

NACo National Association of Counties

CountyNews

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Supreme Court prison ruling puts Calif. counties in a cage

By CHARLIE BAN
STAFF WRITER

Thousands in the California penal system don't have to go home, but they can't stay in prison.

That rude awakening came from the U.S. Supreme Court, which mandated a two-year process for the state to dramatically reduce its prisons' inmate

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QuickTakes

Top 5 Clean Energy States

Based on Clean Energy Use and Policy

1. California
2. Oregon
3. Massachusetts
4. New York
5. Colorado

Source: Clean Edge 2011

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Photo by Charles Taylor

WIR's new leadership team pauses for a group photo at the Convention Center in Wenatchee, Wash. New president Ron Walter, commissioner Chelan County, Wash. (second from left), is pictured with (l-r) Mike Murray, Lewis and Clark County, Mont., immediate past president; Jerome Selby, Kodiak Island Borough, Alaska, 1st vice president; and John Martin, Garfield County, Colo., who was elected 2nd vice president at the conference May 20.

D.C. budget fight casts long shadow to WIR conference in 'other' Washington

By CHARLES TAYLOR
SENIOR STAFF WRITER

In his home county, Ron Walter, Chelan County, Wash. commissioner, took the reins of NACo's Western Interstate Region (WIR) on the final day of WIR's 2011 conference.

"I think that the counties have a very, very critical role in where this nation goes in the future — because we are, I think, truly at

a crossroads," Walter said in his first remarks as WIR president at the officers' installation luncheon May 20. Garfield County, Colo. Commissioner John Martin was elected second vice president at the conference in Wenatchee in central Washington, about 96 miles as the crow flies east of Seattle.

Rounding out WIR's 2011–2012 executive committee are Jerome Selby, first vice president and mayor, Kodiak Island Borough, Alaska,

and Mike Murray, immediate past president and commissioner, Lewis and Clark County, Mont. The NACo Board of Directors also met during the conference (see related story on this page).

One of WIR's main focuses is issues held in common by states with vast amounts of federally owned land. This year, those issues emerged against a backdrop of a

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NACo Board freezes dues for 2012

By TOM GOODMAN
PUBLIC AFFAIRS DIRECTOR

The NACo Board of Directors, meeting at the Western Interstate Region Conference in Chelan County, Wash. on May 19, approved a dues freeze for 2012, was briefed on a membership survey, received an update on the strategic plan and elected a new member of the Audit Committee.

Understanding the budget and economic problems that counties are facing, the NACo Board voted to keep dues for 2012 at the current level. The dues freeze was recommended by the Finance Committee. It will be the fifth year that dues have not increased. In addition, NACo, which bases its dues on population, uses 1995 Census numbers to calculate dues amounts.

Sam Fulton, Vernon Parish, La. police juror, was elected to fill an unexpired term on the Audit Committee, a committee of the Board that reviews NACo's finances and makes recommendations to the Board. Fulton replaces Commissioner John

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Analysis

'Waters of the U.S.' guidance: impact on counties, tips on responding

By JULIE UFFNER

ASSOCIATE LEGISLATIVE DIRECTOR

The "waters of the U.S." draft guidance was released by EPA and the Army Corps of Engineers (Corps) on May 2. Comments on the draft are due no later than July 1.

According to the EPA-Corps documentation, the guidance will broaden the extent of waters under federal jurisdiction. These new determinations will have consequences for states, tribal and local government, and private parties.

If an area is classified as "waters of the U.S." it is under federal jurisdiction. Within the context of the Clean Water Act (CWA) section 404-permit program, that means the owner or operator of a "waters of the U.S." site will have to obtain federal permits before doing routine maintenance, upgrades, mitigation or improvements.

The new definitions will impact all CWA programs, including Section 404, the Corps dredge and fill permit program; Section 402 National Pollutant Discharge Elimination System (NPDES) permit program,

and Section 303, the water quality standards and total maximum daily load programs.

Each jurisdictional determination will be made on a case-by-case basis using applicable statutes, regulations and case law.

While the federal government oversees "waters of the U.S." projects, the federal government does not provide money for complying with the federal requirements. Additionally, many counties experience delays in the 404-permit process that are both time consuming and costly. It is likely that a large swath of ditches and similar type conveyances will be regulated under this guidance as "waters of the U.S."

Tips on Responding

Since the proposed guidance, as written, could have a significant and costly impact on counties, it is very important that counties take the time to read and respond to the proposal. To help the process, here are some questions to ask as you read the guidance and prepare your comments.

• Tributary Definition — A



tributary (i.e. manmade or natural ditch, channel, culvert) is jurisdictional if it has a bed, bank and an ordinary high water mark (OHWM). Tributaries that have been channelized by being lined with concrete are still considered tributaries.

Is this a good way to determine jurisdiction? What tributaries in your county would be considered "jurisdictional" that are not jurisdictional now?

Consider explaining the current jurisdictional permit process for your county—what happens when a ditch is jurisdictional? What are some of

the special conditions attached to the permit?

• Interstate Water Definition —

The term interstate waters is defined for the first time as "other waters that flow across, or form a part of, state boundaries, even if such waters are not traditional navigable waters."

Jurisdiction would extend upstream and downstream and include tributaries and adjacent wetlands of those waters. As long as the tributaries meet the bed-bank-OHWM criteria and flow into jurisdictional interstate waters, regardless of distance, they will be regulated. In other

words, ditches of ditches can and may be regulated if a connection to a jurisdictional waterway is shown. This means a number of traditional intrastate waters could be regulated as "waters of the U.S." under this definition.

• **Significant Nexus Determination** — Jurisdictional waters must have a significant nexus, connection to navigable or interstate waters. A significant nexus is defined as waterways that "either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of traditional navigable or interstate waters." In other words, if ditch water affects biological, hydrological, habitat of species, etc., it can be regulated under the significant nexus determination.

The significant nexus determination requires case-specific determinations. This definition uses the watershed approach to determine jurisdiction — if one similarly situated water (ditch) is jurisdictional, it is likely that a similar feature in the same watershed will also be

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Letter to the Editor

Pulaski County, Va. thanks local governments

The Pulaski County (Va.) Board of Supervisors extends its deepest appreciation for the volunteer and financial support of local governments throughout the U.S. and residents throughout the Commonwealth of Virginia as we work to recover from the effects of the April 8th tornados.

We have been humbled and honored by the outpouring of assistance offered by other local governments, by the vol-

unteers from each of your communities and by the financial contribution (over \$265,000 as of May 23) received to-date from throughout the state. We have a long way to go in restoring what had been some of the most affordable housing in our region and most importantly in rebuilding the lives of residents affected by the storms.

We thank you for what you have done as we continue to rebuild.

Pulaski County, Va.
Board of Supervisors
Joseph Sheffey, Chair

Bill seeks national standard to tax digital goods, services

By MIKE BELARMINO

ASSOCIATE LEGISLATIVE DIRECTOR

Once again state and local taxes come under scrutiny while the current state of fiscal stress continues to take its toll.

The House Subcommittee on Courts, Commercial and Administrative Law held a hearing May 23 on H.R. 1860, the "Digital Goods and Services Tax Fairness Act of 2011."

The portion of the national economy this bill focuses on — digital books, songs, ringtones and video games — is rapidly growing and is arguably ahead of tax law. Therefore, proponents of the legislation assert that a national, uniform solution is necessary to help modernize tax systems across the country to address the complexities that the world of digital commerce presents.

These complexities, proponents add, allow for multiple and discriminatory taxes on digital goods and digital services.

Co-sponsored in the House by Judiciary Committee Chairman Lamar Smith (R-Texas) and Rep. Steve Cohen (D-Tenn.), H.R. 1860 seeks to establish a uniform tax

framework by ensuring that digital goods are not taxed at a higher rate than their tangible counterparts.

The bill, in most cases, also provides that only the state and local jurisdiction that encompasses the customer's tax address may impose taxes on the sale of digital goods or digital services: a provision deemed necessary to reduce or eliminate the risk that multiple states and localities will claim authority to tax the same digital transaction, as feared by Sen. Ron Wyden (D-Ore.) who co-sponsored companion legislation in the Senate with Sen. John Thune (R-S.D.).

Russ Brubaker, tax policy advisor for the Washington State Department of Revenue, testified on behalf of the Federation of State Tax Administrators and was one of the few voices at the hearing opposing the bill. Brubaker characterized the bill as a solution in search of a problem. Because there is little evidence to show that the digital goods and digital services industry is suffering from multiple and discriminatory taxes. Additionally, he noted that passing legislation such as H.R. 1860 would significantly impact local

businesses by creating preferential treatment under the tax code for certain businesses and industries.

Although NACo does not have policy specific to the treatment of digital goods for tax purposes, H.R. 1860 is not going unnoticed. In general, NACo has monitored and will continue to monitor such legislation since it fundamentally brings into question the role of state and local governments in the decision-making process as it relates to their taxing authority.

"But from a big-picture perspective, the fact remains that the taxation of Internet commerce and what falls under it such as digital goods, digital services, and even telecommunications services has developed much faster than state or local tax law," said Jeff Arnold, NACo deputy legislative director.

"In most jurisdictions, the tax codes substantially predate the technology that exists now. Therefore, whether state and local governments are ready to engage, this is a conversation whose time seems to have come and could prove to be a defining moment as we move further into the digital age."

