

NACO National Association of Counties

CountyNews

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Supreme Court accepts two cases affecting counties

By LISA SORONEN
STATE AND LOCAL LEGAL CENTER

Every year before the Supreme Court's term officially begins on the first Monday in October, the court holds its "long conference" in which it considers whether to hear about 2,000 cases. On Oct. 1 the court accepted eight of those cases, two affecting counties.

In *Marvin M. Brandt Revocable Trust v. United States*, the court will decide who owns an abandoned railroad right of way: the United States or a private land owner living next to the right of way. In 1875, Congress passed a law granting rights of way to railroads through public land. Over the course of the next century, as trucking became a more popular method of transport, numerous railroads abandoned these rights of way.

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Photo courtesy of Douglas County, Ga.

The Douglas County, Ga. Courthouse will be filled with ghosts, goblins, ballerinas, superheroes and laughter Halloween afternoon, Thursday, Oct. 31, as Douglas County employees renew their annual Trick-or-Treating event in the courthouse for kids ages 12 and under. This is the ninth year of the holiday tradition. An estimated 1,000 people participated in 2012.

Trick-or-Treating in the courthouse is a program of the Douglas County Board of Commissioners through its Department of Communications and Community Relations. Trick-or-Treating in the courthouse brings the community closer together and provides a safe place where children can trick-or-treat and have fun.

FCC examines siting policies on local wireless infrastructure

By YEJIN JANG
ASSOCIATE LEGISLATIVE DIRECTOR



The FCC is taking a fresh look at its rules for local governments as they regulate wireless infrastructure siting. On Sept. 26, the FCC released a Notice of Proposed Rulemaking (NPRM) that scrutinizes local government policies and practices on wireless infrastructure collocation, siting and the "shot clock."

At issue is Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, which states that "... a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially

See FCC page 8

Defaults avoided, parks open again, but clouds remain

Nearly two weeks after the federal government closed its doors and just hours before the deadline to raise the debt ceiling, President Obama signed a bipartisan agreement that temporarily funds the federal government through Jan. 15 and suspends the debt limit through Feb. 7, 2014. Senate and House legislators passed the measure (H.R. 2775) Oct. 16 by a (81-18) vote in the Senate and a 285-144 margin in the House.

Under the measure, the federal government will be funded at the annualized level of \$986.3 billion through mid-January, reflecting spending levels under sequestration.

County officials welcomed the end of the shut down, but also urged a more focused and bipartisan ap-

proach to the next set of deadlines.

"I appreciate the fact that they've come together in some kind of an agreement for now," said Commissioner Louenda Downs, Davis County, Utah.

"There may be programs that need to be carefully looked at and things need to be abated or ended, but I think there's a way that you do that in a timely and organized way," Downs said.

"We have some time now; we don't have a lot of time until the next deadline looms. But we've got enough time if they will buckle down and be serious about this and get something done — regardless of whether they're going to be re-elected or not — and just do the right thing."

Like many of her colleagues, NACo President Linda Langston observed that counties continued to provide services even as the federal government stumbled to a halt.

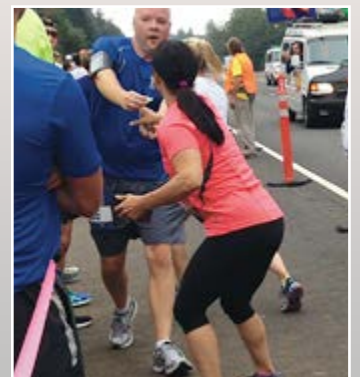
"Despite the two-week federal government shutdown, counties remained open for business and continued to deliver services directly to residents, businesses and communities. Counties cannot afford to shut down because they are responsible for so many critical programs and services that citizens rely on—including public health and public safety."

The economic toll the shutdown took continued to be on the mind of many.

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Letter to president, action highlight flood policy update

By CHARLIE BAN
STAFF WRITER

Efforts to adjust recent federal flood insurance policy got a boost from one of the Biggert-Waters Act's sponsors, who said she was committed to fixing the act's unintended consequences. Meanwhile, a coalition of governments and businesses are asking President Obama to delay parts of the policy's implementation.

Rep. Maxine Waters (D-Calif.) said she was outraged at the resulting flood insurance premiums

following implementation of the Biggert-Waters Act.

"Since the law was enacted, we have seen a slew of confusion in FEMA mapping," she said in a Sept. 30 statement. "With...rate increases approaching, time is running out."

The act sought to shore up the finances of the government's National Flood Insurance Program, which has been deeply in debt for eight years. That meant three significant changes to insurance premiums were put in place, including the removal of the grandfathered status for many properties, revised flood

mapping that only recognizes mediation efforts by the Army Corps of Engineers and updated actuarial tables, released in early September.

Residential and commercial property owners are seeing dramatic increases in flood insurance premiums that are bringing their financial stability into question. Some increases are well more than 1,000 percent.

"Many families now face increased costs that will make homeownership so expensive that many would be forced from their homes or find it impossible to sell,"

Waters said. "Increased costs of this magnitude might kick off a similar cycle of stagnant home sales and depressed home values that was one of the leading drivers of the recent recession."

Waters, the ranking member of the House Committee on Financial Services, scheduled a committee hearing on the act for Oct. 9, but it was cancelled because of the federal government shutdown, and had yet to be rescheduled as of Oct. 17, the day the government reopened.

"The shutdown ending is a major boost to having this reviewed soon,"

said Caitlin Berni, senior policy associate at Greater New Orleans, Inc. which operates the Coalition for Sustainable Flood Insurance.

The coalition is sending a letter to President Obama Oct. 23, which as of Oct. 18 had almost 100 organizations signed on. It requests that he delay the act's implementation for the following structures:

- commercial buildings completed before the first flood plain mapping
- non-primary residences, such as rental houses, and
- homes purchased after enactment of the Biggert-Waters Act of 2012.

The letter also requests Obama delay the phasing out of grandfathering until the congressionally mandated FEMA affordability study is completed and its recommendations are considered by Congress.

"We understand and support the intent of the Biggert-Waters Act, but unintended consequences of the reforms threaten to harm the very people the program was designed to protect," the letter says. "This drastic increase in premiums will cause property values and assessments to drop, bank mortgages to go into default, local tax bases to erode, and economies to be eviscerated."

FCC sets rates for inmate calling services

By YEJIN JANG
ASSOCIATE LEGISLATIVE DIRECTOR



A new FCC order caps the rate jails and other correctional facilities may charge inmates for interstate phone calls. County jails that offer interstate inmate calling services (ICS) must comply with the order when it becomes effective (90 days after publication in the Federal Register). The order, released Sept. 26, establishes an interim safe harbor rate of 12 cents per minute for debit and prepaid interstate ICS calls,

and 14 cents per minute for collect interstate ICS calls.

An ICS rate that falls at or below the safe harbor levels will be treated as lawful, meaning the provider will not be subject to issuing refunds to inmates.

The order also sets upper limits to the rates that can be charged for similar interstate calls: 21 cents per minute for debit and prepaid interstate calls, and 25 cents per minute for collect interstate calls. The rates are intended to be temporary until the commission completes a data

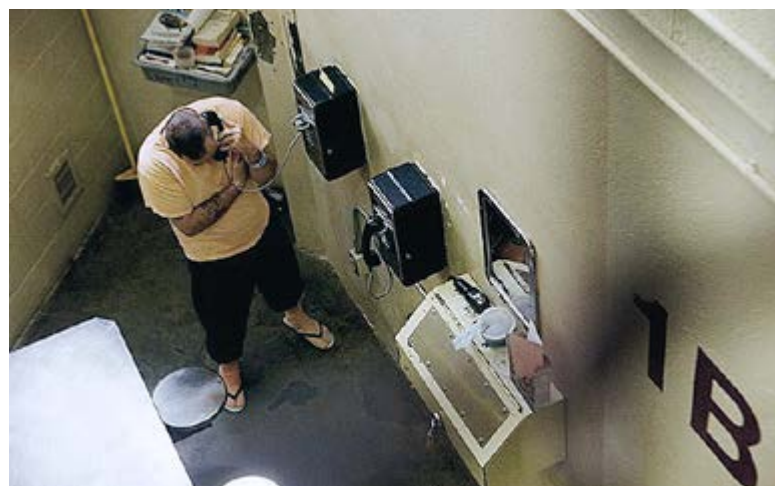


Photo by Nathan Morgan

See JAIL CALLS page 9 An unidentified inmate makes a phone call inside a California county jail.

High court to rule on meeting-opening prayers

CASES from page 1

The United States argues that a 1922 federal statute allows the United States to retain the railroad rights of way if they are abandoned. If the Supreme Court agrees, and the abandoned rights of way are located in a city, the city automatically receives them from the federal government for free.

If the abandoned rights of way are located elsewhere, a state or local government receives them for free if it establishes a "public highway" on the rights of way within one year. State and local governments typically convert abandoned railroad rights of way into "Rails-to-Trails."

