NACo National Association of Counties

CountyNews

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Immigration battle looms over executive action

By Hadi Sedigh
ASSOCIATE LEGISLATIVE DIRECTOR

While hope for comprehensive immigration reform in the 113th Congress has faded, immigration reform remains a highly relevant — and highly divisive — issue as the session comes to a close.

Much of the conversation on immigration in 2013 and 2014 focused on the prospects of congressional action to reform a system that most agree is broken. However, as 2015 nears, the focus has shifted to reform through executive action by President Obama and the potential fallout from those actions.

When Congress failed to agree upon reform legislation in this session, despite a Senate bill (S. 744) that was passed with bipartisan support, President Obama kept his promise to take executive action after the midterm elections.

On Nov. 20, in a speech to the nation, the president announced that his administration would reorder the U.S. Department of Homeland Security's enforcement priorities to place greater focus on securing the border and apprehending undocumented immigrants who have committed serious crimes, while effectively ending the controversial Secure Communities program. This program was designed to identify deportable criminal immigrants by providing federal agents with fingerprint records from local jails.

Agents would often request that local law enforcement officials hold inmates who would otherwise be released so that they could be transferred to federal custody. According to *The Los Angeles Times*, hundreds of local and state governments passed laws to their limit participation in the program.

The president also announced an expansion of the existing Deferred Action for Childhood Arrivals (DACA) program —

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Courtesy of U.S. Department of Homeland Security

U.S. Homeland Security Secretary Jeh Johnson (far right) conducts a Town Hall Nov. 21 in Hidalgo County, Texas with regional staff from Customs and Border Protection, Immigration and Customs Enforcement and U.S. Citizenship and Immigration Services to discuss Administration immigration actions and thank them for their work.

Rechristened 'County Explorer' maps even more county data

By Emilia Istrate
RESEARCH DIRECTOR

NACo recently unveiled its latest interactive map tool, the County Explorer, available at *www.naco.org/countyexplorer*. It is a one-stop-shop for county data and profiles for each of the 3,069 U.S. counties, while incorporating city-county searches and other queries.

This is an upgraded version of the previous NACo database, County Intelligence Connections (CIC), with the addition of the familiar "Find a County" searches available on the NACo website.

The map is available for free to NACo members and other users interested in county information. It is easy to access either through the NACo website at *www.naco.org/countyexplorer* or by going directly to *explorer.naco.org*. The interactive feature allows users to map county data from more than 70 datasets and 500 county indicators, or variables,

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19-page letter details NACo's 'Waters of the U.S.' concerns

By Julie Ufner
ASSOCIATE LEGISLATIVE DIRECTOR

WEB* CONTENT

After months of debate, the public comment period for the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) jointly proposed controversial rule — *Definition of Waters of the U.S. Under the Clean Water Act* — officially closed on Nov. 14.

Since the proposal was unveiled on April 21, NACo has requested more clarity and strongly encouraged counties to comment.

In the end, more than 492,000 official comments were received, including over 13,000 individualized letters. Hundreds of these letters were submitted by county governments and their related agencies.

On behalf of counties, NACo submitted a 19-page letter that emphasized the importance of the local, state and federal partnership in crafting practical rules to ensure clean water without impeding counties' fundamental infrastructure and public safety functions.

"Clean water is essential to all of our nations' counties, who are on the front lines of ... preserving local resources and maintaining public safety," Matt Chase, NACo executive director, wrote. He echoed the need "for a clear, concise and workable definition for Waters of the U.S. to reduce confusion — not to mention costs — within the federal permitting process. ... This proposed rule falls short of that goal."

Among many issues, the letter described a flawed consultation process; an incomplete analysis of economic impacts; ongoing delays with the current permitting process; and inconsistent definitions implemented in different regions and by different federal agencies.

NACo's comments included a series of recommendations to address these concerns. Among them were:

- Redraft definitions to ensure they are clear, concise and easy to understand
- Where appropriate, the terms used within the proposed rule should be defined consistently

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INSIDE THIS ISSUE

Path forward still eludes Marketplace Fairness

By Mike Belarmino
ASSOCIATE LEGISLATIVE DIRECTOR

It has been well over a year since the Senate passed S. 743, the Marketplace Fairness Act of 2013 (MFA). A long-standing priority for NACo, the MFA does not propose any new taxes.

Rather, it would grant state and local governments the authority to enforce existing sales and use tax laws on remote sales, such as goods sold over the Internet.

The U.S. House of Representatives, however, has yet to take any significant action on S. 743 or its House companion, H.R. 684.

Despite the lack of action on the specific bills, there has been some progress, albeit minor, in the House. Much of this is a result of the lack of support the bills have from House Judiciary Chairman Bob Goodlatte (R-Va.), who heads the committee with jurisdiction. Despite the lack of support, in September 2013, Goodlatte released what he believes are a list of principles that any remote sales tax legislation should adhere to.

Additionally, in March of this year, the House Judiciary held a committee hearing titled, "Exploring Alternative Solutions on the Internet Sales Tax Issue," to debate possible options to the Senate-passed bill. But other than occasional speculation that particular House members may introduce new legislation on the issue, not much else has occurred.

In an attempt to compel House action, Senate MFA champions Mike Enzi (R-Wyo.), Dick Durbin (D-Ill.), Lamar Alexander (R-Tenn.) and Heidi Heitkamp (D-N.D.) introduced S. 2609 in July, the Marketplace and Internet Tax Fairness Act (MITFA).

MITFA has two components important to counties. First, it includes the MFA as passed by the Senate in 2013. Second, it provides a temporary extension of the Internet Tax Freedom Act (ITFA), which currently prohibits counties from collecting a tax on Internet access. The ITFA, a temporary moratorium enacted in 1998, is currently set to expire Dec. 11.

While the 10-year extension in S. 2609 is not the ideal scenario for counties, it is preferable to the House-passed bill (H.R. 3086) that seeks to permanently extend the prohibition. Additionally, MITFA preserves the status of grandfathered states created in the original ITFA, that is, states that were collecting Internet access taxes when the law was first enacted (grandfathered states include: Hawaii, New Mexico, North Dakota, Ohio, South Dakota, Texas, Wisconsin, New Hampshire, Washington, and Tennessee).

When S. 2609 was introduced, Majority Leader Harry Reid (D-Nev.) invoked a procedure known as "Rule 14," which essentially allows a bill to bypass the committee process and go straight to floor consideration. This was a clear demonstration of Reid's support for tackling the issue before the end of the year.

Recently, Senate MFA supporters have indicated a slight shift in strategy. Rather than go to the floor once again where they firmly believe S. 2609 would likely pass, the current approach focuses efforts on attempting to attach Marketplace Fairness legislation (like the Senate-passed S. 743) onto any must-pass legislation Congress may consider in the waning days of the 113th Session. Currently, only tax extenders and an omnibus appropriations bill are potential candidates. At press time, when or how either measure would move forward remained unclear.

NACo supports enacting remote sales tax legislation because it would not only create a level playing field for local business, it would also grant state and local governments the ability to enforce existing sales tax laws and stop the loss of billions of dollars in uncollected sales taxes in the ever-expanding market of e-commerce.

NACo recently sent a letter, joined by other "Big 7" state and local government organizations, calling on Congress to stop stalling and enact Marketplace Fairness legislation. Specifically, the groups called on Congress to enact legislation that would combine the Marketplace Fairness Act with a temporary extension of the Internet Tax Freedom Act.

In the final weeks of the 113th Congress, NACo urges counties to contact their members of Congress and ask them to act on Marketplace Fairness legislation. For representatives, it is especially important for counties to ask their member to contact House leadership to ask that MFA and a temporary extension of the ITFA be included in any year-end legislative package.

NACo Joins Supreme Court *Amicus Brief* in Internet Sales Tax Case

By Lisa Soronen
EXECUTIVE DIRECTOR
STATE AND LOCAL LEGAL CENTER

In *Direct Marketing Association v. Brohl*, the U.S. Supreme Court will decide whether a federal court is barred from deciding a constitutional challenge to a Colorado law that requires remote sellers who do not collect state sales tax to comply with notice and reporting requirements. The State and Local Legal Center's (SLLC) amicus brief, joined by NACo, argues that federal courts are so barred.

Hoping to improve sales tax collections, the Colorado Legislature, in 2010, began requiring remote sellers to mail annual notices to Colorado customers who purchased more than $500 in goods from them in the preceding calendar year. In addition to a summary of the items purchased and their cost, the notice also tells purchasers they have a duty to "file a sales or use tax return at the end of every year" in Colorado. The same information is also sent to Colorado Department of Revenue.

The Direct Marketing Association (DMA) challenged the constitutionality of Colorado's law in federal court despite a law, the Tax Injunction Act (TIA), which states that federal courts may not "enjoin, suspend or restrain the assessment, levy or collection of any tax under State law" where a remedy is available in state court. Regardless, DMA argued that the TIA does not apply in this case because DMA isn't a taxpayer and that the Colorado law "neither imposes a tax, nor requires the collection of a tax, but serves only as a secondary aspect of state tax administration." The 10th Circuit disagreed and dismissed DMA's lawsuit. DMA appealed the ruling to the Supreme Court.

The SLLC's amicus brief, filed in support of Colorado, points out that state and local governments are losing an estimated $23 billion in annual tax revenue to remote sales. DMA is seeking to invalidate third-party reporting requirements, which are an effective method of collecting such taxes. The SLLC's brief argues that DMA's lawsuit falls within the TIA's bar because DMA seeks to prevent the "assessment" and "collection" of a state tax, and precedent indicates that it does not matter that DMA isn't a taxpayer.

Until Congress passes the Marketplace Fairness Act, which would authorize states to require remote vendors to collect sales taxes, states will continue to experiment with methods to collect sales tax owed but not paid. According to the National Conference of State Legislators, at least three other states (Oklahoma, South Dakota and Vermont) have recently enacted reporting requirements on remote sellers.