In Case You Missed It ...

News to Use from Past County News

► NACo Election Credentials due Friday, July 1

Credentials and voting information for NACo's 2011 election were mailed May 19 to the chief elected official of every member county. To vote, a county must have its 2011 dues paid, have at least one paid registration to the Annual Conference in Multnomah County (Portland), Ore. and have proper credentials.

For more information and to get the proper forms, contact Ilene Manster, membership coordinator, at imanster@naco.org or 202.942.4291.

Segways increasingly figure into county park pictures

By CHARLIE BAN
STAFF WRITER

Segways elicited a laugh when they first hit the scene, but county officials are taking them seriously now.

They are motorized personal transport vehicles, maneuvered by riders who stand upright and direct the device by shifting body weight forward or backward. Tour groups in cities and an increasing number of police departments are using them to accelerate foot travel. Their place in county parks, however, is still shaping up.

In Colorado's Pitkin and Eagle counties, the Roaring Fork Transportation Authority recently approved them for use on the Rio Grande Trail.

RATFA Facilities Manager Mike Hermes was worried when the U.S. Department of Justice released new Americans with Disabilities Act revisions that he thought could change the character of the authority's flagship pedestrian trail.

"The regulations are so broad, you could essentially jump in a pickup truck and drive on a trail if

you have a disability," he said. "We had to be sure to be very specific as to what was allowable and the answer was the Segway."

The Rio Grande Trail is a 44-mile rails-to-trails trail, mostly paved, from which dozens of other trails branch. Hermes said the trail gets between 75,000 to 85,000 users each year.

"It's the highway of bike trails in the area," Hermes said. "That how you get to every other trail in the region, and allowing motorized vehicles would change its character."

The authority assessed the trail to determine which motorized vehicles would work with walkers, bicyclists and runners. The answer was Segways and certain motorized bikes. Those vehicles are only allowed to be operated by people with mobility impairments, and Hermes said the authority would likely require users to display a placard



Counties don't rush to allow Segway use in parks, but new Americans with Disabilities Act regulations forced them to make exceptions.

issued by the state, similar to a pass for accessible parking spaces.

"Every town and county has to look at [this issue]," he said. "If they haven't, they're behind the curve."

Manatee County is one of

several in Florida in which Segway tour operators are trying to get a foothold. Commissioner Joe McClash said the devices' nature conflicts with that of the beaches and preserves in question.

"Our parks and preserves are natural areas where activity is passive," he said. "Allowing a motorized vehicle would take away from their character, if even on the periphery."

The paved path along the back of the beach, which the operators propose to use for their tours is also a route popular with children, McClash said, adding that the noise would add to the disruption.

The county's current policy forbids any motorized vehicles on the beach, so before the County Commission can consider proposals from Segway tour operators, it must first amend a policy to allow them, which it will begin debating soon. The current policy does, however, allow people with mobility disabilities to use Segways on the beach.

"I can't imagine a person with a mobility disability choosing a Segway," McClash said.

Bringing out the 'B.E.S.T.' in students

By CHRISTOPHER JOHNSON
EDITORIAL ASSISTANT

When it comes to knowing how county government works, teenagers are usually the last ones to care. In Dawson County, Ga. they want to change that.

In 2008, Dawson County officials launched an initiative called In Touch With Your Dawson County Government, a program that sought to better connect citizens with their elected and career officials. It didn't take long for officials to realize one group was not as engaged as it should have been.

"We tried to put something in for all age groups, but we really didn't have anything targeted toward high school students," said Cathy Brooks, director, Dawson County's Office of Government and Community Affairs. "We noticed there was a gap, and this is the next group of citizens we hope would be influential in running things." The county of 22,500 is located about 60 miles north of Atlanta.

The vision of County Manager Mike Berg, B.E.S.T. (Building Educated Students for Tomorrow) began with elected officials and department heads visiting classrooms to explain how county services work and to get teens into courtrooms and jails on field trips for firsthand experiences observing government in action.

"We do have some pretty dry topics, but doing hands-on activities

helps keep students interested," Brooks added. "We hold mock elections, and students are able to run for the office of their choice."

One girl ran for sheriff with her slogan as "I'm Not Going to Take Any Crap Anymore." She won.

Berg taught two of the local government civics lessons and discovered the teens started slowly, then latched on to their subject.

"I was surprised about how little they knew about local government," Berg said. "They seemed to understand who the president was, but past that was kind of fuzzy, and the more local it got the fuzzier it was. I was equally surprised at how quickly they picked it up."

Students conduct mock arraignments, discuss community needs, make suggestions on infrastructure improvements and are set to watch a real trial this year. They also take field trips to a fire station and operate the Jaws of Life hydraulic equipment used to extract crash victims from their vehicles, and learn the legal intricacies of zoning issues.

The classes and field trips are conducted over 25 days, and Berg hopes the students will one day be motivated to run for office themselves.

"If you look across the landscape of Georgia, local government is an aged government," he said. "There are very few young people that aspire to county government, and that needs to change. B.E.S.T. is one of the things we can do to try to



Photo Courtesy of Meredith Williams

Dawson County Firefighter/Paramedic Dennis Anderson prepares a B.E.S.T. student for his first exercise in vehicle extrication.

get their interest up in being a part of giving back to the community." The B.E.S.T. program carries very little cost, according to Berg, and can easily be replicated.

Dawson County was one of six counties to receive the County Excellence Award, given out by the Association of County Commissioners of Georgia (ACCG) and

Georgia Trend magazine.

"Being recognized is reward alone. It takes a commitment of every department (county government staff and schools) to make this program successful," Brooks added.

For more information on this program, email Cathy Brooks at cbrooks@dawsoncounty.org or visit www.dawsoncounty.org.

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Howard County, Md. leads effort to create health care co-op

By CHARLES TAYLOR
SENIOR STAFF WRITER

Howard County, Md. might seem an unlikely place to focus much on health care for the working class. It consistently ranks among America's wealthiest counties—No. 3 this year on *Forbes'* list of America's Richest Counties.

"Even in a county like Howard County, we still have tens of thousands of people without health insurance, and that's not acceptable," County Executive Ken Ulman said. "Frankly, because of our blessings, we have the ability to be more proactive than most places do."

Pursuing a passion for "health care for all," Peter Beilenson, M.D., the county's health officer, is leading an effort called The Evergreen Project to create a new health care cooperative plan with a network of statewide clinics. The co-op would

compete with qualified commercial health insurance plans on the new health insurance exchange Maryland is setting up under the federal Patient Protection and Affordable Care Act (ACA).

Section 1322 of the health reform law enables the creation of Consumer Owned and Oriented Plans—co-ops. The ACA encourages that co-ops be statewide or in geographic regions throughout the country.

Under The Evergreen Project, the co-op would comprise a network of neighborhood clinics staffed by "teamlets," including a primary care physician, a nurse, a health coach or social worker, and a front office liaison who is ideally from the community served. Beilenson said about a dozen states have similar efforts underway, but he believes Maryland is further in its development.

Co-ops would be self-governed by an elected board, but operate within

the health reform exchange, under the same rules and regulations for minimum benefits, actuarially equivalent packages and reserve funds.

The Evergreen Project is currently studying the feasibility of launching a co-op plan in Maryland designed for households with family incomes of between 133 percent and 400 percent of the Federal Poverty Level (a family of four earning \$28,000 to \$88,000 annually).

Families in this range will be eligible for federal health insurance premium subsidies under health exchanges per the ACA, but many are still likely to find the cost too high, Beilenson said.

"The bottom line is that even after the market leverage of being on the exchange and the subsidies, a typical family of four making 300 percent of poverty—\$66,000 a year, after taxes—will still be paying at least \$7,000, probably more, for

their health insurance, despite the benefits of the health reform bill," he said. "We think that's going to be very, very difficult for most people to do." And under the ACA, those who do not pay for health insurance will incur a penalty on their federal income taxes of more than \$2,000.

Beilenson said The Evergreen Project co-op will be designed and managed so that premiums, after subsidies, will be 20 percent to 30 percent less than alternative plans. To accomplish this, the co-op plan has "three pillars," as follows:

- **A primary "medical home"** — where the health care provider coordinates all of a patient's medical needs, knows all treatments and medications a patient is receiving and knows of the patient's life circumstances. This would enable more personalized patient care and reduce costs by coordinating care outside the medical home.

- **Payment reform** — scrapping the fee-for-service payment model. Beilenson said the alternative is to pay physicians a salary and bundle payments to hospitals, wherein they would be paid a set amount for caring for a patient with a given condition.

- **Evidence-based medicine** — Most physicians have little to no idea how much the medications, procedures and tests they prescribe or conduct cost the patient, Beilenson said. Using evidence-based medicine means the best science on what treatments are most effective and least expensive would be readily available to all providers, so that the patient receives high-quality affordable care.

"We've spent a little bit over a year of planning," he said. "We have an investment team, a marketing team, an operations, information technology and electronic medical records

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New president: WIR can help redefine the role of government

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federal government struggling to balance its budget and reduce its structural deficit.

"We're at a point where this nation is really having to decide what is the role of government; what's our government going to look like—at the state, at the national and at the local level?" Walter said. "And I think we have the opportunity to move that decision along."