Counties often own and maintain abandoned railroad rights of way. The Supreme Court usually accepts cases in which at least two courts have ruled differently on the same issue. In this case, the 10th Circuit ruled in favor of the United States. In a similar case, *Samuel C. Johnson 1988 Trust v. Bayfield County, Wisconsin*, the 7th Circuit ruled against Bayfield County, which in-

tended to build snowmobile trails on the abandoned railroad right of way.

Navarette v. California

Mendocino County, Calif.'s 911 call center received a tip that a vehicle had driven the caller off the road. The caller gave a description of the make, model and license plate number of the vehicle along with the road and mile marker the vehicle was on and the direction it was headed. Two state police officers quickly located the vehicle, pulled the driver over and searched the car after smelling marijuana. The officers discovered four large bags of marijuana.

The question the court will decide in *Navarette v. California* is whether the Fourth Amendment requires a police officer who receives an anonymous tip regarding drunken or reckless driving to corroborate the dangerous driving before stopping the vehicle.

In this case, the police officers did not actually observe any erratic driving before pulling the vehicle over. The California Court of Appeals held that officers need not

wait to pull someone over when an anonymous tip is of erratic driving and the officer is able to corroborate innocent details, as in this case.

County police officers frequently are faced with this situation. Waiting to pull over someone until the officer actually witnesses reckless driving may put other drivers, and the officer himself or herself, in harm's way.

The court is still likely to pick about 30 more cases to decide during its October term. Some of these cases will impact counties:

Town of Greece v. Galloway

The question in this case is whether the town's practice of starting board meetings with a prayer — where almost all of which were Christian — violates the Establishment Clause.

Mount Holly Gardens Citizens in Action v. Township of Mount Holly

The court will decide whether the Fair Housing Act allows plaintiffs to bring disparate impact claims

in addition to disparate treatment claims.

McCullen v. Coakley

The court will examine the constitutionality of a Massachusetts law that creates a 35-foot "buffer zone" around reproductive health care facilities into which demonstrators are not allowed to enter.

Fernandez v. California

In a previous case the court held that if a defendant is physically present and objects to a warrantless search, a co-tenant can not override that objection. In *Fernandez v. California*, the court will decide whether a defendant's objection still stands when the defendant is no longer physically present and a co-tenant consents to a warrantless search.

Learn more about cases from this term affecting counties at the State and Local Legal Center's (SLLC) Supreme Court Preview webinar on Oct. 22.

Register for this free event at the SLLC's website <http://www.state-localc.org>.

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Healthiest county goal becomes a ‘capital’ idea

By CHARLES TAYLOR
SENIOR STAFF WRITER

Wake County is the healthiest county in North Carolina but isn't resting on its laurels. The county, whose seat is Raleigh, the state capital, has set its sights on becoming the healthiest capital county in the nation.

The Wake County Board of Commissioners unanimously adopted the goal earlier this month, and commission Chairman Joe Bryan said it's not just about bragging rights. Though achieving the goal would be great "branding" for the county — Wake already ranks highly in several economic

and livability indices — it goes beyond that.

"It's not about the accolade or necessarily the branding," he said, "it's about actually helping people voluntarily change their behaviors to have a healthy lifestyle, to go out and enjoy the greenway, to be biking, to be able to spend time with their families in a healthy environment. That's the key thing, to help people."

Capital counties were the healthiest counties in four states in 2013, according to the Robert Wood Johnson Foundation's 2013 County Health Rankings & Roadmaps (CHRR). In addition to Wake, they are the City and County of Honolulu, Hawaii, Maricopa County, Ariz.; and City and Borough of Juneau, Alaska.

But Wake County, population 952,150, isn't limiting itself to those as benchmarks. Using a five-factor subset of county health indicators, it also has its sights on a dozen or so other capital counties, with populations of more than 500,000. They might not be the healthiest counties in their state, but based on some indicators, they are healthier than Wake.

The impetus behind the county's effort stems from wanting a broader measure than North Carolina's 100 counties, according to Ramon Rojano, Wake County's director of human services. "We've been number one for four years in a row, but North Carolina is number 33 in the country," he said. "So people were kind of challenging us, like, how good is it to be number one in a state that is number 33?"

He said there are five measures of health outcomes that could serve as a basis for comparisons across state lines: premature death, poor or fair health, poor physical health days, poor mental health days and low birth weight.

When Wake looked at those five indicators for capital counties with populations of more than 500,000, it ranked sixth, behind Maricopa County, Suffolk County, Mass., Travis County, Texas, Salt Lake County, Utah and Honolulu, according to data Rojano provided.

The County Health Rankings & Roadmaps doesn't publish comparisons of counties from one state to another, and will not, said Bridget Booske Catlin, director of the CHRR program. The rankings are deemed more useful intra-state rather than inter-state, she said, because a county stands a better chance of improving among perhaps 100 in-state counties versus thousands nationwide.

Still, she applauded Wake's goal-setting.

"It happens that the measures that they are talking about, our health outcomes measures, they do as they say come from the Na-



Photo courtesy of Wake County, N.C.

Doing his part for Wake County's health — and his — Commission Chairman Joe Bryan (r) runs in the 5th Annual Wake County Employee 5K last May in Lake Crabtree County Park. Also pictured: John Roberson, county solid waste management director, and, behind him, Scott Warren, county attorney.

SpeedRead » » »

- » Wake County seeks healthiest state capital county status
- » Inspired by County Health Rankings, will use health outcome measures comparable state-to-state
- » Four capital counties including Wake are healthiest in their states

Bryan, who co-chaired the county's most recent Community Health Needs Assessment (CHNA) this year, said pursuing the healthiest capital county goal will be a collaborative effort, just as the CHNA was. During that process, the county partnered with three major local hospitals, nonprofits and other stakeholders.

The plan is to select indicators that can be compared with other capital counties, Rojano said, called "collective impacts," and develop a multi-year plan with county partners to improve those health outcomes.

"The fact that we're a combined health and social services department gives us an opportunity here," he added, "because we have access to social services programs that also impact public health indicators."

Rojano calls Bryan a "major asset" in driving the effort. "This is a blessing that we have a chair of county commissioners that is so committed to this. It's a luxury that we have. We're taking advantage of it," he said.

For Bryan's part, reaching the goal "is a work in progress."

"But by partnering with our chambers of commerce, and our hospitals, the business community along with Wake County, it needs to be sustainable long-term," he said. "This is not 'put it out there and you work on it and check it off.' I see this as a long-term goal for our community."

In Case You Missed It

News to Use From Past County News

» New Cyber for Counties Guidebook now available

In recognition of National Cyber Security Awareness Month in October and in collaboration with AT&T, NACo has released the Cyber for Counties Guidebook, providing best practices and resources for local elected officials and IT staff.

To view this book, visit www.cyberguidebook.com.

Profiles in Service



» Jeff Haste

Chairman, Law Enforcement Subcommittee,
Justice and Public Safety Steering Committee
Chairman of the Board of Commissioners
Dauphin County, Pa.

Number of years active in NACo: 19

Years in public service: 21

Occupation: Dauphin County commissioner

Education: B.S. in the administration of justice, Shippensburg University

The hardest thing I've ever done: be a good father, grandfather and husband

People (living or dead) I'd invite to dinner: Moses, my mother, Daniel Boone and Sitting Bull

A dream I have is to: start a foundation.

You'd be surprised to learn that I: was a sparring partner for a 1980 Olympic judo participant and that it's my 26th year coaching soccer with 14 years coaching at the high school varsity level.

The most adventurous thing I've ever done is: participate in a local charitable "Dancing with the Stars" benefit for the local law enforcement community. My wife and I danced to one of our favorite country songs and brought home the trophy.

My favorite way to relax is: to go fishing annually in Canada and weekly at the pond near my house.

I'm most proud of: my children.

Every morning I read: an inspirational passage or scripture, and my favorite is John 3:16 – "For God so loved the world that he gave his one and only Son, that whoever believes in him shall not perish but have eternal life."

My favorite meal is: fried chicken, fried green tomatoes, salad, a biscuit with butter and sorghum molasses.

My pet peeve is: obnoxious people.

My motto is: Keep It Simple Stupid (KISS).

The last book I read was: *The Circle Maker* by Mark Batterson.

My favorite movies are: *The Natural*, *Bang the Drum Slowly*, and *Brian's Song*.

My favorite music is: country.

My favorite president is: Abraham Lincoln.



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Counties considering health insurance changes to use ACA options



By CHARLIE BAN
STAFF WRITER

Two large counties are considering changes to their employee health insurance benefits, with the Health Insurance Marketplaces as an option, while other counties are cutting employee hours to avoid covering them under new rules.

In Milwaukee County, Wis., Executive Chris Abele's 2014 budget proposal includes directions for a study group to consider eliminating the employees' current self-funded plan and giving the county's nearly

4,400 employees a subsidy to buy coverage through the state's federally facilitated marketplace. The subsidy would effectively keep the employees' health insurance costs equal to before the change.

The budget proposal cites a study that conservatively projects a \$10 million annual savings, based on comparisons between California cities and exchange health plan models.

According to the budget proposal, "If this analysis shows that the County can realize significant savings while ensuring access to quality and affordable health care, then the

County will eliminate the existing self-funded health insurance plan and transition to the exchange during 2014."