All of the national associations representing state and local governments, and the Government Finance Officers Association joined this brief.

More than 492,000 WOTUS comments submitted

WOUS *from page 1*

and uniformly across all federal agencies.

- Create a national map that clearly shows which waters and their tributaries are considered jurisdictional
- Exclude ditches and infrastructure intended for public safety
- Streamline the current Clean Water Act Section 404 permitting process to address the delays and inconsistencies that exist within the existing decision-making process, and
- Provide a clear-cut, national exemption for routine ditch maintenance activities.

In addition to submitting its own comments, NACo, along with six other associations representing local governments and agencies, jointly submitted comments. The groups called for key adjustments and an additional review period to be certain that concerns are adequately addressed.

The joint letter stressed the need for greater collaboration with local and state governments and stated the proposed rule "would create more confusion, not less, for local governments and ultimately for agency field staff responsible for making jurisdictional determinations," they wrote.

NACo, National Association of County Engineers, National League of Cities, U.S. Conference of Mayors, American Public Works Association, National Association of Flood & Stormwater Management Agencies and National Association of Regional Councils signed the letter.

The EPA and Corps will now undertake a massive review of the submitted comments and plan to issue a final rule by late spring or early summer of 2015.

In September, the House of Representatives passed H.R. 5078, the Waters of the United States Regulatory Overreach Protection Act of 2014, with a bipartisan vote of 262–152. The bill would prohibit the agencies from finalizing the proposed rule. It would also require the agencies to work closely with state and local governments and identify areas where consensus was reached and not reached. The Senate is unlikely to take action on this bill this year before the 113th Congress ends.

In January 2015, the 114th Republican-controlled Congress will begin. The House and the Senate could pass legislation to either stop the proposed rule or instruct the agencies on how to move forward with the rule. NACo members are encouraged to contact their member of Congress to educate them on the issue.

* *To read NACo's letter, see this story at www.countynews.org.*

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DOJ readying release of gov't website accessibility rules

By Mike Belarmino
ASSOCIATE LEGISLATIVE DIRECTOR

The U.S. Department of Justice (DOJ) could be nearing completion of a proposed rule that would revamp how counties approach the design of their websites. The rule would revise the Americans with Disabilities Act's (ADA) Title II regulation and establish requirements for making available the services, programs, or activities offered by state and local governments to the public via the Web accessible.

DOJ is also considering similar changes to Title III that would address sites of businesses that provide public accommodations.

When the proposed rule is finally released, it would culminate a four-year process that began in 2010. But the work to develop a rule really started before that, when the DOJ began, in 2004, to update the regulations previously adopted to implement Title II and Title III. While website accessibility was not originally part of the revisions, numerous comments were reportedly received urging the department to issue Web accessibility regulations under the ADA. When the ADA was enacted in 1990, website accessibility was not a consideration because the Internet as we know it today did not exist.

Website accessibility generally deals with how individuals with varying disabilities interact with information found on webpages. Those individuals must utilize assistive technology to enable them to navigate websites or access information contained on those sites. For example, a blind person would need to rely on a screen reader to convert the visual information on a county's webpage into audio.

In turn, the pages on a county website would need to be developed in a way that incorporates features to allow the use of those screen readers. Also, online forms, a common feature on many county websites, would need to be addressed as well, since they are often some of the website features that are inaccessible to individuals with disabilities.

Currently, only federal government websites are required to be accessible. Though not required to, many state and local government websites have already incorporated accessibility into their design. The DOJ is seeking to address the remaining sites that haven't and are still engaged in the economic impact analysis that imposing such requirements could have on state and local governments.

If the requirement is implemented, many counties would have to take the first step of running their website through an accessibility audit, a task that would require either purchasing software or enlisting a vendor to perform.

The cost of the audit would vary and could depend on the size of the website, a county's population and how frequently the site is updated. Next, a county would need to address any issues found during the accessibility audit. The costs for this step would vary and depend on the number of items found out of compliance.

Finally, counties would need to develop a process that would provide an ongoing check of their website's compliance with the accessibility requirements. Depending on how often content on the website is updated, this process could be a daily requirement.

It remains unclear how soon DOJ will issue the notice of the proposed rule, at which point counties would have the ability to submit comments. NACo will provide any additional information as soon as it becomes available.

The proposed rule is currently at the Office of Information and Regulatory Affairs (OIRA), located within the White House Office of Management and Budget. OIRA is conducting its own review of the rule and must sign off before DOJ can issue the proposed rule for public comment.

NACo had the opportunity recently to meet with OIRA staff to raise several factors, such as county budget cycles and the potential implementation period that should be taken into consideration as the rule continues to be developed.

**To review the advanced notice of the rule, see this story at www.countynews.org.*

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Midterm Republican victories could set new agendas for counties

By Charlie Ban
Senior Staff Writer

The nationwide Republican advance in the 2014 midterm elections impacted statehouses and governor's races. Six executive mansions changed parties, with Republican pickups in Arkansas, Illinois, Maryland and Massachusetts, plus an Independent victory in Alaska. Democrat Tom Wolf, in Pennsylvania, was his party's only gain.

Wolf's victory may bring a shift in policy related to drilling in the Marcellus Shale. He campaigned to change the current impact fee to a severance tax (resource extraction tax). Doug Hill, executive director of the County Commissioners Association of Pennsylvania, said Wolf has not fleshed out the details or consequences.

"He has recognized there's importance to an impact fee," Hill said. "Though he has said counties would receive a portion of the severance tax, we don't know if it will be dollar-for-dollar equivalent to what they'd received from the impact fee, or if counties will have the same discretion."

In 2013, counties and municipalities in which drilling occurred collected more than $200 million in impact fees, and sent an additional $133 million to the state to be distributed throughout the commonwealth.

Regardless of how the severance tax plays out, all will be affected by a $1.8 billion deficit for FY16, Hill said.

To the south, West Virginia saw its congressional delegation go mostly Republican very quickly, and that trend continued in the statehouse, where the House in particular saw a dramatic change. That chamber, which has been in Democratic hands since 1931, is now 64 – 36 in Republican hands.

Patricia Hamilton, executive director of the West Virginia Association of Counties, said the biggest consequence may be another attempt to eliminate the personal property tax.

"We have managed to hold onto it primarily because no one can come up with a means of replacing it," Hamilton said. "If that move becomes successful, I imagine that they will also add in or phase in the elimination of individual personal property taxes as a fairness issue. The big question would still be, what will replace that revenue, most of which goes to support schools?"

Immediately to the east in Maryland, Republican Larry Hogan surprised what is normally a Democratic state. He campaigned on plans to cut taxes and make the state more "business friendly," but Maryland Association of Counties Executive Director Michael Sanderson said Hogan told attendees at MAC's conference that he wanted to give more of the gas tax money back to counties.

"Our folks like to hear that; he was specific about that," Sanderson said. "The twist is that he's inheriting a large structural deficit ($405 million), so that will make delivering on his campaign promises very challenging."

Illinois also saw a surprise switch in governors, with Republican Bruce Rauner upending incumbent Democrat Pat Quinn. Illinois Association of County Board Members Executive Director Kelly Murray said she expected her association to work with Rauner on workers compensation reform.

In Arkansas, Asa Hutchinson's election completed a two-year Republican transformation, as he took the governor's office and his party widened its margin in the House and Senate, which they both claimed in 2012.

"I suspect we're just going to see a shift of priorities," said Association of Arkansas Counties Executive Director Chris Villines. "We are watching closely to see what those shifts might mean."

It may mean the elimination of the private option, a subsidy to buy health insurance through the state's exchange.

"That's brought in a lot of federal money to our counties and we always fear that could be a target," Villines said. "I'd like to see them address the fact that our county jails are holding more than 2,600 state prisoners."

Though it wasn't a wholesale change in legislative control, California Republicans broke the Democrats' two-third majorities in both chambers, which they needed to unilaterally pass taxes and propose constitutional amendments.

Supreme Court decision in ACA case could affect tax credits

By Lisa Soronen
Executive Director
State and Local Legal Center

The U.S. Supreme Court will hear *King v. Burwell*, a case with potentially lethal impact on the future of the Affordable Care act (ACA).

The issue in this case is whether tax credits for low- and middle-income health insurance purchasers are available under the Affordable Care Act (ACA) if insurance is purchased on a federal exchange rather than a state exchange. Only 16 states and the District of Columbia have established exchanges.

The ACA makes tax credits available to those who buy health insurance on exchanges "established by the state." The Internal Revenue Service (IRS) interpreted that language to include insurance purchased on federal exchanges too.

The 4th Circuit in *King v. Burwell* upheld the IRS's interpretation, concluding that "established by the State" is ambiguous, when read in combination with other sections of the ACA, and could include federal exchanges. The "broad policy goals of the Act," persuaded the court that the IRS's interpretation was permissible.

The implications of the Supreme Court's ruling that health insurance purchased on federal exchanges is not eligible for subsidies is huge. Many people who want to buy insurance on the exchange would no longer be able to afford it without the subsidy. And many who don't want to buy insurance, depending on their income, would no longer be subject to the individual mandate that penalizes people for not buying insurance. Similarly, large employers that don't offer health insurance to full-time employees would no longer have to pay a penalty.

More significantly, the 4th Circuit (and many others) predict the ACA would "crumble" if tax credits are unavailable on federal exchanges. The ACA bars insurers from denying coverage or charging higher premiums based on a person's health. The tax credit combined with the individual mandate was intended to create "an influx of enrollees with below-average spending for health care," which would counteract adverse selection, where individuals disproportionately likely to use health care drive up the cost. Such an influx is unlikely without the subsidy.

The Supreme Court generally hears cases when there is a circuit split, meaning two federal courts of appeals have decided the same issue differently. Many were surprised when the court agreed to hear this case given there is currently no circuit split, especially considering that last month the court refused to hear a series of cases challenging the constitutionality of same-sex marriage bans.