During the conference, May 18–20, delegates heard from a roster of speakers that included William Ruckelshaus, founding and two-time administrator of the U.S. Environmental Protection Agency, who spoke about the changes in the

agency and environmentalism over the agency's first 41 years—and continuing its mission in an era of diminishing federal resources. He was EPA's first administrator under President Nixon and its fifth head under President Reagan.

In today's politically polarized environment, creating an agency such as EPA—or the laws it enforces—would be virtually impossible, Ruckelshaus hinted. When Congress passed the Clean Air Act in 1970, the Senate vote was 73–0, and the House approved it 393–1, he said.

"That is unheard of today to have those kinds of unanimity underscoring any law," he said. "The biggest difference between EPA today and in 1970 is public opinion. The public in the late '60s was deeply concerned about what we then referred to as 'smell, touch and feel pollution.'"

He called President Nixon, who created EPA, a "reluctant environmental lawyer" who bowed to public opinion because "the public was so insistent" during a time of great social activism.

Forty-one years on, the public outcry is more muted, but Ruckelshaus said: "We have old problems that we've not yet brought under control." From Puget Sound to the Chesapeake Bay, today 85 percent of water pollution stems from non-point sources, such as runoff from developed areas, farms, and overflows from combined storm water and sanitary sewer systems. Forty-one years ago, 85 percent



Photos by Charles Taylor

Tim Josi (l), Tillamook County, Ore. commissioner, receives this year's Dale Sowards Award at WIR from 2010 WIR President Mike Murray.

came from factories and industrial operations, or point sources, he said.

"In the environment, the American people are ideological liberals and operational conservatives. In the abstract, they're all for clean water and clean air, and anything it takes to do it, just do it," Ruckelshaus said. "But then they find out that the application of the law sometimes affects them, and they say, 'Wait a minute; that's not what I had in mind. What I had in mind was the other guy.'"

Brian Baird, a former six-term congressman from Washington's 3rd District who retired from Congress last year, espoused the need for seeking consensus in the "other Washington"—D.C. A clinical

psychologist, the self-described "centrist" Democrat spoke at length about the need for politicians on both sides of the aisle to make compromises to balance the federal budget and cut the deficit—and "set aside our absolute, we-will-not-waver positions." He echoed some of the themes Ruckelshaus outlined.

"The Democrats for their part have not wanted to seriously address entitlement spending. The Republicans have not wanted to address revenue increases. And both are necessary," added Baird, who recently self-published a book, "Character, Politics and Responsibility: Restarting the Heart of the American Republic"—which proposes solutions to breaking the

political logjam in Washington.

Among other speakers were David Patte, assistant regional director for external affairs, U.S. Fish and Wildlife Service; Betsy Markey, assistant secretary, U.S. Department of Homeland Security, Office of Intergovernmental Affairs; and Jay Manning, chief of staff for Gov. Chris Gregoire, who was unable to attend due to a special session of the State Legislature in Olympia.

Workshop sessions covered topics such as Challenges of Integrating Alternative Energy Sources into the Existing Power Grid and Local Challenges from Endangered Species Act Listings. Another session explored whether performance measures can make county services more efficient, effective and economical.

Tim Josi, a WIR past president, was this year's recipient of the Dale Sowards Award, which is customarily announced at the conference. The award honors individuals who demonstrate outstanding service to public lands counties and draws attention to their accomplishments and the public policies they represent.

It was named after the late Dale Sowards, a former Conejos County, Colo. commissioner, who was instrumental in the creation of WIR and was a tireless advocate for public lands counties.

Next year's conference will be held May 16–18, 2012 Santa Fe County (Santa Fe), N.M. In 2013, WIR will meet May 22–24 in Coconino County (Flagstaff), Ariz.



William Ruckelshaus, EPA's first administrator, reviews the agency's 41-year history.

County jails could house up to 34,000 state prisoners by 2013

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population when it affirmed *Brown v. Plata* in late May.

As it stands, almost 34,000 prisoners will have to leave the state's 33 prisons by June 30, 2013. A State Assembly bill proposes to send non-violent, non-sexual offenders back to their county of origin, though the lack of a funding mechanism has stalled it. In the end, though, San Diego County Supervisor Greg Cox said the crisis could end up being an opportunity to improve the jail-diversion system.

"Counties in California are much more inventive and creative and can probably provide these programs at a more efficient cost than the state," he said. "We won't have the same strings attached to federal and state funding, and will have more freedom to look at different options."

Santa Clara County Supervisor Liz Kniss, a NACo Large Urban County Caucus vice-chairwoman, agreed, with the caveat that the counties must be properly funded.

"If the money follows the inmates, I think counties are ready. If it doesn't then I think we'll have lawsuits again," she said.

The Supreme Court ruling allowed for a possible three-year extension on the two-year time frame. The ruling did not, however, provide any other schedule framework.

The State Assembly bill said that could include home detention or probation, sentence reduction or work furloughs.

Brown v. Plata held that overcrowding in the state's prison system was unconstitutional, and Cox said even if the requisite number of prisoners are transferred, the system would still be operating at 137 percent of capacity.

Cox is co-chairman of the California State Association of Counties' Realignment Working Group, along with co-chairwoman and NACo Past President Valerie Brown, Sonoma County supervisor.

While the case worked its way through the courts, the state exported 10,088 prisoners to out-of-state facilities.

"It can be a growth industry for other states, at least," Cox said.

CSAC Executive Director Paul McIntosh said the partnership with the state has been unusually successful.

"If the state's county jails had to absorb more than 33,000 prisoners, the impact will be fairly dramatic and devastating, but Gov. (Jerry) Brown has been very committed to working with counties to make

sure we can make this transition effectively and safely," he said. "The state certainly isn't going to just release tens of thousands of prisoners or do so in a way that would devastate counties."

How the counties will be compensated is up for debate. Five years ago, the state passed a one-cent sales tax to help balance the budget and

a half-percent vehicle licensing fee, both of which are scheduled to end soon. The governor proposes renewing both to help counties manage the prisoners.

"The funding would be used to strengthen counties' diversion programs, not incarcerate the prisoners," McIntosh said. "When the prison populations come back to

the counties, we'll have programs to move [it] into.

Kniss said Santa Clara County has a variety of programs that are not mandated, which she said have reduced recidivism, including job training, anger management and a type of a boot camp.

As for stemming the supply of new prisoners, Kniss thinks repealing

the state's Three Strikes law, which sends third-time offenders to prison, would be a good start.

"We didn't have this kind of overcrowding before," she said. "I don't see the law going anywhere, but it's certainly one of the reasons we have so many people in prison, often for crimes that don't warrant incarceration."

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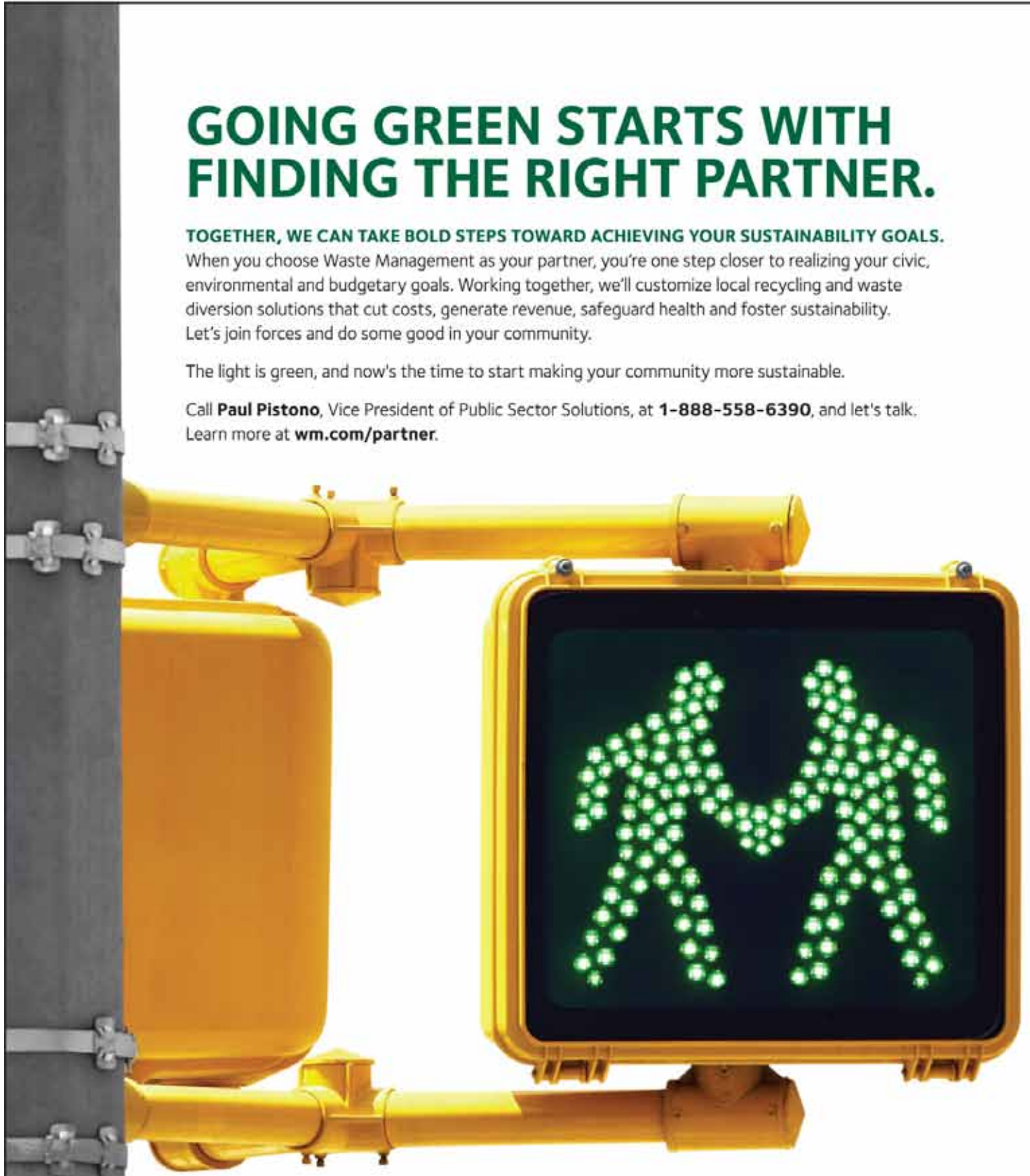
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THINK GREEN.®



NACo's financial position strong in first quarter of 2011

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Ellison from Elko County, Nev. who successfully ran for state office in 2010. Fulton's term runs until July 2012.

