

NACO National Association of Counties

CountyNews

The Voice of America's Counties

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EPA Regulatory Plan likely to impact local governments

By JUIE UFFNER
ASSOCIATE LEGISLATIVE DIRECTOR

The EPA released its Semiannual Regulatory Plan Dec. 21, which details "significant" regulatory policy and priorities the agency intends to review in the next several months. A number of these proposals could have a direct impact on local governments. Highlights of some of proposals follow:

See EPA PLAN page 7

Quick Takes

Top Pennsylvania Counties cited for "texting while driving" (May–Nov 2012)

	# of citations
Philadelphia	156
Montgomery	75
Allegheny	58
Delaware	52
Bucks	42

AAA Mid-Atlantic, Nov. 2012



Photo by Jim Philipps

Mark D. O'Connell, executive director, Wisconsin Counties Association (WCA), (l) and WCA President Gus "Sandy" Wirth Jr., supervisor, Ozaukee County, Wis., participate in an exercise exploring effective congressional communications strategies during the National Council of County Association Executives (NCCAE) Executive Directors and Presidents meeting Jan. 9 in Washington, D.C. This year's NCCAE meeting attracted 68 state association presidents and executive directors.

Risks to counties persist despite stopgap 'cliff' deal

(Note: Information in this report is excerpted from a NACo Legislative Brief, distributed to NACo members, Jan. 3.)

The American Taxpayer Relief Act (H.R. 8) will temporarily avert and delay various elements of the "fiscal cliff." However, counties will continue to be at risk from the unresolved components of the fiscal cliff that could adversely impact their budgets and the millions of people and local communities they serve.

The measure that permanently extends the Bush-era tax cuts and delays about \$110 billion in across-the-board spending cuts, had bipartisan support with 85 Republicans backing the bill (with 151 opposed) and 172 Democrats supporting it (with 16 opposed).

Highlights

• **Higher taxes on individuals**

earning \$400,000 and on families making \$450,000 or more. Under that threshold, the (George W.) Bush-era tax cuts will be permanent for all but the wealthiest households. The \$450,000 threshold for families is a significant increase from Democrats' initial proposal to raise taxes on Americans making \$250,000 or more, but it is lower than Republicans' earlier proposal to raise taxes on households making \$1 million or more.

• **Higher tax rates on capital gains and dividends for wealthier households.** Taxes on capital gains and dividends will be held at their current levels of 15 percent for individuals making less than \$400,000 and households with income of less than \$450,000. They will rise to 20 percent for individual taxpayers and for households above those

thresholds.

• **Deduction of state and local sales taxes extended.** At the end of 2011, the ability to deduct state and local sales taxes in lieu of state income taxes expired. The deduction for state and local sales taxes is one of the so-called tax extenders that Congress must revisit every so often and is a provision that is mostly pertinent to residents in states that levy no individual income tax. The cliff deal revives the provision, extending it for two years until the end of 2013.

• **Personal exemptions phased out for individuals making over \$250,000.** Personal exemptions will be phased out and itemized deductions will be limited for taxpayers making over \$250,000 and families earning more than \$300,000.

See FISCAL CLIFF page 6

Jobs, economy top issues in eForum

By STEPHANIE OSBORN
DEPUTY DIRECTOR,
COUNTY SOLUTIONS AND INNOVATION

Members of the NACo Board of Directors identified jobs and the economy as their dominant public policy passion and priority — and key to NACo's mission — in a first-ever live, electronic polling session held Dec. 8 at the Board meeting in Shelby County (Memphis), Tenn.

One-third of the 80 Board members who participated in the "eForum" said jobs and the economy are the most important issues facing the country now; 32 percent said the federal deficit and national debt; and 17 percent said health care. Immigration, taxes, national security and foreign policy each received 8 percent or less of the vote.

When asked to name their main public service passions, economic growth and government efficiency were the top choices by a wide

See eFORUM page 3

INSIDE



The first Hot Topics of the new year examines the implications of cybersecurity for the nation's county leaders. ► [Center Section](#)

Alameda County competition yields three new apps for the county
► [Page 4](#)

Extra county service costs can cloud solar energy development
► [Page 4](#)

Innovative county program fights gang violence one camp at a time
► [Page 12](#)

CountyNews Features

Supreme Court summary: What's in it for counties?

By DESEREE GARDNER AND LISA SORENNEN

The U.S. Supreme Court's October 2012 term is a busy one for NACo and the State and Local Legal Center (SLLC). During the term, the court accepted cases on a number of issues that affect counties.

NACo signed onto six "friend of the court" *amicus* briefs filed by the SLLC in some far-reaching cases including *Maryland v. King*, *Koontz v. St. Johns River Water Management District* and *The City of Arlington v. FCC*.

In addition, the court heard oral arguments in December in two cases dealing with environmental issues of direct interest to counties — *Los Angeles County Flood Control District v. NRDC* and *Decker v. Northwest* — and issued a decision in one of them.

In *Los Angeles County Flood Control District v. NRDC*, the court considered what constitutes a "discharge" through a municipal separate storm sewer system (MS4) under the Clean Water Act (CWA). Operated by the county's flood control district, the MS4 collects, transports and discharges storm water into a navigable "water of the U.S." Monitoring stations required by federal law were required downstream of the

outflows, rather than at the discharge points.

The 9th U.S. Circuit Court held that the L.A. County Flood Control District exceeded permitted pollution levels when water containing storm water runoff was tested at monitoring stations located in the Los Angeles and San Gabriel rivers. However, the monitoring stations measured all the pollution in the river, including upstream, non-district discharges, not just district discharges.

On Jan. 8, the Supreme Court reversed and remanded the 9th Circuit decision. It held that the "flow of water from an improved portion of a navigable waterway into an unimproved portion of the same waterway does not qualify as a 'discharge of a pollutant' under the CWA."

In another appeal of a 9th Circuit decision — *Decker v. Northwest Environmental Defense Center (NEDC)* — the court considered who should regulate storm water runoff from logging roads. In the 9th Circuit case, the lower court decided logging road culverts and ditches that discharge to a "water of the U.S." are point sources "associated with industrial activity" and should be

State and Local Legal Center

NACo is a trustee member of the State and Local Legal Center (SLLC), a collaboration of the so-called Big Seven national organizations representing state and local governments. Members include NACo, the National Governors Association (NGA), the Council of State Governments (CSG), the International City/County Management Association (ICMA), the National Conference of State Legislatures (NCSL), the National League of Cities (NLC) and the U.S. Conference of Mayors (USCM).

The center prepares and files "friend of the court" briefs in the U.S. Supreme Court on behalf of state and local governments, conducts moot courts for attorneys arguing in the U.S. Supreme Court, and provides other assistance to states and local governments in connection with Supreme Court litigation.

The SLLC is operated and maintained by a Staff Advisory Council, comprising representatives of members and associate members. It recommends and votes on participation in cases and provides guidance and support to the center's executive director on programmatic and management matters.

Since 1983, the SLLC has filed more than 300 *amicus* briefs in the Supreme Court on behalf of the Big Seven national organizations.

regulated under the National Pollutant Discharge Elimination System (NPDES) permit program.

Some of the roads in question in *Decker* were, in fact, county-owned roads, used for purposes other than logging such as recreation, emergency and wildfire response.

In a strange twist that confounded the justices, the EPA had released, without notice, its final rule on storm water runoff from logging roads in advance of the Dec. 3 *Decker* oral arguments. The justices spent most of an hour discussing the implications of the new regulations on the *Decker* case and possible outcomes on how the court might rule.

By releasing the final logging road rule before the Supreme Court's oral arguments, discussion moved away from the merits of the case to implications of the new regulations and possible outcomes on how the court might rule. Since the old rule no longer exists, and it's extremely likely the new rule will be challenged,

the court discussed whether to reverse the 9th Circuit ruling or dismiss the case altogether.

Other Cases of County Interest

In *Maryland v. King*, the court will decide whether the Fourth Amendment allows states to collect and analyze DNA, without a warrant, from people arrested and charged with serious crimes. The SLLC brief argues that DNA arrest laws are presumed constitutional and have been adopted in 28 states, and are based on sound policy considerations—including the fact that they help prevent and solve crime, they balance the interests of the state and arrestees, and they save state and local government resources.

In *Koontz v. St. Johns River Water Management District*, the court will consider two issues: first, whether the "essential nexus" and "rough proportionality" tests apply to land use exactions involving the payment of money rather than the dedication

of land ("exactions" are regulatory techniques used by local governments to force developers to contribute to the cost of communities' public facilities); and second, whether a "taking" can occur if the government does not issue a land use permit. The SLLC brief argues the answer to both questions should be no.

In *City of Arlington & Cable, Telecommunication, and Technology v. FCC*, the court will consider what deference, if any, courts should apply to review an agency's determination of its own jurisdiction. The Telecommunications Act of 1996 requires state and local governments to respond to requests to place, construct or modify personal wireless service facilities within a "reasonable period of time." The Federal Communications Commission (FCC) interpreted a "reasonable period of time" as being 90 or 150 days.

The city of Arlington argued that the FCC lacked statutory authority to interpret this language. The FCC disagreed and claimed that its interpretation of its jurisdiction is subject to review under *Chevron v. NRDC*.