However, the court also accepts cases involving "important question[s] of federal law," which this case seems to raise.

Quick Takes

California	4.4 million
Texas	2.3 million
New York	1.5 million
Florida	1.2 million
Illinois	777,000

Migration Policy Institute

Profiles in Service

Lisa Nelson

NACo Board of Directors
Parish Council Chairwoman
St. Martin Parish, La.

Number of years active in NACo: Eight years

Years in public service: Eight years

Occupation: registered nurse at Iberia Medical Center

Education: registered nurse associate's degree from Louisiana State University at Eunice

The hardest thing I've ever done: learn to work with the public (political and occupational)

Three people (living or dead) I'd invite to dinner: President Obama, President Clinton and Martin Luther King, Jr.

A dream I have is to: be mayor of St. Martinville or parish president of St. Martin Parish.

You'd be surprised to learn that I: never had any intentions on being involved in the political arena, but to my family's and my surprise, I am really involved and enjoy what I do for my Parish.

The most adventurous thing I've ever done is: visit the glaciers of Alaska.

My favorite way to relax is: reading.

I'm most proud of: being able to help others by becoming a RN and caring for the patients, and being elected as a council member for St. Martin Parish and the president of the Police Jury Association of Louisiana.

Every morning I read: the daily newspaper and emails.

My favorite meal is: anything consisting of crawfish.

My pet peeve is: people who don't perform their duties and don't pick up after themselves.

My motto is: "No one knows what he-she can do until he-she tries it."

The last book I read was: *With Edwards in the Governor's Mansion: From Angola to a Free Man.*

My favorite movie is: *Gone with the Wind.*

My favorite music is: R&B oldies.

My favorite president is: President Obama.

My parish is a NACo member because NACo: provides essential services; ensures that we have the resources, skills, and support that is needed to lead our communities into the future; helps us serve our communities better by giving us opportunities to learn through conferences, webinars, and networking with other parishes and counties; and is our voice in Washington, D.C. for all parishes and counties.

COUNTY INNOVATIONS AND SOLUTIONS

Maui County, Hawai'i

Technology Makes Distance Moot for Maui Citizens

By Charlie Ban
SENIOR STAFF WRITER

In some counties, the most difficult part about speaking in front of the Board is getting on the agenda. For Maui County, Hawai'i residents who don't live near the seat, Wailuku, showing up means getting on a boat, plane or traveling from treacherous mountain roads.

With its population spread among three different islands, the county had a significant roadblock to civic participation. Expensive, time-intensive and downright inconvenient trips to Wailuku left citizens discouraged and without recourse to be heard.

"It's quite challenging to get around to different parts of the county," said Kit Zulueta, communications director. "Traveling to different district offices for budget season, I've seen how far people have had to come to get to council meetings."

Fixing that communication gap was prioritized in the 2010 Countywide Policy Plan, and two years later, voters approved a measure to the county charter, directing the County Council to provide interactive communications methods for three population centers that were particularly difficult to reach. By December 2012, the system was up.

> "We want to have more pizzazz, more recognition among the people we are trying to serve.

County district offices in Hana, Lanai and Molokai received new televisions to broadcast the meetings and high-quality telephones (to the tune of $7,300 total). Sitting in those offices allowed a citizen to experience the council meeting, miles, mountains and boat rides away.

Though the system has not led to an increase in testimony, Zulueta pointed out that they've seen, in one of the issues that would bring out more speakers, how the system works. When the Council discussed legislation placing a moratorium on genetically modified organisms (GMOs) — which was of interest to residents of Molokai, which is on another island — more than 80 residents testified remotely.

"Each of those people would have had to pay $200 for a flight to say the same things in person," Zulueta said. "The county's investment in technology saved residents money."

As of early 2014, 70 residents had testified remotely from Hana, 60 from Lanai and 150 from Molokai, which is estimated to have saved those residents $56,000 and countless hours commuting.

The County Council has expressed interest in adding video conferencing to the media setup in the district offices.

At the same time that the Council increased the information it receives, Council Chairwoman Gladys Baisa has made it clear that news can go the other way.

"She gave us a directive," Zulueta said. "She told us, 'I don't ever want to hear someone say I never heard this,'" about any county-related news.

Baisa now writes a weekly column in *The Maui News* — "The Chair's Three Minutes" — and Zulueta has designed a more constituent-friendly website, *www.mauicounty.us*, which simplifies the more technical website *www.mauicounty.gov*. The county's social media presence has likewise grown.

"We want to have more pizzazz, more recognition among the people we are trying to serve," Zulueta said. "It's all a part of being more inclusive. The more people know about what's going on and the easier it is for them to participate, the better."

County Innovations and Solutions features award-winning programs. Remote Testimony: Interactive Communication System, was named Best in Category for Civic Education and Public Information for the 2014 NACo Achievement Awards.

New policy could protect 5 million from deportation

IMMIGRATION *from page 61*

which temporarily shields certain undocumented immigrants who arrived in the country as children from deportation as well as a new deferred-action program to similarly shield certain undocumented parents of American citizens and permanent residents. Under both programs, individuals must pass criminal background checks and meet several other eligibility criteria.

Those who qualify for the program receive work authorization, but are not given any legal immigration status or path to citizenship and are also unable to access the Affordable Care Act marketplace and subsidies. The Obama Administration predicts that the expansion of deferred-action programs could shield up to 5 million undocumented immigrants from deportation, provided they meet the eligibility criteria.

The Republican reaction to President Obama's comments was swift and sharp. Having previously promised to "fight the president tooth and nail" to stop executive action on immigration, House Speaker John Boehner (R-Ohio) asserted, after the president's speech, that his planned actions were against the will of the American people and contrary to the American democratic system.

Meanwhile, on Nov. 17, several Democratic senators, including Majority Leader Harry Reid (D-Nev.), sent a letter to President Obama stating their "strong support" for the president's plan to improve the immigration system through executive orders.

President Obama's Executive Order

- Creates a new deferred-action program for parents, dubbed DAP, that will give temporary legal status to unauthorized parents of children who are U.S. citizens or permanent legal residents and have been in the country since Jan. 1, 2010. This does not apply to future immigrants or those who have arrived in the U.S. more recently.
- Removes the age restriction on the current Deferred Action for Childhood Arrivals program (DACA) so that people older than 31 who were brought here by their parents before age 16 will be able to qualify. Like the new deferred action for parents, eligibility for this new DACA expansion is based on being in the country for five years.

These measures include the exclusion of benefits under the Affordable Care Act and the exclusion of a path to full legal status if the individual is an unauthorized parent of a U.S. citizen.

There are also no specific protections for farm workers or parents of DACA-eligible immigrants, a nod to Obama's statement in 2013 that he didn't have the authority to extend the program to those parents.

Compiled from http://www.whitehouse.gov

While sides have been taken in this looming battle over immigration reform and executive orders, it remains somewhat unclear how Republicans plan to fight the president on this issue. One possibility is that some Republicans will attempt to tie the issue of immigration to the funding of the federal government.

Currently, the government is funded through a Continuing Resolution (CR) that is set to expire Dec. 11. Although soon-to-be Majority Leader Mitch McConnell (R-Ky.) has stated his intention to pass an omnibus spending bill to fund the government before the expiration of the current CR, some Republicans are reportedly pressing instead for a series of short-term CRs that would give their party more opportunities to halt executive actions. Of course, any omnibus bill supported by Republican leaders could also include provisions aimed at preventing or defunding executive action on immigration.

As the stakes continue to rise in this battle over reform, counties continue to be impacted directly by immigration.

Often serving as the health care providers of last resort for the uninsured and underinsured, counties provide health care to many of the roughly 7 million undocumented immigrants who have no health insurance. Counties also provide for the public safety of all individuals, regardless of immigration status, and border counties are often involved in the apprehension and detention of undocumented immigrants. Elementary and secondary education is also a county responsibility in some states, regardless of the immigration status of the individual.

NACo supports comprehensive immigration reform that provides for uniform enforcement of all existing laws; secures the country's borders; includes a national strategy for coordination among federal, state, local and tribal authorities; imposes no unfunded mandates on state and local governments; includes no mandates on counties to enforce immigration laws; and preserves the eligibility of legal non-citizens for federally funded health benefits.

It also would provide a sustainable funding stream to counties for their cost of providing health services to legal non-citizens who are denied federally funded health benefits and establish an earned path to citizenship that includes registering, background checks, demonstrating employment, learning English and civics, and paying back taxes and fees that may be required.

NACo's County Explorer is a 24/7 do-it-yourself tool

EXPLORER *from page 1*

for the latest year available. The indicators range from county finances and demographics to the number of bridges and roads in a county.

What's There to Explore?

(See Image A)

What users notice first when accessing the County Explorer is a colorful, interactive U.S. county map. The interactive feature allows users to visualize data and benchmark counties quickly by color. First, the user needs to select an indicator by clicking on the top left-hand side corner "Map an Indicator." For example, how many county-owned bridges are in each county?

By selecting the Transportation category in "Map an Indicator," then hovering over "Bridges" and clicking on "All Bridges County Owned," the user can see the map of the number of county-owned bridges, and click on any county to see specific data at the county level.

Beyond the individual county data, the map shows how counties compare on a specific indicator. The darker the color on the map, the higher the county is in the rankings on that indicator. Generally, the five colors in the legend show the bottom 20 percent, the following 20 percent up to the top 20 percent of counties for the mapped indicator.

The legend placed at the bottom right-hand side of the map explains not only what the colors on the map represent, but also the year of the data and the name of the indicator. Further, below the map, County Explorer has the list of the definitions for the indicators shown on the map.