As part of NACo's 2011 Strategic Plan, a Membership Survey was conducted in March. One question asked respondents how satisfied overall are they with NACo membership. Nearly 58 percent said they are extremely satisfied or somewhat satisfied. This number is down slightly compared to results in previous years. Thirty-seven percent also chose a neutral position on membership satisfaction. (See side story below.)

Bill Cramer, NACo marketing director, said the results may have been influenced by the large increase of county officials and staff who are fairly new to the association. Fifty-six percent of the respondents had never participated in a NACo member satisfaction survey, and 85 percent are not members of committees, task forces or advisory groups, slightly more than previous surveys.

Cramer said these numbers could cause neutral positions and "Don't Know" responses to other questions, and further review of the results will determine how best to keep members informed about the services NACo provides.

NACo also conducted three focus groups at the Legislative Conference in March. The findings from the focus groups and the results of the survey will provide data for NACo to develop future marketing initiatives.

The Board also received an update on the NACo Strategic Plan: Proposed Goals and Objectives for 2011 and Beyond, adopted in December 2010. The plan has eight goals with a number of action items in each that address these challenges. The goals are:

- increase member engagement
- better demonstrate NACo's value to members
- further engage the corporate community in NACo and county programs
- implement changes and new ideas to improve future NACo conferences
- transition NACo to a more digital organization
- develop value-added, new programs and services
- increase public awareness and understanding about counties, and
- further stimulate staff engagement to better serve members.

NACo Chief Financial Officer Dave Keen provided the Board with a financial report for the first quarter of the fiscal year, which runs on the calendar year. Keen said NACo is

in a strong financial position with net assets of more than \$30 million.

Keen said the 2011 budget was created using conservative revenue assumptions. Membership dues were projected to decline for the second year in a row, but the decline will be more than offset by the new member program sponsorship from CVS Caremark. In addition, the net income from the U.S. Communities program is budgeted to decline slightly from the 2010 levels due to the change in office supply vendor contracts. Based on the first quarter's financial activity, NACo is forecasting a net operating income of \$308,649, which is \$40,838 greater than budgeted.

Significant factors related to the financial forecast include:

- The Financial Services Center will transition to a new managing director during 2011; the incumbent, Steve Swendiman, has announced his retirement effective Dec. 31. In order to ensure a smooth transition, his replacement will be hired with an effective date of Aug. 1. The additional costs associated with the



Photo by Charles Taylor

A show of hands by NACo Board members gives overwhelming support to Sam Fulton, Vernon Parish, La., to fill a vacancy on the Audit Committee.

transition will be offset by a higher than expected revenue from the U.S. Communities cooperative purchasing program during the 2010 fourth quarter.

- Membership dues revenue is projected to be higher than budget by \$20,000 based on an increase in

the premier dues rate from \$20,000 to \$25,000 and a net increase of one new Premier member.

- Conference and meetings net revenue is projected to be slightly above the budget; however, that may change depending registration for the Annual Conference. Overall

attendance at the Legislative Conference was down 3.1 percent from 2010, which resulted in registration revenue that was \$22,591 lower than budgeted. The lower registration revenue was offset by sponsorship revenue that was \$41,500 greater than budgeted.

More 2011 membership survey results

The Membership Survey was conducted as a benchmarking survey to measure members' needs, perceptions and level of satisfaction with benefits, programs, services and communications. The electronic survey was sent to 38,889 members. More than 5,600 responded, yielding an 15 percent response rate. Thirty-two questions were benchmarking questions from a survey in 2009, and 28 questions from a survey in 2005.

The survey showed that the top 10 programs and services rated extremely or somewhat valuable were: NACo's website, Legislative Bulletin, *County News*, NACo e-News, Advocacy Efforts, Education Workshops, Conferences, Webinars, Research/Publications and Public Awareness Campaigns.

Legislative activities dominated the respondents' views regarding overall membership satisfaction. "NACo's legislative presence" was rated extremely or somewhat valuable by 80 percent of the respondents. Nearly 78 percent said "Understanding the legislative victories NACo secures" was extremely or somewhat valuable.

The survey asked respondents to indicate their level of agreement with certain statements. These results were from respondents that strongly agree or agree.

- 65 percent said "NACo un-

derstands the key issues facing counties."

- 51 percent said "NACo dues are a good investment."
- 51 percent said "NACo is effective in addressing the key issues facing counties."
- 33 percent said "I am well informed about the various programs NACo offers."

In nearly every case, the percentages of respondents that strongly agree or agree with the statements were several percentage points lower than in previous surveys.

Regarding specific legislative issues, the survey asked respondents to assess how important it is that NACo focuses on them. The issues that were ranked in the top five were consistent with the 2009 and 2005 surveys: economic development, criminal justice and public safety, and taxation. Unfunded mandates appeared in the top five in 2011 and 2005. Emergency management was rated in the top five in 2009 and 2005.

There were 17 legislative issues to choose from in the 2011 survey. The top five most important issues in 2011 were economic development, criminal justice and public safety, unfunded mandates, taxation, and transportation and infrastructure.

Respondents were also asked to judge NACo's effectiveness in dealing with legislative issues. The

survey showed that county officials and staff believe that NACo is effective in dealing with the top five issues. The percentages relate to those who feel that NACo is extremely or somewhat effective in dealing with these issues.

- Economic development, 89 percent;
- Criminal justice and public safety, 93 percent;
- Unfunded mandates, 84 percent;
- Taxation, 86 percent; and
- Transportation and infrastructure, 88 percent.

It is important to note that on average 44 percent of the 2011 survey respondents selected "Don't Know" and were not able to rate NACo's effectiveness on legislative issues.

The survey asked about conferences — reasons for attending and satisfaction with NACo meetings. The primary reasons for attending conferences were networking with other county officials, 28 percent; learning effective practices of other counties, 28 percent; helping shape NACo policy, 17 percent; and education programs and speakers, 16 percent.

Nearly 68 percent said they were extremely or somewhat satisfied with conferences. Nearly 22 percent said they were somewhat or extremely dissatisfied.

Assessing communication to

members was a significant part of the survey. Those respondents who regularly, often or occasionally visit the website ranked it high as an effective service. The top five reasons they come to the website are to get general information (57 percent); publications (54 percent); legislative information (53 percent); information on conferences (38 percent); and information about grants (33 percent).

Respondents who do not use the NACo website cited two primary reasons why they do not visit the site. Thirty-five percent said they are unaware of the resources available, and 31 percent said they get the information they need from other sites.

NACo is considering transitioning *County News* — NACo's printed and mailed newspaper — to an electronic publication. Asked how they would prefer to receive *County News*, 63 percent said they would prefer to receive it electronically; 22 percent said they would prefer it in print; and 15 percent said they would prefer it both in print and electronically.

Most the respondents (79 percent) have been involved in county government for more than six years. Most (85 percent) are older than 46 and they are from rural (55 percent) or rural and suburban (24 percent) counties.

Counties honored for Web 2.0 innovations

By CHARLES TAYLOR

SENIOR STAFF WRITER

AND CHRISTOPHER JOHNSON

EDITORIAL ASSISTANT

Miami-Dade County, Fla. has an “idea machine,” and residents keep it well oiled by submitting online suggestions for improving government.

Idea Machine began as a portal for county employees, but in 2010 morphed into MyGovIdea, an initiative that takes ideas from residents and vets their feasibility in an online “public square.”

In its first year, the portal saved county departments almost \$1.2 million through implementation of 85 ideas.

The effort is one of five county programs recently honored by the Public Technology Institute (PTI) as U.S. leaders in the innovative application of Web 2.0 technologies — and civic and social media tools — to achieve impressive results in citizen engagement,



Public Technology Institute

government accountability and operational efficiencies.

Loosely defined, Web 2.0 is a site that “does something unique, practical, and powerful while creating a social connection,” according to *Computerworld* blogger John Brandon.

In all, 17 states, counties and cities were recognized in this, the first year of the awards. Other county winners were Pinellas County, Fla., Montgomery County, Md., Fairfax County, Va. and the city

and County of Denver, Colo.

