

NACO National Association of Counties

CountyNews

The Voice of America's Counties

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Photo courtesy of John Eaves

Andrew Young (r) recalls his experiences as a congressman, big-city mayor, U.N. ambassador and lieutenant in the civil rights movement at NACO's Justice and Public Safety Symposium in Atlanta Jan. 27. John Eaves (l), chairman of the Fulton County, Ga. Board of Commissioners, listens between asking questions. See story on page 2.

Airport bill passes: long-awaited victory for NACO

By ROBERT FOGEL
SENIOR LEGISLATIVE DIRECTOR

After 23 extensions, the House-Senate Conference Committee has approved a four-year airport-aviation bill, H.R. 658, the FAA Air Transportation Modernization and Safety Improvement Act.

The issue that had held up the measure, a labor provision overturning a ruling governing union elections by the National Mediation Board, was resolved with a compromise between Senate Majority Leader Harry Reid (D-Nev.) and House Speaker John Boehner (R-Ohio).

The legislation has been a NACO legislative priority for five years, and the two top issues for NACO, funding for the Airport

Improvement Program (AIP) and Essential Air Service (EAS), were resolved beneficially.

"We are thrilled that Congress finally finished this bill. It has been a long struggle and counties with airports or that receive EAS service should be pleased by the outcome," said Benton County, Wash. Commissioner Leo Bowman, chair of NACO's Transportation Steering Committee. The House approved the conference agreement Feb. 3 and the Senate was expected to follow shortly. President Obama is expected to sign the legislation.

The final bill funds the AIP program, which provides federal dollars for capital projects at county and other publicly owned airports, at \$3.33 billion annually, the current funding level. This is higher than the House bill, which had provided \$3 billion annually. Funding is for four years, which will ensure a steady stream of funding for airports.

EAS, which many considered to be an endangered program, is also

See AIRPORT page 3

FHFA breathes new life into PACE energy program

By JULIE UFFNER
ASSOCIATE LEGISLATIVE DIRECTOR

After more than a year of stalling, the Federal Housing Finance Agency (FHFA) opened a 60-day

public comment period on the future of Property Assessed Clean Energy (PACE) programs in response to a court order in a case challenging FHFA rejection of PACE lending.

In 2010, PACE programs ground to a halt after questions were raised about the program's long-term financial viability. PACE allowed local governments to finance energy-efficiency and renewable energy improvements to homes and businesses through property-tax assessments. The tax liens created by PACE's assessments

are considered "senior" to other loans, such as mortgages, and must be paid first in the event of a foreclosure.

This created a problem with the FHFA, which oversees Fannie Mae

and Freddie Mac. FHFA considered PACE assessments to be loans, not assessments, and that they subse-

See PACE page 5

House, Senate moving on surface transportation bill

By ROBERT FOGEL
SENIOR LEGISLATIVE DIRECTOR

There has been a flurry of activity and controversy on the reauthorization of the surface transportation bill.

On the morning of Feb. 3, the House Transportation and Infrastructure Committee, after first acting on nearly 90 amendments, approved H.R. 7. Normally the committee approaches legislation on a bipartisan basis, but the vote on the American Energy and Transportation Act was very partisan with no Democrats supporting the bill.

The \$260 billion five-year bill funds both the highway and transit program at current funding levels. It consolidates or eliminates approximately 70 programs, including several that are important to counties such as the off-system bridge program, the high-risk rural road safety program and the enhancements program. NACO supported several key amendments, including restoring transportation enhancement funding, which lost by two votes, and a second amendment striking

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CountyNews Features

QuickTakes

States with the Highest Mortgage Debt Per Person

California	\$313,749
Hawaii	\$307,508
Maryland	\$242,445
New Jersey	\$236,017
Washington	\$225,581

Source: MSNBC 24/7 Wall St., 2012

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Call for new partnerships key topic of JPS Symposium

By DALEN HARRIS

ASSOCIATE LEGISLATIVE DIRECTOR

AND DONALD MURRAY

SENIOR POLICY ADVISOR



County officials from across the country explored local, state and federal intergovernmental partnerships and best practices at the 2012 NACo Justice and Public Safety Symposium, Jan. 25–28 in Fulton County, Ga.

Hosted by Fulton County Chairman John Eaves and the Association County Commissioners of Georgia (ACCG), the event attracted more

than 100 people and explored how counties, cities and states would work smarter together to safely lower jail, juvenile detention and prison populations.

Declining revenues and budget shortfalls have forced counties to make hard choices about funding needed services such as public safety, health care and human services. Subsequently, counties have sought partnerships and smart programmatic initiatives for improving their local criminal justice systems.

Sebastian County, Ark. Judge David Hudson, chair of NACo's Justice and Public Safety Steering Committee, set the tone for the meet-

ing by observing that the criminal justice system in the United States is an intergovernmental system and "therefore, the solutions must also be intergovernmental." He also noted that some states appear to be narrowly focused on lowering prison populations without sufficient regard to lowering jail populations. "It is simply inaccurate and ideological to focus only on the state role since it is just a part of the overall system."

Several speakers throughout the four-day symposium highlighted the fact that 64 percent

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Honoring Ambassador Young

By COUNCIL MEMBER JOE GILES
ERIE COUNTY, PA.

This year, I and other committee members at the NACo Justice and Public Safety Annual Symposium were privileged to receive a "backstage" pass to some of the most momentous events of the 20th century by someone who I could have addressed as ambassador, congressman or mayor.

It was none other than the notable Andrew Young. Ambassador Young, now approaching the age of 80, has had a long and distinguished career. In 1964 he was named executive director of the Southern Christian Leadership Conference, which sponsored several major peaceful protests, that helped lead to the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Young, a close companion and principal lieutenant to Dr. Martin Luther King Jr., was with him in Memphis when he was shot in 1968. Young was elected to three terms in Congress starting in 1972, the first man of color elected in Georgia since 1872.

In 1976, President Jimmy Carter appointed Young as the U.S. ambassador to the United Nations. He was also elected mayor of Atlanta in 1981, and re-elected in 1985. Term-limited in 1989, Young fell just short of the governor's office. He turned to another passion, bringing the 1996 Summer Olympics to Atlanta, and was chosen as co-chair of that committee.

The keynote speaker for the awards dinner at the Justice Symposium, Young was not leaning on the usual lecturn but rather seated, regaling us as an armchair-witness to history. Commissioner John Eaves, Ph.D., Fulton County, Ga., moderated this unusual presentation while Young detailed personal memories of both their successful and unsuccessful struggles.

He shared memories of Martin Luther King; meals, meetings and experiences, many of which were humorous. Among the most fascinating in this period was King's use of humor to counter the fear he and his team experienced during the headiest days of the civil rights movement. These stories detailed catfish dinners, rib fests and even

a late night pillow fight at the Lorraine Motel, the place where King was assassinated. Young revealed these joyful memories kept him going especially after King's death and acted as fuel in his continued fight against racism, war and poverty.

Young was in the trenches as America freed itself from the shadow of the Vietnam War. His support of presidential candidate Jimmy Carter eventually led to his appointment as ambassador to the U.N., a long journey for someone whose father wanted him in dentistry but whose passion led him to ministry.

As mayor of Atlanta, Young had the difficult task of bringing economic growth to the city while addressing its significant crime problems. He knew that the sharing of power and money was the only way to bridge the chasm between the city's business community and the black community. He used this commitment to black and white leadership together in remaking the Atlanta Police Department; a significant step in solving the "Atlanta missing and murdered child case."

He shared many stories about the relevance of effective early education and future criminal activity. He cited the significance of women in crime prevention and law enforcement. One-third of the Atlanta police force consisted of women when he left the office of mayor. By 1985, Young could point to a crime rate that was dropping and a city that was becoming America's premier destination for new business starts.

His overarching theme was the necessity and effectiveness of real teamwork between all segments of the community. The 1996 summer Olympic Games in Atlanta was the culmination of his life experience and philosophies.

At the end of a two-hour presentation, Young was asked, "What can we do to be more successful in public safety?" He responded, "Every city councilman wants to be mayor, every county commissioner wants to be county chair, and every county chair wants to be governor. What you need is somebody in public life who doesn't want to be somebody; a group of public-spirited people who are not concerned about who 'gets the credit,' can change the world."

NACo opposes another attempt to preempt local taxing authority

By MICHAEL BELARMINO

ASSOCIATE LEGISLATIVE DIRECTOR

NACo and other local government groups submitted joint testimony opposing H.R. 2469, the End Discriminatory State Taxes for Automobile Renters Act of 2011, at a House subcommittee hearing Feb. 1.