IMAGE A

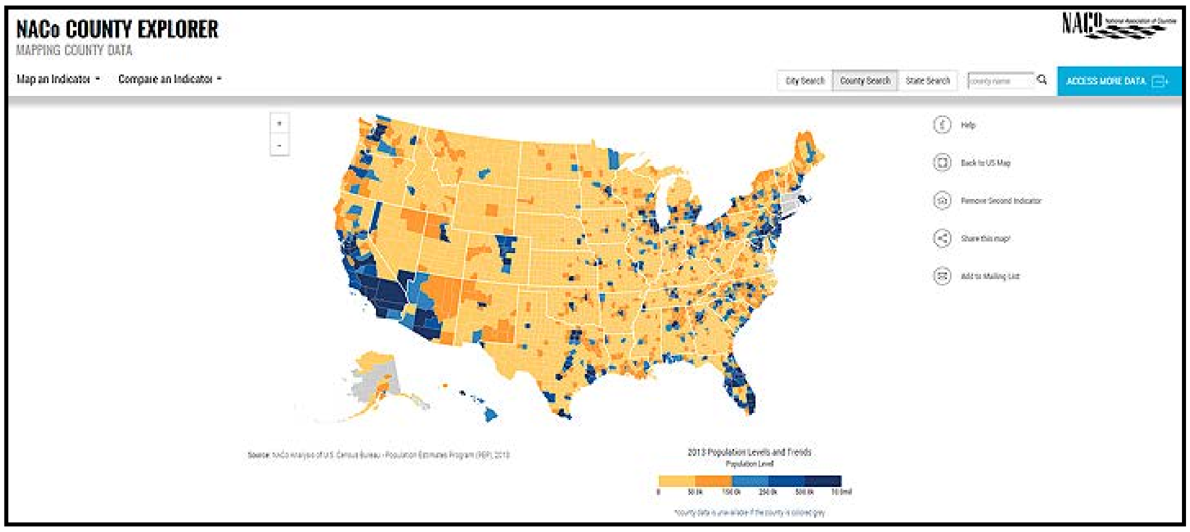


IMAGE B

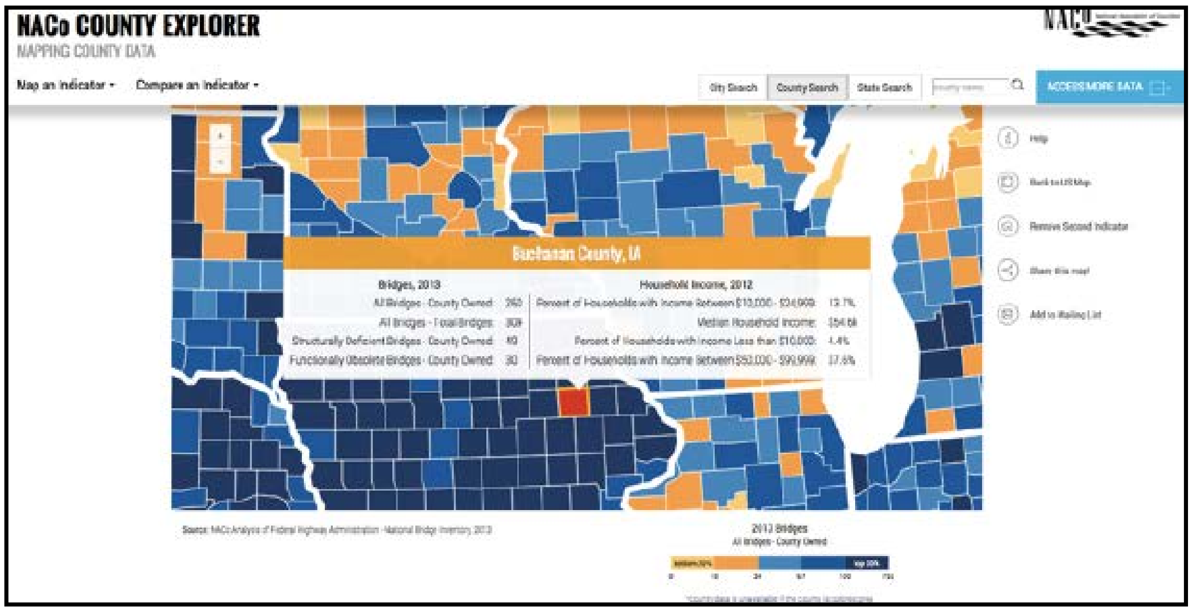
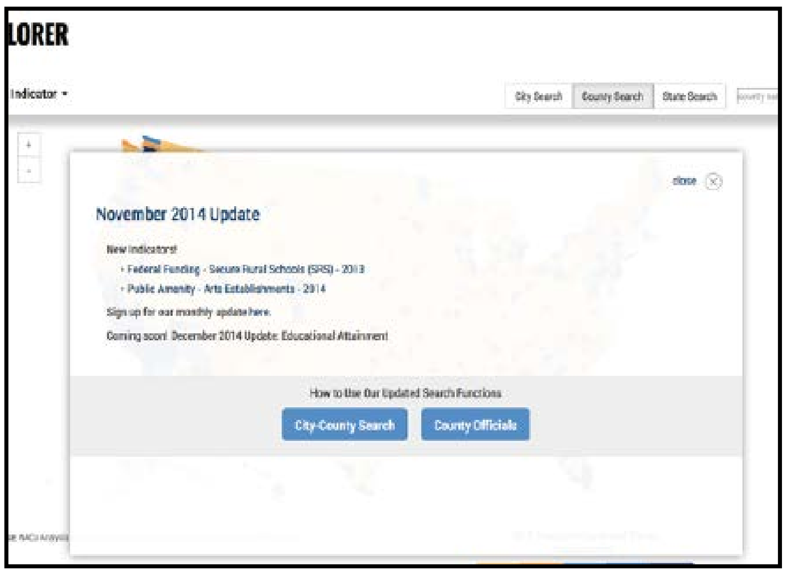


IMAGE C



Flexible Data Access Key Feature (See Image B)

The County Explorer allows users to see two indicators for a county simultaneously. For example, a user might want to see the number of county-owned bridges and the share of county households within $10,000 – $24,999 income bracket. To see the second indicator, the user needs to click on "Compare an Indicator" tab in the top right-hand corner and select the appropriate category, in this example, "Economy," then "Household Income," and click on "Percent of Households with Income Between $10,000 – $24,999."

The interactive tool also incorporates the information available through NACo's "Find a County." The user may locate a county on the map directly by clicking on the location of that specific county or typing in the name of the county in the search box in the top right-hand corner. In case the user wants to find the county in which a city or a township is located, he or she would click on the top right corner on the "City Search" and type in the name of the city in the search box and the interactive tool will pinpoint the county on the map.

The "State Search" button enables the user to see a list of all the counties in a state with some of the basic county information. In addition, by double-clicking on any county on the County Explorer map, a user can find the names of the county officials and other county government information.

County Explorer is a do-it-yourself tool, allowing any user who has a computer or a tablet and an Internet connection to access county information and maps any time of day.

County elected officials and staff can use the County Explorer in their daily work or strategic planning, communication and advocacy activities. The data provided for each county for the wide range of available indicators — and the ability to see the figures for any of the other county in the country — can help county officials in making decisions in their activities.

Also, users can incorporate map images into their materials and presentations, as long as they attribute all images to NACo Research.

The County Explorer can print particular county profiles on specific topics such as Payment in Lieu of Taxes (PILT), the estimated cost for counties of the removal of the federal exemption of municipal bond interest and profiles of county economies. For PILT profiles, the user would select "Map an Indicator," select "County Profiles," then "PILT" and click on "PILT Profiles." Clicking on any county on the map or typing the name of a county in the search box in the top right-hand corner, will allow the user to see the one-page printable PILT profile for the selected county. Because these PDF profiles show up as an additional webpage, the user needs to ensure that his or her Web browser allows pop-ups. County-specific profiles can prove a useful tool for county leaders and decision makers with in-depth looks at specific areas of concern.

County Explorer Extraction Tool

The County Explorer map has a companion data query tool — County Explorer Extraction Tool — useful for more sophisticated data users. For a paid annual subscription, users can access files of the data shown on the map as well as previous years of data starting with 2000, to build their own trends and rankings.

A user interested in purchasing a subscription would need to click on the top right corner "Access more data" button, click on the "here" button in the following pop-up and fill out his or her information in the box showing up by clicking "Contact for Price for an Account." The user will receive a follow up email with the price of the subscription and the license agreement.

CE Updated Monthly

(See Image C)

Every month, NACo updates the County Explorer map and the extraction tool with new years of data and additional datasets. Users accessing the County Explorer page are met by the latest monthly update and the announcement for the following month update. For example, in November, the NACo Research Department which maintains the database, added to County Explorer 2013 Secure Rural Schools (SRS) funding and the 2014 number of arts-related establishments. This month, the County Explorer will include 2013 education attainment data. To be alerted when new data has been added, users should plug their email addresses into "Sign up for our monthly update here" in the welcome box which shows up on the County Explorer.

"The County Explorer is one of the latest NACo products and it is a continuous work-in-progress. This is a product that can bring added value to our members and others who work on behalf of counties," NACo Executive Director Matt Chase said.

"Our hope is that as many NACo members will utilize the County Explorer and join us in building a more useful and effective tool."

Sheriff's office computers held hostage by 'ransomware'

By Charles Taylor
SENIOR STAFF WRITER

Jeff McCliss could do without all the attention he's received over the past few weeks. The Dickson County, Tenn. Sheriff's Office IT manager has put a county face on the cybersecurity threat posed by "ransomware" — software that can infect a computer network and hold its data hostage for money.

That's what happened on Oct. 14 when an employee clicked on a seemingly harmless online ad. It launched malware (short for malicious software) known as CryptoWall 2.0, which encrypted more than 70,000 of the law enforcement agency's report management files — detectives' case files, witness statements — and hackers demanded $500 in ransom for the encryption key to unlock the files. The money is typically requested in the electronic currency bitcoin, which is virtually impossible to trace back to the payee.