“The purpose of the awards and recognition program for Web 2.0 and social media is to recognize best practices in a way that encourages other governments to use those tools,” said Susan Cable, program manager of PTI’s Citizen-Engaged Communities and Web 2.0 programs. “We were very excited, and I was extremely impressed with the substance of the applications and what they were accomplishing, and what they had accomplished.”

Winners will be spotlighted in a book that addresses current trends and best practices in emerging social media technologies other publications, webinars, conferences and on PTI’s website (www.pti.org). The winning governments can also brand themselves as “Web 2.0 Enabled” with a special logo created by PTI and its partner in the awards, the Alfred P. Sloan Foundation.

The winners represent diverse communities and uses of Web 2.0 technologies, including cross-coordination and functionality for Facebook, Twitter, e-town halls, mashups and mapping as well as citizen service request portals, mobile applications, live Web chats, multimedia sharing, news and media portals and subscriptions, and alerts, targeted to residents, visitors, businesses and employees.

Like Miami-Dade, Pinellas was

recognized for accountability and transparency. The latter’s eTown-Hall meetings allow Pinellas County residents to participate from anywhere via the Web. They include video and are interactive. On average, the meetings attract 1,000 online participants, versus 100 people, on average, who might attend such a meeting in person, county officials said.

“We’ve embraced this new technology and it has helped us engage more of our citizens by helping them participate through the avenues of social networking,” said Tim Closterman, Pinellas County’s director of communications.

Fairfax and Montgomery counties, and Denver were recognized for citizen engagement. Montgomery was honored for its MC311 Customer Contact Center portal application, which centralizes call-taking and customer service functions and enabled the county to reduce staffing in some departments.

The online tool provides 24/7 access and lets citizens submit and track service requests using a centralized database. To date, it has saved the county more than \$10 million. Prior to its implementation, the county employed hundreds of call takers in dozens of customer contact centers across 40 departments.

“Programs such as this make

it easier for residents to obtain county services,” said County Executive Ike Leggett. “Being recognized is an honor, and a reflection of the commitment to make Montgomery County government more responsive and accessible to the people who live here.”

Denver’s 311 Online Call Center was singled out for its “total integration” and two-way interaction, including the use of Twitter.

Fairfax County was honored for its centralized, online multimedia news center, NewsWire. It delivers county news and information of interest to residents, businesses and other audiences through a single Web page, versus the 20-plus department websites that previously fulfilled the function. It also offers RSS feeds by topic and location on a NewsWire Twitter account, and an online discussion tool for county staff and residents to engage each other on timely topics.

It uses open source tools like SlideShare (presentation sharing), Google maps (event maps) and Ideascale (social voting).

PTI is a nonprofit entity — created by and for cities and counties — that promotes innovation and collaboration for “thought-leaders” in government, and advances the use of technology to improve the management and delivery of services to citizens.

Profiles in Service



» P. Brooks Banta

Community and Economic Development
Steering Committee
President, Levy Court
Kent County, Del.

Number of years active in NACo: 15

Years in public service: 46

Occupation: Full-time county commissioner

Education: High school graduate

The hardest thing I’ve ever done: fire an employee

Three people (living or dead) I’d invite to dinner: John F. Kennedy, Barack Obama and Julia Roberts

A dream I have is to: always satisfy my constituents.

You’d be surprised to learn that: I have never had an automobile accident nor have I ever smoked.

The most adventurous thing I’ve ever done is: get married.

My favorite way to relax is: lay on the beach and soak up the rays.

I’m most proud of: my grandson who is employed by the Department of Homeland Security.

Every morning I read: *Delaware State News*.

My favorite meal is: steak, french fries and coleslaw.

My pet peeve is: people who fail to keep appointments on time.

My motto is: “Be honest regardless of the consequences.”

The last book I read was: *Webster’s Dictionary*.

My favorite movie is: *Pretty Woman*.

My favorite music is: rock.

My favorite president is: John F. Kennedy.

Counties test bio-based products

By CINDY WASSER

COMMUNITY SERVICES ASSISTANT

AND JARED LANG

PROGRAM MANAGER

NACo, with support from its Green Government Initiative partners the United Soybean Board and Nutek Green, is providing free bio-based products to America’s counties to maintain their facilities and fleets.

A bio-based product is made of biological material and biodegradable when released into the environment. Products being provided to the counties include lubricants, paint removers, janitorial cleaning supplies, degreasers, and even laser printer cartridges. The goal is to provide counties the opportunity to sample and evaluate the more environmentally friendly products.

The first round of demonstrations is currently underway. County employees received a product pack-

age worth \$100 and were asked to use the products over a one-month period and provide feedback on the products’ performance.

The initial product surveys are coming back positive. Respondents are indicating that they would recommend almost every cleaning and lubricant product used in the demonstration. NACo will share full information about the evaluation results in the near future.

Information about the demonstration project was distributed via email and announced at NACo’s Legislative Conference in March. The participating counties were selected on a first-come, first-serve basis.

The counties that are participating in the first round of the program are diverse large and small, rural and urban. They include Solano County, Calif.; Lake County, Calif.; Polk County, Mo.; Rock County, Neb.; Walworth County, S.D.; Frederick County, Va.; Ulster County, N.Y.;

Cape May County, N.J.; Gila County, Ariz.; Lawrence County, Pa.; Knox County, Tenn.; Otero County, Colo.; Genesee County, N.Y.; Santa Barbara County, Calif.; Renville County, Minn.; Snohomish County, Wash.; and Franklin County, Ohio.

“We hope that counties will be able to locate products that work as well as their more traditional counterparts, are cost-effective, and reduce the impact on the environment and employee health,” said Gregg Goslin, commissioner, Cook County, Ill. and chair, NACo’s Green Government Initiative.

Due to significant interest in these products, NACo plans to accommodate more counties in successive demonstration projects, beginning later this summer. Look for announcements in e-News and *CountyNews* or, if you are interested in receiving information about future demonstration projects, please contact Cindy Wasser at cwasser@naco.org or 202.942.4274.

Co-op insurance would compete with commercial providers

HEALTH CO-OP from page 4

team, and a health care team that's setting up the protocols and how we'd set up the clinics." The project has raised \$300,000 in planning grants. "The actuaries are working on it over the summer, and we'll be making a go, no-go decision by October first as to whether we set up our first clinic or not," Beilenson added.

Nearly half the money raised so far, \$125,000, was a grant from the Baltimore-based Abell Foundation, where Theresa Staudenmaier is program officer, health and human services.

"We funded the feasibility study for the Evergreen Project so they can see if they can create a product that will meet that population of people who are over income for Medicaid but can't afford the health insurance premiums that are currently available."

Beilenson said one of the first clinics would probably be in the city of Baltimore, where he served as health commissioner before taking his current job. He said the goal is that each region of the state would have a network of 10 or so primary care homes and one regional specialty center for each 10.

"Maryland is a relatively compact state, so the I-95 corridor is 85 percent of the population of the state, and so we're hoping to start in Baltimore and expand north and south, down to Prince George's and Montgomery (counties), and up to Harford over a three-year period," he said. "So that by 2014, when the exchanges and health care reform comes into full fruition, we'll be a viable option for people who want to join as opposed to Aetna or CareFirst or something like that."

The working group does not yet know the full cost of establishing such a network. It has a steering committee comprising investment bankers, venture capitalists, social enterprise investors, and physicians, among others.

Co-op's will need seed money to help them meet capital and reserve requirements until they have premium revenues coming in. The federal government offers start-up funds through low-interest loans, but the co-op will need to be self-sustaining, with decisions such as premium rates, covered benefits and deductibles and co-pays left to a co-op's elected board.

"This is not something that can



Photo courtesy of Howard County, Md.

Dr. Peter Beilenson, Howard County, Md.'s health officer, speaks at a Healthy Workplace event in 2009.

be completely philanthropic in any way, shape or form," Beilenson said. "You've got to have actual investment in terms of being able to set this up because this is basically an insurance company with a co-op attached to it."

The feds are taking notice. Paul Dioguardi, director for Intergovernmental Affairs for the U.S. Department of Health and Human Services, said his boss, Secretary Kathleen Sebelius, appreciates Ulman and Beilenson's leadership.

"This is the kind of pragmatic,

proactive, 'go-the-extra-mile' problem solving that we have come to expect from county officials," he said. "We look forward to working with Howard County and other counties to implement the Affordable Care Act in ways that meet the health care needs of their citizens in creative, cost-effective ways."

Ulman, who also serves on NACo's Health Steering Committee and board of directors, is a staunch backer of the effort. The county's affluence motivates him — as do life lessons from his own family. His

younger brother, Doug, is a three-time cancer survivor. "I know that he's only with us because we had health insurance," Ulman said.

Why a single county would undertake so much of the heavy lifting on a project such as this goes back to Ulman's support and Beilenson's "passion."

"He's been working to create a model to address the needs of the uninsured in Maryland for many, many years," Staudenmaier said. "He created the Maryland Citizens Health Initiative, so I think this has always been his passion."

Ulman said establishing a co-op will be "hard work, but we feel like we've learned a lot of lessons that are going to come in handy in implementation."

Staudenmaier added, "I would say if anyone could make it happen, it would be Dr. Beilenson, which is one of the reasons that we funded the feasibility study, quite frankly."