The bill would preempt state and local taxing authority by prohibiting states or local governments from levying or collecting a discriminatory tax on the rental of motor vehicles, motor vehicle rental business or motor vehicle rental property.

A discriminatory tax is defined as a tax or tax assessment that is applicable to the rental of motor vehicles or motor vehicle businesses or property, but not to the majority of other rentals of tangible personal property within a state or locality.

Ray Warren, deputy revenue commissioner, Arlington County, Va. represented the local governments. The remaining witnesses of the four-person panel all represented consumer advocate groups who spoke in support of the bill.

Warren noted several reasons why the legislation could not be supported by local governments. For example, he pointed to how the bill's definition of a discriminatory tax is vague and could lead to a myriad of interpretations since the bill assigns federal courts with the responsibility of determining whether a jurisdiction's car rental tax violates the act.

Furthermore, the bill determines that a tax is "discriminatory" by comparing it to other items or businesses subject to tax, without evidence of the differences that may exist in those items or businesses. But above all, the determination does not take into account the fact that state and local policymakers use a number of factors to evaluate local needs and the best manner to distribute the local tax burden, a process that inherently results in differences in how various activities and items are taxed.

Although H.R. 2469 would not apply to taxes already in place, it could prohibit state or local governments from raising rental taxes in the future, opening the door to an erosion of state and local taxing authority. And as Warren noted,

this erosion of authority would encroach on the long-standing principle of federalism and essentially create preferential tax treatment of a particular industry.

As expected, some of the same arguments from attempts in previous congressional sessions to advance similar bills were heard once again. They ranged from the disproportionate impact that car rental taxes have on low-income households to the lack of benefit received by those actually paying the taxes.

A relatively new perspective was put forth by the Sports Fans Coalition, which attempted to paint the use of tax funds for athletic facilities as a public subsidy benefitting only the wealthy owners of professional sports teams.

While the bill has support from both sides of the aisle, there are currently only seven cosponsors. Whether this bill will advance this year remains uncertain.

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House would remove fuel tax that funds transit

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a section of the bill that would have allowed larger trucks on the Interstate system.

In a section that NACo generally supports, the bill takes a strong position on speeding up the

delivery of projects that receive federal funds. Most Metropolitan Planning Organization (MPO) provisions are maintained and no current MPO will lose its status, but the population threshold for any new region becoming an MPO is increased from 50,000 to 100,000.

There are no earmarks or projects in the measure.

In another partisan action, the House Ways and Means Committee approved the revenue section of the surface transportation bill, which provides funding for the legislation. This legislation included

a very controversial section which removes the \$2.86 per gallon in fuel tax that presently goes to mass transit. Transit has been receiving this funding since 1982. It appears the committee would replace these funds with a one-time \$40 billion general fund transfer into the Alternative Transportation Account, that would be subject to the annual appropriations process. It is not entirely clear how the \$40 billion will be raised.

NACo signed several letters opposing this change in law. The bill also includes a section on onshore and offshore oil and gas production measures, the revenue from which would go into the Highway Trust Fund. This provision is supposed to help finance the legislation, but it also is unlikely to engender much bipartisanship.

Finally, on the Senate side, the Banking Committee by a unanimous vote approved a two-year bill that includes the transit section of the surface transportation bill. The bill maintains current transit funding levels of \$10.6 billion annually. At some point, this measure will be merged with the highway section of the bill, known as MAP-21, which

has been approved by the Senate Environment and Public Works Committee.

MAP-21, like its House counterpart, consolidates and eliminates many programs, including the off-system bridge program and the transportation enhancement program. MPOs between 50,000–200,000 would face an uncertain future and are no longer guaranteed a role in the planning process. There are also no earmarks included.

Since both the Senate and House bills do away with a number of programs of importance to counties, in particular the off-system bridge program, NACo urges county officials to contact their senators and representatives and urge that specific funding for the off-system bridge program be restored.

It is possible that both the full House and Senate will consider their respective surface transportation bills within the next several weeks. They would be aiming to have the legislation wrapped up by March 30, when the current eighth extension for program expires.

Airport bill keeps small community air service program aloft

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continued for four years with funding projected at \$193 million annually.

This is a major accomplishment since the House version of the bill had proposed to gradually eliminate EAS by FY13 everywhere in the U.S. except in Alaska and Hawaii. Supervisor David Finigan of Del Norte County, Calif., who chairs the NACo Airport Subcommittee and has EAS service in his county, said, "I am very pleased how well EAS fared in the final bill. It is an important program for rural counties. EAS lives for another four years."

There are a few new limitations

in EAS service in the final bill, which should only affect a small number of communities. The major new limitation requires EAS airports, except those in Alaska and Hawaii within 175 miles of a large or medium hub, to have at least 10 enplanements per day. The bill does, however, provide a process to restore service at these airports under certain conditions.

Under the legislation, no new EAS communities will be allowed into the program: Eligibility is limited to those communities receiving EAS service or those that have been notified that they were going to lose unsubsidized service.

EAS currently serves about 150 regions. A NACo-supported provision on marketing plans was included in the final bill as was a section repealing a pilot program requiring communities to assume a portion of EAS costs.

The Small Community Air Service program, is also kept alive with \$6 million in funding. A plan and some funding to develop NextGen, a satellite-based air traffic control system, were included in the legislation. The issue of more long-distance flights from Reagan National Airport in Washington, D.C. was compromised with eight flights per day added.

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Mayor, Charleston, South Carolina

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Photo credit: © Browne Hanau

Media resources available to counties celebrating NCGM

By JIM PHILIPPS

MEDIA RELATIONS MANAGER

Counties are getting a good head start on making National County Government Month (NCGM) 2012 the most successful celebration yet in their communities.

Pitt County, N.C. for example, has already announced plans to hold a county flag design contest as part of NCGM in April. The *Daily Reflector* of Greenville reports that county officials want to “freshen its image” and are looking for citizen help to design a new county flag featuring the county seal and logo.

Of course, counties don’t have to reinvent the wheel, or their county flags, to hold fun and interactive events. The key to success is to begin planning now.

Since 1991, NACo has encouraged counties to actively promote

county government services and programs. This year’s theme is “Healthy Counties, Healthy Families.” Plan events around this theme by promoting your county’s health care and wellness services, and recreational programs. The theme complements NACo President Lenny Eliason’s 2011–12 “Healthy Counties” presidential initiative, which urges counties to promote healthy living and lifestyle choices.

NACo has free media resources available to assist counties in celebrating NCGM. On the NACo website at www.naco.org/NCGM, you will find a comprehensive planning and tips booklet—the NCGM Handbook—and a NCGM Media Resources Kit.

The handbook contains dozens of ways counties have successfully planned NCGM events in past

years. Popular events include public tours of county facilities, open houses featuring various county department services, and county-official visits to local schools and community organizations. The booklet also contains helpful media relations strategies to ensure that your promotions and messages reach the widest audiences possible.

The Media Resources Kit includes templates to create your county’s own NCGM buttons, posters, flyers, banners, proclamations and news releases. The templates are specially designed for the 2012 “Healthy Counties, Healthy Families” theme. Plenty of space is available to add your county’s logo or unique county government month slogan or message.

A special feature of NCGM is the National County Government

Month Award. The purpose of the award program is to encourage counties to participate in NCGM and recognize nationally counties that sponsor outstanding programs in April. The National Association of County Information Officers (NACIO)—a NACo affiliate—will judge the entries. Three counties will receive the top award in rural, suburban and metropolitan counties, and—new this year—second place awards will be presented.

All entries will be posted online to serve as a database of ideas for other counties to use. There is no cost to apply. Applications must be received by Friday, May 25 to be eligible.

Whether your county applies for an award or not, NACo wants to

know about your county’s NCGM activities and programs you have planned. A special online form is available on the NACo website to inform NACo about your county’s NCGM plans.

There you will be able to and upload your photos, flyers, calendars, proclamations and other county government month materials so NACo can share this information with other counties to help them have a successful celebration. You may also send your activities and materials directly to NACo Media Relations Manager Jim Philipps at jphilipps@naco.org.

To access the NCGM planning and tips handbook, the Media Resources Kit and to learn more about the NCGM award program visit www.naco.org/NCGM.