"Anything that you could scan in, take a picture of or attach to a report electronically was in our report management system," McCliss said, "and it encrypted all of those files. And it encrypted all of the backups for those files."

And therein lay the problem: Had there been an uninfected back up of the files, McCliss said, they could have ignored the demand. Because there wasn't — and acting on the advice of the Tennessee Bureau of Investigation and the FBI — the county had no recourse but to pay the ransom.

"We basically got the message that although no one would actually recommend that we pay this ransom, there's really not going to be any other way to recover those files that's known of now," he said. "We made a business assessment of what it would take to replicate those files and found that even the ones that we could replicate, rescan in … would be a very small portion of what was lost. And it would cost way more in man hours just to do a partial backup on it, so we made the business decision to pay to get our encryption key."

Dickson County isn't the only local government to have been affected. Twenty-six states and nine local governments have been hit by extortion malware this year, according to the Multi-State Information Sharing and Analysis Center (MS-ISAC). The city of Detroit and Sacramento County, Calif. are among them.

"CryptoWall malware is distributed through spam emails, malicious advertisements on legitimate websites, and as fake updates for applications such as Adobe Reader, Adobe Flash, and Java," according to a Center for Internet Security Cyber Alert issued Oct. 8.

It is just one form of extortion malware — an earlier version called CryptoLocker has been cracked by experts. Researchers at the Counter Threat Unit of Dell computers' subsidiary SecureWorks say CryptoWall has been around for about a year but became well known in the first quarter of 2014. The CTU considers it to be "the largest and most destructive ransomware" threat on the Internet today and a growing problem.

In August, the CTU reported that between mid-March and Aug. 24, nearly 625,000 systems worldwide were infected with CryptoWall, encrypting more than 5 billion files. More than 40 percent of the infected systems were in the United States.

It was at a Cyber Summit in Detroit in November that Mayor Mike Duggan acknowledged for the first time publicly that the city's database had been held ransom back in April, but that the city did not pay the $800,000 that was demanded because the data was not used or needed by the city.

Sacramento County CIO Rami Zakaris said a ransomware attack was detected recently, according to a published report. But no money was paid because the county was able to restore the affected data from a backup.

For Dickson County's McCliss, it took almost a week to set up an electronic currency — also known as crypto currency — bitcoin account. Had he missed the seven-day deadline to pay, the ransom would have doubled to $1,000 if not paid within two weeks of the demand, he said.

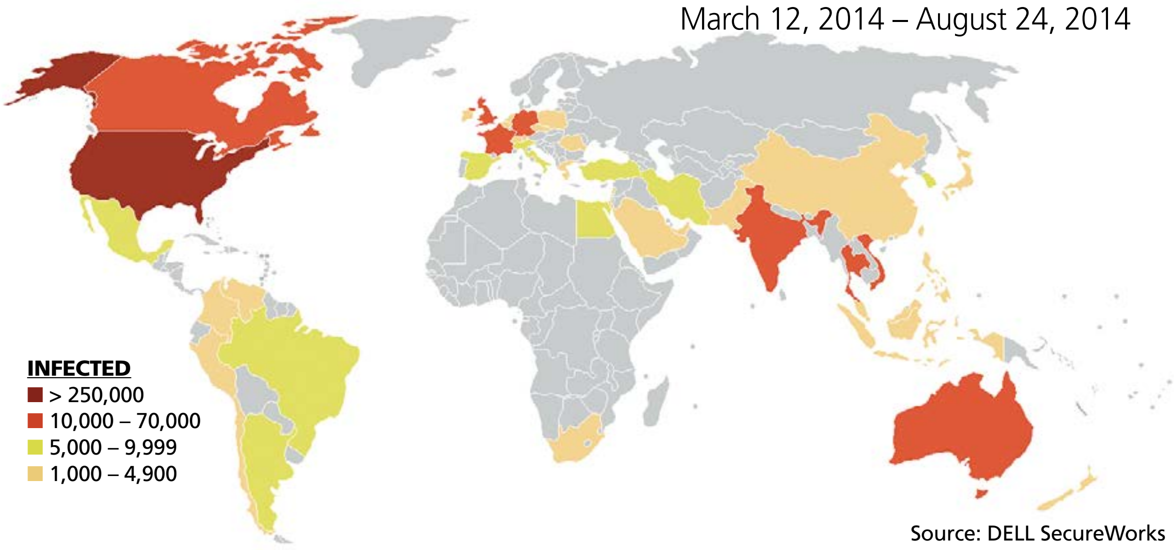
Since news of the malware incident broke, McCliss said he has received "no fewer than 10 calls per day" from other agencies, and even an individual, seeking advice. The latter highlights the fact that individual computer users are not immune. He recounted a call from "a nice old lady" in Florida, who supplements her income by preparing tax returns. Ransomware locked up seven years of tax data on her clients.

"I hate that when somebody is researching [CryptoWall] my name comes up," he lamented. "But if I can maybe share with the public some of the stuff that we've done to prevent it from happening in the future, maybe I can make something good out of it.

"I've already been on the news; everybody knows this is happening," he added. "I guess I'd rather people know about it and be able to protect themselves than hide my shame."

Global CryptoWall Infection Distribution

March 12, 2014 – August 24, 2014



Source: DELL SecureWorks

Limiting your exposure to CryptoWall ransomware

The following actions, adapted from Dell SecureWorks' Counter Threat Unit advice, may mitigate exposure to or damage from CryptoWall:

- Regularly back up data with "cold" offline backup media (an offsite backup that is completely disconnected from the "live" system). Backups to locally connected, network-attached or cloud-based storage are not sufficient because CryptoWall encrypts these files along with those found on the system drive.
- Block executable (.exe) files and compressed archives (such .zip files) containing executable files before they reach a user's inbox.
- Keep operating systems, browsers and browser plugins, such as Java and Silverlight, fully updated to prevent compromises caused by malicious exploitation of security holes. (Most software updates are to fix security weaknesses, so keeping the software updated is necessary to minimize exposure.)
- Aggressively block … [behaviors that usually accompany known attacks] from communicating with your network to temporarily neuter the malware until it can be discovered and removed.
- Reevaluate permissions on shared network drives to prevent … [unauthorized] users from modifying files.

Source: www.secureworks.com/cyber-threat-intelligence/threats/cryptowall-ransomware/

WORD SEARCH

Grayson County, Va. Facts

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

INDEPENDENCE (county seat)
NEW RIVER (second oldest river in the world, flows through Grayson County)
MT. ROGERS (highest peak in Virginia)
CROOKED ROAD (traditional music tourism trail)
AGRICULTURE (leading economic sector)
VIRGINIA CREEPER TRAIL (famous downhill bike trail)
GRAYSON HIGHLANDS (world-renowned hiking destination)
CHRISTMAS TREES (Virginia's largest producer of)
OLD-TIME MUSIC (style of music with Scottish and Irish roots)
MT. VALE VINEYARD (First winery and vineyard in Grayson County)
WILLIAM GRAYSON (county's namesake, Virginia senator)
HYDROPOWER (energy source for the county's first textile mills)
GALAX (nearby independent city, host of the annual Old Fiddler's Convention)
WYTHE (county to the northeast)
APPALACHIA (the region in which Grayson is located)
FRIES (town in Grayson County)
RIPSHIN (historic farm, home to writer Sherwood Anderson)
BROOKSIDE (historic farm and gristmill)
KONNAROCK CRITTERS (a well-renowned old-time band)
BLUE RIDGE PARKWAY (National Parkway and All-American Road, runs through Grayson County)

B	I	K	H	Y	O	J	P	Y	B	X	G	J	T	V	Y	Z	C	I	K
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Created by Sarah Foote

S.C. House considers state road dump on counties

By Charlie Ban
Senior Staff Writer

SpeedRead » » »

- » SCAC: transfer of roads would amount to an abandonment of the roads transferred
- » Local funding sources to care for transferred roads are insufficient

A South Carolina legislator in charge of a special committee is making counties nervous with a plan to turn over more than half of the state's roads.

State Rep. J. Gary Simrill (R), chairman of the Transportation Infrastructure and Management Ad-hoc Committee, has proposed giving more than 45 percent of the state's roads, mainly secondary roads, to counties, with an increased share of the state's gas tax to pay for maintenance.

Roughly 18,844 miles of roads would change hands, and the South Carolina Association of Counties (SCAC) is firmly against the plan.

At its September meeting, the SCAC legislative committee adopted a position to "oppose any legislative efforts to transfer roads from SCDOT to local governments." The SCAC Legislative Committee will meet this week to finalize the association's policy positions.

"They're in deep trouble," Michael Cone, SCAC's executive director said of the state's legislators. "They're looking at a deficit of more than $40 billion over the next 20 years, and at the same time these roads are not in good condition to begin with. They're crumbling, the bridges are in deep trouble, and they're scrambling to find a way to address this."

A SCAC policy brief points out that of the roads likely to be transferred, 50 percent are rated in poor condition. On top of this, the state department of transportation will no longer add miles to the state highway system, so all new public roads are maintained by local governments.

The funding, SCAC argues, is insufficient already and any additional money will fail to keep pace with escalating costs.

"The state cut local government funding during the recession and hasn't made up for it," Cone said. "Any money they throw us to take care of the roads won't be enough, and because the roads are already in bad condition, this is just compounding the problem even more."

Spartanburg County Administrator Katherine O'Neill spoke to the ad-hoc committee, voicing her county's opposition to the plan.

"Spartanburg County's reputation is predicated on partnerships," she said. "We get partnerships. What we don't understand, and really cannot willingly participate in, are funding formulas or promises, while perhaps constructed with the best intentions, that will result

See **ROADS** *page 12*

NACo 2015 Legislative Conference

Meeting on Ex-Im Bank reauthorization planned

The U.S. Chamber of Commerce and two NACo leadership groups — the Economic Development Subcommittee of NACo's Community, Economic and Workforce Development Steering Committee and the International Economic Development Task Force — will meet during the association's 2015 Legislative Conference to highlight the importance of a long-term reauthorization of the U.S. Export-Import (Ex-Im) Bank.

