,750
10% of first \$2,000 deferred	\$37,501–\$57,500	\$28,126–\$43,125	\$18,751–\$28,750
Reminders: <i>Plan representatives cannot give tax or legal advice. Check with your tax professional or legal advisor for answers to specific questions</i>			

State parks face closure; Stafford County retrieves Colonial-era court ledger

NEWS FROM *from page 10*

►UTAH

County officials and state park advocates want the state to go easy on budget cuts that could close state parks in some counties.

Several county commissioners testified recently before a legislative committee. At issue is the pending elimination of \$2.8 million in one-time funding unless lawmakers in the next budget year opt to restore it permanently—a decision that won't be settled until the next legislative session in January.

Mike Styler heads the Utah Department of Natural Resources, which oversees the state parks division. He said any further reductions would leave it "emaciated."

UINTAH COUNTY Commissioner Mike McKee said state parks stimulate local economies, but local governments are in no better financial shape to take over their management than the state is.

Claudia Jarrett, a **SANPETE COUNTY** commissioner, said closure of the Palisade State Park

would be devastating to her county and highly ironic since the county built the golf course at the park and gave it to the state.

►VIRGINIA

• **STAFFORD COUNTY** recently celebrated the return of a 220-year-old court ledger by a public library in New Jersey.

The ledger is an "order book" transcribed in 1791 that describes the activities of the Stafford County Court from 1749 through 1758. It's believed to have been removed from the Stafford Courthouse by a Union soldier during the Civil War.

"To get back something of such historical importance nearly 150 years after it was taken is incredible," Board of Supervisors Chairman Mark Dudenhefer said. "It will be of great value to anyone interested in Stafford's and Virginia's Colonial and legal history, and we're thrilled to have it back."

The ledger had made its way to the Hudson County, N.J. Historical Society, whose holdings were eventually incorporated into the

collection of the Jersey City Free Public Library's New Jersey Room.

A librarian there recognized that the book was inconsistent with the library's collection policy and contacted Virginia library officials.

• **LEE, SCOTT and WISE counties** are the first in the state to become part of the **Appalachia High Intensity Drug Trafficking Area (HIDTA)**.

The designation provides resources to law enforcement agencies to deal with drug abuse in the region.

In February, U.S. Sen. Jim Webb (D-Va.) requested that 13 southwestern Virginia counties be incorporated into the multi-state HIDTA. Counties in Kentucky, West Virginia and Tennessee that border southwest Virginia are already a part of the Appalachia HIDTA.

(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.)

What's in a Seal?



» **Campbell County, Va.**
www.campbellcountyva.gov

Campbell County, settled in 1736 and incorporated in 1781, is nestled in the foothills of the Blue Ridge Mountains in Virginia's south central Piedmont region. The county was named for Gen. William Campbell, the war hero famous for his leadership in defeating the Tories and Loyalists during the Revolutionary War.

Fifty acres of land donated by Jeremiah Rust in 1784 became the county seat of Rustburg. Towns within its borders include Brookneal, a busy intersection of trails on the Staunton River, founded in 1802, and Altavista, which was planned in 1907 by a group of businessmen who realized its potential as a strategic railroad location.

Campbell County's official seal shows a border of dogwood blossoms and across the top is the date 1781, the year the county was formed from Bedford County. The center of the seal is Gen. Campbell's coat of arms and below the seal is a front elevation of the County Courthouse. The inscription, "Terra Mare Fide" is Latin for "Faithful on Land and Sea."

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

Research News

Revisiting Redistricting

With the release of the 2010 Census data, federal and local district boundaries across the country are being revised to equalize representation. While much effort is put into the process to make it fair and constitutionally sound, there are several recent examples of counties challenging redistricting by the state or being challenged within.

Twin Falls County, Idaho recently led an effort to challenge the state's redistricting plan in the Idaho Supreme Court. The lawsuit claims the plan did not keep counties as whole as possible when drawing boundaries, which is a requirement laid out in the Idaho Constitution. County Prosecutor Grant Loeb has proposed his own map that he says splits counties considerably less than the current plan. The proposed

redistricting plan divides Twin Falls County into three districts, but Loeb claims that although the county needs to be split due to population, it is unnecessary to split it multiple times.

Kootenai, Owyhee and Teton counties as well as the cities of Hansen, Filer, Buhl and Twin Falls have signed on in support of the lawsuit. Kathy Rinaldi, chairwoman of the Teton County Commission, said that the state's plan has also split Teton County unreasonably.

"The bottom half of our county is in a district we don't have a lot in common with," she said.

Idaho is not the only state hearing redistricting challenges. The West Virginia Supreme Court heard five separate redistricting cases in November. Three lawsuits challenged



the House plan and two challenged the Senate plan. The court must decide if the West Virginia Constitution was followed when the House was dividing counties into districts.

"At least from the bench, [what] we're looking at is was that balance actually done here," said Supreme Court Justice Brent Benjamin.

Among those challenging the maps are elected officials in

Monroe, Putnam and Mason counties. Monroe County's attorney Jeffery Pritt told the court that the county citizens deserve their own delegate. The current plan slices Monroe County to meet population requirements for nearby counties.