See SCOTUS page 3



Photo by Jack Hernandez

No longer "heartless," Jack Miller visits NACo's offices Jan. 8 while in Washington, D.C. for the National Council of County Association Executives meeting. Miller, a Middlesex County, Va. supervisor, received a heart transplant last March after spending six months connected to an external pump that powered an implanted mechanical heart ("Heartless Virginia supervisor raises a ruckus," County News, Dec. 19, 2011). He is this year's president of the Virginia Association of Counties.

In Case You Missed It

News to use from past County News

» 2013 Smart Justice Symposium

Join NACo members in Los Angeles County, Calif. for a one-and-a-half-day forum Jan. 30 – Feb. 1 to learn how your county can create safer communities by implementing smart justice initiatives. The symposium will highlight local justice issues in Los Angeles County and in counties across the country to emphasize how accountability, evidence-based programs and policies, and the use of data to drive decision making can cut costs and ensure public safety.

The forum is being offered as part of Smart Justice, a presidential initiative of NACo President Chris Rodgers, Douglas County, Neb.

Registration is \$100 per individual with a deadline of Wednesday, Jan. 23. To register, visit <https://members.naco.org> and click on Upcoming Events.

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President | Chris Rodgers
Publisher | Matthew Chase
Public Affairs Director | Tom Goodman
Executive Editor | Beverly Anne Schlotterbeck
Senior Staff Writer | Charles Taylor
Staff Writer | Charlie Ban
Graphic Artist | Jack Hernandez
Editorial Assistant | Christopher Johnson

ADVERTISING STAFF

Job Market/Classifieds representative
 Christopher Johnson

National Accounts representative

Beverly Schlotterbeck

(202) 393-6226 • FAX (202) 393-2630

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E-mail | cnews@naco.org

Online address | www.countynews.org

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eForum is first insta-polling for NACo Board meeting

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margin. Board members from rural counties nationwide and from counties of all sizes in NACo's southern region were the most likely to cite economic growth as their chief concern.

Poll results showed that county officials who serve on the NACo Board have been actively engaged in promoting local economic development. Almost three-fourths have authorized county funds for economic development programs, and a majority of them have served on a regional economic development

board. Other actions they have taken include serving on a local tourism board (20 percent), serving on a Workforce Investment Board (17 percent), promoting exports (13 percent), and traveling in the U.S. (13 percent) and abroad (10 percent) to attract business and investment to the community.

Where Should the Revenues Go?

As the recession subsides in some regions of the country, county officials have begun to consider how they will prioritize new investments if county revenues increase. Three of the five types of investments

participants ranked highest play a central role in local economic development: infrastructure investment, business development, and education and workforce training. Public safety, and health and human services also scored high.

Among various options, Board members said by a wide margin that enhanced infrastructure investment would do the most to improve local economies. To advance that goal, 72 percent believe the federal government should raise the gas tax that funds the Highway Trust Fund. Of those who support raising the gas tax, seven in 10 think Congress should do so immediately; the remaining 30 percent think Congress should wait until the economy is stronger.

On immigration reform — and the interplay between the economy and immigration — 26 percent said that immigrants have left their communities during the recession due to lack of jobs. At the same time, participants ranked the establishment of a temporary worker program and simplified immigration processes, which would enhance businesses' ability to fill vacant positions, among the top three priorities for federal immigration legislation.

A path to citizenship for undocumented immigrants was the policy goal that received the most support; enhanced border enforcement was

fourth.

Three panels of Board members that were assembled during the session to discuss the poll results, including Supervisor Liz Archuleta (Coconino County, Ariz.), and Commissioners Jack Hilbert (Douglas County, Colo.), Bill Hansell (Umatilla County, Ore.), Randy Johnson (Hennepin County, Minn.) and Lee May (DeKalb County, Ga.), focused on the connections among the federal deficit, local economic development initiatives, infrastructure investment, and immigration policy — and their collective impact on jobs and the economy. During a question-and-answer period, Board members discussed concerns that some federal regulations are stifling local economic growth.

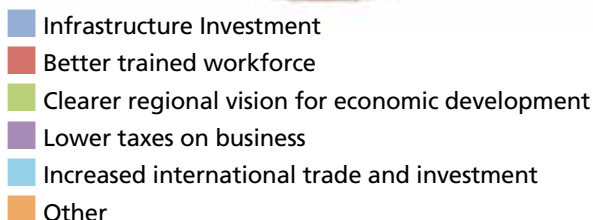
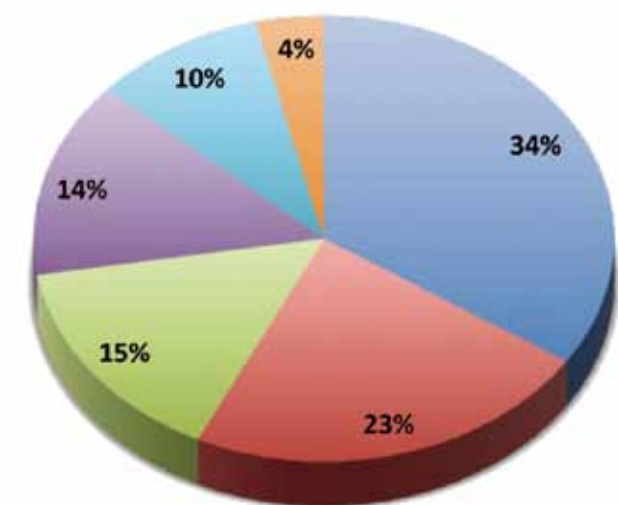
NACo First Vice President Linda Langston pointed to rebuilding after

a major natural disaster — such as the flooding her county faced — as a dynamic opportunity to engage the community and reset the vision for the local economy.

During the eForum, NACo Board members used handheld keypads to respond to 70 questions on topics ranging from politics and elections, county fiscal conditions, public pensions, health, immigration, economic development, natural disasters and NACo member satisfaction. The responses were anonymous. Poll results were posted instantly as each question was completed, and the Board stopped three times during the session to discuss their reactions to the results.

A full report of the eForum findings will be published early this year.

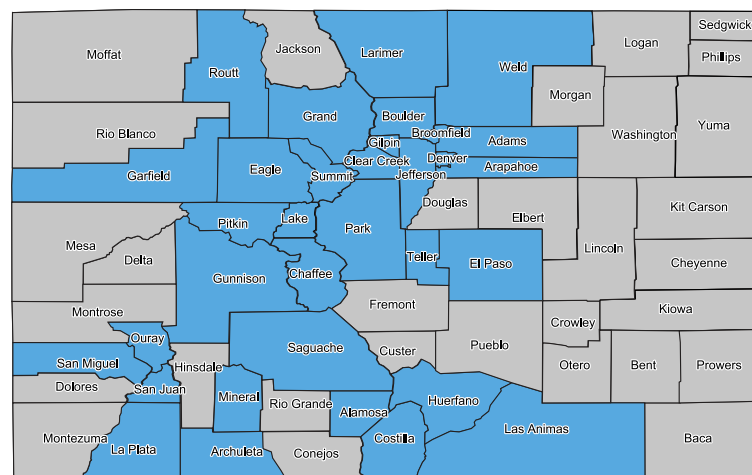
NACo Board members were asked: Which of the following would most improve your local economy?



Correction

The key on the map accompanying the story "Colo. counties face decisions, uncertainty after pot vote," in the Dec. 17, 2012 edition of County News, was reversed. In addition, since the information for the map was gathered, El Paso County's results indicate that the measure passed narrowly. The correct results are depicted here:

Counties voting 'for' and 'against' Amendment 64



SLLC briefs' synopsis available online

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The SLLC brief argues, among other things, that state and local governments are often regulated by federal agencies and often regulate the same subject matter as federal agencies. As a result, allowing federal agencies to determine the scope of their own jurisdiction, with only deferential review by courts, would allow federal agencies to encroach upon the authority of state and local governments.

For a brief synopsis of the SLLC briefs filed and cases decided, visit <http://www.naco.org/legislation/Pages/State-and-Local-Legal-Center.aspx>.

For additional information please contact: Deseree Gardner at 202.942.4204 or dgardner@naco.org; or Lisa Sorenen, SLLC executive director, at 202.434.4845 or lsorenen@sso.org.

National Association of Counties

2013

Achievement Awards

Your county's programs and the individuals making them successful deserve national recognition ...

Applications are now being accepted online for NACo's Achievement Award program, our annual non-competitive awards program which seeks to recognize innovative county government programs. Outstanding programs from each category may be selected for the Best of Category Award.

Visit www.naco.org/achievementawards for complete guidelines and to apply.

If you're planning to enter, join the event on NACo's Facebook page and share the news of the Achievement Award opportunity with others!



[fb.com/NACoDC](https://www.facebook.com/NACoDC)

NACo National Association of Counties

Data-sharing initiative spawns apps challenge

By CHRISTOPHER JOHNSON
EDITORIAL ASSISTANT



More than 120 programmers and designers came together recently for the first Alameda County, Calif. Apps Challenge, using the county's data to create 24 software applications to benefit the public.

The new Alameda County Data Sharing Initiative, launched in October 2012, provides the public with easy online access to records and information about county business and operations. The initiative aims to enhance the county's commitment to transparent government by creating apps for residents and encouraging civic engagement.