John Zapfel, Abele's deputy chief of staff, said passage of the budget would not necessarily mean elimination of the county's self-funded plan, if the study comes back showing savings.

"It will be a recommendation, not an order," he said. "If switching to the exchange would decrease the quality of coverage available to our employees, we wouldn't do it. The board would have to vote on a change like that (separately).

Zapfel said the process of studying the prospective savings would take time, "at least a year."

Cook County, Ill. Board President Toni Preckwinkle's 2014 budget proposal nudges nearly 400 people paid by the county off of the health insurance rate offered to full-time employees.

It would affect two dozen part-time crossing guards, three Chicago Board of Elections commissioners and almost 400 circuit court judges and associate judges, judges who work full time and are paid largely by the state. Preckwinkle's office said such a change would save more than \$2.2 million in next year's budget and roughly \$4 million annually.

"The people who would be affected by this are primarily elected officials," said Owen Kilmer, a spokesman for Preckwinkle. "It affects people who are not paid for full-time jobs for the county, but receive full-time benefits."

Judges can choose health insurance benefits from the county or state, but the state law that mandates the county contribute a nominal portion of their salary opens up the door for incredibly inexpensive insurance premiums.

Only 0.3 percent of a circuit court judge's overall income comes from the county—almost all of the \$182,929 a circuit court judge earns annually comes from the state. Their actual premium for county-

employers required to provide to their employees?

There is an "Employer Planning for 2013 and Beyond Table" that not only provides brief descriptions of significant provisions, but also recommends steps that counties should be taking. The toolkit also contains a quiz to test your knowledge as an employer.

The toolkit can be accessed at www.naco.org/healthreformtoolkit.

* See this story online at www.countynews.org to access blog posts, webinars, workshops and forum schedules or recordings to help you navigate the implementation of the Affordable Care Act.

NACo Health Reform Toolkit updated with new ACA regs

By EMMANUELLE ST. JEAN
HEALTH PROGRAM MANAGER

With several provisions of the Affordable Care Act going into effect in 2014, NACo has updated and revised its toolkit, *Counties as Employers*, to help counties understand the law better and begin taking steps to comply with its new regulations.

The toolkit will help answer questions such as:

- How do I determine if there will be a financial penalty?
- How do employers determine if they are a small or large employer?
- What information are em-

New law boosts wellness incentives



Photo courtesy of Clackamas County, Ore.

Clackamas County's Wellness Program sponsors Hood-to-Coast Relay teams. In this picture, Sheriff's Office employees exchange the "wristband (timer)" on a 198-mile journey from Mt. Hood to the Pacific Ocean.

By CHARLES TAYLOR
SENIOR STAFF WRITER



The Affordable Care Act is largely permissive in terms of what counties can provide their employees in the wellness arena. It dangles a carrot more so than brandishes a stick.

Unlike some provisions of the ACA, there are no penalties for what you "don't do" regarding wellness but rather the permission to raise wellness benefits for counties that currently offer them—or plan to.

Employers with wellness programs can increase wellness incentive payments from 20 percent to 30 percent of the cost of health coverage, and up to 50 percent for tobacco-cessation programs starting Jan. 1, 2014. This change applies to grandfathered and non-grand-

fathered plans, and to fully insured and self-funded group health plans. Grandfathered plans are those already in existence on the date the health reform law took effect.

Hopkins County, Ky. has had a wellness program since 2004 but made a major change in its wellness benefits because of early uncertainty about what the ACA would require. It wasn't until late this past summer that some of the rules were clarified and finalized.

The biggest change for the county was in how it chose to reward employees. Formerly, Hopkins County provided employees a \$25 a month wellness benefit that could either be applied to a health savings account or be used to reduce their premiums, according to County Treasurer Cindy Jones. To qualify

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Fire departments may be on the hook for volunteers' health care insurance

By BEVERLY SCHLOTTERBECK
EXECUTIVE EDITOR

Question: When is a volunteer not a volunteer? Answer: When the IRS says so, which it did in 2007 when it defined volunteer firefighters as employees of the fire departments they served. Now it's quite possible that as employers, fire departments will be on the hook to provide health insurance to their volunteers under the Affordable Care Act (ACA) or face fines for failing to comply.

Volunteers undertake most of the firefighting in the United States. Estimates put the total number at nearly 800,000 to 850,000 out of approximately 1.2 million career and volunteer firefighters, according to FEMA's U.S. Fire Administration.

Under ACA's "Shared Responsibility Provision," large employers are required to offer health insur-

ance to their employees. The ACA defines large employers as those with 50 or more full-time employees (FTE) or FTE-equivalents. A full-time employee or FTE is an employee who works 30 hours or more. Employers who do not comply will face fines.

The International Association of Fire Chiefs (IAFC), a NACo affiliate, has petitioned the IRS to exclude volunteer firefighters and emergency personnel from its definition of employees when it issues its final rule implementing the Affordable Care Act.

However, if the IRS sticks to its employee designation, costs for fire protection services in the 1,560 counties that provide fire and emergency services could increase.

IAFC says the additional financial burden may force some fire departments to close or significantly curtail their response



activities. "Basically the cost of insurance would reduce the hours for volunteer staffing," Ken LaSala, IAFC government relations director said. "We've heard from fire departments that mutual-aid assistance pacts, for example, could

be impacted because departments wouldn't be able to provide as many firefighters as before."

Dan Eggleston, IAFC board member, and Albermarle County, Va. fire chief, said counties across the country are now struggling to maintain volunteer systems. Ironically, as they add incentives to hold onto or attract volunteers, they run the risk of having their volunteers thrown into the IRS' employee category.

If volunteers are classified as employees, then the question arises about volunteers who have full-time employment elsewhere. With two different employers, who has to provide the health insurance? There would also be problems with

what constitutes 30 hours of work. Would being "on call" be considered to be work? Would participating at fundraising activities be considered to be "work" as well?

IAFC has forwarded a series of questions to the IRS that deal with these and other issues. A few examples:

- In some instances, volunteer firefighters working for independent 501(c)(3) fire departments are seen as employees of the 501(c)(3) organization when performing non-emergency response duties, such as fundraising for the organization, and then considered employees of the local government's fire department when working in an operational role to respond to emergencies. In cases such as these, are both the 501(c)(3) volunteer fire department and the local government fire department required to offer health insurance to the volunteer?

- If a firefighter has a second job, but becomes unemployed and loses his or her health insurance, is their fire department now responsible for them being insured?

IAFC members have also been to Capitol Hill where they were met with sympathy, but no promises, Eggleston said. He's not discouraged, however. "We're hopeful. The volunteer fire service has a good voice on Capitol Hill."

Health Care FAQs

Q How is the value of a health plan calculated for the tax on high-cost insurance (i.e., Cadillac tax)?

The value will be determined by combining the employer and employee's contributions to premiums and the employer's contributions to health savings account, flexible spending account, health reimbursement account or medical savings account. Standalone dental and vision benefits are excluded from the aggregate value of the health plan.

Q Will a county be fined if it did not notify its employees by Oct. 1, about the Health Insurance Marketplaces?

There is no fine or penalty for failing to provide the notification to employees. However, employers should be aware that employees may indicate they were negatively affected by not receiving notification about the marketplace. Employers may mail or use Department of Labor-approved electronic methods to notify all current employees of the marketplace. Individuals hired after Oct. 1 must receive the notice within 14 days of their hire date.

Q Are employers required to provide dental coverage as part of their comprehensive health plans?

The Affordable Care Act requires health insurance plans to include dental coverage for children under the age of 19 beginning Jan. 1, 2014. Although dental coverage is not mandated for adults, states may choose to require coverage for adults. With the exception of Utah, all states will be following the U.S. Department of Health and Human Services' recommendations that the state Children's Health Insurance Program or the Federal Employees Dental and Vision Insurance Program be used as the benchmarks for children's dental benefits. Utah requires that only preventive dental services be covered.

Q Self-funded plans were previously exempted from certain requirements. Does the ACA change this?

Plans with years beginning on or after Sept. 23, 2010 are no longer able to opt out of the following categories:

- Limitations on pre-existing conditions
- Special enrollment periods, and
- Prohibitions against discriminating against individual participants and beneficiaries based on health status

Q What is the Patient-Centered Outcomes Research Institute (PCORI) fee?

Health insurers and plan sponsors (e.g., self-funded plans) are required to pay a temporary fee of \$1 to \$2 per person covered for plan years ending after Sept. 30, 2012 and before Oct. 1, 2019. This fee will be used to fund PCORI which will conduct evidence-based research that will assist patients, clinicians, consumers and policymakers to make informed health decisions.

The IRS requires health insurers and plan sponsors to annually file Form 720 by July 31 of the year after the plan or policy year ends. If a plan ends on Nov. 1, 2013, then Form 720 must be filed by July 31, 2014. Form 720 can be found at: <http://www.irs.gov/pub/irs-pdf/f720.pdf>.

County policies affect part-time workers

ACA from page 6

provided health insurance is very low, less than \$1 a month, compared to an average county employee paying \$112 a month.

The policy change would give all affected employees until July 1, the state's open enrollment date in Illinois' state-federal partnership marketplace, to decide on their new plan.