Bringing the library to mobile devices gaining popularity

By CHRISTOPHER JOHNSON

EDITORIAL ASSISTANT



In the digital age, it’s getting harder and harder to bring people to the local library. Thanks to a new breed of mobile apps, many libraries are moving beyond bricks and mortar, and onto their patrons’ tablets and cell phones.

Mobile apps, for use on many types of mobile devices, are everywhere and range from schedule-keeping to games like the ever-popular “Angry Birds.” Libraries are entering the apps race in hopes of keeping up with the demands of their patrons while staying relevant in the digital realm.

“The good thing about mobile apps is the library remains open online 24/7,” said Renee B. Swartz, chair of the Monmouth County, N.J. Library Commission.

Monmouth County libraries launched “Library on the Go,” an app that allows library card-carrying county residents to check out and download digital media anytime anywhere. Cardholders browse their library’s collection of e-books and audiobooks, check out the titles with their library card and download them to their PC, Mac or any mobile smartphone. Titles expire at the end of the lending period and are automatically removed from the device or tablet. There are no late fees and patrons

are limited to checking out five titles at one time.

The library system hopes to eventually incorporate printed books into the app so patrons can conveniently check out books and pick them up.

“We are pleased to offer this app and know it will improve access to the latest technologies,” Swartz said.

According to the American Library Association (ALA), people no longer view the library as a place to browse books with a hushed reverence. Fueled by the economic recession and the digital divide, patrons expect tools and services more appropriate for the technological age.

With the popularity of e-readers such as the Kindle and Nook, you would think things would slow down at the public library. But in places such as Hamilton County, Ohio, 2011 was a record-setting year. Patrons borrowed more than 17.6 million items, a 7.9 percent increase from 2010. E-books, audiobooks and other downloadable materials exploded in popularity with use increasing more than 500 percent in 2010.

That made it an easy choice for the county library to create a mobile app. The app, available for iPhone, Android, Blackberry and iPad, enables patrons to check out books by scanning them with their phones, search the catalog and event listings, download e-books and audiobooks

and send the librarians questions. It also allows users to scan barcodes of any book and find out if it is available at a particular location. The app was developed by Boopsie, a Silicon Valley-based company most county libraries are using for their apps, which customized it for the Cincinnati-Hamilton County library system as it has for other libraries and universities around the world.

The cost to develop the app — \$9,190 for a one-time implementation fee plus a \$14,895 annual subscription fee — comes from operating funds in the library’s \$59 million annual budget.

Using Boopsie and other digital app companies, more than 35 county-run public libraries have mobile apps with more being added weekly. In addition to Hamilton County, Boopsie currently has mobile library apps for Santa Clara, Los Angeles and Seattle county libraries. Other county library systems are choosing to create the mobile apps in-house to shore up costs.

Mobile technology holds great promise for enabling libraries to provide enhanced services in a form users increasingly are demanding. By working with technology-based companies, they can continue to find ways to stay relevant in the digital media world.

**For links and additional information on county library mobile apps, visit this article on www.naco.org/countynews.*

Profiles in Service



» Elizabeth “Liz” Archuleta

NACo Board of Directors

County Supervisor, District 2
Coconino County

Number of years active in NACo: 15

Years in public service: 15

Education: graduate of Northern Arizona University

The hardest thing I’ve ever done: work through the challenges of fires and flooding in my district (Schultz Fire/Flood) which resulted in the death of a child and the largest disaster in the history of Coconino County

Three people (living or dead) I’d invite to dinner: Abraham Lincoln, Eleanor Roosevelt and President Obama

A dream I have is to: continue to give a voice to my community as a public servant and continue to make a difference at the local, state and federal level.

You’d be surprised to learn that: I drove an ice cream truck and sold ice cream to work my way through college.

The most adventurous thing I’ve ever done is: live for a month with no running water or modern conveniences in the middle of the rain forest while hiking and exploring the pyramids of Guatemala.

My favorite way to relax is: spending time with family and friends.

I’m most proud of: my 3-year-old son Demetrius Michael Archuleta-Willis.

Every morning I read: our local and state newspaper.

My favorite meal is: my Mom’s homemade tamales and enchiladas.

My pet peeve is: people who make excuses.

My motto is: “You must be the change you wish to see in the world.”

The last book I read was: *Expecting Adam*.

My favorite movie is: *Somewhere in Time* (I’m a romantic!)

My favorite music is: big band and hip-hop.

My favorite president is: a three-way tie between Presidents Barack Obama, Abraham Lincoln and John F. Kennedy.

County PIOs hit the drive-time airwaves in South Carolina

By CHARLIE BAN
STAFF WRITER

Richland County, S.C. has Facebook, Twitter and email covered, but its latest communications tool might have the greatest reach.

Starting in 2010, the county's public information department looked into a form of communications often overlooked in the modern day—AM radio. With a premium drive-time hour opening up on WGCV Friday afternoons at 5, the department, already staffed with a bit of radio talent, had an opportunity to reach a new segment of the population, for free.

"They (WGCV) didn't have a local news show, but we had plenty to talk about on the air so we could help each other out," said Tamara King, a Richland County spokeswoman and personality on the show, dubbed Richland Radio. "It's a way to bridge the digital divide."

Having to pay market value for the airtime would cost approximately \$10,400, and since the Public Information Office staff does all of the work, the show incurs no additional

cost. WGCV staff trained county employees to do the show's engineering work.

The department produces the hour-long show each week, giving the radio station 60 minutes of content and a reason for every Richland County resident to tune into its frequency. The station also reaches Lexington, Fairfield and Kershaw counties, all around the state's capital of Columbia.

With 54 percent of the public getting news from the radio, according to a the Pew Internet and Digital Life Project, the talking box gets a little more attention from consumers than local newspapers (50 percent), and only 2 percent rely exclusively on the Internet for their daily news.

"It's one of the most egalitarian mediums around," County Public Information Officer Stephany Snowden said of radio. Snowden has a background in radio journalism and serves as the host. "People who don't have a lot of money might not have Internet access, but they probably have a radio. It's a way to reach almost everyone, regardless of their age or disability."

It's cheaper, faster and more comprehensive than creating an informational mailing for every citizen, and it also provides some entertainment for commuters who are in their cars anyway.

"There haven't been any revolutionary advances in keeping people's minds off their commute," Snowden said. "Some people have satellite radio, but they're not going to get any programming on there that deals with them locally, like we can."

The county uses its Facebook and Twitter accounts to promote guests and topics, which, in addition to Richland County-specific discussions about the budget, transit funding and new county officials, have included wider-ranging examinations of fire safety, child abuse prevention and a well-received look at the September 11 terrorist attacks. King said one particularly poignant show featured a guest who had been convicted of vehicular manslaughter and drunk driving.

"We've had a lot of fun with the show," King said. "Once, while discussing the jail, we got a call from someone who had been a 'guest' there, and offered his perspective. The topics are serious, but we try to keep the tone light and positive."

Though the county public information office produces the show, it doesn't have the feel of government propaganda.

"We try to make the show educational, more so than promotional," Snowden said. "The whole point is to bring citizens and government



Photo courtesy of Richland County, S.C.

Richland County, S.C. public information officers (l-r) Melinda Edwards, Stephany Snowden and Tamara King conduct an episode of Richland Radio at WGCZ in Columbia, S.C.

together in a basic, touchable way, to have a conversation, rather than the county saying, 'this is what's happening.'"

Not that the county doesn't use the show as a way to get out in front of an issue and make its perspective known.

"It's nice that we don't have to wait for another media outlet to pick up a story when we can just bring it up during the next week's show," King said.

To Tony Jamison, WGCV's network operations director, the county's collaboration with the station has

been a blessing to the community.

"We win because we get local, relevant programming, the county gets an ear from the community, but in the long run, our listeners get the help they need," he said. "A lot of information they offer is generic enough to be beneficial to our listeners no matter if they live in Richland or not. Over the course of a year, they bring in so many people from different departments, they really don't leave any stone unturned when it comes to topics."

The county doesn't have any listenership numbers, but measures

its impact by the number of people who show interest in involvement with the show—you know they care if they want to get on it.

"I feel that if we weren't on, we'd get calls from people who'd miss the show," King said.

Snowden was unfamiliar with other counties producing a radio show, but encourages them to try.

"It's not always easy, but the options it gives you for communicating across a wide swath of residents is worth it," she said.

She suggested first asking radio stations what options exist for counties to get their material on the air, but also looking for opportunities to help the station out, as Richland has done by giving WGCV the local programming it lacked.