NACo members unanimously adopted a resolution in support of Ex-Im Bank reauthorization at the Annual Conference in July. The Ex-Im Bank is the official export credit agency of the United States. The bank helps to ensure that U.S. companies both large and small have access to the financing they need to export their goods and services overseas.

The Ex-Im Bank helps expand local economic development efforts by helping local businesses utilize the federal resources, which allow local economies to remain competitive in the global market.

International Economic Development Task Force chair, Commissioner Paula Brooks of Franklin County, Ohio, is a lead champion for the Ex-Im Bank. Franklin County has more than 30 businesses that use Ex-Im Bank financing.

These businesses have accounted for over $145 million in exports since 2007. In Ohio, the Ex-Im Bank has financed $2.4 billion worth of exports, supporting 15,000 jobs over the past seven years. Nationally, it's estimated that 200,000 jobs depend on the Ex-Im Bank's operations and services. Without a long-term reauthorization measure, thousands of local jobs could be at risk.

The joint meeting will take place on Sunday, Feb. 22 at 10 a.m. during the NACo Legislative Conference.

For more information, contact Daria Daniel, associate legislative director, at *ddaniel@naco.org*.

STATE TO STATE

★ ILLINOIS ★

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

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

Illinois

The 2014 legislative agenda for Metro Counties of Illinois sought increased funding for probation services (which resulted in the approval of the entire $117 million funding request) and emergency services (counties won a one-year increase), requiring all contractors and subcontractors to participate in a Department of Labor-approved apprenticeship program (still in the Legislature) and, for firefighters, staffing minimums incorporated into collective bargaining agreements, which passed the Senate just in time for lame duck Gov. Pat Quinn (D) to sign it into law.

As for 2015, "I think it's a fair assessment that anything could happen," said Executive Director Katy Lawrence. "I anticipate the session being tumultuous," given that Governor-elect Bruce Rauner will lead the first Republican administration in 12 years, and the Senate and House are both firmly in Democratic control.

The probation service and emergency service funding will both remain important agenda items.

"We will likely be playing more defense than offense in the 2015 session," Lawrence said. "I would suspect we might have a couple proactive items, albeit they will not be overly controversial."

Counties in the Land of Lincoln grapple with a need for workers compensation reform, which Terry Anderson, legislative director of the Illinois Association of County Board Members, said was one of the nation's most expensive compensation programs, often to the detriment of counties. Anderson believes its importance to the state's business community might help the issue get some traction from Rauner's administration.

A looming reduction in the income tax is forecasted to open a $2 billion gap in the state's budget, which may require a supplemental budget before June 30.

The upstate-downstate divide in cost of living is complicating proposed legislation for a minimum wage increase and the treatment of Home Rule communities, he said.

What's in a Seal?

Grayson County, Virginia
www.graysoncountyva.com

Grayson County • Va • www.GraysonCountyVa.com

Located in the Blue Ridge highlands, Grayson County is home to the highest mountains in Virginia. Mt. Rogers, the highest peak, stands 5,729 feet tall. The county is well known for exceptional outdoor recreation opportunities. The New River, Jefferson National Forest, Mt. Rogers National Recreation Area, the Virginia Creeper Trail and the Blue Ridge Parkway are major attractions for visitors to Grayson County.

The traditional music scene is also a major draw for the region. As they stop along the Crooked Road, visitors can enjoy the sounds of old-time and traditional music festivals and events throughout the year. Top-notch performers and lute artists reside and play traditional music in Grayson County.

In 2011, Grayson County decided to update its county logo in order to convey a modern look, the importance of tradition and the beauty of the region. The historic 1908 courthouse was chosen as the icon to represent the county. The courthouse sits in the center of Independence, the county seat. It captures the elegance of Richardsonian architecture and the importance of good governance. The unusual turrets on all four corners of the building represent the high peaks that grace the landscape of Grayson County.

In many ways, the structure also represents the capacity of the people to bring positive change to their community. In the late 1970s, the building was considered too small to accommodate the growing county. A new courthouse was built and the demolition of this iconic structure was planned. However, the citizens of Grayson County successfully united around the building's preservation. It now serves as a community and tourism visitation center for the region.

(If you would like your county's seal featured, please contact Sarah Foote at 202.942.4256 or sfoote@naco.org.)

NATIONAL ASSOCIATION OF COUNTIES

NACo FORUM

OPTIMIZING HEALTH, JUSTICE AND PUBLIC SAFETY IN YOUR COUNTY

JAN. 21 - 23, 2015 | CHARLESTON PLACE HOTEL | CHARLESTON, S.C.

This forum is being jointly conducted by the Justice and Public Safety Steering Committee, Healthy Counties Advisory Board and Smart Justice Programming. NACo is hosting the forum Jan. 21–23, 2015 in Charleston County, S.C. to bolster leadership in local health and justice systems and emergency management responsibilities.

The forum will feature discussions on:

- Behavioral health interventions
- Health coverage and the justice system
- Collaborative partnerships
- Emergency Management Roundtable

Through keynote presentations, panel discussions, mobile workshops and group dialogues, county leaders will learn more from national leaders and from their peers' first-hand experiences.

WHO SHOULD ATTEND?

This forum is aimed at elected and appointed county officials, key county staff members and local stakeholders working in health, justice, human and social services, emergency management and related fields.

HOW TO REGISTER?

Registration is required online at
www.naco.org/2015healthjusticeforum

REGISTRATION DEADLINE: Wednesday, December 31, 2014

FOR MORE INFORMATION, CONTACT:

Emmanuelle St. Jean
NACo Program Manager
estjean@naco.org
202.942.4267

Kathy Rowings
NACo Program Manager
krowings@naco.org
202.942.4279

For registration information and questions, please call the NACo Meetings Call Center, 202.942.4292. Hours of operation are Monday through Friday 9:00 a.m. – 5:00 p.m. Eastern time.

E-mail symposium questions to *nacomeetings@naco.org*.

NACo National Association of Counties ™

News From the Nation's Counties

▶CALIFORNIA

• **ORANGE COUNTY** is **reconfiguring its HOV lanes** so motorists can enter and exit anywhere, rather than just in designated areas that are often spaced far apart. So far, 106 miles of the 267-mile HOV lane system have been reworked, the *Los Angeles Times* reported.

County officials cited research that said the continuous-access approach reduces accidents, congestion and pollution in part by cutting down on sudden accelerations and quick lane changes.

• A ballot measure's passage could leave counties scrambling to make up the state money they used to receive for successfully treating, rather than imprisoning, low-level drug and property crime offenders, law enforcement officials say.

Proposition 47 **downgraded simple drug possession** and many lower-level property crimes to misdemeanors. It allows qualifying state prisoners to seek early release in some instances, and many offenders to have their felony probation terms lifted. It also sets aside up to $250 million to help local agencies treat drug offenders.

But with the initiative's passage, counties have no guarantee they'll receive money, or if they do, how much they'll get, the *San Francisco Chronicle* reported.

▶FLORIDA

A tax on **short-term hotel stays** in **PALM BEACH COUNTY** could generate $7 million to promote tourism and fix eroded beaches. The County Commission gave initial approval to a bill that would increase the bed tax by one percentage point.

The existing tourism bed tax already generated $34 million a year. Roughly a third of the additional tax revenue would go toward replenishing sand and the rest would go to advertising local tourist attractions, the *Sun Sentinel* reported.

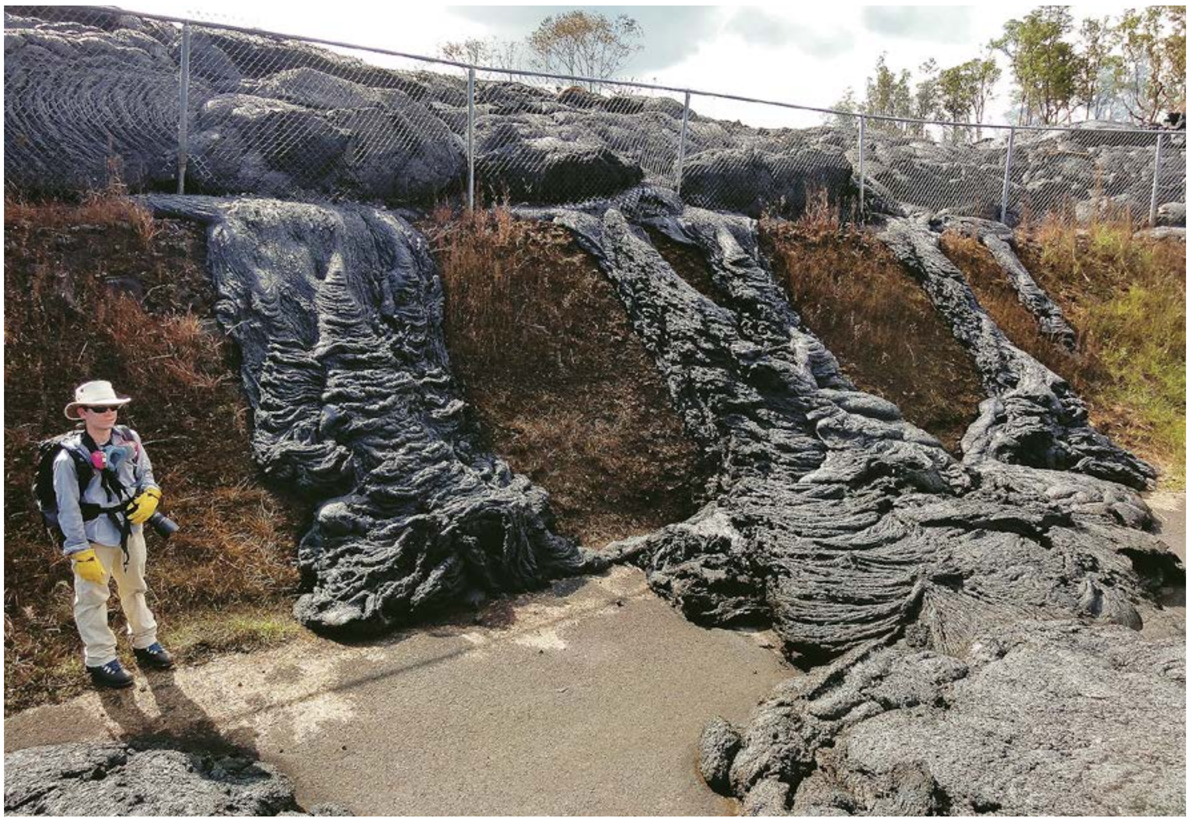
▶GEORGIA

To commemorate the last date composed of consecutive numbers, **GWINNETT COUNTY** is offering a **free mass-wedding ceremony** on Dec. 13. The ceremony will begin at 10:11 a.m., on 12/13/14. After the ceremony, the Parks and Recreation Department will hold an outdoor reception.