"They can pay full price and remain on the county's plan; they can opt for the state's plan or buy their own coverage," Kilmer said. "It's a fairness issue, not necessarily a result of the marketplace opening up."

Preckwinkle said as much in a

statement announcing the proposal.

"Part time employees should not receive the same benefits as full-time employees, yet pay a substantially lower cost," she said. "Everyone should pay their fair share, which will help the County rein in health care costs."

Brevard County, Fla. is cutting part-time employees' hours to keep them under the 30-hour threshold that would qualify them for county-provided health insurance, *Florida Today* reported. Covering 138 30-hour workers would have cost the county \$1.38 million annually. Bee County, Texas has begun limiting part-time workers to 24 hours a week, according to *The Caller*.

County infrastructure damages pile up in Colorado after flood

By CHARLIE BAN
STAFF WRITER

Colorado's mountainous topography is more accustomed to the gentle trickle of melting snow, not the rushing torrents that accompany a late summer rainstorm.

But that's what the canyons in several counties dealt with in September, sending days of rain rushing down onto county roads, or what used to be county roads.

Now six counties are dealing with more than \$264 million in damage to county-owned roads and infrastructure. Those counties all received at least 10 inches of rain between Sept. 8–17, with the heaviest damage coming in Boulder (24.9 inches) and Larimer (18.9 inches) counties, both of which reported approximately \$100 million in county road damages.

In Larimer County, 25 miles of county-owned roads and 25 bridges were damaged, and another 31

bridges destroyed.

"Even though that's a huge number, more than 90 percent of our road and bridge system is intact," said Marc Engemoen, the county's public works director.

Roads in the path of the water didn't have much of a chance.

"We have a lot of mountain valleys and canyons that act like a funnel when rain falls on them," he said.

"The streams reclaim entire valleys and wipe the roads out. The water

reaches a high velocity and becomes terribly erosive."

Most of the damage took place in the western rural part of the county. No county buildings were damaged, because they're all located in the east, in the Fort Collins and Loveland areas.

Reaching cut-off communities, though, is a major obstacle for the county, and one with some time pressure. More than 1,000 people were evacuated from their homes and few if any have been able to return.

"An enormous part of our effort is getting people back there so they can

get to their homes so they can winterize them, get their cars," Engemoen said. "A lot of these people were airlifted with a suitcase and have been in temporary housing for a month. They need to get to their possessions."

Boulder County also saw roughly \$100 million in damage to its roads and bridges. The question now is where to build new bridges.

"In some cases, creeks and rivers have been rechanneled," said George Gerstle, the county's transportation

See FLOODS page 11

Photo courtesy of Larimer County, Co.



A large chunk of part of Larimer County Road 27 was destroyed in September's flooding.

NACo's Western Interstate Region sets 2014 priorities

By JIM PHILIPPS
MEDIA RELATIONS MANAGER

The stability of the historic payment in lieu of taxes (PILT) program and accurate PILT program revenue forecasting from the federal government were among the NACo Western Interstate Region (WIR) top priorities adopted during the organization's fall board of directors' meeting, Oct. 3–4, in Mesa County, Colo.

The WIR board said county officials representing western U.S. counties will urge Congress to maintain full mandatory funding for the PILT program and identify a multi-year solution for future payments to respect local governments' annual budgeting process.

WIR, affiliated with NACo, is dedicated to the promotion of western interests within NACo. Its membership consists of 15 western states with membership funded through the individual state associations.

WIR's 2014 top priorities follow:

- Western counties urge Congress to maintain full mandatory funding for the PILT program. Congress should identify a multi-year solution for future payments to respect local governments' annual budgeting process and desire for more accurate revenue forecasting.

- Western counties support the continuation of federal revenue sharing payments to counties from natural resource extraction activities (i.e. Secure Rural Schools and Community Self-Determination Act, FWS Refuge Revenue Sharing program, and future alternative energy revenue sharing payments).

- Western counties encourage the sustainable use of natural resources for economic development through easing of federal regulations on federal lands. Remove federal barriers to efficient and sustainable natural resource development activities (i.e. federal forest management, Endangered Species Act reform, grazing, oil, gas and mineral extraction). Additionally, counties encourage federal coordination with county governments in the development of utility corridors on public lands.

- Western counties encourage Congress to recognize that many federally owned lands are exempt from local taxation and not eligible as entitlement acres under PILT. Congress should identify ways to develop federal "PILT-like" payments for non-taxable lands including: military, tribal and trust lands, and

- Western counties support the adoption of a multi-year reauthorization of the farm bill. Specifically, WIR will work with NACo's Agriculture and Rural Affairs Steering Committee to raise the profile of NACo's farm bill priorities, which include support for renewable energy, beginning and young farmers, and flexibly funded rural development programs that encourage regional innovation.

WIR President John Martin, commission chair, Garfield County, Colo., said it is important that Congress keeps the promises made to western counties and communities.

For more information, contact Ryan Yates at 202.942.4207 or visit www.naco.org/wir.

FCC seeks input from stakeholders

FCC from page 1

change the physical dimensions of such tower or base station."

In this NPRM, the FCC seeks input from stakeholders on how to define the following:

- transmission equipment
- existing wireless tower or base station
- substantially changing the physical dimensions, and
- collocation.

The NPRM is not seeking to revisit the issue of what constitutes a "reasonable period of time" but rather is examining the real-world effect of the "shot clock" ruling. The shot clock refers to the commission's interpretation of a "reasonable period of time" for a state or local government to act on a request for placement, construction or modification of personal wireless service facilities.

The FCC determined that a "reasonable period of time" for a local government to act is 90 days for processing collocation applications and 150 days for processing all other siting applications; this interpretation was later affirmed by the U.S. Supreme Court in *FCC v. City of Arlington*. If the local

SpeedRead » » »

- » FCC reopens wireless siting 'shot clock' rule for further clarification
- » Seeks comments on local governments' treatment of distributed antenna systems
- » Looks for clarification on definitions such as "transmission equipment" and "collocation"

government body fails to act on wireless siting applications within the 90- or 150- day window, the applicant then is able to pursue judicial relief within the next 30 days. However, in the event that a local government entity finds the application "incomplete" (within in the first 30 days), the 90- and 150-day requirement can be adjusted. The FCC now asks whether further clarification is needed as to when to deem a siting application "complete."

The FCC also seeks comment on local government treatment of technology like distributed antenna systems (DAS). Some jurisdictions have determined that

DAS does not fall within the scope of the shot clock because these systems tend to include a large number of sites, densely situated and often with a large presence in public rights of way. The FCC now seeks comment on whether there is any reason to treat DAS differently from other technologies like small cells.

Additionally, the FCC is seeking comment on whether local government ordinances that establish a preference for placing wireless facilities on local government property creates an unfair discriminatory effect against providers of functionally equivalent services.

Regarding wireless communications facilities siting, NACo supports preservation of local authority with minimal limitations and supports nondiscriminatory, timely action. Counties are encouraged to examine their wireless siting practices and policies and ensure that county policies are in accord with existing FCC regulations. Counties that wish to comment on the FCC NPRM should contact Yejin Jang, telecommunications legislative director, at yjang@naco.org or 202.942.4239.

Jailers raise concerns about capping state-to-state inmate calling rates

JAIL CALLS from page 2

analysis in order to decide permanent rate levels.

In addition to establishing safe harbor rates and rate caps, the order requires that interstate ICS rates be cost-based. The order clarifies which costs may be considered in determining a “just, reasonable, and fair” rate. Site commission payments are not a part of the cost in providing ICS and therefore not compensable in interstate ICS rates. The order does not ban site commissions but does encourage states to “eliminate site commissions, adopt rate caps, disallow or reduce per-call charges, or take other steps to reform ICS rates.” Security features associated with the provision of ICS are a compensable cost recoverable through ICS rates.

The interstate order is not expected to significantly affect jails, according to Estéban Gonzalez, chief custody deputy, Onondaga County, N.Y. Sheriff’s Office and president of the American Jail Association. “The rate caps should not have a massive impact,” he said, explaining that, typically, pre-sentenced jail

SpeedRead » » »

- » FCC establishes safe harbor and rate caps for jail inmates’ interstate phone calls.
- » Commission seeking further comment on similar restrictions on rates for intrastate calls.
- » Interstate rates need to be cost-based.

inmates make local, intrastate calls, not interstate calls.

For intrastate calls, though, it’s another matter. “The likelihood that rate caps will be established for intrastate calls is causing heads to pop up and ears turning in local jails,” he added.

For intrastate calls, the commission is seeking additional information through its rulemaking process. As stated in the rulemaking notice, the commission “tentatively concludes” that “competition and market forces have failed to ensure just, reasonable, and fair interstate ICS rates, and, for the same reasons,

we (FCC) tentatively conclude that the same failure has occurred for intrastate ICS rates as well.” The FCC seeks comment on this analysis; counties are urged to participate.

These and other requirements such as mandatory data collection will become effective 90 days after the order is published in the Federal Register. Publication in the Federal Register has not occurred at the time of this writing.