In terms of training the on-air talent, Snowden said, the most important skill is being able to think on your feet.

"It's a lot less stressful to talk on the radio when you start thinking of it as having a conversation with listeners and not giving them a speech," she said.

Planning ahead to be sure there's content ready for a regular broadcast is another vital step in a county-run radio enterprise. Also, keeping it all in perspective.

"Don't go into it to become a radio star, but remember it's a natural extension of public outreach," Snowden said. "Don't underestimate the power of old-school media."

PACE case faces court challenge

PACE from page 1

quently violated standard mortgage provisions by requiring priority over any other loan, such as a mortgage. FHFA, without public comment or further investigation, abruptly decided to prohibit Fannie and Freddie from underwriting mortgages that contained PACE assessments. The state of California, several local governments and environmental groups, challenged that unilateral decision in court.

The 9th U.S. Circuit Court of Appeals agreed. The process used by the FHFA was flawed. The court ordered the FHFA to open a 60-day Advanced Notice of Public Rule-Making while the case is being appealed. The rule-making asks whether the 2010 FHFA decision to discontinue the program should stand. Comments are due March 26, 2012.

NACo's policy supports PACE programs and their treatment by federal regulators as a traditional tax assessment program with first lien status.

* To read the Federal Register Notice, view this story online at www.naco.org/countynews.

Join us for a WEBINAR

Friday, February 17, 2012 • 2:00 PM - 3:15 PM EST

President Obama releases his FY13 budget on Monday, February 13. The budget proposal is submitted to Congress recommending funding levels for the start of the federal fiscal year, October 1. This begins the congressional budget process, which sets the spending limits for House and Senate committees in their individual appropriations bills, allocated to fund various federal programs—many of which directly benefit counties.

During the webinar, Larry Naake, NACo executive director, Ed Rosado, legislative director, and the NACo legislative staff will brief members and provide analysis of the proposed FY13 budget. Please register using the link below to learn how the president's request is expected to impact county government and the federal programs they participate in.

Register for this webinar and others at www.naco.org/webinars. For more information, please contact Matthew Fellows at mfellows@naco.org or 202.942.4205.

State and Local Legal Center files briefs in two cases



NACo has signed onto two *amicus curiae* briefs recently filed by the State and Local Legal Center (SLLC) with the U. S. Supreme Court. The first case affects the ability of state and local government to forgive debt—but not issue refunds—related to a discontinued program. The issue in *Armour v. Indianapolis* is whether the City of Indianapolis violated the Equal Protection Clause of the U.S. Constitution when it forgave the assessments of homeowners who paid for sewer improvements in multi-year installments, but issued no refunds to homeowners who paid for the same improvements in a lump sum.

When the city moved from one method of financing sewer improvements to another method it forgave the debt of homeowners who chose to pay for their sewer improvements in installments but gave no refund to lump sum payers.

The Indiana Supreme Court ruled the city did not violate the Equal Protection Clause because it had three rational reasons for only forgiving debt: providing relief to less prosperous residents who could not afford to pay up front, preserving limited government resources by not issuing refunds, and the administrative efficiency that would result from not having to collect debt for up to 30 years related to a discontinued program.

The SLLC's brief argues that the city's decision to only forgive debt in this case passes the Equal Protection Clause's "rational

basis" test. If the city's three reasons fail rational basis review, numerous economic policy decisions of state and local government potentially could be challenged as unconstitutional. The SLLC's brief points out that infrastructure financing is complex and often needs modification. The Supreme Court may discourage state and local government from making much needed changes to infrastructure financing if it invalidates the city's policy decision in this case.

Jon Laramore and Scott Chinn of Faegre Baker Daniels in Indianapolis, Ind., wrote the SLLC's brief. The SLLC's brief was also

signed onto by the International City/County Management Association, the National Conference of State Legislatures, the National League of Cities and the United States Conference of Mayors.

The second case would affect the legal liability of state and local police officers when making lawful arrests. The issue in *Reichle v. Howards* is whether a First Amendment retaliatory arrest claim can be brought against a police officer even though the officer had probable cause to make the arrest.

Two Secret Service agents do not dispute that they ar-

rested Steven Howards because of his First Amendment protected speech: telling Vice President Dick Cheney that his "policies in Iraq are disgusting." The 10th U.S. Circuit can determine the agents had probable cause to arrest Howards for touching Cheney's shoulder and lying to the agents about it in violation of a federal statute. The 10th Circuit held that Howards could sue the agents for First Amendment retaliatory arrest even though the agents had probable cause to arrest him. The 10th Circuit also denied qualified immunity to the agents, subjecting them to a lawsuit for money damages.

The SLLC's brief argues to the Supreme Court that it should bar First Amendment retaliatory arrest claims supported by probable cause because retaliatory arrest claims are easy for a citizen to allege and difficult for a law enforcement officer to disprove. If such claims aren't barred, state and local police officers may be disinclined to make lawful arrests when a citizen expresses speech protected by the First Amendment, which happens in virtually every arrest. NACo's

brief also argues that the agents in this case should be granted qualified immunity because the Supreme Court held in *Hartman v. Moore*, 547 U.S. 250 (2006), that retaliatory prosecution claims are barred if probable cause supports the prosecution. Until this case, it was unclear whether the 10th Circuit would apply *Hartman* to retaliatory arrest claims.

The SLLC's brief was also signed onto by the International City/County Management Association, the International Municipal Lawyers Association, the National Association of Counties, the National Governors Association, the National League of Cities and the United States Conference of Mayors.

The State and Local Legal Center is partially supported by NACo, and provides an additional membership benefit for your county. If you have questions or comments about these cases, contact Ed Ferguson at 202.942.4214, or at ed.ferguson@naco.org.

* To learn more about SLLC or to download a copy of either brief, access this story online: www.naco.org/countynews.

Symposium explores jail systems best practices

SYMPOSIUM from page 2

of the people in jail have not been adjudicated and many could be safely released if sophisticated protocols were used to determine flight risk and danger to the community. Such statewide protocols have been developed in Minnesota and Ohio.

Other sessions explored local initiatives and best practices for improving criminal justice systems. Some topics included improving indigent defense and expanding access to justice; the cost effectiveness of bail reform; an overview of the Federal Governments'

Interagency Reentry Council; how to create successful criminal justice coordinating councils; cyber security services for counties; using accountability courts and reentry programming for lowering the adult jail population; the importance of sharing information to divert people with mental illness from the criminal justice system and the role of tele-health in meeting the health care needs of rural jail populations.

Andrew Young, former U.S. Ambassador to the United Nations, delivered a stirring banquet address, sharing his historic memories as a leading advisor to the late Dr. Martin Luther King Jr. in the 1960s, a congressman and U.S. ambassador under President Jimmy Carter in the 1970s, and Atlanta mayor in the 1980s. Additionally, Young applauded attendees for being a group of believers and commended county elected and appointed officials for simply wanting to serve the people. After a prolonged standing ovation, NACo President Lenny Eliason presented Young with NACo's Distinguished Service Award and honored him for his more than 50 years of public service.

More information on the 2012 symposium or other NACo justice and public safety advocacy can be found on the Legislative and Policy section of the NACo website at www.naco.org or by contacting Dalen Harris or Donald Murray at 202.393.6226.

* For a list of symposium speakers, go to the online edition of County News at www.naco.org/countynews.

This just in ...

► Speakers added to Legislative Conference lineup

General Session speakers are being confirmed for next month's NACo Legislative Conference, March 3–7, at the newly renovated Washington Hilton. The Opening Session Monday, March 5, will feature political pundits Tucker Carlson and Eleanor Clift discussing the 2012 election. Secretary Kathleen Sebelius, U.S. Department of Health and Human Services, will also speak. Tuesday morning, March 6, featured speakers will be Sen. Dick Durbin (D-Ill.) and Sen. Michael Enzi (R-Wyo.), co-sponsors of bipartisan legislation, The Marketplace Fairness Act (S.1832), the latest Remote Sales Tax Bill.

For more information about the Legislative Conference, visit www.naco.org ► [meetings](#) ► [participate](#) ► [Legislative Conference](#).

Word Search

Most Affordable Counties to Live In

(based on median income, housing price, unemployment and crime rate)

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

ALLEGANY (Md.)
BANNOCK (Idaho)
BAY (Mich.)
CLARK (Ohio)
ELKHART (Ind.)
ERIE (Ohio)

FAIRBANKS NORTH STAR (Borough - Alaska)
HANCOCK (W.Va.)
HOWARD (Ind.)
OHIO (W.Va.)
UNION (Mich.)