"I think they have their work cut out for them, but I think he's brought together some really brilliant people who know a lot about health policy and insurance, so I feel like if anyone can create a health insurance co-op it will be them," she said.

NACo Prescription Discount Card FREE to your county and your residents

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

ST. LUCIE
COUNTY, FL

Total Savings
To-Date
\$7,113,960

Spotlight on St. Lucie County, Florida

St. Lucie County, FL, launched the NACo Prescription Discount Card Program in July 2006. Since the program's inception, thousands of people in the County (population of 250,000) have utilized the program and saved millions of dollars.

Contact Andrew Goldschmidt, Director, Membership Marketing at 1-202-942-4221 or Ilene Manster, Membership Coordinator at 1-202-942-4291, or visit www.naco.org/drugcard for program information.

Scan code to access
the NACo website.



Operated by CVS Caremark.

This is NOT insurance. Discounts are only available at participating pharmacies. Rev 04.11

Waters guidance could affect new pesticide requirements

GUIDANCE from page 2

jurisdictional. It will also apply to all CWA programs, beyond the 404-permit program.

• **Seasonal Waters** — A water conveyance is seasonal when it has predictable flow during wet seasons in most years. The time period constituting seasonal will vary across the country. This may include perennial, intermittent and ephemeral streams.

Defining these zones may be highly variable and dictated by a multitude of factors such as annual precipitation, evaporation rates, and land and water use practices.

Is this seasonal definition workable? If “seasonal” is defined on a regional basis, is that helpful? How could counties work with the federal agencies to ensure the regional seasonal determination definitions are workable?

• **Adjacent Wetlands** — Under the guidance, “wetlands adjacent to non-wetland interstate waters are similarly jurisdictional without the need of demonstrating a significant nexus.” If a wetland is adjacent to a ditch that has a significant nexus to jurisdictional waters, the agencies must establish a significant nexus to that water. Determinations could be made based on effects to water quality, wildlife habitat, flood retention, recreation and overall ecology.

• **Other Waters** — The guidance includes “other waters” as isolated, non-navigable intrastate waters. “Other waters” are deemed jurisdictional if they show a significant nexus to a traditional navigable water or interstate water, and impact interstate or foreign commerce.

For example, if “other waters” meets the significant nexus determination, and destruction of that water could impact navigable, interstate waters, it then would impact interstate or foreign commerce. A hydrologic connection is not necessary to establish a significant nexus for “other waters.”

• **Endangered Species Act (ESA) and National Environmental Policy Act (NEPA)** — Once a “water” is deemed jurisdictional under the 404-permit program, it must go through a permit process for any activities affecting the “water”. This federal permit process includes Endangered Species Act and NEPA determinations.

• **Case-by-case Determinations** — Supplemental documentation shows that at least 17 percent more new “waters” will be considered jurisdictional under the guidance. But jurisdiction determinations will be made on a case-by-case basis “considering the facts and circumstances of the case and consistent with

applicable statutes, regulations, and case law.”

The Corps and EPA believe this will eliminate confusion and streamline the process. As part of the 404-permit process, permits are required for construction, normal maintenance and mitigation activities. Additionally, ESA, NEPA, and other requirements need to be considered.

Many counties that have ditches classified as “waters of the U.S.” state the need for knowledgeable consultants to walk them through the requirements associated with the permit process. This can be costly and time consuming.

If there is a 17 percent increase in new permits, will the Corps be able to process all of the requirements as-

sociated with the permits in a timely manner?

• **Emergency Response** — Counties that have experienced natural or man-made disasters have expressed concerns about clean-up around ditches classified as “waters of the U.S.” For example, one Gulf Coast county said the Corps would not let the county clean-up areas that were classified as “waters of the U.S.” after the B.P. oil spill. Last year, after a number of tornados, counties in the heartland were limited in their clean-up of “waters of the U.S.” areas.

If all ditches, culverts and channels are classified as “waters of the U.S.” how will this impact a county’s ability to clean up after a natural or manmade disaster?

• **Pesticide Permit** — The EPA

is moving forward with a pesticide permit for all “waters of the U.S.” This means any time a pesticide is applied on or near a “waters of the U.S.” a permit is needed. This permit includes tight documentation requirements for communities of over 10,000.

Counties use pesticides in a number of ways including treatment of weeds in ditches on the side of the road and treatment of mosquitoes and other pests. Under the guidance, more ditches will be declared “waters of the U.S.” Those counties who have “waters of the U.S.” ditches will be required to follow strict program and paperwork requirements for pesticide use.

Does your county currently use pesticides? What are some of the

best practices within your county to protect waterways? If most ditches in your county are jurisdictional, how will this impact your pesticide use?

• **Stormwater Regulations** — Currently, the EPA is weighing whether to expand its NPDES permit program (Section 402 CWA). Municipal Separate Storm Sewer Systems (MS4s) are currently regulated under the NPDES permit program. Forty-four states oversee the NPDES permit program under their “waters of the state” laws. If MS4s run into navigable or interstate waters or their jurisdictional tributaries, will relevant MS4s become “waters of the U.S.”?

For more information about the proposed guidance, contact Julie Ufner, associate legislative director, 202.942.4269, Jufner@naco.org.

Model Programs FROM THE NATION'S COUNTIES

Hamilton County, Tenn.

Kids Get a Pitch for Outdoor Fun with Treasure Hunters Program

By CHARLIE BAN
STAFF WRITER

Kids watch a lot of television shows that warn them “don’t try this at home,” but in Hamilton County, Tenn., parks employees try to introduce them to activities they’re encouraged to do at home.

Getting kids interested in what is going on outside has Maureen Davis burying arrowheads, fossils and other goodies in the dirt. Davis, a programming specialist for the county’s Parks and Recreation department, saw a stark difference in her childhood compared to her son’s generation.

“Kids don’t play outside the way we did,” she said. “Their go-to pastime is watching TV or playing games, and it seems like the Scouts are the only kids who have an interest in the outdoors.”

The Treasure Hunters program sought to get children and their parents looking at the parks in a different way. In addition to sparking an appreciation for the outdoors, parks workers wanted to change the way people used the county’s parks, which had been limited mainly to camping and fishing.

Treasure Hunters focused on children 6 and older, offering two one-hour sessions — buried treasures and hidden treasures. Buried



Photo courtesy of Hamilton County, Tenn. Parks and Recreation

Instructors and students equip themselves with wading boots and nets to scour for aquatic life in a pond in Enterprise South Nature Park as part of Hamilton County, Tenn.’s evolving outdoor-education program for children.

treasures gave kids a chance to dig for artifacts that could be found in their own back yards. The objects Davis plants demonstrate the physical processes, like fossilization, that they will learn in school, but she sees it as a fun way to teach.

“They seemed to have such a great time that they didn’t realize the kind of education they were getting,” she said. “It’s a hands-on way to teach, outside of the classroom, and in the end we hope they appreciate the outdoors a little

more. It really can be fun to find a bit of history.”

The excavation site she creates mixes in natural treasures like fossils and geodes and manmade artifacts. They also pan for gold, which Davis thinks can encourage children to want to visit some of the gold mines in nearby Georgia.

The second component, hidden treasures, encourages kids to look at the outdoors with a different perspective. Specifically, an animal’s perspective. After learning several

food chains, the kids find out how to detect animals based on tracking, scat and food litter. Dissecting owl pellets held the kids learn what owls like to eat.

The program’s second year evolved into an exploration of a pond ecosystem. This segment served students in third through eighth grades and included water quality testing.

Each year’s program costs approximately \$850 and serves 15 children, so, Davis said, it is a relatively low-cost program that encourages use of the county parks.

“If they leave interested in learning something new, that is our definition of success,” she said.

This year’s program caters to 3–6 year-olds and is based on the Growing Up Wild curriculum. Davis said the children will likely be attracted to the opportunity to learn about insects, particularly worms and ants. One experiment will involve children experimenting with what kind of food attracts ants the fastest.

So maybe not all activities should be done at home....

Model Programs from the Nation's Counties highlights Award-winning programs. For more information on this NACo Achievement Award winner, visit NACo's Web site, www.naco.org ► Research & Publications ► Find Solutions.



News From the Nation's Counties

► CALIFORNIA

• Supervisors in **EL DORADO COUNTY** voted to right a historic wrong by **replacing 36 cemetery headstones** that the U.S. Army Corps of Engineers labeled with a racist slur in 1954.

While moving remains from a cemetery, the Corps stamped the slur into concrete headstones instead of "Negro" to note the anonymous remains had come from the former Negro Hill Cemetery.

The *Sacramento Bee* reported that \$18,000 in private funds will be raised to pay for granite for headstones to be replaced by the California Prison Industry Authority.

• Fear of wear and tear on highways, roads and bridges prompted the **SAN DIEGO COUNTY** Board of Supervisors to oppose federal legislation that could increase **truck size and weight limits**.

Supervisors said the Safe Efficient Transportation Act would allow 97,000-pound trucks with three trailers on all interstate highways, potentially putting motorists at risk and damaging roadways beyond regular wear and tear.

"In my opinion, not only would bigger and heavier trucks cause further damage to our roadways, but they would also jeopardize public safety," said Supervisor Dianne Jacob. "We cannot accept the greater risk to motor safety and we cannot afford the increased road maintenance costs it would create."