To give the project an added lift and to generate public enthusiasm, the Apps Challenge was designed to encourage residents to harness the power of technology and "open government" to create Web and mobile applications that benefit the community. Participants registered online and formed teams to put together three-minute presentations on each app.

"By tapping the creativity, knowledge and expertise within our community, we believe this project has great potential to help people get the information they want and to better understand the community in which they live," said Nate Miley, president of the Alameda County Board of Supervisors.

Programmers and designers

worked on mobile apps ranging from a "green" business finder to crime prediction to a cheap and safe parking finder. Each entry was judged on usefulness, usability, data, originality and technology by Alameda County staff.

The \$3,000 first prize went to a trio of developers for an app called Book-It. The app connects Alameda County residents to their local libraries. The most innovative feature allows a person to scan the barcode on a book with their smartphone and instantly search the Alameda County Library system for that book. It then displays which library branches stock the book and if the book is available. Residents can also

reserve the book using the app.

The \$1,500 second prize went to a duo from a local high school for an app called Alameda County Parks and Recreation Finder. The app has a map that displays parks and recreation information in the county. People can also search for parks and recreation areas that include specific features like playgrounds, hiking trails, basketball courts and more.

The \$500 third prize went to SNAP Mapper. The app helps people make the most of their Supplemental Nutrition Assistance Program (SNAP) funds by finding the store that meets their needs whether that is distance, price or quality. It lets the user rate stores,


comment about types of food available and identify the ones gouging shoppers or that should not qualify to accept SNAP, or food stamp, payments.

Runner-up apps included other mapping apps to locate "green" businesses and places to properly dispose of out-of-date prescription drugs.

"The challenge brought attention to the data and this whole idea of open government," said Tim Dupuis, interim director of information technology. "We're ecstatic about the results. It far exceeded our expectations."

Dupuis added that additional App Challenges are in the works.

Profiles in Service



» Ron Hickman
NACo Board Member
Harris County, Texas

Number of years active in NACo: one

Years in public service: 42

Occupation: constable

Education: bachelor's degree, University of Alabama

The hardest thing(s) I've ever done: laying off 100 employees due to budget cuts, and walking up to a bomb I didn't build and being asked to disarm it

Three people (living or dead) I'd invite to dinner: Thomas Jefferson, George W. Bush and Benjamin Hickman, my grandfather, who lived through some of this country's toughest times

A dream I have is to: find a point where I feel like I have contributed enough and retire.

You'd be surprised to learn that I: was an explosive ordnance disposal technician.

The most adventurous thing I've ever done is: bombsquad (explosive ordnance disposal), underwater search and recovery, and getting my pilot's license.

My favorite way to relax is: playing around in my woodshop or playing golf.

I'm most proud of: my wife Connie, my kids, Jeremy, Kelsey and Jordyn, and my contributions to public service. Graduating from college at 54 years of age would rank up there as well.

Every morning I read: *Houston Chronicle*.

My favorite meal is: steak and shrimp.

My pet peeve is: misuse and abuse of the English language.

My motto is: "meeting needs while exceeding expectations."

The last book I read was: "No Easy Day" by Mark Owen

My favorite movie is: *Independence Day* (against overwhelming odds, individuals do make a difference).

My favorite music is: country and western.

My favorite president is: Ronald Reagan.

Counties welcome renewable energy development but regret its costs



Image courtesy of BrightSource Energy

A rendering of the Hidden Hills Solar Electric Generating System planned for Inyo County, Calif., shows a field of "heliostat" mirrors that will focus the sun's energy on two 750-foot towers. The concentrated heat will create steam to run turbines that generate electricity.

By CHARLES TAYLOR
SENIOR STAFF WRITER

California has embraced renewable energy with a Golden State bear hug. Wind, geothermal and solar power have brought the promise of jobs, revenue and clean energy to many of the state's counties, including several north and east of Los Angeles — and cheaper electricity for the state.

But increasingly, some of those counties are discovering it's not all sunshine and kilowatts. For all solar's benefits, some counties worry that costs might outweigh benefits to the local economy, especially for large, utility-scale solar installations.

In Inyo County, BrightSource

Energy is planning to build the Hidden Hills Solar Electric Generation System, a 500-megawatt solar-thermal power plant on a 5.1-square-mile site near the Nevada border. Construction is expected to begin sometime this year and be completed in 2015.

Kevin Carunchio, the county's chief administrative officer, says the county is solidly "pro-industry, pro-resource and pro-private property" and in favor of the \$3.7 billion project. But Inyo finds itself challenged to make the project pay off — or simply breakeven — for the county.

"We support these projects," he said. "Ideally we like to see some economic benefits in the county, but at the very least, our concerns with

Hidden Hills are we can't afford to have these projects cost our county money in terms of program and service demands." San Bernardino and Riverside counties have the same concerns about projects in their jurisdictions.

The problem for counties is that California law exempts "certain active solar energy systems" from property reassessment. Many rural counties already have small tax bases, largely because much of their land is owned by the federal government or the state.

In Inyo County, 92 percent of the land is owned by the federal government and only 1.7 percent is

2013

Legislative Conference

Washington Hilton Hotel

March 2–6 | Washington, D.C.

**!! Attention !!****Changes have been made to the Legislative Conference program**

You will now have the option to customize your schedule on Tuesday, March 5. Begin your day hearing from Washington “insiders.” The rest of your day can be used to attend professional development sessions and advocate on Capitol Hill.

For tips and information on preparing for your meetings on Capitol Hill visit NACo’s Action Center at www.naco.org.

(Please note: NACo does not make Hill appointments but is happy to help. If you need assistance in preparation for your Hill visits, such as talking points and your message, please contact Lorraine Silva, lsilva@naco.org or call 202.942.4213)

This schedule change is being implemented to make the most of your time while in Washington, D.C. YOU need to be a part of the policy discussion on Capitol Hill — so plan to be engaged before, during and after the NACo Legislative Conference!

**Questions & Answers
to New Legislative Conference Format****Are you eliminating educational workshops from the Conference?**

No. We are incorporating workshops that were previously held Tuesday afternoon to “Early Bird” workshops on Monday morning.

There used to be a lunch on Tuesday. Have you cancelled a meal function?

No. Tuesday’s lunch will now be held on Monday, March 4, at 12:15 p.m., immediately before the General Session.

Will the President’s Reception still be held on Tuesday night?

Yes. We will close the conference with our yearly President’s Reception. This will provide a further opportunity to continue discussions from the day on Capitol Hill.

Is Wednesday still a “Day on the Hill”?

Yes. Wednesday is a continuation of your previous day’s Capitol Hill visits and should still be a part of your schedule. Be empowered and prepared!

What are the other changes?

None. We’ve simply slightly adjusted the schedule to accommodate more advocacy opportunities for you. This conference is a perfect time for outreach to the administration and all federal agencies!

**Conference Speaker ...**

Since 1971, Bob Woodward has worked at *The Washington Post*, where he is currently an associate editor. His most recent book, *The Price of Politics* (September, 2012), is based on 18 months of reporting and is an intimate, documented examination of how President Obama and the highest profile Republican and Democratic leaders in the United States Congress attempted to restore the American economy and improve the federal government’s fiscal condition.

Woodward will be speaking at the Monday, March 4 General Session. He will be conducting a book-signing near NACo Registration in Columbia Hall from 3:45 p.m. – 4:30 p.m. *The Price of Politics* will be on sale beginning Saturday, March 2. Purchase your copy when you pick up your badge to make sure you can get your own autographed copy.

More questions? Please contact NACo’s Meetings Call Center at 202.942.4272 or email nacomeetings@naco.org.



Tax breaks for businesses, others in final fiscal cliff deal

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Of interest to counties, the limitation on itemized deductions does not apply to tax-exempt municipal bond interest. Counties, however, should remain vigilant on this issue as proposals that could impact the tax-exempt status of municipal bonds could arise when the debate to reform the U.S. tax code begins in earnest.

- **A 40 percent estate tax.** The current estate tax exemption amount, \$5 million and indexed for inflation for years after 2011, is permanently extended by the measure. Additionally, the maximum rate will rise to 40 percent from its current 35 percent level. Democrats had earlier sought a higher increase to 45 percent and a lower exemption of \$3.5 million.

- **Permanent fix to the Alternative Minimum Tax.** The alternative minimum tax was levied to ensure the wealthiest Americans paid a fair share of taxes. It was not indexed for inflation but is usually “patched” annually to prevent an increasingly large swath of middle-class Americans from being caught in its net. As part of the fiscal deal, the AMT will be permanently indexed to inflation.

- **Tax breaks for working families.** The deal includes five-year extensions of the American Opportunity Tax Credit, which can



be claimed for college-related expenses, the Child Tax Credit, and the Earned Income Tax Credit, which is a refundable income-tax credit for low- to moderate-income working Americans.

- **Business tax breaks.** The Senate Finance Committee passed a package in August that tackled a variety of routinely expiring tax provisions known as extenders. These popular tax provisions include breaks for research and development. That package passed as part of the broader cliff deal and includes the extension of a “new markets tax credit” program which is provided to businesses that make certain investments in community development entities, and a maximum annual amount of \$3.5 billion in qualified investments for 2012 and 2013. The measure also

extends for one year through end of 2014, the temporary minimum low-income housing tax credit rate of 9 percent for non-federally subsidized new buildings.