"Just keep our county in one piece. If there's excess population from a county nearby, add that to us," he argued.

Attorney Jennifer Scragg Karr who represents officials in Mason and Putnam counties said, "When it comes to reapportioning, our state Constitution is clear. Redistricting is to occur along county boundary lines, not political party lines."

If the court decides to rule in favor of those who are disputing the map, the redistricting process would need to start over.

Along with state maps, county maps are also being challenged. Last month the Michigan Court of Appeals rejected a challenge to the new district maps drawn up by the reapportionment committee of Oakland County. The suit was filed by Commissioner David Potts and former state Senate Majority Leader Mike Bishop. They argued that the new district lines unfairly altered the exist-

ing allocation of political power and diluted minority voting strength. The three-judge panel unanimously ruled against their challenge.

"From my perspective, the Court of Appeals was dead wrong, and I expected it. It's pretty clear it was a political decision," said Potts, who wants to appeal to the state Supreme Court.

A similar politically driven situation is occurring in Galveston County, Texas where two county commissioners are among eight elected officials asking a federal judge to block the use of Galveston County's redistricting plan. The lawsuit accuses the Commissioners Court of diluting the minority vote in violation of the 1965 federal Voting Rights Act. The suit claims that the new boundaries fail to take into account Hispanic population growth, which accounted for 50 percent of county growth over the past decade. Justice Department approval of redistricting is required in Texas due to the state's history of racial discrimination according to Section 5 of the Voting Rights Act.

(Research News was written by Sarah Sunderman, research associate.)

News to Use ... or Pass Along

● Registrations now open for NACo 2012 Legislative Conference

Reserve your spot now for NACo's 2112 Legislative Conference. Registration is open and available online at www.naco.org/legislative-conference. The conference is scheduled for March 3-7, 2012 at the newly remodeled Washington Hilton.

● New Publication from NACo: A Look at the History of Municipal Bankruptcy

With the current economic slowdown, declining housing values and revenue shortfalls facing many local governments, bankruptcy is once again a looming issue for many local governments. *A Look at the History of Municipal Bankruptcy* examines the issues that contributed to past local struggles with bankruptcy, and the state and local roles in managing such a crisis. NACo members can download it for free by going to www.naco.org/research/pubs/Pages/default.aspx/

● NACo providing assistance to HUD, EPA grant recipients

NACo staff will team with the National Association of Development Organizations (NADO) to provide capacity-building assistance and training to county recipients of grant and technical assistance awards from HUD and EPA.

● Mobile Application Rating System for Parents and Consumers now ready

Soon, the apps that you and your children download to your smartphones will come with ratings, just like video games do now. CTIA-The Wireless Association and the Entertainment Software Rating Board (ESRB) recently announced a newly developed rating system that six mobile application vendors will voluntarily support as part of their application submission, or "onboarding," process.

The CTIA Mobile Application Rating System with ESRB will utilize the well-known age rating icons that ESRB assigns to computer and video games to provide parents and consumers reliable information about the age-appropriateness of applications. AT&T, Microsoft, Sprint, T-Mobile USA, U.S. Cellular and Verizon Wireless are the founding members of the rating system.

To learn more, go to http://www.ctia.org/consumer_info/service/index.cfm/AID/12076

Job Market & Classifieds

► DETENTION WARDEN – EDDY COUNTY, N.M.

Salary: \$69,640 – \$73,166; DOQ.

The Warden works under the supervision of the five-member Board of Commissioners and the County Manager. Benefits include: paid vacation, sick leave and holiday pay; PERA retirement plan; health, dental, vision and life insurance paid at 100 percent for full-time employees and 60 percent for dependents. Full specifications may be acquired at the Eddy County Administration Complex, 101 W. Greene Street, Carlsbad, NM 88220; the Department of Workforce Connections or online at www.co.eddy.nm.us.

Starting Salary: DOQ. FLSA Exempt. Closes Jan. 16, 2012, 5 p.m. MST. EOE M/F V/D.

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NACo on the Move

» NACo Officers and Elected Officials

• **Lenny Eliason**, NACo president, spoke about his presidential initiatives, including Healthy Counties, at the Pennsylvania Association of Counties Annual Conference in Dauphin County (Hershey) Nov. 21.



Lenny Eliason

» NACo Staff

• **Bill Cramer**, marketing director, presented NACo's new product, *Counties Work*, an online interactive educational game for students grades 6-12, at the California State Association of Counties Annual Conference in the City and County of San Francisco Nov. 29 – Dec. 1.

• **Paul Beddoe**, associate legislative director, delivered the NACo report at the Annual Business Meeting of the Association of Oregon Counties Conference in Lane County (Eugene) Nov. 17.

• **James Davenport**, program director, spoke as part of a panel addressing pipeline planning and safety issues at the 2011 Pipeline Safety Trust Conference in Orleans Parish (New Orleans) Nov. 18.

» Coming Up

• **Ilene Manster**, membership coordinator, will be exhibiting on behalf of NACo membership at the County Commissioners Association of Ohio Annual Conference in Franklin County Dec. 11-13 and the Nebraska Association of County Officials Annual Conference in Buffalo County Dec. 14-16.

On the Move is compiled by Christopher Johnson.