Counties that wish to comment on intrastate calling rates are encouraged to examine their ICS rates and justifications. Comments should be sent via email to Yejin Jang, yjang@naco.org. Counties may also submit their comments online at the FCC site.

In July, NACo’s Board of Directors adopted a resolution supporting the ability of county jails to recover the cost of providing inmate calling systems. NACo also supports providing a cost model that recognizes the difference between prisons and county jails.

**See this story at www.countynews.org for important FCC links.*

PRIMA-PERI issue RFP for needs survey



The Public Risk Management Association (PRIMA) and the Public Entity Risk Institute (PERI) are seeking a consultant to evaluate public sector risk management needs and identify programs such as publications, webinars, training and software applications that address those needs.

A Request for Proposals (RFP) has been developed to identify a qualified consultant to conduct the research. Responses are due no later than noon, Eastern Time, Monday, Oct. 28. Only electronic submissions will be accepted.

The consultant selected for the *PRIMA-PERI Public Sector Risk Management Needs Survey* will prepare a final report with findings, conclusions and recommendations. The report will inform a strategic planning process that will be undertaken to select and prioritize programs to improve the practice

of public risk management. It is anticipated that the planning effort will culminate in a three-to-five-year plan.

Proposals will be evaluated on the basis of the proposed approach, project team experience and qualifications, proposed price, duration of the proposed project and responses of references. Consultant qualifications include experience in conducting survey research; familiarity with public risk management, intergovernmental risk pools, organizations representing PERI stakeholders, and other public risk management experts; ability to draw conclusions and recommendations based on the study’s findings; and ability to prepare an effective final report.

Questions about the RFP should be directed to Cathy Spain, project manager, cathyspain@verizon.net, 443.538.1201 (cell) or 410.730.9568 (office).

**See this story online at www.countynews.org to access a copy of the RFP.*

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[cover your assets]

October marks National Cyber Security Awareness Month (NCSAM) and in honor of this awareness campaign, NACo is excited to offer a new publication, Cyber for Counties Guidebook.

NACo's new publication, the Cyber for Counties Guidebook, is now available for download via www.cyberguidebook.com.

Check it out for resources, best practices, and tangible tools that county officials and IT staff can use to protect themselves and their counties from a cyber-attack.



House-Senate conferees must finalize FY14 funding by Dec. 13

SHUTDOWN from page 1

"It was terrible both parties couldn't work things out," Steve Holt, Jasper County, Mo. tax collector, said. "It affected a lot of businesses related to the national parks and monuments. We knew the federal employees would be paid eventually, but when parks were closed and people's vacation plans changed, hotels, restaurants and souvenir shops missed out, and they won't be making that money back."

In addition to temporarily fund-

ing federal government operations and avoiding default, the agreement also included provisions to

- **reimburse state government and other grantees** — The measure clarifies that the federal government will reimburse states and grantees for the costs they incurred during execution of federal programs that would normally be paid by federal appropriations. This authority applies to any period in fiscal year 2014 in which a lapse in appropriations has occurred.

- **increase scrutiny for ACA**

income verification — The measure includes a provision that will tighten requirements for verifying the income of individuals receiving health-insurance subsidies under the Affordable Care Act (ACA).

- **extend the Low Income Heating Assistance Program (LIHEAP)** — The measure clarifies that the formula to distribute LIHEAP funds to states will remain unchanged so that the U.S. Department of Health and Human Services uses the same formula as in prior years. Specifically, \$497 mil-

lion in LIHEAP formula funding will be distributed under the new LIHEAP formula with remaining formula funds distributed under the old formula.

- **provide fire suppression funds for the Interior Department and Forest Service** — The measure provides \$36 million for the U.S. Department of the Interior's wild land fire management activities and \$600 million for the Forest Service's fire suppression activities, which are available for FY14 or to repay accounts from which the departments

borrowed to pay for fire suppression in previous years.

Looking Ahead

As part of the deal, Senate and House leaders must now name participants to a conference committee charged with deciding final FY14 funding levels by Dec. 13. The differences between Senate Democrats and House Republicans have been so great this year — roughly a \$90 billion gap between the House and Senate FY14 budget measures — that they have not been able to reach an agreement or meet in a conference to begin negotiations.

Although the measure to end the federal government shutdown will temporarily provide relief to government employees and restore normalcy to federal, state and local government operations, a long-term solution to FY14 funding and debt ceiling issues is still needed. Reaching such a long-term solution will doubtlessly involve further talks of a "grand bargain" on entitlements, taxes and sequestration cuts that could prove harmful to counties.

(Contributors to this report included Charlie Ban, Deborah Cox, Hadi Sedigh, and Charles Taylor.)

Colo. county infrastructure flood damage tops \$260 million

FLOODS from page 8

director. "We're not sure if we should rebuild roads where the water is now, or try to return the water to its previous path."

Boulder's repair price tag is about 10 times Gerstle's annual roads budget.

Engemoen said federal and state reimbursement should defray large chunks of repair costs, with the Federal Emergency Management Agency due to pitch in 75 percent of repair costs and the state's covering

an additional 12.5 percent.

"That last 12.5 percent, the part we'll be taking care of, that's still not an easy thing," he said. "We're fortunate to have designated reserves, but it's still going to take a big bite."

In addition, Boulder County also saw about \$1.7 million in damage to county buildings and miscellaneous infrastructure.

Administrative Services Director Jana Petersen said 10 county-owned buildings were damaged in the flood, most suffering flooding in the basements and first floors, though none

were destroyed.

Adams County saw \$23 million in damage, but none that left its roads impassible.

"There was some debris removal, but the actual damage to roads has been on the shoulders," said Heather McDermott, Adams County's director of emergency management. "The majority of flood damage was to culverts and drainage ditches, the kind of infrastructure that was supposed to carry that water. It was just a little much for them, but the roads are safe."

Fremont County, as a government, was relatively lucky, suffering roughly \$150,000 of damage, but Emergency Manager Steve Morrissey said most of the damage in the county happened to private roads.

"Compared to other counties, we fared pretty well," he said. "But we're waiting for a lot of reports to come in from rural parts of the county. As for the private landowners reporting their losses, we've pretty much been relying on word of mouth to let people know we want to know the damages."



NATIONAL ASSOCIATION OF COUNTIES

Counties as Employers Health Reform Toolkit:

Making Sense of Complex Issues

The Patient Protection and Affordable Care Act, commonly referred to as the Affordable Care Act (ACA) or the health reform law, contains a number of substantial changes to employment-based health plans. This updated toolkit outlines some of the critical issues counties should be aware of concerning the implementation of the health reform law and factors to consider as they make any benefit plan changes.

Please visit
www.naco.org/healthreformtoolkit
to view the toolkit.

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NACO National Association of Counties
The Voice of America's Counties

Some counties alter wellness payments due to health reform law uncertainty

WELLNESS from page 6

for it, employees had to participate in a specific number of county-sanctioned wellness activities. Last year, the wellness benefit was changed to a lump-sum \$300 benefit paid directly to the employee in December of each year, again, with proof of participation in wellness activities.

Jones said the county's plan is grandfathered, but county officials made the change out of concern that keeping the \$25-a-month benefit could affect their grandfather status. "There was so much disagreement — we'd get a legal opinion that said it would and we'd get legal opinion that said it wouldn't," she added. "So finally, we just said forget it; we're not going to do this anymore. We're going to change it and pay everybody a (lump sum) monetary award." The county has about 160 full-time employees and about 200 part-timers.

John Kaegi is chief strategist for Healthstat Inc., a company

that provides onsite health clinics and wellness programs for employers. He affirmed that uncertainty led employers, including counties, to make some decisions in a vacuum.

"Until recently, the bureaucrats writing the ACA rules had been very unclear about what the rules were going to be in terms of how a company could spend its wellness dollars," he said, "and I think that led to many organizations pulling back for a short time to see how it would come out."

In Oregon, Clackamas County has existing wellness programs but doesn't offer incentives, said Carolyn Williams, the county's benefits manager, but it is considering doing so in the future. In January 2011, the county began covering preventive care such as annual physicals, mammograms and colonoscopies, with an employee copay.

The county, too, made changes in its prevention benefits due to a lack of clarity, until recent months, in the ACA's wellness benefits rules on employer-based wellness programs.

Final rules were not issued until May 29, 2013 by the Departments of Health and Human Services, Labor and Treasury.

In the meantime, the county decided to make preventive care free, "and we consider that a wellness initiative," Williams said. Now, there is no out-of-pocket cost to employees for services such as screenings and physicals. The county has about 1,900 benefit-eligible employees and provides them a choice among three medical plans and three dental plans.

"We knew that at some point, our plans would no longer be grandfathered and we'd have to do it anyway," she said, "so we just decided it was a good time to do it."

In the short term, the change has led to a 0.5 percent increase in benefit costs, but over time, she believes prevention will lead to fewer claims because of illnesses that have been avoided.

Teresa Lovely is business coordinator for worksite wellness with the Kentucky Department of Public Health. Having helped counties throughout the state, she has a few pointers for counties interested in starting wellness programs.

"A wellness committee is really, really important," she said. "It often falls upon a person who has another job and they attempt to do it on their own, and it almost always fails because they don't have the expertise at the time."