- **Work Opportunity Tax Credit Extended.** The measure extends the Work Opportunity Tax Credit for qualified wages paid to members of targeted groups, as well as an employer wage credit for activated military reservists.

- **Automatic spending cuts delayed for two months.** The “sequester,” which would impose steep, across-the-board cuts to domestic and defense programs, will be delayed for two months.

- As part of the compromise to delay sequestration, the legislation reduces to \$85 billion the required sequester of discretionary and mandatory spending for FY13. This would be offset by decreasing the current statutory caps on discretionary spending set for FY13 and FY14 by a total of \$12 billion (\$4 billion from FY13 and \$8 billion from FY14, split evenly each year between security and non-security spending), and by raising \$12.2 billion in revenue over 10 years by making it easier for individuals with certain tax-deferred retirement

See FISCAL CLIFF page 7

Deeply flawed Farm Bill extension passes: NACo priorities left unfunded

By ERIK JOHNSTON

ASSOCIATE LEGISLATIVE DIRECTOR

The threat of a spike in milk prices on Jan. 1 led fiscal cliff negotiators to finally pay attention to the Farm Bill and the so-called “dairy cliff.”

House and Senate Agriculture Committee leaders put forward a bipartisan 11th-hour extension that would have significantly restructured dairy policies and continued 37 programs from the 2008 Farm Bill, including important programs to counties in the rural development and renewable energy titles that have no funding baseline.

These programs would have been extended by modest cuts to the direct payment subsidies for individual farmers. Nonetheless, Senate Minority Leader Mitch McConnell (R-Ky.) led an effort to reject the bipartisan package and replace it with a limited nine-month extension in the final fiscal cliff measure that neglects key programs supported by NACo and most other rural interests.

The extension discontinues mandatory funding for the Rural Development Title for nine months, but reauthorizes the majority of rural development programs that will continue to receive discretionary funding through the regular appropriations process. Programs used by counties to fund water-wastewater, housing, broadband, community facility and business projects will continue at their appropriated levels. However, mandatory funding provided in the 2008 farm bill for the Rural Microenterprise Assistance Program (RMAP, at \$15 million), Value Added Producer Grant Program (VAPG, at \$15 million) and Water/Wastewater Backlog (\$120 million) will end under the extension. RMAP is used by counties for micro-lending programs and will effectively end without mandatory funding.

The farm bill’s Renewable Energy Programs, which received \$1 billion in mandatory funding in the 2008 farm bill, and have limited appropriations, will be severely hamstrung by the extension. These programs include the Rural Energy for America Program, Bio-refinery Assistance, Repowering Assistance and other bioenergy and bio-product development programs critical to rural counties.

The farm bill extension does include a five-year reauthorization of the nutritional education program and a nine-month extension of the Supplemental Nutrition Assistance Program (SNAP) employment and training component. The SNAP entitlement benefits (food stamps) didn’t require an extension because they don’t expire.

Commodities are protected in the extension. The measure extends current commodity terms and conditions for all commodities for the 2013 crop year, including sugar cane, sugar beets and peanuts. It also extends through Dec. 31, 2013 the Dairy Product Price Support Program and the Milk Income Loss Contract Program.

The next steps for the farm bill remain uncertain with the Senate’s moving forward and the House in limbo. Senate Agriculture Committee Chair Debbie Stabenow (D-Mich.) has committed to pushing forward a full five-year reauthorization of the farm bill in the next few months. She will be joined by a new ranking member, Sen. Thad Cochran (R-Miss), who has promised to push for a commodity title that better balances the needs of southern and northern growers.

Action in the House remains unclear as the House Agriculture Committee’s ranking Democrat member Colin Peterson (Minn.) has refused to be a part of a committee markup until House Republican leadership gives him assurance in writing that they will bring any committee-passed bill to the floor for a vote.

For more information, contact: Erik Johnston at 202.942.4230 or ejohnston@naco.org.

County health priorities dodge bullet in year-end fiscal cliff showdown

By PAUL BEDDOE

ASSOCIATE LEGISLATIVE DIRECTOR

“The good news is that NACo’s health priorities came through the ‘fiscal cliff’ fight mostly unhurt,” says DeKalb County, Ga. Commissioner Larry Johnson, adding, “But the bad news is that we came through mostly unhurt.”

Johnson, who chairs NACo’s Health Steering Committee, explained that leaving Medicaid unscathed and postponing automatic “sequestration” cuts to the Prevention and Public Health Fund or behavioral health and substance abuse programs, only makes those programs juicier targets for reductions in future fiscal cliff budget fights over the next three months.

Republican leaders have made it clear they will insist on spending cuts in a deal to avoid the next three “cliffs.” The first and most dangerous crisis could come as early as the middle of February when the Treasury Department may begin to default on national debt payments, unless Congress steps in to raise the debt ceiling. Then there is sequestration, delayed by H.R. 8 for two months, which will kick in March 1, cutting \$85 billion in federal spending. On March 27, the current Continuing Resolution (C.R.), which is funding the federal government in lieu of annual appropriations bills for fiscal year 2013, will expire resulting in a potential government shutdown.

Medicaid, one of NACo’s top priorities could be particularly vulnerable because, along with the other two major federal entitlement programs, Medicare and Social Security, it is likely to be subject to proposals for major structural change. In fact, a number of Medicaid reform proposals are floating around on Capitol Hill — many of which have been out there in one form or another for years — including block grants, per capita caps and additional limitations on how states and counties can come up with the non-federal match.

One key risk factor for counties in these proposals is that they are “dialable” meaning that they can be adjusted — “dialed” up or down — to achieve an arbitrary savings or spending target, leaving counties with a larger share of the cost.

The Prevention and Public Health Fund, which was enacted as part of the Affordable Care Act (ACA), is also a target for cuts. The PPHF was originally set at \$15 billion over 10 years with outlays starting small at \$250 million in 2010 and \$1 billion this year, and ramping up to \$2 billion per year. Criticized as the HHS secretary’s “slush fund” by GOP legislators, the fund was cut by \$6 billion to pay for the last Medicare “doc fix” in February 2012.

Given that the president had proposed and that he and Senate Democrats actually accepted cuts to the PPHF, public health advocates are not confident that it will not be cut again — or even eliminated — in the next weeks and months of negotiations.

EPA takes another look at water, sanitary sewer regulations

EPA PLAN from page 1

Clean Water Protection Rule (aka "Waters of the U.S.")

RIN: 2040-AF30 (A "RIN," is a Regulation Identifier Number (RIN) that allows the public to track the proposal through its full lifespan of the regulatory cycle.)

Status: Pre-proposal; Ongoing

Background: According to the EPA, the purpose of this upcoming rule would clarify which bodies of water (or their conveyances) are protected under the Clean Water Act (CWA). This proposed rule is directly tied to a 2011 proposed EPA and Army Corps of Engineers draft guidance on "Waters of the U.S." NACo expressed concerns over the scope of the guidance and asked that the proposal be moved through a rulemaking process. The question on the table is whether the EPA will finalize the guidance as the next step or move directly to the rulemaking process.

Local Government Impact: Local governments that oversee a number of ditches (roadside, stormwater, floodwater, etc.) that may be impacted by the proposed rule or guidance.

CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

RIN: 2050-AG66

Status: Pre-proposal; Publication of Notice of Proposed Rulemaking (NPRM) in Federal Register (FR): December 2013 (projected)

Background: In December 2008, EPA published a final rule exempting animal waste air emissions from the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the Emergency Planning and Community Right to Know Act (EPCRA) requirements. This rule was challenged in the courts. Due to some of the issues raised during court proceedings, EPA asked for a reconsideration of the rule based on new data.

Local Government Impact: When the rule was first proposed, a number of state and local governments supported the EPA's position to exempt animal waste emissions from reporting requirements since implementation responsibility rests with them — concerns were raised over the cost of processing the notifications and emergency response as a result of the notifications.

Criteria and Standards for Cooling Water Intake Structures

RIN: 2040-AE95

Status: Proposal; Final rule to be published in Federal Register June 2013 (projected)

Background: Proposed rule would establish requirements under the CWA for all existing power generating facilities that withdraw waters from a "waters of the U.S." and use a percentage of that water for cooling purposes. The rule would apply to the location, construction and capacity of cooling water intake structures to ensure that aquatic life is not impacted.

Local Government Impact:

EPA estimates the rule is "economically significant" and states local governments are likely to be regulated by this rule.

Data Requirements for Determining Attainment for the 1-Hour SO2 NAAQS

RIN: 2060-AR19

Status: Pre-proposal

Background: The proposed rule will describe how state, local and tribal agencies will make determinations on whether sources or areas are meeting the one-hour sulfur dioxide (SO2) National Ambient Air Quality Standards (NAAQS). The rule will provide policy and technical information, such as monitoring or modeling methods, used to make these determinations.

Local Government Impact: Local governments may be involved in implementation of this rule if they oversee local air pollution programs.

National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions

RIN: 2040-AF15; Docket No.

Not yet available

Status: Pre-proposal; Notice of Proposed Rulemaking (NPRM) published in Federal Register September 2013 (projected)

Background: In 2004, EPA began to assess whether there is a national problem related to elevated

lead or copper levels. In 2007, EPA proposed seven short-term regulatory changes. As the next step, EPA has identified several more changes to be part of a comprehensive rule.