Source: "Best Places to Live Cheaply," 2011, www.forbes.com
Created by: Christopher Johnson



When you see the "web" icon in a story, there's more information available in the online edition of County News at www.naco.org/countynews. Check it out!

Oregon commissioner finds lost mushroom hunters

By CHARLES TAYLOR
SENIOR STAFF WRITER

The Conne family thought they might die in the Oregon woods after becoming lost for days during a recent mushroom-picking trip.

But thanks to the efforts of Jackson County, Ore. Commissioner John Rachor, the couple and their son are alive and faring relatively well after their six-day wilderness ordeal.

Rachor is also a helicopter pilot. He was flying his aircraft with Lt. John Ward of the Curry County sheriff's office at his side when he spotted the family in Curry County Feb. 4.

It wasn't the first time for this veteran of years of search-and-rescue flights. In 2006, it was Rachor who found Kati Kim and her two daughters, who were in the national media spotlight when they were lost in the wilds of Oregon for nine days.

"There's nothing you can do better than saving someone's life," said Rachor, 63, a fourth-generation southern Oregonian. "I have the equipment, and I know the area. I've spent a lot of time out in the brush, and so this is kind of a natural fit for me."

Ward said it was impossible to



Photo courtesy of John Rachor

John Rachor, a helicopter pilot and Jackson County, Ore. commissioner, stands in front of his Robinson R44 chopper, which he uses for search-and-rescue flights.

see the "floor of the ground" in the area they were searching for the Connes — flying about 200 feet above the ground — because of the tree canopy and underbrush. Rachor spotted the family in a clearing in deep ravine in a heav-

ily wooded area, but there was no place to land his four-seat Robinson R44. Ward radioed for help, and the U.S. Coast Guard sent a chopper to lower a basket to rescue the family. For the Conne's son, Michael, the timing couldn't have been better.

from the EMT the son, who was a body temperatures) and frostbite, shutting down," they didn't think two left. So this

the Kim family Kati Kim's husband before all could he hiked 16 miles twice trying to find y, we got to this thor said.

le, he is quick to those with more "I have the easy people who need e people that are at have been out our days, covered y. They really did

were equipped with helipads so he could fly in to check on them.

He is beginning his second year on the three-member Jackson County board, of which he is vice chairman for 2012. It was just two years ago that colleagues in the business community encouraged him to run for office. "John, you make good decisions," he recalls them saying; "you ought to run for county commissioner."

"I knew absolutely nothing about it," he said, "but it looked alike a good challenge, so I took it." He sold his restaurants before taking office as a full-time commissioner in this county of about 200,000. Medford is the county seat.

Now that he's an elected official, it's put a crimp in some of his search-and-rescue activity: The County Board controls the search-and-rescue budget, which could pose a conflict of interest for him.

"So county counsel recommended that I withdraw from search and rescue, and I did," Rachor said. "But what I told them is if there's a 4-year-old boy lost out there, all bets are off; I'm going anyway, and they agreed. So now, if there's something critical like this situation where they can't find somebody, well the sheriff calls me and I go."

Search and rescue is a regional effort in this part of Oregon through California-Oregon Regional Search & Rescue (CORSAR). Participants include Coos, Curry, Douglas, Josephine, Jackson and Klamath counties, Ore. and Siskiyou and Del Norte counties, Calif. Resources are deployed by counties with the capacity to help to those with the need.

Each search is different, but they also share attributes, and Rachor said instinct can be the equal of knowledge.

"We try to think outside of the box," he said. "These people were in an area that wasn't logical that they would be. When we couldn't find them in an area we assumed they were, we went to a new area, and there they were," he said, "and that's happened a number of times."

Ward is Curry County's search-and-rescue coordinator. "I've known John for many years, so we decided we'd go up and look at the lay of the land from the air," he said. He grew up in the area and knows it well, as does Rachor.

The reason Rachor owns a helicopter and knows the territory is that he used to own 11 Burger King restaurants, scattered throughout the area. Five of them

Affordable housing benefits young scientist in pricey Suffolk County, N.Y. neighborhood

By CHARLIE BAN
STAFF WRITER

Good schools, like the kind that fostered the education of Samantha Garvey, aren't cheap.

The Suffolk County, N.Y. neighborhood where she lived with her family while researching

mussels for the Intel Science Talent Search boasts some of the highest property values in the country. When her parents' lost their jobs after a car accident last February, an 11-month spiral began that ended with them checking into a homeless shelter Jan. 1.

By the end of the month, which included Samantha being named one of 300 semifinalists for the Intel contest, the Garveys moved into a three-bedroom house owned by the county, one of five available to residents at a reduced rent.

"It was perfect timing, they entered the homeless system just in time when the house opened up," said Edward Hernandez, the county's social services deputy director.

The story of Samantha's achievement in the face of adversity hit the news while the county was repossessing the house for delinquent taxes. So, while she has been a model student, her parents have been the model tenants for Suffolk County's affordable hous-

ing program.

"The fact is she had two working parents, which makes it a perfect match," Hernandez said. "We give preference to working families who wouldn't be able to afford fair market rents."

Their rent will be 30 percent of their income, following federal Section 8 guidelines. Hernandez said that for most families in the program, that figures out to approximately \$700 a month, compared to the market rate of nearly \$1,800 per month for other three-bedroom houses in Suffolk County.

Hernandez acknowledged that given Samantha's fame and achievements, another home would have likely been offered, but the affordable housing program would be a good fit as they try to reestablish themselves financially.

"The families that fit into the program are doing too well for a lot of assistance programs, but not able to live in the area without

some help," Hernandez said. "It's a tough spot for a lot of people."

The county is exploring expanding the program, and evaluates houses it acquires through tax forfeitures, which is how the first five houses came into the county's possession.

Meanwhile, Samantha has spent a lot of time on the move, attending the State of the Union address, appearing on Ellen Degeneres' television show and the "Today" show, but when she returned from all of that, she had a place to stay with her family.



Share your point of view ...

Letters to the Editor

Please include a phone number with your letter. Mail, fax or e-mail to:

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Model Programs From the Nation's Counties

Wayne County, Mich.

County Recruits Temps from Its Own Staff

By CHARLIE BAN
STAFF WRITER

Rather than leaving injured employees to languish on disability, Wayne County, Mich. is allowing them to return to work in capacities allowed by their doctors.

The "Return to Work" program started in 2010 when budget pressure made workers' compensation claims unavoidably burdensome. At the same time, retirements and layoffs were leaving different departments shorthanded.

On the workers' side was the inertia that comes with medical leave — the longer the employees are away from work, the more psychologically difficult it is for them and the less likely they are to return.

To combat this, the benefits administration department designed

the program to match the restrictions of workers' compensation laws and allow the injured workers to contribute to the county. In doing so, it gives the workers a sense of purpose that may have been lost while away from work and allows them to earn seniority and other benefits.

"It's really a win-win," said Shirley Priskorn, the county's disability manager. She started Wayne County's return to work program after overseeing similar programs for several steel manufacturers.

In this case, the injured worker does the work for a position that had been eliminated in budget cuts in a department that is short staffed. That way, the injured worker doesn't displace a healthy worker, a sticking point with the various unions.

"In Michigan, once you're on workers' comp, if you can't return to work, we're on the hook for the rest of your life," Priskorn said. "We should get something for our money."

The program gives workers a chance to keep their county-provided health insurance, which would lapse after 18 months of disability, forcing those employees to pay COBRA costs.

For the most part, workers try to return to the departments which they previously served. When the type of work involved or the staffing situation makes that impossible, they work elsewhere. The county provides a job coach to help the employee make a transition to the new position. Regardless of what the worker's wage was before the injury, in the

return to work program, each will be paid \$10 an hour.

Three employees are currently taking advantage of the return to work program, but Priskorn said nearly a dozen had previously chosen to come back to work that way.

"They rave about it," she said. "Being around people again, after the isolation of disability leave, really motivates people."

The program's costs are covered by the county's workers' compensation fund. As for its success, Priskorn said with fewer workers comp claims and a subsequent lower cost, the program is under budget.

Model Programs from the Nation's Counties highlights Award-winning programs.

Workers' Comp Case Study

An employee has 15 years to retire...