"If funds are available use them, if not, determine what free resources are available." Oftentimes, she added, especially in smaller or rural counties, health professionals might not be available, but having a group of enthusiastic employee champions to lead the effort can build momentum.

Healthstat's Kaegi advises counties to provide wellness incentives more frequently. "I would argue that they should go from a monthly to a daily benefit," he said. "Immediate gratification works much better than delayed gratification when it comes to getting people to change their health behaviors."

* See this story online at www.countynews.org to access a RAND Corp. study of workplace wellness programs sponsored by the U.S. Departments of Labor, and Health and Human Services.

Financial Services News

Nationwide Responds to the Mobile Movement

It's payday in Hopkins County. Several employees at the County Water District have determined that they would increase their deferred compensation plan contribution with their next pay after working through their accounts with the local Nationwide retirement specialist who had dropped by earlier in the week.

Mitch, the county water commissioner, opens his paystub on his desktop computer before going to lunch and accesses his deferred comp account to increase his deferral. As he leaves, he notices Keri, his new hire fresh out of college, looking at her account on her smartphone, then touch the screen. He passes Jake, the conservation manager, who is eating his lunch in the outdoor commons and scrolling through what looks like his deferred comp account on his iPad.

That's the new Nationwide deferred compensation plan online experience.

Anytime. Anywhere. Any device.

Everyday our world becomes increasingly mobile. County employees talk to friends, plan their days, play games and monitor their finances on innumerable smartphones, tablets and other Internet-ready devices, including TVs.

Add planning for retirement to that list.

In mid-November, no matter the device, deferred compensation plan participants can expect a consistent and optimized online experience at www.nrsforu.com. Unlike many mobile apps, Nationwide's new mobile-optimized site will not restrict what can be viewed and will fluidly adjust to fit screen size. Even better, there's no app to download and maintain. Instead, plan participants will get the complete online retirement experience from a site that looks great on any device. "No matter where participants view the website — at work on a computer, in the grocery line on a smart phone, or on their couch on their tablet — the website will look and function consistently," said Eric Stevenson, vice president of sales for Nationwide Retirement Solutions. "We are very excited to launch this optimized website experience for

county deferred compensation plan participants."

No pinch and zoom. Participants can enjoy new features such as:

- streamlined and flexible navigation — users can hide the menu on their device of choice and concentrate on what's important
- increased fonts and touch-friendly buttons
- a convenient bookmark icon to easily access the website from the home screen — no apps or "view full website" link is needed, and
- mobile-optimized views for balance history, performance rate of return and fund performance.

(Financial Services News was written by Cristy S. Wilson, senior consultant, distribution channel marketing, Nationwide Financial.)

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NRM-9884MI-NX.1

Webcast: How Iowa IT pros help neighboring counties

The Iowa Counties Information Technology (ICIT) team will share how it assists neighboring counties with limited IT resources in a free webcast, Iowa Counties Paying IT Forward, Tuesday, Oct. 29 at 4 p.m. EDT.

ICIT members have established standardized, measurable processes that can be duplicated by other states, counties and local governments. The webcast is being presented in cooperation with the Center for Internet Security and NACo.

Alan Paller, director of research for the SANS Institute, will interview ICIT members about their new model for IT and cybersecu-

rity cooperation. To date ICIT has completed 11 security projects to help neighboring counties with limited or no IT resources. The SANS Institute is a cooperative research and education organization. Its programs reach more than 165,000 security professionals worldwide.

At SANS (www.sans.org), Paller is responsible for projects ranging from the Internet Storm Center (the Internet's early warning system with 500,000 sensors around the world) to the Top 10 Security Menaces of the coming year.

To register and for more information, visit <https://www.sans.org/webcasts/iowa-counties-paying-97330>.

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Quick Takes

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U.S. Census and the Bureau of Labor Statistics, September 2013



County Innovations and Solutions

Multilateral Agreement Quells Poaching Fears

By CHARLIE BAN
STAFF WRITER

Cuyahoga County, Ohio has been hit by poachers before — Baltimore County came for the Browns, Miami-Dade County lured LeBron James away.

In 2011, newly elected County Executive Ed Fitzgerald decided to do something about business poaching complaints he had heard in the county's 59 different communities during his campaign.

Within 15 months, all 59 communities formally agreed not to seek to relocate businesses from elsewhere in Cuyahoga County. It was multilateral economic disarmament, discouraging communities from making cold calls to businesses

that have not expressed any desire to relocate.

Under the agreement, communities will also notify the home communities when businesses with more than 25 employees open talks about relocation, and discuss possible revenue-sharing agreements with the home community if such a move happens.

In addition, signatories will participate in a business retention and expansion advisory board, including submitting information to a central database. That information is aggregated and used in efforts to recruit businesses from outside Cuyahoga County, with an available property database, an updated pool of resources available to businesses in each community

and specific points of contact for each community.

"It ended up as an opportunity to bring communities together," said Ed Jerse, director of regional collaboration for the county. "It changed their mindset and woke people up to the idea that we should be competing with the world for business, rather than each other."

Some communities, roughly a dozen, signed up quickly, but others took time, as mayors and economic development officials sold the ideas to city councils.

Euclid Mayor Bill Cervenik said his council agreed pretty readily, and saw a lot of promise in the agreement.

"When you put your name to something like this, it carries a lot of weight," he said. "With poaching, one community's gain is another's hurt, and that's not something that's worth the trouble."

"If communities offer tax abatements for businesses to move in, that just ends up hurting what the

SpeedRead » » »

- » Communities in Cuyahoga County will not make overtures to businesses that have not expressed desire to move within the county
- » Communities will pool business development data in a county database
- » Communities can discuss revenue-sharing agreements if a business does move within the county

county brings in," he said. "We all benefit from county tax revenue."

There were some debates. Suburbs closer to Cleveland wanted the agreement to include mandatory revenue sharing, those farther away did not.

"Once we got closer to critical mass, there was some more public pressure—newspapers asking councils why they hadn't signed on, but

the more people signed on, the less threatening the agreement seemed," Jerse said.

So far, a few episodes have prompted communities to take action. A community with a developed office park reached out to the mayor of a less-developed community to communicate a company's interest in relocating, keeping the home community from being blindsided.

"It seems to have brought a heightened awareness of responsibility vis-a-vis your neighbors," Jerse said. "People are more aware of their responsibilities as part of our overall county and it cuts down on a lot of hard feelings."

The program itself did not cost anything and although staff time was involved in pitching the agreement to various city councils, Jerse said the effort generally encouraged more cooperation among municipalities in Cuyahoga County.

County Innovations and Solutions highlights award-winning programs.

Word Search

York County, Pa. Facts

Learn more about this featured county in 'What's in a Seal?'

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ADAMS (county to the west)
CUMBERLAND (county to the north)
DAUPHIN (county to the northeast)
DUKE OF YORK (county namesake)
FIRST CAPITAL (known by some as the first unofficial capital of the U.S.)
GERMANS (one of two groups of immigrants known for passing through to Maryland)
HARLEY DAVIDSON (famous motorcycle company, originated in county)
LANCASTER (part of county used to make York, county to the east)

MANUFACTURING (big export in county)
SCOTCH-IRISH (one of two groups of immigrants known for passing through to Maryland)
SPANISH (increasing first language of residents in the county)
SUSQUEHANNA (river forming county's eastern border)
UTZ (famous potato chip company, originated in county)

Created by Christopher Johnson

Research News

A New Benefit for NACo Members – MMA Municipal Issuer Brief

Municipal bonds are the most important financing tools for counties. They provide counties, states and other local governments with needed money to finance essential long-term infrastructure projects, such as schools, hospitals, roads and bridges. Not only are municipal bonds safe investments, but also the interest earned from them has been tax-exempt, making them an attractive option for investors.

With all the discussion around tax reform and the capping or repealing of the tax-exempt benefit of the municipal bond interest, counties need more timely information about issues that affect the municipal market overall. NACo members can now access, at no cost, a weekly analysis of the U.S. municipal market offered by Municipal Market Advisors (MMA) through the Municipal Issuer Brief (MIB). The MIB delivers muni-market informa-

tion to issuers such as counties in a concise, understandable and usable manner.

NACo members can go to the NACo research webpage and click on Municipal Issuers Brief on the right-hand side and sign up to receive the weekly brief. This will provide up-to-date information on the municipal bond market, a great addition to the rest of the materials on municipal bonds offered by NACo.

The MIB discusses one major subject in detail every week. For example, the inaugural edition explains that the shutdown resulted in a stronger muni market in the first week, as investors turned away from the stock market and towards municipal bonds. However, if Congress had not reached a deal on the debt ceiling, Washington's inability to borrow would most likely have had a negative impact on issuers of municipal bonds.

The weekly brief follows other topics, including current interest rates for 5-year, 10-year and 30-year bonds, policies and recent activities of several government agencies, such as the Securities and Exchanges Commission and the Internal Revenue Service, the actions of major ratings agencies and the regional bond issues for six different areas in the United States.