Local Government Impact: This proposed rule will impact local governments who own or operate water utilities.

National Primary Drinking Water Regulations: Regulation of Perchlorate

RIN: 2040-AF28; Docket No. EPA-HQ-OW-2011-03331

Status: Pre-proposal, NPRM to be published in Federal Register March 2013 (projected)

Background: EPA announced in February 2011 that it is beginning development of a national drinking water regulation for perchlorate in drinking water. Perchlorate is a naturally occurring or a manmade chemical that can originate from fireworks, fuel, explosives, bleach and some fertilizers.

Local Government Impact: This proposed rule will impact local governments who own or operate water utilities.

NPDES Permit Requirements for Municipal Sanitary and Other Systems

RIN: 2040-AD02

Status: Pre-proposal

Background: The EPA will

develop a broad-based regulatory framework for sanitary sewer collection systems under the National Pollution Discharge Elimination System (NPDES) in the CWA. EPA is considering requirements on reporting, public notification and recordkeeping for sanitary sewer overflows (SSO); management, operation and maintenance requirements for municipal sanitary sewer collection systems, and publicly owned treatment works (POTW) and a prohibition on SSOs.

Local Government Impact: Local governments are likely to be regulated if they own or operate one of these systems.

Review of the National Ambient Air Quality Standards for Ozone

RIN: 2060-AP38

Status: Pre-proposal; NPRM to be published in Federal Register October 2013 (projected)

Background: In 2010, EPA proposed to change the existing standard of 75 parts per billion (ppb) to a range of 60 ppb–700 ppb. Approximately 650 counties would have been designated as non-attainment. In 2011, President Obama proposed to table this proposal until 2013 when ozone standards are set for

See EPA PLAN page 8

Mass transit benefits get parity with parking benefits

FISCAL CLIFF from page 6

accounts to transfer those funds to a Roth IRA. This means that future cuts as part of the annual appropriations process can be expected.

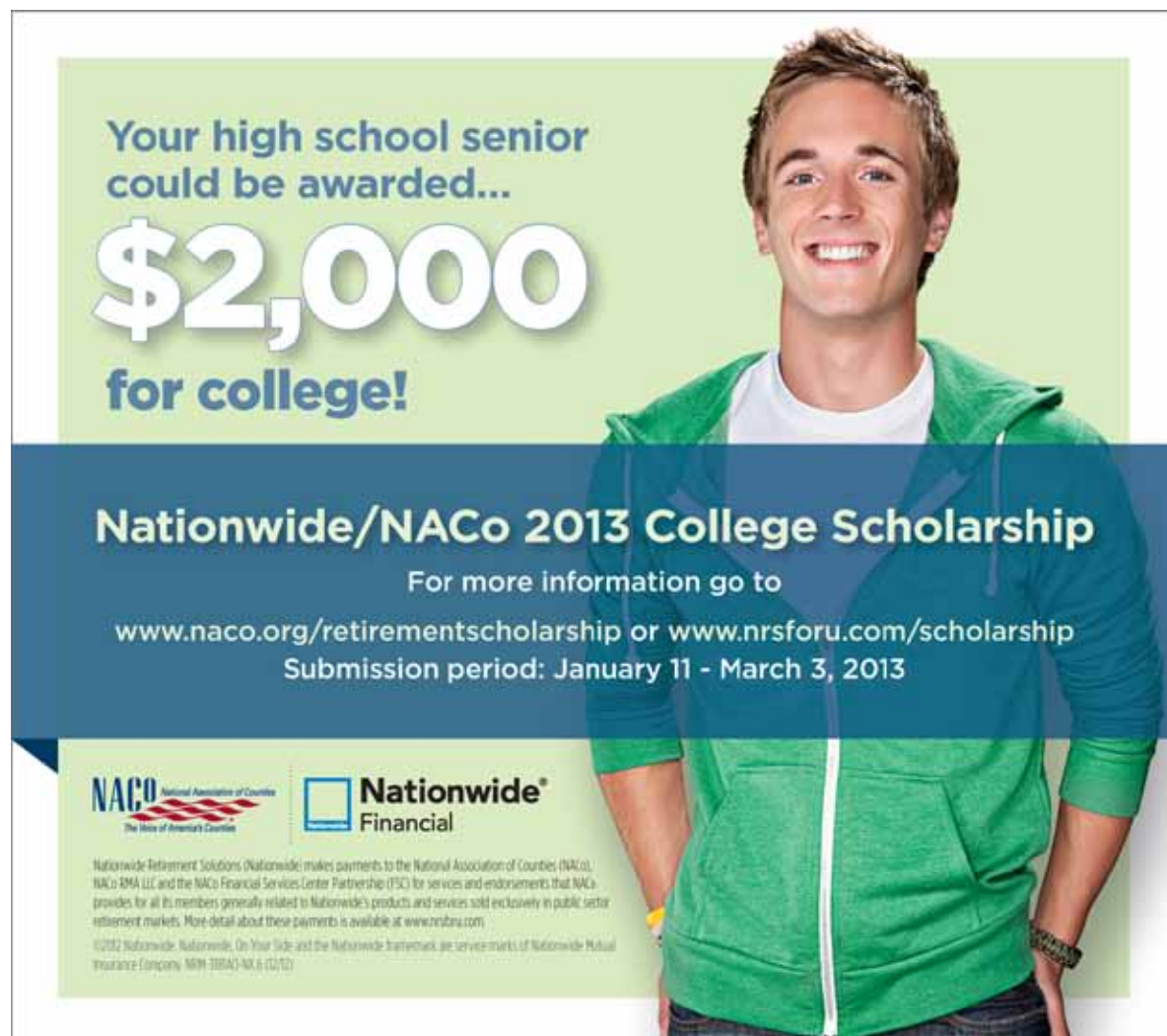
• **Parity for employer-provided mass transit and parking benefits.** The deal includes a provision that restores benefits for one year for transit riders and vanpool users who may now receive up to \$240 in benefits monthly from an employer, the same as the parking benefit. The transit benefit had been reduced to \$125 in 2012 while the parking benefit remained at the \$240 level in 2012.

This change benefits counties that operate transit systems as it is likely to encourage greater transit

ridership and also benefits transit users who are likely to see a decrease in their transportation costs.

• **One-year Extension of Unemployment Insurance (UI) Benefits.** The measure extends for one year, long term federal UI benefits for laid-off workers. The restructured benefit tiers enacted under last February's benefit extension are maintained, including a reduction in the maximum number of weeks an individual is entitled to receive benefits, as well as job search requirements.

The measure extends the availability of railroad extended unemployment benefits. The measure also extends the current authorization for federal aid to help states carry out re-employment services through FY14.



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Submission period: January 11 - March 3, 2013

NACo National Association of Counties
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Counties: Some solar projects cost more than they're worth

ENERGY from page 4

privately owned. In a company fact sheet, BrightSource projects Hidden Hills will spur:

- 2,300 construction jobs over a two-year period, and about 100 permanent jobs once operational,
- \$550 million in wages in its first 25 years of operation, and
- \$290 billion in local and state taxes over the period.

However, a socio-economic study commissioned by the county disagrees with estimates by BrightSource and the California Energy Commission on cost-impacts to the county. The county estimates the project would generate less than \$1.2 million in property taxes per year while costing the county \$1.7 million to provide services such as law enforcement, road repair and water monitoring. BrightSource estimates it will pay \$3.9 million in property taxes.

The project is closer to Pahrump, Nev. (18 miles) and Las Vegas (45 miles) than to Independence, the Inyo County seat, which is about 250 miles away. So, county officials are also concerned that project employees would live and spend their money in Nevada.

Carunchio said he'll be happy with however many "living-wage jobs" Hidden Hills creates, with a caveat. "We're very concerned that this will cost us money. The downside to the county right now is

looking much more like \$50 million over the life of the project, so that's a big concern," he said.

Last November, Inyo and Riverside counties, and the California State Association of Counties (CSAC), appealed to the state energy commission to remove solar power plants from the property tax exclusion. The commission declined.

"Folks aren't anti-solar," said Jean Hurst, a CSAC lobbyist who specializes in taxation and revenue issues. "I think they're just looking for a little more level playing field in terms of the needs of the local

community as well, and that's not what we're seeing."

In Riverside County, two utility-scale solar generating stations that will occupy 6,000 acres are currently under construction, and more are in the queue. Gerry Newcombe is the county's director of public works. Also of concern, he said, are environmental mitigation requirements that can be associated with big solar projects.

Companies can be required by the state to mitigate lost habitat at ratios of two-, three- or four-to-one, which can require the purchase of "big tracts of private land,"

effectively removing them from revenue-generating uses.

"Our concern is, frankly, if all the projects we've been hearing about come to fruition, there isn't enough privately held decent habitat left in the Mojave Desert to mitigate them all," Newcombe said.

In neighboring Kern County, renewable energy hasn't all been more cost than benefit, but that's because most of the development there has been wind energy, according to Lorelei Oviatt, the county's planning director. "It's been a tremendous boon to us both financially and in regards to jobs over the last two

years." Kern County has permitted more than 7,000 megawatts of renewable energy over the past four years, she said, the vast majority of it wind.