The AAA, NACo, the California Association of Counties and the California State Sheriff's Association are among the national and local agencies opposed to the legislation, the *Union-Tribune* reported.

► FLORIDA

Protecting endangered panthers, while building roads, has become more expensive in **COLLIER COUNTY**.

County commissioners will spend almost \$1.9 million, culled from gas taxes, to **compensate for panther habitat** being destroyed by a road expansion. The Florida panther is protected as an endangered species under state and federal law. There are about 160 panthers left in the wild in South Florida, many of them in Collier County, Nancy Payton of the Florida Wildlife Federation told the *News Press*.

The money will pay for 363.7 acres of land under an agreement between the U.S. Fish and Wildlife Service and Barron Collier Cos. That land is to be preserved for pan-

thers and for restoration of wetlands affected by the road construction.

► GEORGIA

Parents who fall behind on their child-support payments in **DEKALB COUNTY** could find their **car tags revoked** or applications denied.

The district attorney's office will target parents who are more than 60 days delinquent and tell them they could have their car tags revoked or, if requests are pending, denied. The county will notify the parents of their delinquent child support payment status and let them know they are about to lose their tags.

They will be given 20 days to contact the DA's office before their tags are officially denied or revoked, according to the *Atlanta Journal-Constitution*. Georgia's Division of Child Support Services has implemented a statewide tag revocation effort.

► KENTUCKY

The **KENTUCKY ASSOCIATION OF COUNTIES** hosted a webinar on the Public Safety and Offender Accountability Act. The bill, passed by the 2011 Kentucky General Assembly, impacts a broad spectrum of state and local government agencies as it **reforms Kentucky's drug laws** and sentencing alternatives.

The webinar, accessible via the KACo website, is an effort to provide officials with a first look at implementation, scheduled for this summer. These alternatives include home incarceration, substance abuse treatment programs and allowing certain felons to serve sentences at county jails.

► MARYLAND

This **famous television game show host** drove a steam locomotive from Cumberland to Frostburg.

Who is Alex Trebek?

Trebek, the host of the enduring "Jeopardy!," fulfilled his longtime wish to drive a steam engine with the help of the **ALLEGANY COUNTY** Tourism Board. Trebek made his wish known during a recent episode of the show and was soon inundated with calls and emails from Cumberland residents and officials inviting him to the Western Maryland Scenic Railroad and its station in Cumberland, the *Times-News* reported.

After months of careful planning and scheduling, Trebek and his crew spent the day aboard a 1916 Baldwin stream engine.

"Railroading is not easy, folks. No wonder they invented the car and



Photo courtesy of Anne Arundel County, Md.

County emergency personnel test Anne Arundel County's new medical ambulance unit bus. The stretcher sections can be removed for drop-down seating for ambulatory patients.

► MARYLAND

ANNE ARUNDEL COUNTY debuted its new **medical ambulance bus**, one of two in the state and 20 nationwide, which can handle 14 patients on stretchers or 26 seated passengers. It also can transport patients who use wheelchairs. The other Maryland unit is based in **HOWARD COUNTY**.

The bus could be used across the region for train or bus accidents with multiple victims or to evacuate hospitals or nursing homes. It could be used to treat heat-related emergencies at public events, or provide rest and rehabilitation for firefighters and other first responders during a protracted fire or other disaster.

"We've seen on television what happened in Joplin, Missouri. Clearly there are going to be occasions when we need a bus that provides these services," County Executive John R. Leopold told the *Capital*.

The unit has an oxygen system capable of handling 23 patients simultaneously and a 20-kilowatt generator to keep it running. It's loaded with basic and advance life-support gear, several suction units to treat patient airways, and wireless communications including the latest radio hardware that can communicate with other jurisdictions. A federal grant paid for the \$445,000 vehicle.

diesel," Trebek said as he departed the station.

According to Trebek, the footage shot during his time in Western Maryland will appear in "Jeopardy!" episodes slated to air this fall.

► KANSAS

• The **JOHNSON COUNTY** Board of Commissioners adopted new zoning regulations that will make it easier for residents to **erect small wind turbines** and generators in unincorporated areas of the county.

Residents previously had to request a conditional-use permit,

file an application, attend a public hearing and await a full staff review for 70 to 90 days.

Now, the whole process can be completed in about a week by submitting a building application, Dean Palos, Planning, Development and Codes director, told the *Kansas City Star*.

• A **WYANDOTTE COUNTY** task force charged with **improving health factors** has developed its priorities. The task force will focus on city infrastructure, availability of healthy foods, education and access to health services. Members are in

the process of gathering community input and developing long-term plans by the end of the year for tackling the issues.

One of the task force's first projects involves looking at ways future casino gaming revenue could be used to help improve the region's health. Its contract sets aside 1 percent of annual revenue — about \$2 million — to specifically fund charity programs in the county, as determined by the Wyandotte Board of Commissioners.

► NEW JERSEY

Thanks to Eagle Scout Joseph Palladino, **MERCER COUNTY** Park now has a new 9-hole **"Disc Golf" course** for county residents to enjoy.

Designing the course earned Palladino his Eagle Badge. Construction was done by Mercer County Park Commission staff.

Disc golf is similar to traditional golf, but instead of a ball and clubs, "golfers" use a flying disc or Frisbee. The goal is completing each hole in the fewest number of throws.

County Executive Brian Hughes thanked Palladino "for creating a project that benefits the community in so many ways ... He has given Mercer County residents a free, enjoyable, outdoor family activity that encourages fitness in people of all ages."

► NEW MEXICO

It looks as if Albuquerque and Bernalillo County's loss has become **VALENCIA COUNTY's** unfortunate gain. Raves — electronic dance music events that can attract hundreds of revelers — are tightly regulated in Bernalillo and Albuquerque, its largest city. Now they appear to be spilling over south into neighboring Valencia.

"It was getting more difficult for them to have venues in Bernalillo County and Albuquerque, so they were looking for other locations," said Charles Eaton, Valencia County fire chief.

He said law enforcement officers broke up an illegal rave late last month before it could begin in a remote area of the county. The organizers had set up a tent, a stage with professional lighting and a parking lot, according to KOB-TV.

Eaton added that the organizer said they came to Valencia because of Bernalillo's tougher regulations.

► NEW YORK

The GEICO gecko's ears just

Financial Services News

Roofing Made Simple(r)

By MARK D. KOHNTOPP
COBB COUNTY, GA.

Having worked in purchasing for nearly 25 years, I can safely say that roof purchases are one of the most challenging and complex tasks that public agencies face. If anyone tells you they are about to make your roof purchase “simple,” you should probably run the other way. But that doesn’t mean the process can’t be made a whole lot simpler.

Public agencies are increasingly looking to roof purchasing methods that prevent us from having

to reinvent the wheel each time a repair, renovation, restoration or new roof is required, while ensuring compliance with public-bid laws and guaranteeing due diligence in regards to costs and quality. This article makes the case for using the cooperative purchasing model, not only for day-to-day supplies, but for more complex purchases such as roofing.

Cooperative Purchasing

Properly conceived and implemented, government cooperative purchasing contracts result from a highly competitive bidding process

by a lead public agency that can be used by agencies throughout the country in cooperation with each other.

When Cobb County, Ga. became the soliciting agency for the roofing and related services contract now available to members of the U.S. Communities Government Purchasing Alliance, the competitive bid process and pricing structure was devised to satisfy the full intent of the public bid laws, enabling other public agencies to use the contract in lieu of a separate bid for every specific project.

Step One: Ensuring Quality

Specifying high-quality materials is the first step in procuring an appropriate roofing solution. When reviewing a cooperative purchasing agreement for something as complicated as roofing, it is important to know whether the products and services included in the bid are broad enough to match a full range of project-specific, performance-based requirements.

To ensure quality, your first responsibility is to educate yourself, using the expertise of those in your organization who have

the knowledge and experience to evaluate an intended purchase.

Step Two: Ensuring Compliance

Regarding contract compliance, our cooperative purchasing partner conducts regular audits that encompass a wide array of qualitative and quantitative factors. In comparison, state contract audits — where they exist — focus exclusively on pricing, and auditing plays no part in the conventional bid process.

Our U.S. Communities contract eliminates concerns about complying with federal and local mandates by encouraging suppliers to provide affidavits to ensure ongoing compliance with ever-changing nationwide mandates.

Step Three: Ensuring Lasting Performance

Achieving a roof’s warranted service life requires more than procuring quality materials. As public agencies entrusted with taxpayer dollars, we must do our best to ensure that the materials we purchase are installed as specified.

Cooperative purchasing groups typically offer both materials-only and installed-roof purchasing, but whether a roofing supplier’s credibility has been pre-qualified in regards to material quality and installation track record depends on the organization. Cobb County made certain that the U.S. Communities roof solicitation required competitors to demonstrate competency in a wide range of areas, from quality control to customer satisfaction.

Step Four: Ensuring a Competitive Price

When cost is the sole criteria, and it frequently is, the locally based, project-specific bid model is the most effective procurement methodology. On the other hand, for complex purchases such as high-performance roofing, where the purchasing pool consists of a select number of quality manufacturers, pricing anomalies are more than compensated for by the time-saving advantage of state and national contracts.