▶MAINE

WALDO COUNTY has **produced a video**, "How Waldo County Government Works," in hopes of educating citizens and increasing government transparency.

The 39-minute video, which can be viewed at *www.countynews.org*, was the brainchild of Commissioner Betty Johnson and citizen and producer Josh Gerritsen. In the video, Johnson visits various county departments, tours facilities and hears department directors describe their work.



(Photo courtesy of the U.S. Geological Survey)

Lava from the Kilauea volcano reaches the outer fence of a transfer station, sending several small cascades through the fence and down the embankment.

▶HAWAI'I

Lava from the Kilauea volcano is forcing **HAWAI'I COUNTY** to spend, as of Oct. 31, $14.5 million, mostly to build emergency access roads. The county recently spent $3 million to open a one-lane dirt access road. Though most of the money has gone to reopen roads, $800,000 refitted a former fire station, which had been recently used as a senior center, so there would be fire stations on either side of a major highway, in case it is blocked by lava, *West Hawaii Today* reported.

The volcano has been erupting continuously since 1983, but in June lava began slowly and inconsistently flowing down the northeast side, in the direction of the town of Pahoa.

Last month, the County Council approved a resolution paving the way for a $20 million bond issue should it be needed to help pay the road costs. If a main road is blocked by lava, a 17-mile trip to a nearby town from Pahoa would be detoured to a 64-mile route.

▶MARYLAND

With winter approaching, the **MONTGOMERY COUNTY COUNCIL** has passed **a snow removal bill** that includes a digital map of who is responsible for cleaning each segment of sidewalk in the county.

The legislation requires the county executive to develop a sidewalk snow removal plan for publicly owned land, prioritizing high-volume pedestrian routes, bus stops, school zones, along state highways, and urban districts; a digital map of the county that shows who is responsible for clearing snow and ice from each sidewalk in the county; and a public education campaign on property owners' responsibilities for clearing snow and ice from their sidewalks.

▶MISSOURI

The Nov. 4 election saw a dramatic increase in the number of **write-in votes** for **ST. LOUIS COUNTY** elections. Director of Elections Rita Heard Days told KSDK News that more than 17,000 write-in votes came in, compared to the typical 1,000 – 2,000 range.

The race for county executive drew 3,750 write-ins for one candidate that met Board of Elections criteria, but 808 votes were for invalid names. The prosecuting attorney race had 11,062 write-in votes for a one-candidate race, but 10,719 were invalid.

▶NEW YORK

ULSTER COUNTY Executive Mike Hein has been named one of nine **Public Officials of the Year** by *Governing* magazine — the only county official so honored this year.

In his profile, the publication lauded his work with other New York counties to share creative solutions to local government challenges. He helped launch the Municipal Innovation Exchange, a database managed by the New York Association of Counties, of which Hein was president last year.

Housing more than 2,000 innovations and examples, "the exchange is a resource where local governments can learn from the experiences of their peers and quickly find out how others solved similar problems," the magazine wrote.

▶NORTH CAROLINA

From the "it ain't over till it's over" department, the unofficial result of a **DARE COUNTY** Commission election proved to be just that. Incumbent Commissioner Max Dutton held a 60-vote lead on election night. But the official canvass declared challenger Beverly Boswell the **winner by 25 votes**.

Dare County Elections Director Melva Garrison attributed the reversal to provisional ballots later confirmed eligible, curbside votes, timely mail-in absentee ballots received on or after Election Day and correcting a discrepancy in one precinct's returns.

Dutton requested a recount, and, in the end, he lost by 30 votes.

▶TEXAS

DALLAS COUNTY jail inmates can still receive in-person visits under a **video chat service contract** approved by county commissioners, an earlier version of which would have ended visitations.

Under the contract with Dallas-based Securus Technologies, the system would be installed for free with the company recovering its costs by charging $10 for each 20 minutes, according to *The Dallas Morning News*. The company will also provide inmate telephone service to the jail at a charge 20 cents per minute per call. Dallas County will collect 60 percent of the revenue generated from calls.

The county hopes to have the system up and running by early next year.

• City and county officials from Austin and **TRAVIS COUNTY** have put pen to paper, signing a **Community Wildfire Protection Plan**. The document provides strategies for homeowners and wildfire officials to help avert catastrophic wildfires. The Texas Forest Service is also a signatory.

County Judge Sam Biscoe said the plan isn't regulatory but rather provides for a data-based approach to wildfire prevention and containment.

Officials also unveiled an interactive website where residents in the city and county can type in an address and find out the wildfire risk for their home.

The plan has been in the works since the county and city formed a Joint Wildfire Task Force after Labor Day 2011 fires ravaged parts of Travis County.

▶VIRGINIA

The **ARLINGTON COUNTY** Board recently voted to **cancel its proposed $500 million streetcar** program. While still supporting the concept, County Board Chair-

See **NEWS FROM** *page 11*

Financial Services News

IRS Increases Contribution Limits for Deferred Comp

The IRS recently increased 2015 maximum contribution limits for supplemental retirement programs such as the NACo Deferred Compensation Program. A key advantage of a county's deferred compensation plan is tax-deferred contributions, which means the amount that take-home pay is reduced may be significantly less than what is contributed.

Of course, each person's maximum contribution needs to align with his or her budget and comfort level. To help county employees decide what that amount might be, Nationwide — administrator of the NACo program — just launched its new *My Interactive Retirement Planner* on *www.nrsforu.com*. In as few as 10 minutes, workers can determine if they're on target and make modifications to their contribution levels and funds so that their planning is aligned with their goals. (Note that federal law requires a deferral change request be made in the calendar month prior to the month it would be effective. For example, deferral changes to become effective in February must be requested in January.)

The limits for 2015 are:

- $18,000 under age 50
- $24,000 for age 50 or older, or
- up to $36,000 for the Special 457 Catch-up.

The nearby table shows how a paycheck may be affected by making maximum contributions to the NACo Deferred Compensation Program in 2015. If a worker also participates in a 403(b) or 401(k) plan, he or she may contribute up to the maximum in that plan as well as the NACo Deferred Compensation Program, effectively doubling the tax-deferral limit.

MAXIMUM DEFERRALS AND PAYCHECK IMPACT

Pay frequency	Under Age 50		Age 50+ Catch-up		Special 457 Catch-up	
	Maximum Deferral	Paycheck Impact	Maximum Deferral	Paycheck Impact	Maximum Deferral	Paycheck Impact
Weekly (52 pays)	$346	$258	$461	$346	$692	$519
Biweekly (26 pays)	$692	$519	$923	$692	$1,384	$1,038
Semi-monthly (24 pays)	$750	$562	$1000	$750	$1,500	$1,125
Monthly (12 pays)	$1500	$1,125	$2,000	$1,500	$3,000	$2,250

Source: IRS Announces 2015 Pension Plan Limitations, IR-2014-99, Oct. 23, 2014

NOTE: The table rounds contributions down to the nearest dollar to avoid over-contribution; and assumes a 25 percent tax rate, that the participant makes tax-deferred contributions and she-he qualifies for one of the maximum 2015 deferral limits.

There's always risk when investing. In fact, it's possible to lose money by participating in a deferred compensation plan. Not investing — or not investing enough — for retirement is a risk as well. Historically, investing over the long-term, such as for retirement, has tended to reduce market risk. However, past performance is no guarantee of future results. Individuals seeking to put risks into perspective may contact a Nationwide Retirement specialist.

As representatives of the NACo Deferred Compensation Program, they can help workers understand the risks they may face and strategies that may help them deal with them.

More Information

County employees who are interested in knowing more about the opportunities available through participation in the NACo Deferred Compensation Program should contact the Nationwide Retirement specialist serving their county or call Nationwide at 877.677.3678.

Employers wanting to learn more about the NACo Deferred Compensation Program should contact Lisa Cole by email at *lcole@nacorma.org* or by phone at 202.942.4270.

Written by Bob Beasley, CRC, communications consultant, Nationwide Retirement Solutions.

Nationwide Retirement Solutions (Nationwide) makes payments to the National Association of Counties (NACo), NACo PEB LLC and the NACo Financial Services Center Partnership (FSC) for services and endorsements that NACo provides for all its members generally related to Nationwide's products and services sold exclusively in public sector retirement markets. More detail about these payments is available at www.nrsforu.com.

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NRM-9916AO-NX.1 (11/2014)

Wisconsin county accommodates nursing mothers

NEWS FROM *from page 10*

man Jay Fisette noted that the streetcar had become a divisive community issue. He also cited the "political realities" that voters have twice elected a streetcar opponent to the County Board (in an April special election and on Nov. 4). "This was not a formal referendum," Fisette said, "but I believe it served as a proxy."