But Oviatt is not unsympathetic to her neighbors' solar plight. "This is a function of the Legislature making a decision that incentivized one industry (solar) without consulting the counties.

"There was no thought given to this," she added. "And I think that the backlash you're seeing is a legitimate backlash by the counties that are dependent on property tax revenues."

Draft EPA storm water rule expected by June

EPA PLAN from page 7

reconsideration. Under federal law, EPA is required to review air quality criteria every five years. In 2013, current ozone standards will be reassessed.

Local Government Impact: Local governments are likely to be impacted by this reconsideration. Local governments are responsible for developing air quality plans and implementing strategies to meet federal air quality goals. Additionally, when an area is classified as in "non-attainment," EPA imposes a number of restrictions that impact economic development.

Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers

RIN: 2050-AE81

Status: Proposal; Ongoing

Background: In 2010, EPA proposed the first-ever national rules to ensure the safe disposal and management of coal combustion residuals. Coal combustion residuals, also known as coal ash, is a byproduct of combustion at power plants, and can cause health problems and contamination if not properly handled. Coal ash can be recycled for beneficial uses, rather

than disposing of the byproducts in landfills. The EPA sought to clarify these beneficial uses.

Local Government Impact: Local governments use coal ash as a major component in road bed construction projects. Byproducts are also heavily used in cement, concrete, brick, roofing materials, agriculture applications, paints, plastics, and snow and ice control.

Stormwater Regulations Revision to Address Discharges from Developed Sites

RIN: 2040-AF13;

Status: Pre-proposal; NPRM to be published in Federal Register June 2013; Final Rule December 2014

Background: EPA is working on crafting an updated version of its existing stormwater rule by

June 2013 with final action by December 2014. This rule is tied to a settlement agreement with the Chesapeake Bay Foundation on pollution in the Chesapeake Bay. The proposed rule may impact all Phase I, Phase II and non-regulated Municipal Separate Storm Sewer Systems (MS4).

The rule would establish requirements, at minimum, for managing stormwater discharges from newly developed and redeveloped sites.

Local Government Impact: Local governments are likely to be both regulated and involved in implementation of this rule. Since the rule may include requirements to expand the current universe of Phase 1, Phase 2, and MS4s to other localities, local governments may be impacted.

2013

Smart Justice Symposium: Creating Safer Communities

When: January 31-February 1, 2013

Where: The Westin Long Beach, Los Angeles County, Calif.

The 2013 Smart Justice Symposium will highlight local justice issues and will emphasize how accountability, evidence-based programs and policies, and data-driven decisions can cut costs and ensure public safety.

To register, go to www.naco.org/justice_symposium

Registration deadline: Jan. 23, 2013.

For reduced rates, make hotel reservations by Jan. 9, 2013.

For more information, contact:

Meghan Levine @mlevine@naco.org 202.942.4279
Dalen Harris @dharris@naco.org 202.942.4236

The Smart Justice Symposium is part of NACo President Chris Rodgers's presidential initiative.



Where are They Now?



Randall Franke



Bill Hansell

• **Randall (Randy) Franke**, NACo president 1994-95, was selected as executive director of the United Way of the Mid-Willamette Valley serving Marion, Polk and Yamhill counties in Oregon effective December 2012. Randy served as Marion County commissioner for 24 years.

• **Bill Hansell**, NACo president 2005-2006, was elected to the Oregon State Senate in November. He served as Umatilla County commissioner from 1983 to 2012.

Research News

Ring in the New Year with New Laws

As the clock struck midnight to ring in the New Year, hundreds of laws affecting county governments and residents came online.

In Illinois, a new law requires counties and other local governments to file information with the state Department of Revenue for any sales tax-sharing or rebate agreements entered into with businesses. Reports are due within 30 days of the agreement. These rebate agreements are usually enacted to increase economic development within the county.

Among the laws that went into effect in Nebraska is legislation to increase county filing fees. In general, the filing fees for mortgages, deeds, wills and other documents increased from \$5 per page to \$10 for the first page, and \$6 for each additional page.

The first increase in fees in 28 years will provide counties with additional revenue for the general fund with specific amounts of the revenue targeted to improve, technology of the register of deeds offices including digitizing older records for posting online. The increase expires in 2018.

In Douglas County, administrators estimate the fees will generate \$300,000 per year. The additional funding will help digitize county records which are currently available online from 1993 to the present.

In New York, the State Legislature passed legislation earlier this year allowing counties and other local governments to enact property tax exemptions for green buildings. The legislation allows county property tax exemptions for homes

and businesses built or renovated to LEED standards for energy efficiency and reduced carbon emissions. Buildings achieving LEED Platinum status, the highest standard, can obtain the exemption for six years.

Suffolk County has already adopted the exemption, which took effect in January.

North Carolina, Tennessee and Pennsylvania join 16 other states that require the use of worker e-verification for some employers. These laws require employers to use the federal database called E-Verify to assure that all employees are legal residents of the country.

In North Carolina, employers with 100 or more employees are required to use the system to verify the status of new hires. In October 2012, the measure went into effect for counties, municipalities and businesses with 500 or more employees. In July 2013, the measure expands the requirement to employers with 25 or more employees.

The current law in Tennessee requires employers of 200 or more to use the system. As of Jan. 1, this measure includes employers of six or more employees to use E-Verify.

Pennsylvania's Public Works Verification Act also took effect Jan. 1. This act requires contractors and subcontractors on public works projects to verify workers through E-Verify. The law applies to construction projects with an estimated cost of \$25,000 or above.

The set of bills known as the "Homeowners Bill of Rights" enacted in California may help reduce the number of foreclosed properties throughout counties. The most touted part of this law is the ban on "dual tracking," which is when the lender initiates the foreclosure process against the homeowner even though the homeowner is actively seeking to renegotiate mortgage terms. Banks are also required to approve or deny requests for changes in loans and provide explanations for these decisions.

(Research News was written by Kathryn Murphy, senior research associate.)

Created by Christopher Johnson

Financial Services News

NACo, Nationwide Announce 8th Annual Scholarship

This spring, four high school seniors will earn \$2,000 for college from the NACo-Nationwide Scholarship. Winning applicants will have written a short essay describing why it's important for a public sector employee to start saving early for retirement.

To be eligible, applicants must be graduating high school seniors who are legal U.S. residents, and their parent, grandparent or guardians must be enrolled in and contributing to a NACo 457 Deferred Compensation Program plan. In addition, the student must enroll in a full-time undergraduate course of study no later than the fall term of the 2013-2014 school year at an accredited two- or four-year college. Application and entry may be submitted online no later than March 3.

This is the eighth year that Nationwide and NACo have teamed up to encourage high school seniors to think about retirement.

Why spur students who haven't even started full-time work to think about retirement? Three reasons — by applying for the scholarship the students:

- must consider the financial impact of their decisions about college and their career and realize it is never too soon to start thinking about saving for retirement,
- begin to recognize the advantage of having a plan and implementing it sooner rather than later, and
- identify specific actions that help prepare for a financially successful future.

The NACo-Nationwide Scholarship is just one of the services arising out of a 33-year relationship between Nationwide and NACo. As provider of the NACo Deferred Compensation Program, Nationwide regularly reports to the NACo Deferred Compensation Advisory Committee on industry trends, updates statistics on

the program and provides ongoing education on retirement issues. Together NACo and Nationwide look for ways to help county employees better prepare for their retirement.

For More Information about the Scholarship

All of the information about eligibility, judging criteria and notification process are on the NACo and Nationwide websites. For more information, go to www.naco.org/retirementscholarship or www.nrsforu.com/scholarship.

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

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Oconee County, Ga. Facts

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

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APALACHEE (river bordering county)
BISHOP (town in county)
BOGART (located in two counties—Oconee and Athens-Clarke)
CLARKE (Oconee created out of southwestern part of this county)
FARMINGTON (town in county)
GEORGIA (state county is located)
HAYGOOD (historic house in downtown Watkinsville, birthplace of Atticus and Laura Askew Haygood)

JEANETTE RANKIN (first female elected to Congress who moved to Oconee during retirement)
RURAL (rural farm county)
WATKINSVILLE (town in county)
WILLIAM DANIELL (built in 1790, this house is the oldest surviving structure in the county)
ZAXBYS (established in 1990, Oconee-based chicken restaurant)

Created by Christopher Johnson



online

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News From the Nation's Counties

► COLORADO

Additions to **PITKIN COUNTY**'s land-use code allow for floor-area exemptions for new and existing homes to **improve their accessibility** to those with physical disabilities.

The County Commission approved the change in December. The allowances aren't just for the occupants of the residence; the added floor space is available to those who want to make their home accessible to friends or family members, the *Denver Post* reported.

► FLORIDA

• Employees who are not paid their wages within a reasonable amount of time in **BROWARD COUNTY** may now file suit under the county's new "**wage theft**" law.

Unlike similar state and federal laws, it does not have a threshold of a minimum hourly wage that must be paid. It provides a cause of action when an employer fails to pay any portion of wages due to an employee within a reasonable time from the date the compensation was earned. This can include situations like work done "off the clock."

The *Miami Herald* reported that the ordinance's terms will be liberally construed in favor of claimants. A finding that wages are owed will result in a penalty to the employer, which doubles the amount of the award. **MIAMI-DADE COUNTY** enacted a similar ordinance in 2010, which provides for triple damages.