His liabilities to the county:

- If he remained on comp — \$1,165,636.77 in comp wages alone. He would gain no seniority and lose health benefits after 18 months.
- If he returned to work — \$618,352.80 from wages and partial comp. He would accrue seniority and maintain health benefits.

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The H.R. Doctor Is In

The Referee

The end of the football season is an excellent time to recognize the real stars of the game—most games in fact, including bureaucratic ones—the referee. The referee is trained to scan the environment and look for improper conduct or violations of the rules. The person is then expected to very quickly and clearly announce the violation by throwing a flag or, in the case of soccer, flashing a card.



Next, the referee determines and announces the penalty. Only occasionally are there outbursts of opposition, shouting at the ref, or taking opposition to a violent extreme. There may be challenges and reviews of the referee's decision in football. Rarely, however, do we have that luxury in real life.

Look at some of the violations called by referees in football—unnecessary roughness, illegal contact, interference, unsportsmanlike conduct, intentional grounding. These unfortunate events are witnessed intensely by fans on their 80-inch, 3D, high-definition televisions, which also permit accurate counts of the number of nose hairs the quarterback has.

Some of these same examples of conduct are also present in bureaucracies. For example, in the purchasing process there may be illegal contact during bidding competitions. There may also be deliberate efforts to stall process improvements by delays, blocks and interference, or to blame others for failures rather than accept personal responsibility.

The ugliest of the bureaucratic violations occurs during outbursts of highly improper behavior by managers or elected officials. These are the very people we look to for leadership and hope. The bully manager is often immature, does not handle stress well, and does not recognize the harm done to the efforts of their subordinates by their crushing and destroying, like Godzilla in Tokyo.

They may be guilty of unnecessary roughness by their treatment of staff and by their foul language. They may exercise illegal contact as they try to inflict sexual harassment or unlawful discrimination on others. Like the classic definition of an auditor—someone who comes on to the battlefield after the battle and bayonets the wounded—this kind of supervisor will seek out opportunities to blame others, or throw colleagues under the bus, rather than to say, “I made a mistake.”

Such conduct generates poor morale, and affects the efficiency and quality of the organization's services. It will lead to missed opportunities for innovation and improvement in how people are served and how taxpayers' dollars are spent. It will also contribute to the departure of the best and the brightest for other opportunities in more professional work environments.

The referee is often the county or city manager, as well as the department heads. Very frequently, in organizations with dynamic and modern HR practices, it is the HR director who wears the striped shirts and brings those in dispute together to play with one another and find a common solution.

However, it may not be a person with a shiny desk plate which reads “Director.” It may be an informal referee, someone recognized by peers, subordinates and managers as a go-to person when help, venting or idea-sharing is needed. It may be a person sought out for their expertise in providing confidential help, advice and counseling to other people, as well as to provide therapeutic chocolate and a box of Kleenex. Like the beautiful HR Daughter Elyse, such a person is an organizational treasure.

Whoever the referee may be in real life, it is better to avoid penalties in the first place by practicing honorable, respectful conduct than to lose points, allow a penalty kick to hit a sensitive part of the career body, or to be looked upon as a evil bureaucrat by those around you, whether you realize it or not.

Phil Rosenberg
The HR Doctor • www.hrd.net

Financial Services News

Nationwide Retirement Solutions Website Gets Overhauled

Plan sponsors of and participants in deferred compensation plans provided by Nationwide Retirement Solutions will soon begin seeing big changes. For more than a year, Nationwide has been rebuilding www.nrsforu.com to deliver a faster, easier web experience. The changes are expected to be implemented this spring.

According to Eric Stevenson, vice president of sales for Nationwide Retirement Solutions, the site's improved design reduces clutter, eliminates long text blocks, and improves usability. “We want our website to make it easy for participants to more quickly find what they're looking for and understand more readily what they're looking at.”

Stevenson says Nationwide's user-experience team recruited independent users and participants and watched them interact with the solutions being built.

“What we found was that users tend to ignore big blocks of text. They scan headlines, topics and links for key words or phrases. When that doesn't work, they give up and return to the Search box. It's time-consuming and can be frustrating.”

Stevenson adds that each page was reworked to make it much more user-friendly.

Learning Center Greatly Improved

There's a lot to the online Learning Center that's new. It features more content that's better written and organized. What isn't new has been improved. The idea, Stevenson says, is to help public employees understand retirement planning, investing for the long term and the

The new nrsforu.com

- Wide open layout
- Most important info at the top
- Scan-it headlines, topics, links
- Fewer words, more information
- Bullets, buttons, lists, bite-size info, and
- Easier navigation

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basics of deferred compensation plan participation.

Nationwide has developed a new “mindsets” collection to replace the current age-range selector for information. “These mindsets allow public employees to self-select the kind of participant they are, based on investor profile and comfort with retirement preparation. It's an easier and more accurate way to get retirement planning ideas for a user's individual situation.”

“We want to help participants feel more confident about making informed decisions,” he says.

Stevenson adds that getting help is easier and more encouraged. The site offers plenty of new contact prompts that suggest how a user can talk to a specialist.

Video Tells the Story

Nationwide produced a short

educational video that offers a tour of what's coming. The video explains not only what's changing but the logic behind the changes, so participants can better understand where they'll find information they're looking for.

“We encourage plan sponsors to watch the video and become familiar with the changes so they can help promote the all-new website to their employees,” Stevenson says.

In addition to the video, Nationwide is producing a series of promotional materials designed to alert public employees that their plan website has been improved, and to encourage them to take a test drive.

Sponsor Services Also Enhanced

Nationwide is upgrading the plan sponsor web experience as well.

“Based on plan sponsor research, we are creating a website for public employers that delivers better functionality, improved reporting and an easier user experience.”

A new dashboard organizes content for them, allowing for more enhanced reporting and quick, easy access to data points.

Tabs are organized to include the content most needed and relevant to plan sponsors, making it easier for them to find what they want and need.

The participant search function gives plan sponsors the ability to view participant information while still logged in as a plan sponsor. While they cannot make transactions, they are able to see what the participant sees, to help the participant resolve a challenge they may have as they manage their account.

The new plan sponsor Web address is www.nrsforu.com/plan-sponsor.

Get More Information

For more information about Nationwide's enhanced web services for public sector retirement plans, contact your Nationwide representative or call 877.496.1630.

(Financial Services News was written by Bob Beasley, CRC, CIC communications consultant, Nationwide Retirement Solutions.)

NACo on the Move

» NACo Officers and Officials

• **Lenny Eliason**, NACo president, spoke about his presidential initiative on Healthy Counties at the Idaho Association of Counties annual meeting in Ada County Feb. 7 and the West Virginia Association of Counties annual meeting in Kanawha County Feb. 12–14.

» Coming Up

• **Andrew Goldschmidt**, director of membership marketing, will be exhibiting on behalf of membership recruitment and retention at the West Virginia Association of Counties Annual Conference in Kanawha County Feb. 12–14.

On the Move is compiled by Christopher Johnson.



News From the Nation's Counties

► ALABAMA

As a safeguard against equipment damage during hurricanes, **MOBILE COUNTY** has installed **information technology backup** equipment at an off-site, hardened facility through the services of the University of South Alabama.

The university offered a program with phased-in participation. It starts with a continuity of operations plan limited to the sheriff's office, administration and payroll, and the license commission. The backup equipment is stored at the University of South Alabama, fortified with three-inch-thick steel walls and ceilings that are invulnerable to hurricanes and tornados.

► CALIFORNIA

LOS ANGELES COUNTY approved an ordinance requiring new developments in unincorporated areas of the county to have **wider sidewalks, bicycle parking** and other changes to promote exercise and reduce obesity. The ordinance also would make it easier for communities to start community gardens and hold farmers markets, the *Los Angeles Times* reported.

► FLORIDA

Pit bulls may once again be welcome in **MIAMI-DADE COUNTY**. The county's **ban on pit bulls**, punishable by a \$500 fine and court action to remove the dog from the county or destroy it, is likely to be repealed by the state Legislature in the coming weeks, the *Daily Telegraph* reported.

County ordinance has made it illegal to own or keep American pit bull terriers, American Staffordshire terriers, Staffordshire bull terriers, or any other dog that substantially conforms to any of these breeds' characteristics. It's the only county in Florida with such a restriction.

► IDAHO

THE IDAHO ASSOCIATION OF COUNTIES and the Idaho Petroleum Council agreed to support legislation that will **allow counties some control** over natural gas development, giving natural gas wildcatters a clearer path to tapping fields. The legislation would allow local governments to create regulations involving exploration and processing as long as the rules don't prevent companies from building infrastructure.