The MIB is a useful tool for county decision-makers, containing practical information that will allow officials to keep up-to-date with the state of the municipal bond market. The brief also explains how current legislative issues in Washington may affect the market in the future. County officials interested in learning more about the municipal bond market should take a look at the MIB.

(Research News was written by Ben Kirby, research intern.)



News From the Nation's Counties

► CALIFORNIA

• **KERN COUNTY's new animal shelter** will be rather exclusive — only lost and unwanted pets from people who can prove they live in unincorporated parts of the county will be accepted.

The Board of Supervisors adopted the policy because negotiations with Bakersfield city over funding for the shelter had reached a standstill.

Previously, all Bakersfield-area animals went to the Kern County Animal Services shelter, and the city of Bakersfield paid the county to care for the city's share of those pets. After more than a year of debate over the price of the agreement, the city and county went their separate ways, the *Bakersfield Californian* reported.

• Declining bee populations throughout California have prompted **SAN DIEGO COUNTY to work with local beekeepers** to find ways to retain and promote the business, including less restrictive zoning laws.

A proposed ordinance trims the current 600-foot cushion between other houses to allow bees to be kept on smaller properties.

Bees from about 1.5 million hives in the county pollinate almond, avocado, broccoli, onion, fruit and seed crops across the state, KFMB-TV reported, a crucial part of maintaining agricultural systems.

• **SANTA CLARA COUNTY** will drop its phone service contractor for Juvenile Hall, which will allow kids to make **free phone calls** to friends and family.

The county will operate its own phone system, which will drop costs to 3 cents a minute, from an average of 70 cents a minute. The county will cover the lost revenue with the phone revenue it banked in years past.

According to the *San Jose Mercury News*, the goal is to encourage inmates to maintain contact with family and friends, in hopes of reducing recidivism rates. It also cuts down on a more recent inmate problem — contraband cellphones.

► COLORADO

State insurance officials gave **GARFIELD COUNTY** an expensive resort rating as part of the state's new health insurance marketplace, one the county plans to challenge.

The Colorado Insurance Commission established 11 rating areas in the state, one of which lumps Garfield County in with three neigh-

boring resort counties, **PITKIN, EAGLE and SUMMIT**, for **determining health insurance rates**. That caused insurance premiums for the area to be significantly higher than in other parts of the state.

The county suggested the criteria used in determining the rates was "flawed," because it failed to consider Garfield County's higher poverty level, lower wages and other demographic differences compared to the other three counties, the *Post Independent* reported.

► FLORIDA

SARASOTA COUNTY has adopted a guide to become **more cyclist- and pedestrian-friendly**.

The framework proposes to expand paths, educate residents and enforce rules of the road. It does not include any money, the *Herald Tribune* reported, but highlights areas for future spending. The county held two rounds of community sessions to shape the plan, the first the county has adopted.

Making the county more navigable for people using all forms of transportation is critical, advocates said, particularly given Florida's reputation as one of the most dangerous states for bicycling. Sarasota County ranked third-highest in the number of cyclist injuries and deaths among counties with populations greater than 200,000. Residents also stressed that they want better connections linking parks, greenways and trails.

► ILLINOIS

Community members may no longer have to pay a permit fee to give away **prepackaged commercial foods**, like candy, at public events in **BOONE COUNTY**.

The Health and Human Services Committee discussed creating a permit classification for the vending of food products that pose extremely low health risks. Individuals who receive this free 14-day permit would be allowed to hand out commercially prepared, pre-inspected and prepackaged food products to others.

That would mean an end of the current \$75 permit to give away Tootsie Rolls or lollipops at the county fair or in a parade. County Board members said it is unfair to charge people this steep price when the food is safe enough to be sold on grocery shelves, according to the *Rockford Register Star*.

► MARYLAND

A task force says one thing is vital for the nightlife to thrive in

MONTGOMERY COUNTY: looser liquor restrictions.

If restaurants could derive more profit from alcohol sales, they could respond to greater demand for higher quality alcoholic beverages. That's the opinion of the **Nighttime Economy Task Force**, which is looking into ways the county can increase nighttime business and social activity, and therefore boost local economies and provide employment in the county.

The task force could recommend that a restaurant's alcohol sales, now limited by law at 50 percent of profits, be increased to 60 percent, *The Gazette* reported. Whatever the level, the remainder of the profits would come from food sales.

The draft recommendations, which are still under review, also include a request for more police officers to be on hand in busy areas to enforce public safety at night.

► NEVADA

The Nevada Land Management Task Force is asking 17 counties to ante up \$3,890 to cover the cost of a report on possible **transfer of public land from federal to state control**.

ELKO COUNTY, however, is considering contributing up to \$15,000, the *Elko Daily Free Press* reported. Elko is willing to chip in more because it anticipates the cost might be greater than the \$66,000 a consultant estimates would be needed, and there's less than one year before the report is due to the state's Legislative Committee on Public lands.

Elko County Manager Rob Stokes said, "They've got such a short time frame to make a report to the Legislature, our thought was instead of trying to piecemeal this, get a certain amount approved now."

The study would determine the fiscal impacts of a land transfer, figure out how the state would manage public lands and decide which lands would be best in state control.

► NEW YORK

"Complete streets" are the goal of a new **WESTCHESTER COUNTY** Board of Legislators policy designed to consider uses other than driving when constructing or renovating county roads.

It codifies practices currently followed by the county's Department of Public Works and Transportation, which encourage greater use

of roads and thoroughfares by bicyclists and pedestrians. The goal is to reduce congestion and pollution caused by motor vehicles.

A statewide complete streets law took effect in February 2012, and Westchester's legislation expands the policy to county roadways to "enhance the safety of all segments of our population, including persons with disabilities, senior citizens, children and emergency service providers."

► NORTH CAROLINA

Canadian apparel maker Gildan Yarns LLC will **create at least 500 jobs** in **ROWAN and DAVIE counties** in an expansion of its yarn-spinning operations.

The announcement, Oct. 8, came a day after commissioners

in both counties and the city of Mocksville approved performance-based incentives of nearly \$7.4 million, the *Winston-Salem Journal* reported. Gildan's products include T-shirts, fleece, sport shirts, socks and underwear.

The decision to build in two counties was due in part to the availability of separate power sources from a different electric company in each county, Gildan said.

The company plans to break ground on the plants within 60 to 90 days, and production is expected to begin in the first or second quarter of 2015. It's also expanding existing facilities in **BLADEN COUNTY**.

See **NEWS FROM** page 15

What's in a Seal?

» York County, Pa.

<http://yorkcountypa.gov>



York County was created on Aug. 19, 1749, from part of Lancaster County and named either for the Duke of York, an early patron of the Penn family, or for the city and shire of York in England. Its county seat is the city of York.

Because the Articles of Confederation were adopted in York by the Second Continental Congress on Nov. 15, 1777, the local government and business community began referring to York, in the 1960s, as the first capital of the United States of America. The designation has been debated by historians ever since. Congress considered York, and the borough of Wrightsville, on the eastern side of York County along the Susquehanna River, as a permanent capital of the United States before Washington, D.C. was selected.

While continuing to embrace its agricultural roots, York also has evolved into a manufacturing and business hub. Major companies with roots in the county include Harley-Davidson, York Barbell, Voith Hydro, York International, Utz Quality Foods, Snyder's of Hanover, BAE Systems and more.

The seal shows a cow and crops to the left for agriculture, the cog for manufacturing, the ferris wheel and tent for the York annual fair, the trees and mountains with a river for nature and the center with the county shape along with the Articles of Confederation, signed in York in 1777.

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

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King County, Wash. take-back program includes over-the-counter drugs

NEWS FROM *from page 14*

► NORTH DAKOTA

GRIGGS COUNTY voters cleaned house on Oct. 8, when they **unseated all five county commissioners** in a recall election and elected their replacements.

The recall was prompted by commissioners' decision earlier this year to build a \$3.5 million courthouse and emergency operations center after voters had rejected the plan in three ballot measures, the *Grand Forks Herald* reported.

Five new commissioners were sworn in Oct. 14.

► TEXAS

BEXAR COUNTY's new **DWI court** is doing brisk business, and judges from around the state recently gathered to learn from the county's experiences.

The county's DWI court has 6,600 cases pending, but as of late September, only five of 40 slots were available, so offenders must apply to the program.

Judge Liza Rodriguez told Texas Public Radio that participants' community supervision is very different from regular supervision. "They're coming to court every other week. They're having

a field visit every week. They're seeing their probation officer every week," she said. "And of course, they have a specialized treatment program that they must comply with as part of the condition of probation."

Before the Bexar County court was created, DWI second-offenders were sent to Drug Court. Rodriguez said best practices show that DWI offenders need a different type of treatment than drug offenders.

► WASHINGTON

• The **KING COUNTY** Board of Health has passed the nation's second local medicine take-back law, which requires pharmaceutical companies pay for the safe disposal of leftover and expired medicines. As with some similar programs, it applies to prescription drugs, but unlike others, it also applies to over-the-counter medicines.

"About 30 percent of prescription and over-the-counter medicines go unused, and too often linger in home medicine cabinets increasing risks of misuse or abuse," said Dr. David Fleming, King County health director.