• More than 30 county managers, administrators, assistant managers and others voted during the **FLORIDA ASSOCIATION OF COUNTIES (FAC)** legislative conference to **establish the Florida Association of County Managers** and to use this forum as a means of increasing communication and collaboration among all managers and administrators. The group will collaborate with FAC.

► ILLINOIS

• The American Planning Association's Illinois chapter gave the **2012 Award for a Strategic Plan** to **MCHEMRY COUNTY** for its McHenry County Green Infrastructure Plan. The county started its green infrastructure planning process in response to recommendations in its 2030 comprehensive plan, and was the first county in the state to do so.

• Neil Armstrong planted a flag

on the surface of the moon four years into Tony Arduini's tenure as a **WHITESIDE COUNTY** Board member. He began serving April 6, 1965 and on Sept. 18, 2012, the board honored him as the **state's longest-tenured County Board member** at 47 years. He has served as board chairman for 22 years.

► KENTUCKY

Twenty-six counties will a split \$2.1 million grant from the Kentucky Pride Fund to clean up **172 illegal dump sites**.

The following counties received grants: **ADAIR, BOONE, BREATHTITT, BRECKENRIDGE, CUMBERLAND, FLEMING, HARDIN, HARLAN, HART, HENDERSON, LEE, LESTLIE, LOGAN, LYON, MADISON, MAGOFFIN, MASON, MEADE, MONROE, MONTGOMERY, OWSLEY, PIKE, POWELL, WARREN, WHITLEY** and **WOLFE**.

As part of the grant, counties must agree to provide a 25 percent match when it costs less than \$50,000 to clean up an illegal open dump. The Energy and Environment Cabinet may waive the 25 percent match on any individual illegal open dump costing more than \$50,000 to remediate.

The Division of Waste Management administers the Kentucky Pride Fund to clean up county dump sites. Funding for the program comes from a \$1.75 fee for each ton of garbage disposed of at Kentucky municipal solid waste disposal facilities. Previously, illegal open-dump cleanup in Kentucky was primarily funded by county and federal money.

► MARYLAND

As the Legislature begins its new session, county officials want a **reprieve from the barrage** of burdens imposed by the state government.

Several years of tough cuts in aid, offloading of state expenses and unfunded mandates have driven county officials to say "enough is enough," said Rick Pollitt, new president of the **MARYLAND ASSOCIATION OF COUNTIES** and the **WICOMICO COUNTY** executive.

The state has shifted half of its full funding to teacher pensions onto the counties, and reinforced requirements to maintain local funding for education. It also forced counties to impose new fees for storm-water management and restrict expansion of septic systems

that help fuel residential growth in some rural areas.

Marylandreporter.com said the most serious loss for many local jurisdictions has been the \$700 million cut to highway user revenues that were shifted into the general fund to bolster other programs, such as school aid.

► MICHIGAN

LIVINGSTON COUNTY drivers will see if bigger really is better when roads within its borders serve as a testing ground for an **elongated snowplow** capable of clearing two highway lanes at once.

The state Department of Transportation last week announced the patented Tow Plow will first be tested on Interstate 96 and U.S. 23 in January.

The first use of the \$93,000 plow will coincide with the next major snowfall, department spokeswoman Kari Arend said.

The snowplow can clear up to 25 feet of roadway—the width of two full highway lanes—in one pass. It is towed by a standard plow truck.

► NEW YORK

PUTNAM COUNTY officials have refused a local newspaper's request for the names and locations of **handgun permit holders** in the county.

The *Journal News* sought the information for an interactive map it published online Dec. 23 showing the names and addresses of persons holding gun permits. County Clerk Dennis Sant cited the safety of Putnam's citizens as his reason for not complying with the newspaper's freedom of information request.

A spokesman for the New York Secretary of State's Committee on Open Government said by statute, the county has no right to refuse the request, and there is no statutory penalty for failure to comply.

Sant said that with the information the newspaper published, someone could use online maps' "street view" features "and virtually be sitting on the front porch of a house reading the license plate of a car parked in the driveway."

County Executive Mary Ellen Odell called the newspaper's information request "reckless," adding "it puts every Putnam family at risk: people with legally registered guns as well as those who have chosen not to have a weapon in their house."

WESTCHESTER and **ROCKLAND** counties complied with the

request for the information, which is public record.

State gun-rights advocates have called for an advertising boycott of the newspaper until it takes the map and identities off its website.

► NORTH DAKOTA

CASS COUNTY plans to join with five neighboring counties to pursue state and federal grant funding. County commissioners recently approved a resolution to participate in an **economic development group** that would attract grants to a six-county region. **FULTON, MIAMI, HOWARD, TIPTON** and **CLINTON** counties are the other participants, the *Pharos-Tribune* reported.

Connie Neininger, president of Logansport-Cass County Economic Development Foundation said the group should be eligible for federal and state grants for things like infrastructure projects that they may not have received otherwise. "We realize we're not an island out here by ourselves," she said. "We can't stand alone."

The counties will have to spend money to make money, though; each will contribute funds to be used for activities such as grant writing.

OKLAHOMA

After years of public complaints, the **BRYAN COUNTY** Commission has filed a lawsuit against the state Department of Corrections (DOC) over the **per diem rates** paid to house state inmates in county jails.

The lawsuit asks an Oklahoma County judge to determine what should happen if the rate is too low to cover the cost of an inmate's incarceration in a county jail, according to the *Tulsa World*.

Statweide, the DOC has about 1,700 inmates in county jails awaiting transfer to state prisons, a nearly 300 percent increase over the last decade.

► OHIO

Five county governments and the city of Parma received a \$100,000 grant from the state to study how they might **share information-technology services**.

OneCommunity, a Cuyahoga County-based nonprofit, will conduct a study of how **CUYAHOGA, STARK, ERIE, MEDINA** and **TRUMBULL** counties, and the city could collaborate, the *Sun News* reported.

See NEWS FROM page 11

What's in a Seal?

► Oconee County, Ga.

www.oconeecounty.com



Watkinsville, named for Augusta attorney Robert Watkins, was established in 1801 as the county seat of Clarke County until Athens garnered that distinction in 1871. Outraged citizens of Watkinsville demanded a county of their own and a portion of Jackson County, ceded by the Cherokee nation to the state of Georgia, became Oconee County in 1875.

The name "Oconee" was taken from the Cherokee name of the river, which forms the county's eastern boundary. Oconee is an American Indian word for "spring of the hills."

The state of Georgia map is featured in the center of the seal, with a star indicating the location of Oconee County.

The feathers on each side of the seal acknowledge the two Indian tribes (Cherokee and Creek) that were present in the area prior to the white settlement.

The four stars on the right of the seal represent the four municipalities in the county: Bishop, Bogart, North High Shoals and Watkinsville. The four stars on the left are duplicated for symmetry.

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

The H.R. Doctor Is In

God Save the 'King'

Dr. Martin Luther King, Jr., would have been 84 years old this year. Were he still with us, he would have lived through decades of amazing technological changes, and continuing progress in America's quest to close gaps and narrow inequalities between races, between genders, between persons of different sexual orientations, and between persons of different language and national origins.

He would have seen tens of millions of immigrants continuing to come to America to realize their own versions of the American dream. How proud he would be attending the second Inauguration of Barack Obama — in person and in spirit. It's hard to even imagine how much more progress would have been made in creating a great and equitable society if he had been able to continue as a passionate advocate.

Conventional wisdom recounts that his great contribution to the world was in the advancement of civil rights through nonviolence. The



HR Doctor, however, will focus in this article on another lesson from Dr. King that all of us as managers and administrators, not to mention as parents, community members and friends, need to learn and practice every day. That is the importance of creating a vision and enlisting others to share in that vision to help make it a reality.

The greatest weakness in public service, in this writer's opinion, is the narrowness of our vision. We spend too much time counting paper clips and not enough time looking at the

long-range vision of what our city, county or community could be like. We focus on the memo of the day and not on the momentous changes which could happen in our world if we only created the opening in thought and action to make these changes happen. Dr. King was able to speak with amazing eloquence at what he saw in his own mind when he went to a metaphorical mountaintop and looked at the "promised land."

That land could be a county or a country in which all children had health care coverage. It could be a place in which senior citizens are not prevented from enjoying their final years in dignity because of the cost of prescription drugs, or the scourge of loneliness. It could be a society in which no one dropped out of school or in which the unemployment rate was statistically insignificant.

The only hope for visions like the ones above to become real is to create a vision of the future that is so compelling and so articulately

We spend too much time counting paper clips and not enough time looking at the long range vision of what our city, county, or community could be like.

presented that persons throughout the society agree to put aside lesser divisions to focus on a higher loyalty toward a common vision. We have done this historically in times of war, and we have done this historically in times of other national opportunities, such as the mass polio vaccination program of the 1950s. We do it every day in a sense in commercial America when we create cultural icons or heroes or products which sell in the millions. If only we could

do this in a "micro" way in terms of the way we live and practice public administration day-to-day.

The HR Doctor received a gift of the book, *If I Live to be 100...* by Neenah Ellis. What common characteristics do people with extraordinary longevity share? Based on the interviews in the book, the overriding common theme is not diet, occupation, genetics or fish oil. The common characteristic is optimism. This is also the endearing legacy of Dr. King. In his case, the optimism was focused on closing racial and economic divides.