The groups also said the proposed legislation would let local governments pass their own ordinances regulating the industry as long as those ordinances don't conflict with state law, the Associated Press reported.

► ILLINOIS

Big-ticket events in **COOK COUNTY** will be judged on a case-by-case basis by commissioners as to whether they will pay the **county amusement tax**.

From now on, commissioners will vote on any amusement tax exemptions in which the county would lose \$150,000 or more, the *Chicago Sun-Times* reported. The tax is 1.5 percent of the ticket price on events drawing 5,000 people or more.

The change comes months after the *Sun-Times* reported the city and county have been granting amusement tax exemptions for the highly lucrative Lollapalooza music festival in Grant Park for the last seven years. In 2011, that meant promoters saved \$1 million in taxes at the event.

The arrangement cost the county \$350,000 in amusement tax revenues last year.

► IOWA

They may not produce smoke, but **all nicotine products will be regulated** the same way as cigarettes in **LINN COUNTY**.

Supervisors approved a measure requiring businesses that sell products containing nicotine to acquire a tobacco license. The change applies to recently developed dissolvable products but not to smoking-cessation products certified and regulated by the federal Food and Drug Administration, *The Gazette* reported.

Retailers selling nicotine products, including e-cigarettes, must buy an annual permit. The cost is set by the state, based on the size of the municipality.

► MICHIGAN

Departing employees in **WAYNE COUNTY** won't be able to receive payments beyond paid vacation and accrued leave time under a new ordinance.

The ordinance doesn't address other potential costly agreements — such as lawsuit settlements. Commissioner Diane Webb told the *Detroit News* she would push to eliminate retroactive contracts.

The proposal came after the county's economic development director received a \$200,000 severance after she resigned to become CEO of Detroit Metropolitan Airport. After a public outcry, she paid back the severance money.

► MINNESOTA

Counties in the southeastern part of the state have rushed to impose **moratoriums on new mining**

operations.

The **HOUSTON COUNTY** commissioners are considering joining **WABASHA, GOODHUE** and **WINONA counties** in a halt to new mineral extraction permits until a number of concerns over the consequences of large-scale "frac" sand mining are better understood.

Besides road damage from heavy trucks, other issues include air pollution from fine silica dust, which damages lung tissue when inhaled. In addition, there can be well depletion and aquifer contamination from chemicals used to process frac sand, residents told the *Spring Grove Herald*.

Last August, the Wabasha County board imposed a moratorium of up to a year on new mining applications. Existing frac sand mines are unaffected.

**To learn more about frac sand mining, go to News From the Nation's Counties in the Web edition of County News.*

• **HENNEPIN COUNTY** is assembling a group to study the **county's service centers'** viability. The report is due in April.

The county's six centers offer more than 40 services, including driver's license duplicates, renewals and reinstatements; motor vehicle plates, titles and registrations; and passports. The resolution establishing the study states that the portion of fees the county retains is often less than the cost of offering state license services, resulting in "sharply increasing Hennepin County property tax support for service centers' operations," according to the resolution.

The county closed its Eden Prairie Service Center in January. The resolution includes the option of eliminating county operation of the centers, except for mandated operations.

► NEW MEXICO

Inmates at the **SANDOVAL COUNTY** Detention Center won't have to wait until the day after Thanksgiving for cold turkey this year. A **ban on smoking at the jail** will take effect in June, and inmates will have to quit without assistance.

Employees of the jail can sign up for smoking-cessation classes. County commissioners approved the ban recently.

Detention Center director Al Casamento promised to give out hard candy to help inmates get over the urge to smoke. The ban is modeled on a policy at the **BERNALILLO COUNTY** jail, the Associated Press reported.

► NORTH CAROLINA

The **Democratic National Convention** isn't coming to Charlotte, and **MECKLENBURG** and **CABARRUS counties** until September. But plans are already underway to make sure it's a secure one.

The Cabarrus County Sheriff's Office has dedicated 15 deputies to help when the convention comes to Charlotte Sept. 3, according to the *Independent Tribune*.

"With all the amenities we have in our county we are probably going to catch a lot of it," Sheriff Brad Riley told Cabarrus County commissioners recently during their annual retreat. Perhaps chief among them is the Charlotte Motor Speedway in Concord in Cabarrus County. "We do know that we're getting the one event here in Cabarrus County. That's going to be a big deal," Riley said.

Last month, convention planners announced that an event at the speedway is scheduled for Labor Day to celebrate the Carolinas, Virginia and the South.

► OHIO

Officials from four northeast Ohio counties have formed a coalition to assess the potential impacts of a plan by Gov. John Kasich (R)

to privatize the Ohio Turnpike.

CUYAHOGA COUNTY County Executive Ed FitzGerald was recently joined by commissioners from **LORAIN, MAHONING** and **TRUMBULL counties** to announce the group's formation.

"Many in northern Ohio are starting to express serious concern about the damage that selling control of the turnpike to a private corporation could do to our economy," FitzGerald said. "The point here is to say: Not so fast."

The Ohio Department of Transportation and state are studying whether selling or leasing the turnpike could help the state ease its \$4 billion deficit.

► PENNSYLVANIA

ALLEGHENY COUNTY Executive Rich Fitzgerald said he'll "fight to keep the 911th Airlift Wing open, operating and protecting our region."

The U.S. Air Force Reserve base and the **911th Airlift Wing** in Pittsburgh is on the Defense Department's hit list in its latest round of cuts. Up to 1,300 reservists are stationed there, and 300 civilian employees work at the base, the *Pittsburgh Business Journal* reported.

See NEWS FROM page 11

What's in a Seal?

» Terrebonne Parish, La.

www.tpcg.org



One of the most southern of all Louisiana parishes, Terrebonne Parish was established March 22, 1822. The words *bon terre* are French for "good earth" — a testament to the fertility of the soil and marshes which the early French settlers of this area soon discovered.

The cultivation of sugar cane was the principal agricultural industry in the parish for many years. The first plantation was established in 1828, and by 1851 Terrebonne had 110 plantations with 80 sugar houses.

The parish has always depended on Mother Nature for its livelihood. Oysters, shrimp, crabs and fish contribute their share of wealth to the parish. The oysters from Terrebonne have become internationally known as among the finest in the world.

The official seal of Terrebonne Parish reflects the aforementioned history of the area, depicting an oil rig, a seafood trawl boat, a worker harvesting sugar cane and the date that the "good earth" parish was founded. The official Terrebonne Parish flag uses this seal as its main feature.

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



Research News

New Year — New Laws



New laws that affect counties have been going into effect since July 2011.

One creating some concern in Florida is a new state law that went into effect Oct. 1. This law, supported by the National Rifle Association, prohibits any county from enforcing local gun-control regulations. Florida counties were scurrying to find all references in their ordinances, brochures and notices that address the use or regulation of guns, or face major fines.

According to this new law, local officials face \$5,000 fines or possible removal from office for adopting or enforcing any local gun laws. It also allows anyone with a state concealed-weapons permit to carry guns anywhere in the state, even in Orange County, which had prohibited guns in its parks.

The parks manager in the county says that they can take down the signs referring to their former gun ban, but the cost of reprinting brochures to delete references to gun use rules means that they will probably use markers to obscure any wording about guns in their existing inventory.

In North Carolina, the passage of the Justice Reinvestment Act by the General Assembly, which went into effect on Dec. 1, means that people convicted of misdemeanors under state law will serve their sentences in county jails and not in state custody. There is no guarantee that they will wind up serving their sentences in the county where they committed their crimes. They could be transferred to any jail in the state.

This new program, adopted to help with a growing prison population in the state, will be administered by the North Carolina Sheriffs Association, and counties will be reimbursed for housing these prisoners from a new \$50 fee added to court costs. More than 50 counties have agreed to participate and will receive \$40 a day plus any major medical costs that require out-of-jail treatment.

Worker e-verification laws have gone into effect in Alabama, Louisiana, Tennessee, South Carolina and Georgia. These laws require businesses with a stated minimum number of employees to use the federal database called E-Verify to assure that all employees are legal residents of the country. California



on the other hand, now prohibits any local government from requiring a private employer to use the federal E-Verify system unless it is required by federal law or is a condition of receiving federal funds.

A new law in California makes it a misdemeanor to carry an exposed and unloaded handgun in a public place in an incorporated city or in specific unincorporated areas of a county.