ALAMEDA COUNTY, Calif., passed the first U.S. drug take-back and disposal law last year (See *County News*, Aug. 6, 2012). Its constitutionality was challenged by several pharmaceutical industry groups. But a federal judge dismissed the case, saying the law didn't discriminate and treats all drug manufacturers equally.

• It'll be 5 cents for paper, "no" to most plastic or bring your own reusable bag for shoppers in unincorporated **THURSTON COUNTY** starting next July. County commissioners recently voted unanimously to approve a ban on most plastic bags.

It applies to all retailers but mostly will affect grocery stores, *The Olympian* reported. Plastic bags such as those used for meat or produce, and the thicker plastic bags used by department stores are exempted, as are newspaper bags, doggie bags and dry cleaning bags.

(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.)

NACo on the Move

» NACo Staff

• **Rob Pressly** has been named the new program manager for Green Government in the County Solutions and Innovations (CSI) Department. Pressly is a recent graduate of the University of Michigan with a master's degree in city planning and most recently worked at the U.S. Green Building Council.

• **Paul Beddoe**, deputy legislative director, spoke on the federal budget, sequestration and pending federal legislation affecting counties at the Nebraska Association of County Officials Annual Legislative Conference in Buffalo County Oct. 10.



Yejin Jang

• **Yejin Jang**, associate legislative director, participated on a panel titled "The Evolution of the Siting Landscape in the Era of Wireless Deployment" at 2013 Wireless Infrastructure Show in Broward County, Fla. Oct. 8.

• **Mike Belarmino**, associate legislative director, spoke about the impact of current proposed changes to the tax exemption for municipal bonds on the panel "Planning and Tax Reform

– Bonds, Tax Credits and Trust Funds" at the American Planning Association's Federal Policy and Program Briefing in Washington, D.C. Sept. 30.

• **Kathy Nothstine**, CSI program director, spoke about county resilience in the face of natural and economic disasters at the American Planning Association's Federal Policy and Program Briefing in Arlington County, Va. Sept. 30.

• **Karon Harden**, director of professional development, education and training, served as keynote speaker at the North Carolina Association of County Commissioners Advance Leadership Corps in Orange County, N.C. Sept. 23.

• **Deborah Cox**, director of legislative affairs, and Arthur Scott, associate legislative director, gave a federal legislative and policy update on issues affecting counties at the Montana Association of Counties Annual Conference in Helena Sept. 23.

» Coming Up

• **Andrew Goldschmidt**, director, membership marketing, will be exhibiting on behalf of membership recruitment and retention at the Kansas Association of Counties Annual Conference Oct. 29–31 in Sedgwick County.

On the Move is compiled by Christopher Johnson.



Rob Pressly



Kathy Nothstine

The H.R. Doctor Is In

"The Year of '91..."

This is a reprinting of an HR Doctor article describing a military adventure seldom discussed and seldom analyzed. Yet it is more than a recap of a military history seminar paper. It is a restatement of the critical importance in our careers and our lives of recognizing and controlling for our own tendency toward arrogance. Arrogant pride or "hubris" is a consistent theme in the HR Doctor's writings. Why? Because it is public enemy number one in any efforts we make to be safe and successful as individuals and as a country.

Over and over again, the headlines tell of the troubles which occur in a world of people with entrenched beliefs that "my religion can beat up your religion," "my country is better than your country," etc. Someday humanity will overcome this self-imposed recipe for disaster. Too bad Arthur St. Clair didn't get it. Read on for more:

This article is written close to Veteran's Day and close to another military-related commemoration. Both are aimed at remembering sacrifices made, honoring those who made them and learning important lessons from them. Unfortunately, this other commemoration marks the worst relative defeat in the history of the U.S. military, and certainly the worst defeat at the hands of Native Americans, in the nation's history. It is not often spoken about and at best may garner a sentence or two in a history book.

Yet the tragedy that occurred in 1791 contains some management lessons, just as relevant 212 years later as they were in March 1791 when Gen. Arthur St. Clair was summoned to Philadelphia to meet with President George Washington. The general was directed to command a force including a majority of the regular United States Army and to establish a strong and permanent fort right near the Miami Indian Village in what is now Ohio. This is the same mission that led to the earlier defeat of another American general, Joshua Harmer.

St. Clair had a distinguished military history during the Revolutionary War. However Washington gave him some personal and professional advice: "Beware of surprise;" "Leave not your arms for the moment;" "When you halt for the night, fortify your camp." He repeatedly stressed the great importance of "Beware of Surprise."

After the Revolutionary War victory, the U.S. military succumbed

to attacks by budget cutters whose work reduced the Army to a force of about 1,000 regulars. Other cuts affected logistics and other vital support services. The Secretary of War Henry Knox called for a force of 3,000 to be raised and estimated the enemy strength at about 1,000. Ultimately 2,000 soldiers left for the battle, consisting mostly of conscripts with neither military experience nor positive morale, accompanied by 200 camp followers, many of whom were women and children.

St. Clair suffered seriously from gout. He was also barely on speaking terms with his second-in-command. He also had poor or no intelligence about the enemy strength, disposition or tactics. There was little knowledge about the territory. By the time the army reached the scene of the ultimate battle, desertions had reduced the force to about 1,400.

The Native Americans, on the other hand, were led by experienced leaders, principally a brilliant tactician, Chief Little Turtle, who presided over 1,000 seasoned warriors of the Miami, Shawnee, Delaware and other tribes in coordinated confederation. The chief received a steady stream of intelligence from deserters and prisoners. The tribesmen were defending their homes from the foreign invaders and certainly knew the territory.

Despite Washington's advice, St. Clair's army stacked their arms as they headed off to meals. Pickets

See **H.R. DOC** page 16

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To succeed, curb your arrogance, not your enthusiasm

H.R. DOC from page 15

mistook sightings of armed Indians as hunting parties. Horses were allowed to roam loose in the forest at night, leading many to be stolen or simply lost. As dawn rose on Nov. 4 the attack came, ironically using the same guerrilla tactics as were employed by American Minutemen in attacking the British during the Revolutionary War. As the 19th century folk song says "The Indians attacked our force just as the day did dawn. The arrows fell like deadly rain, as we were set upon. One hundred men fell writhing before our startled eyes as horrid yells of savages resounded through the skies!"

The panic, the screams, and the initial attack's ferocity created a scene in which "...this well-appointed army which had fought so brave before, now fled..." The result was a terrible massacre in which only 48 people survived unharmed, including St. Clair. Six hundred regulars were killed, along with hundreds of militia and camp followers. The U.S. Army had around 300 soldiers left as a result of the defeat.

The last footnote to the saga is that in the name of revenge and national pride, another army was raised under another general with the lovely name of "Mad" Anthony Wayne, who avoided St. Clair's mistakes and soundly defeated the Indian Confederation, leading to

When you mix prevention and innovation, with caring and concern for your subordinates, and with proper training and equipment you have a recipe for success.

the establishment of Fort Wayne in today's Indiana.

What lessons can we learn from the terrible outcome? After the defeat came the search for a scapegoat—a common event when something goes wrong at home or at work. Even 200 years ago, whining and blaming others was a major political and social activity. St. Clair lost his military commission, but remained territorial governor. No doubt, he would have then retired and qualified for a defined benefit pension plan had one existed at the time.

For the first time, Congress conducted an investigation of the Executive Branch. The ultimate blame went to purchasing. It seems that logistical support came from

a well-connected banker who supplied defective, reprocessed gun powder, which one survivor said led bullets to simply bounce off the Indian warriors. There were insufficient supplies for the troops. To cut trails through the Ohio wilderness, the force was equipped with only 15 hatchets and 18 axes. The horse master responsible for hundreds of horses, reportedly had never been in the woods before, and most horses were injured as he simply scattered their food on the ground rather than in troughs.

St. Clair's assumption that the Indians would simply abandon their villages as the army approached was the height of foolish arrogance—another illness still infecting a great many leaders. Such arrogance invariably gets us into trouble within our families and among our work colleagues. It gets our governments and our leaders into great trouble. Sadly, arrogance regularly causes problems and sorrows for others, whether in war or in other policy matters.

Finally, again not surprisingly, is the outcome of the terrible mistake of ignoring the HR Doctor's maxim, "Don't Walk by Something Wrong." It is hard to believe that responsible leaders, including moms, dads and

generals, would, in effect, go out for an Egg McMuffin in the midst of a crisis with high risk, instead of taking immediate and sustained steps to protect themselves and others from unnecessary danger.

The modern leader is one who assesses risks with the help of skilled and diverse staff members. The leader listens carefully to the thoughts of others and weighs the advice given, before acting. Commanders who barely speak to each other will not succeed. The modern leader demands innovation and a willingness to try new approaches.

When you mix prevention and innovation, with caring and concern for your subordinates, and with proper training and equipment you have a recipe for success. That is, if you add one more ingredient—a clearly and frequently communicated understanding of the mission. Take out any one of these ingredients and the result, sadly, can be that you, like Gen. St. Clair, "...may be remembered by, for we left 900 comrades in that dreadful territory."

Phil Rosenberg

Phil Rosenberg
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