However, his legacy can also be profoundly positive for us as individuals. It can mean a commitment to career development and personal growth on the job or it can mean looking at a vacant lot filled with litter and imagining a new senior citizen's health and recreation facility. It can mean a personal commitment to stop smoking, begin exercising or finish that college degree.

There is no end to the number of positive visions which can turn into reality if we learn to move with commitment and optimism to make the changes happen.

Here are several of the HR Doctor's favorites:

- Make a commitment as a manager or executive in government to be a mentor to subordinates at work and children in the community. Be a Big Brother or Big Sister or a high school mentor. Be a teacher and a champion of the career development and success of others.

- Find a teacher as well as being one. Commit to learn new skills. Learn to speak Spanish, Chinese or some other second language. Learn to take up hiking or photography, or one of the HR Doctor's favorites, music. Review the previous HR Doctor article "Learn as though you were going to live forever" to be reminded of the importance of this concept.

- Commit to personal health improvement by getting a check up and following through on actions to reduce health risks by regular exercise, weight loss, smoking cessation, and other steps to help you live longer and live happier. Do these things and do them soon.

- While you're at it, take someone with you such as a colleague at work or a member of the family. It is easier to succeed in a plan if you have support from an understanding friend.

- Make a major difference in the

Ticketing illegal parkers brings in \$5 million

NEWS FROM *from page 10*

Scot Rourke, president and CEO of OneCommunity, said an IT partnership would help the jurisdictions cut costs and operate more efficiently. The six governments would share financial, public safety, geographical and other types of information systems.

► SOUTH CAROLINA

A 10-year-old **RICHLAND COUNTY** Sheriff's Department program to catch people **illegally parked in handicap spaces** and ticket cars with expired tags has raised nearly \$5 million in revenue for the county.

The Handicap Parking Patrol's success caught even Sheriff Leon Lott by surprise. The bulk of the money has come from the program's expired tag enforcement, about \$4.8 million.

"It's been more successful than we ever thought," Lott told *The State* newspaper. When it began, he thought the largely volunteer-run program would net maybe \$100,000 a year.

Today, the program employs three part-time employees and 25 trained volunteers.

► TENNESSEE

WILLIAMSON COUNTY is considering using \$2.5 million

from its reserve fund to place **police officers in every school building**, including elementary schools. Sheriff Jeff Long had raised the issue in the past, but the Newtown, Conn. school shootings proved decisive.

County Mayor Rogers Anderson says he's not sure how the positions would be funded on an ongoing basis. It would require hiring 32 officers, *The Tennessean* reported. "If you all agree it's important, we have to figure out a way to fund it," Anderson told the county's budget committee.

Meanwhile, several state lawmakers plan to introduce bills to encourage school districts to place at least one armed police officer in every school.

► WEST VIRGINIA

The **KANAWHA COUNTY** Commission president and the county's top fire official are concerned about Columbia Gas Transmission's plans to restart a natural gas pipeline that exploded last month, the *Charleston Daily Mail* reported.

Commission President Kent Carper and Fire Coordinator C.W. Sigman are calling for strong safety measures by NiSource — Columbia's parent company — and the state Public Service Commission. "We escaped the other day, we don't want to push our luck," Sigman said.

Last month, a 20-inch gas pipe burst and ignited a blaze that damaged a segment of Interstate 77. No serious injuries were reported.

Carper and Sigman worry the company has other dangerous pipes still in the ground.

► WISCONSIN

DANE COUNTY Executive Joe Parisi wants the governor and State Legislature to provide more resources in the upcoming state budget to deal with staffing **shortages in the District Attorney's Office**.

"I have serious concerns that the ongoing decline in state resources for our hard-working men and women in the District Attorney's office will damage not only our system, but the entire state's criminal justice system," he said.

A recent report from the State Prosecutor's Office found that the Dane DA's office, with 25 assistant DAs on staff, is short by nearly 15 positions. It also noted that many areas have less than half the number of prosecutors they should have based on current caseloads.

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

• **Michael Belarmino**, associate legislative director, moderated a panel for the Joint Election Officials Liaison Committee meeting in Washington, D.C. Jan. 11. The panel, "Government Accountability Office: Completed and Coming Studies" focused on the work GAO is doing to examine election issues such as changes in state laws that could impact voter turnout.



Michael Belarmino

On the Move is compiled by Christopher Johnson.

Model Programs From the Nation's Counties

Montgomery County, Md.

Police Camp Helps At-risk Kids Resist Gang Recruitment

By CHARLIE BAN
STAFF WRITER

The nature of gang recruitment puts police at a disadvantage when they try to combat it.

For every hour children get to know police officers, they experience countless other hours in the grips of gang culture, especially if they have older siblings in gangs or are surrounded by gang members in their everyday lives. It can be so pervasive that what is otherwise a deviation from social norms can seem normal.

Though it is the 10th wealthiest county in the country — with a median household income of \$92,288 in 2011, according to the U.S. Census Bureau — Montgomery County, Md. sees significant gang activity on the lower end of the economic spectrum. County research indicates more than 1,000 youths belong to 35 gangs, primarily MS-13, the Bloods and Crips.

“There are areas that aren’t as affluent in Montgomery County, and that’s where a lot of gangs thrive,” said police officer Mike Prather. “They’ll prey on the kids with low self esteem because they’re missing something in their lives, whether it’s a family member or some of the material possessions that others



Montgomery County, Md.'s gang resource center

have. They look for young kids who really are missing the positive input and feedback from their families.”

Recruitment efforts typically capitalize on situations where a target’s family member dealt with the police in an enforcement situation, Prather said, creating a wedge between the child and law enforcement.

“They’ve had a disenchanting view of the police, so it’s easier to demonize them and convince them that a gang is who is really looking out for them,” he said. “It’s also easier when the target isn’t fully integrated into the community, doesn’t speak English for example. They try to create a family where they feel safe and don’t think twice about doing something illegal.”

With its Police Adventure Camp, however, the Montgomery County Police Department is trying to arm



Photo courtesy of the Montgomery County, Md. Police Department

Students from Viers Mill Elementary School in Montgomery County, Md. show off the artwork they created at the Police Adventure Camp.

at-risk youths against the overtures gangs will make to them. The key, Prather said, is giving children at-risk of being recruited to gangs a sense of respect for others and a realistic picture of how gangs work.

The camp started as an assembly for outgoing fifth graders at an

elementary school in Silver Spring, at the principal’s request, in 2008. The gang unit identified the school as a potential grooming ground for young gang members, based on the number of students’ older siblings’ gang membership and gang activity in the area. After the one-hour program held the audience’s attention, the school administration asked for more programming, which would focus more directly on students at-risk for recruitment.

Starting in 2009, outgoing third-, fourth- and fifth-graders were included for a five-day camp in June that ends with a bicycle rodeo on Saturday. The camp consists of arts and crafts, sports and educational activities. Administrators choose 30 students a year for the camp, which is free.

The activities help build campers’ self esteem, giving them the confidence to reject the gang’s manipulation. The educational component describes in detail how gangs conflict with the rest of society, and how their activities break laws and put communities at risk.

“We play ball, paint pictures, get to know the kids and get them to know us,” Prather said. “That way, when someone they talk to says something about the police, they know enough to say, ‘I know Officer Mike; he’s trying to help.’”

Local restaurants donate food for the campers, and other businesses donate money for supplies, all of which can total nearly \$3,000 in in-kind support.

In the camp’s four years, teachers and administrators have noted an increasing respect for authority at the school, but individual students have shown dramatic improvement.

“One camper played some sports and did okay in school,” Prather said. “The year after he went to camp, he started playing soccer seriously, joined the band and his grades improved tremendously. This was not a kid any gang member would want to try to recruit — he has too much good going for him.”

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

Narrow visions limit the potential for greatness in government service

HR DOC from page 11

community. Be the catalyst to turn that vacant lot into a senior health center. Be a United Way champion. Be a go-to person for charities so that your own reputation is enhanced and your own leadership skills are developed. What better way to improve these personal elements in your life than by also helping other people on the way. There are no shortages of charities in the neighborhood, in the county, or in the world that need your help.

• Spend time with people you care about, including private time with yourself away from the excessive intrusions of the modern world. The late HR Dog Kamala and I used to make time almost every morning for this purpose by taking walks together.

It’s harder and harder to find privacy, meditation — call it what you will — but the more our lives are intruded upon by cell phones, horns honking, telemarketers, loud neighbors, etc., the more we lose some part of the essence of our individuality.

• Spend more time away from the television and away from the computer to pursue some personal passion.

• Plan ahead for what your own life may be like after retirement. Invest energy in not only saving for financial security but also taking steps to increase your long-term “intellectual security” as well.

• Think about things like where and when you might retire, and what active steps, including other employment, you will take to keep alert, alive and contributing.

Do all these things and you will have a significant set of New Year’s Resolutions. You will also be walking in the pathway of Dr. King. Each of us individually can make the choice of whether to live our lives surrounded by large piles of paper clips or surrounded by a legacy that will make our children look back at us and say that we stood for something wonderful.

The HR Doctor wishes Dr. King a very happy birthday and hopes that you will spend some time reliving the great “I Have A Dream” speech and remembering the power of those words.

Phil Rosenberg
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