Streetcar advocates — including the three County Board members who supported the program — were "caught flat-footed" when organized streetcar opposition emerged within the past year, he added. The project was originally approved in 2006.

"We needed to communicate more clearly how a streetcar system would benefit our entire community and how we could pay for it without diverting funds from other priorities, such as schools," he said.

Fisette pledged that the County Board and staff would continue to develop alternate strategies to improve transit options along the corridors the streetcar would have served.

- Rural **CARROLL COUNTY** is attracting attention with what officials there say is the **first high school STEM lab** (for science, technology, engineering and math) in the nation focused on agriculture.

County Administrator Gary Larrow said a major focus of the lab is likely to be food safety, and students' work might be beneficial to the southwest Virginia county's agricultural economy, according to the *Roanoke Times*.

The Board of Supervisors funded the program with the help of a $500,000 loan from the U.S. Department of Agriculture-Rural Development. The lab, at Carroll County High School, opened this school year and is equipped with electron microscopes, spectrometers, centrifuges and lots of computers.

- **MONTGOMERY COUNTY** Supervisors have voiced their formal disapproval in a resolution against a **proposed natural gas pipeline** through the county.

Fifteen miles of the proposed 300-mile Mountain Valley Pipeline would run through the county — delivering natural gas to Virginia from the Marcellus and Utica shale deposits in the northeastern United States, the Associated Press reported.

The County Board plans to submit its resolution to the Federal Energy Regulatory Commission, which ultimately must rule on the project's necessity.

▶WISCONSIN

- Every county-owned building in **DANE COUNTY** will be required to have a designated room — other than a restroom — **for nursing mothers**. About 20 county buildings will be affected, the *Journal Sentinel* reported. The Dane County Board of Supervisors recently approved a resolution to that effect by a unanimous vote.

The room will be for mothers who wish to nurse their child or express milk in private. Supervisor Heidi Wegleitner was the resolution's lead sponsor. "As a breastfeeding mother of a 14-month old, I know how hard it is to find a private place to express milk when I am away from the home or office," she said. "These simple improvements to our public buildings will be a great relief to moms on the go."

- Nine northwestern Wisconsin counties have formed a regional housing group whose goal is to share **funds to rehabilitate homes**.

Sheldon Johnson with the Northwest Regional Planning Commission told Wisconsin Public Radio that the group will share in $1.3 million awarded from the state's housing division. The program provides interest-free loans to eligible homeowners based on household size and a sliding-fee scale.

The money can be used for fixing homes and providing down payment assistance through 2015.

The counties are: **ASHLAND**, **BAYFIELD**, **BURNETT**, **DOUGLAS**, **IRON**, **PRICE**, **RUSK**, **SAWYER** and **WASHBURN**.

▶AND ...

Congratulations to **KNOX COUNTY**, Tenn. and **LINN COUNTY**, Iowa, on being recognized for their achievements by ***Let's Move!* Cities, Towns and Counties** (LMCTC), an offshoot of First Lady Michelle Obama's *Let's Move!* campaign to help children eat healthier and be more physically active.

LMCTC calls upon local elected officials to adopt policies that improve communities' access to healthy affordable food and opportunities for physical activity.

The counties are among 23 localities nationwide to receive gold medals in all five categories: Start Early, Start Smart; My Plate, Your Place; Smart Servings for Students; Model Food Service; and Active Kids at Play.

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

The H.R. Doctor Is In

…Goin' to Carolina

In many years of conducting seminars in effective human resources and problem solving in local government, I have had the chance to visit numerous counties throughout the United States and abroad. Overwhelmingly, the elected and appointed officials I have encountered have been considerate, attentive and dedicated to serving the public. They have also been great fun to hang out with.

A recent visit to Newberry County, S.C. to do two seminars was not only consistent with this overall experience of hospitality, but also exceeded it. Wonderful County Human Resources Director Wanda Hill, as well as NACo's — and my — longtime friend, County Attorney Jay Tothacer and County Administrator Wayne Adams went very much out of their way to create a learning opportunity for county H.R. managers. They honored me with the chance to visit. I hope the tips and techniques I shared with them will prove helpful for a long time to come.

I had the chance to speak to members of the Human Resources Association of S.C. Counties, colleagues from around the state who appreciated the opportunity to come together. Under the leadership of Lexington County's Ryant Johnson, members shared experiences, got to know each other better and learned from each other. They are committed to helping their jurisdictions excel by not ignoring problems and by seeking out solutions.

It doesn't matter which side of the podium you are on, nor how long you have served in local government; the chance to learn and share is invaluable. It also helps to do so in an atmosphere of graciousness and love of learning.

I join the great songwriter and performer James Taylor in frequently "goin' to Carolina in my mind" as I recall a pleasant time with wonderful county folks.

Phil Rosenberg
The HR Doctor

NACo on the Move

▶NACo Officers and County Officials

• NACo Immediate Past President **Linda Langston** with the help of First Vice President **Sallie Clark** shows off her award from the Women in Homeland Security. They were in Bexar County (San Antonio), Texas Nov. 15 for Langston's induction into the International Women in Homeland Security and Emergency Management Hall of Fame. She was honored for her efforts to promote resilient counties.

• NACo President **Riki Hokama** along with **Matt Chase**, executive director, represented NACo at the Missouri Association of Counties meeting in Osage Beach (Camden and Miller counties) Nov. 23 – 25.

Riki Hokama

• Hokama also attended the California State Association of Counties (CSAC) Annual Conference in Orange County, where he gave the opening remarks at the New Supervisors Institute Nov. 18 and addressed the CSAC board of directors Nov. 20.

• **Carol Moehrle**, public health director of the Idaho North Central District and chair of the Public Health and Healthy Communities Subcommittee of the NACo Health Steering Committee, participated on a Small Business Advocacy Review Panel, Nov. 14, to review an infectious diseases rule being considered by the Occupational Safety and Health Administration that would have implications for counties with populations of fewer than 50,000.

• **Matt Chase**, NACo executive director, was in Fayette County, Ky. for the Kentucky Association of Counties' Annual Conference, Nov. 19 – 20. Chase delivered the keynote speech, Nov. 20, about NACo and the impact of major federal policy decisions on county government, including environmental regulations, tax reform, transportation bill rewrite and justice reform.

▶NACo Staff

• On Nov. 19, **Julie Ufner**, associate legislative director, gave an update on the status of the proposed "Waters of the U.S." rule during a general session at the Association of Oregon Counties Annual Conference in Lane County.

• **Emilia Istrate**, research director, served on a panel for the Organization for Economic Co-operation and Development (OECD) discussing economic growth and job creation in Washington, D.C. Nov. 19.

• **Deborah Cox**, legislative director, was in Hillsborough County, Fla. Where she presented a federal issues update at the 2014 Florida Association of Counties Legislative Conference Nov. 19.

• **Paul Beddoe**, deputy legislative director, gave a legislative update at the general session for the Nevada Association of Counties 2014 Annual Conference in White Pine County Nov. 18 – 20. Beddoe was also recently named as the primary staff liaison to the Large Urban County Caucus (LUCC).

• **Yejin Jang**, associate legislative director, briefed the Government Affairs Committee of the International Association of Emergency Managers meeting in Bexar County, Texas Nov. 16.

In addition, Jang is now the new staff liaison to the Justice and Public Safety Steering Committee. She also serves as the primary staff liaison to the Telecommunications and Technology Policy Steering Committee.

Charlie Ban

Brian Bowden

Kevin Carr

• **Charlie Ban**, *County News*, has been promoted to senior staff writer. Ban joined County News staff in 2009.

• **Brian Bowden** has been promoted from legislative assistant to associate legislative director. He will staff the NACo Health Policy Steering Committee.

• **Kevin Carr** has been promoted from facilities specialist to general services manager.

Local funding options won't close road cost gaps

ROAD *from page 8*

in local governments continuing to bear the brunt of past and current financial decisions that were made at the state level."

The SCAC policy brief further describes drawbacks to funding mechanisms counties could use to make up gaps:

• Road fees, typically $10-$30 per vehicle, typically just cover basic road work, like scraping dirt roads or filling potholes.

• Local option sales taxes, adopted in nine counties, remove the matching source counties have used to access money in the State Infrastructure Bank.

• "C Funds," the state road funding partnership, "has no accountability for the results of project funding decisions."

• Property tax is typically used to address expenses significantly higher than inflation, like health insurance and retirement contributions, or bonds, which are not a good idea since they have a longer repayment period than the useful like of the repair."

• South Carolina's gas tax — 16.75 cents per gallon — looks to remain static, after Gov. Nikki Haley's (R) successful reelection campaign emphasized strong opposition to a gas tax increase and promise to veto any increases.

Haley will present her transportation plan in January, after which point Cone said SCAC can react more comprehensively.

Job Market & Classifieds

▪ COUNTY ADMINISTRATOR – HAMPTON COUNTY, S.C.

Salary: $94,595 plus benefits, DOQ.

Seeking candidate for position of county administrator; requires superb management, operations, communications and administrative skills. The successful candidate will be a successful administrator with experience managing and problem-solving in a dynamic government environment. Must be a strategic thinker with excellent communications and interpersonal skills.

Responsible for the day-to-day management of the county. Adopted budgets total $16.5 million. Reports to County Council. Bachelor's degree required, Master's Degree preferred, from an accredited university in business or public administration, government finance, accounting or related field; 10 years of experience in a government or business administrative position with at least five years of experience in public purchasing, grants administration, rural/urban planning activities, and personnel related programs. Submit resume and cover letter, including position title, to: Human Resources Dept. at 200 Jackson Avenue East, Hampton, SC 29924. Please contact Ms. Sabrena M. Graham at *spgraham@hamptoncountysc*, or call (803) 914-2100. Deadline: Dec. 31, 2014. See full ad at *www.hamptoncountysc.org*.