Numerous states have tackled distracted driving by passing laws, some of which target specific age groups. A new Nevada law prohibits all drivers from text messaging and using handheld phone devices behind the wheel. North Dakota's law bans drivers under 18 from using cell phones in their cars and

another bans all drivers, regardless of age, from text messaging while driving. In Oregon, which already had a ban against using cellphones while driving, the legislature adopted a law prohibiting texting that provides exceptions for roadside-assistance vehicles and vehicles owned by utility companies.

In a piece of legislation that addresses an issue that is gaining traction throughout the country, Montgomery County, Md. required all vendors to charge 5 cents for each paper or plastic bag used to carry goods. This charge is levied at the point of sale, pickup or delivery, and retailers get to keep 1 cent of each nickel they collect. The money from this fee will go to the County Water Quality Protection Charge fund.

As of Jan. 1 in California, local public entities are prohibited from filing for Chapter 9 federal bankruptcy unless they have participated in a designated neutral evaluation process with all interested parties or they can declare a fiscal emergency. This fiscal emergency can only be declared by a majority vote of the governing board at a public hearing, where the board has adopted a resolution demonstrating that the financial situation puts the health, safety and well-being of the residents in jeopardy.

Another new law in California allows local governments to regulate the shape and size of advertising signs on motor vehicles that are parked or standing on public streets and rights of way.

In Texas, a new law that went into effect last September affects only counties with populations of less than 5,000. The bill is designed to discourage these small counties from setting up speed traps by requiring that they surrender all revenue from speeding violations that exceed 30 percent of their annual revenue to the state.

Some officials commented that there would no longer be a reason to stop people and write tickets after they reach their threshold. Others think the new law will encourage some small counties to get into the speed trap business.

One saving grace in the new law is that counties can decide to use the fine revenues that they can keep for other purposes in their budgets.

A new law in North Carolina, which went into effect Jan. 1, is designed to limit the number of legal purchases of pseudoephedrine, a

primary component of meth. The law controls purchases by requiring customers to show a photo ID, sign a log and agree to purchase no more than two packages at a time during a period of 30 days.

As of Jan. 20, the enforcement of this law has prevented the purchase of 2,000 packages of pseudoephedrine, enough to make 3.8 kilograms of meth. Union County, with a population of about 200,000 blocked 104 purchases in the same period of time. In 2011, the county was in the top 10 counties in the state for meth lab arrests.

(Research News was written by Jacqueline Byers, director of research and outreach.)

**To learn more about plastic bag laws, visit the Web edition of County News at www.naco.org/countynews.*

Job Market & Classifieds

►HEALTH CARE TRUST ADMINISTRATOR – MONTANA ASSOCIATION OF COUNTIES

Salary: DOQ.

The Montana Association of Counties (MACo) is seeking an Administrator for the Health Care Trust. This position performs and directs the marketing, financial, supervisory and administrative duties for the Trust. For a detailed job description and application instructions, please visit our website at: www.mtcounties.org. Position open until filled by qualified candidate. Applications received by Feb. 1 will receive preference on screening. Contact Harold Blattie, MACo Executive Director at 406.449.4360 or hblattie@mtcounties.org if you have questions.

Indigent cremation measure could mean savings

NEWS FROM *from page 10*

The cuts would take effect by Sept. 30, 2013, the end of FY13, the Air Force said.

"I intend to work closely with our congressional delegation to answer this proposal," Fitzgerald said.

►SOUTH DAKOTA

A newly proposed state law would officially make cremation an option for **indigent burials**, and **MINNEHAHA COUNTY** officials hope the measure passes as way to save counties money, according to the *Argus Leader*.

House Bill 1066 would insert the word "cremation" into portions of state law on county funerals. The discussion comes amid counties' efforts to cut budgets and respond to increasing demand for social services.

Counties are legally obligated to cover funeral and burial costs if a person dies without means to pay for disposition of their remains.

In Minnehaha County, the state's most populous county, funeral

assistance doubled over the past six years.

►VIRGINIA

After two years of trying, Carrizo Oil and Gas has given up in its bid to explore the **Marcellus Shale** in **ROCKINGHAM COUNTY** for natural gas. The company sought a special land-use permit. The supervisors never brought it to a vote, *The Washington Post* reported.

Supervisor Pablo Cuevas led the opposition, raising concerns about environmental impacts and threats to water quality, among other issues. He also challenged Carrizo's facts and questioned state officials from agencies supportive of Carrizo.

"I don't think they did a very good job of working with some of the state agencies that regulate this kind of operation," Cuevas said of Carrizo. "If this was going to be the first well in the Marcellus Shale in Virginia, I want you to go out of your way."

Virginia has 7,700 natural gas wells in operation, but none extracts gas from the Marcellus.

►WISCONSIN

Now is the winter of their discontent for **MILWAUKEE COUNTY** supervisors who backed a **Shakespeare for young offenders program**. County Executive Chris Abele has vetoed it.

However, it came as no surprise: Abele had signaled he planned to axe the \$65,000 program when the County Board approved it last December. He thought it was too untested.

"Spending money without conclusive evidence or a thorough process seeking out the best diversion programs is not something I can support," Abele wrote in his veto message, the *Journal Sentinel* reported.

County Supervisor Gerry Broderick said he'll seek private funding for the program.

(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 cbn@naco.org.)

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Celebrate National County Government Month

Healthy Counties, Healthy Families

NACO National Association of Counties
The Voice of America's Counties
www.naco.org/NCGM

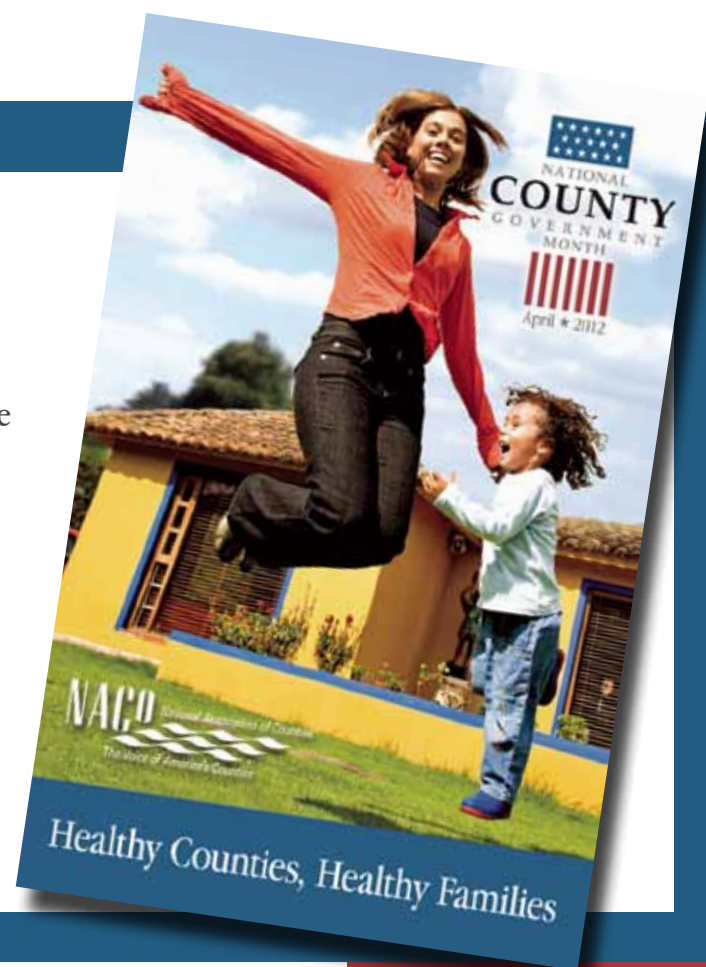
This year's National County Government Month theme is "Healthy Counties, Healthy Families." Start planning today to hold fun and interactive events to promote your county's health care and wellness services and recreational programs.

A special feature of NCGM is the National County Government Month Award. The purpose of the award program is to encourage counties to participate in NCGM and recognize nationally counties that sponsor outstanding programs during the month of April.

Visit www.naco.org/NCGM for more information about specific judging criteria. Applications must be received by Friday, May 25 to be eligible. All entries will be posted online to serve as a database of ideas for other counties to use.

For more information contact Jim Philipps at jphilipps@naco.org or 202.942.4220

Sponsored by the National Association of Counties to raise public awareness about the roles and responsibilities of counties.



National County Government Month

April ★ 2012