To mitigate regional labor cost disparities and provide a higher level of accuracy, Cobb County’s Master Agreement

Hawkins County, Tenn. to allow fireworks sales

NEWS FROM *from page 10*

perked up. **COLUMBIA COUNTY** is doing some comparison shopping for its **property and liability insurance** policies, the *Register-Star* reported.

Most of the county’s policies expire Aug. 1, and members of the Board of Supervisors’ Finance Committee are considering whether to renew old policies or purchase new ones. The committee will advertise for bids, but it may be too late to make a change this year.

Supervisor Rick Keaveney, who leads the Insurance Subcommittee, said the current provider has kept cost increases at less than 1 percent per year. “But if it hasn’t been shopped to the market for a number of years, that’s something we need

to do on behalf of the taxpayers,” he said. “Whether we’ll get a better price, I don’t know.”

► PENNSYLVANIA

An **ALLEGHENY COUNTY** ordinance that imposed residency **restrictions on registered sex offenders** has been struck down by the state Supreme Court. The high court ruled unanimously that the ordinance conflicted with state law.

Passed in 2007, the law banned sex offenders registered under Megan’s Law from living within 2,500 feet of facilities such as schools, child care centers, public parks and recreation centers, according to the *Pittsburgh Post-Gazette*. A year later, six sex offenders sued, claiming that the ordinance nearly totally barred them from living anywhere in the

city of Pittsburgh and much of the surrounding county.

“We’re disappointed in the result,” Michael Wojcik, county solicitor, said of the May 26 ruling. “We thought that our argument was sufficient to win the day, but apparently the Supreme Court disagreed with us, and we’ve got to live with that decision.” The ordinance was not enforced while the litigation was pending.

► TENNESSEE

For the past 64 years, you could possess and use fireworks in **HAWKINS COUNTY**. You just couldn’t buy them there.

The County Commission voted recently 20-0 to change that — hoping to boost sales tax revenue, the *Times News* reported.

The resolution includes two pages of rules and regulations that vendors must follow. Seasonal and permanent sellers of “pyrotechnics” will have to obtain a \$300 annual fireworks sales permit from the county clerk’s office.

► VIRGINIA

FAIRFAX COUNTY recently convened its first meeting of **religious leaders**, housing advocates, elected officials and others to discuss how faith communities can provide affordable housing and housing resources for homeless people.

“Faith organizations have had a long and fruitful relationship with our human services network, and we have tremendous opportunities for building on that solid foundation in the area of housing,” said Fairfax County Board of Supervisors Chairman Sharon Bulova.

The meeting’s focal points included: how to use faith-based assets to provide housing subsidies and create affordable housing, how faith-based communities can make an impact and how the county’s Housing Blueprint supports a 10-year plan to prevent and end homelessness.

► WISCONSIN

A **DANE COUNTY** judge **struck down state legislation** that repeals most collective bargaining for state and local government employees. However, the measure could resurface if the state Supreme Court overrules the county judge, or if state legislators pass a new law, the *Journal-Sentinel* reported.

Dane County Circuit Judge Maryann Sumi ruled that Republican lawmakers broke the state’s open meetings law when they passed the measure March 9 amid raucous protests in the capital city, Madison, the Dane County seat.

“It’s what we were looking for,” said Dane County District Attorney Ismael Ozanne, a Democrat, while acknowledging that a higher court could have the last word. He sued to block the law — part of Gov. Scott Walker’s (R) “budget repair bill — after the State Assembly’s Democratic minority leader filed a complaint alleging that GOP leaders didn’t give proper notice to the public of the meeting at which the law was passed.

(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 e-mail ctaylor@naco.org or cban@naco.org.)

NACo on the Move

» NACo Staff

Andrew Goldschmidt, director, membership marketing, has been elected incoming vice-chair of the American Society of Association Executives Membership Section Council (Membership Committee) and will serve as vice-chair, chair and past chair from August 2011 through August 2014.

» Coming Up

• **Andrew Goldschmidt**, director, membership marketing, will exhibit on behalf of NACo membership recruitment and retention at the New Jersey Association of Counties Annual Conference in Atlantic County June 14-17 and the Florida Association of Counties Annual Conference in Orange County June 21-23.

• **Ilene Manster**, membership coordinator, will exhibit on behalf of NACo membership recruitment and retention at the Mississippi Association of Supervisors Annual Conference in Harrison County (Biloxi) from June 21-22.

On the Move is compiled by Christopher Johnson, editorial assistant.

Research News

Driving to Distraction

Late spring and early summer are particularly dangerous times for teenage drivers.

Between proms, graduation parties and trips to the beach, many young and new drivers get in trouble either by driving while intoxicated or distracted. Several counties have reached out to these young drivers and their parents with special education programs that can remind them that they may be overestimating their ability to multitask while behind the wheel.

Westchester County, N.Y. has posted the link to its county driving simulators and county traffic safety activities, including the "Save Your Face. Click It or Ticket" on its Web page, to encourage teens to use their seatbelts. The county has also posted the link to an interactive game on *The New York Times* website called "Gauging Your Distraction," which measures how reactions behind the wheel are impacted by distractions, such as texting or cell phone use.

The county has also created a section on its Web page called "What

every parent should know about Prom Night . . . and after." The first bullet under Things to Remember is "Accidents can happen. . . ." This is to remind parents and students that drunk driving is not the only impairment that can cause students to be involved in accidents. This site also includes a Prom Night Fact Sheet, which includes information from the Westchester County Taxi and Limousine Commission on alternative transportation to the prom.

Emergency crews in Columbia County, Ga., a largely rural county, partnered with the Students against Drunk Driving to put together a mock car accident for the schools in which the teen driver was drinking and texting while driving. One teen dies and two others were seriously injured.

Through a partnership with students from the University of Montevallo's Mass Communication Department, Shelby County, Ala. was able to obtain several videos highlighting the dangers of distracted driving.

Dylan Lard, a team member from the university, is featured on one of the videos. Lard was driving on a very familiar road when he fell asleep and lost control of his car. He awoke a day and a half later in the hospital to find that he had broken his neck and permanently paralyzed his left hand. He is currently a senior at Montevallo, and along with 15 other students he helped complete this awareness campaign about distracted driving. He wants to help young people so they can learn from what happened to him.

The videos have been put on the county's website and are being shared with high school students throughout the county.

Marion County, Ohio partnered with Kramer EDu-tainment to promote its Save a Life Tour in the county's high schools. The initiative targets texting while driving and uses a driving simulator. The juniors and seniors in the schools participated in this simulated exercise.

The simulator has a steering wheel, a gas pedal and brake, and a monitor that displays a road, buildings, people and traffic. The monitor is where the windshield would normally be located.

Each student drove for a few minutes then received a text from a phone that was hooked up to the simulator. The students were supposed to try to return the text and drive at the same time. Results included driving off the road, driving over a sign, hitting a building, driving into oncoming traffic and hitting a fire engine.

Some of the students believed that the simulator "was not like real driving" or "was more sensitive

than a real car," excuses that are common when simulators are used with younger drivers.

The day-long exercise started with a video that showed crashes and interviews with a victim and victims' relatives. Although they challenged the use of the simulators depicting real driving conditions, many students admitted that they were moved by the videos.

Williamson County, Ill. high schools set up a simulated project to show students how little control they have of a vehicle while driving and trying to text at the same time. Using golf carts and orange cones to establish routes in the school gymnasiums, students were encouraged to try to navigate the course and type their reply to the text at the same time. The results were uniformly disastrous, with nearly every student either hitting the cones or driving over them — some in as little as two seconds after they started texting.

This project was a part of a three-day intensive Traffic Safety Days program designed to encourage students to keep their hands on the wheel and not text. This program was targeted to coincide with the spring social season for many teens.

Fairfax County, Va. has just completed its nine-month intensive program to deter distractions while driving. The program started with a survey of attitudes and behaviors of teen drivers about distracted driving. It also included special training for county law enforcement officers, and programs in the county's high schools. The county also stepped up its enforcement

of laws against distracted driving by issuing 49 percent more tickets during this nine-month period than in the previous year. The final program was a demonstration by safety officers of what three additional seconds of reaction time can mean to students who were driving while distracted.

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

Roofing contract offers fast turnaround

FS NEWS from page 11

through U.S. Communities for roofing is adjusted by either: 1) the Davis-Bacon Wage Determinations (prevailing wages) for each county, as published by the federal government; or 2) the prevailing wages published by the locality.

In responding to the solicitation, roofing supplier Garland/DBS, Inc. went one step further to ensure best pricing.

Participating agencies may request that pricing based upon local contractors be compared to the national contract's pre-established line items, with any savings being passed back to the agency, in order to take full advantage of local market conditions and best available pricing.

When circumstances require fast turnaround, the U.S. Communities contract offers us the ideal balance of quality assurance and cost effectiveness.

As public agencies, we have a responsibility to make sure that the tax dollars entrusted to our care are wisely spent. We believe that selecting the right procurement tool for a roofing project's specific requirements is part of that responsibility.

(As a certified purchasing manager, Kohntopp currently serves as the interim purchasing director for Cobb County, Ga. He has worked in purchasing for 25 years, of which 11 years have been in public service. He is also a member of the Advisory Board for U.S. Communities Government Purchasing Alliance.)

What's in a Seal?

» Hamilton County, Ohio
www.hamilton-co.org



Hamilton County was established Jan. 2, 1790. It was the second county formed in the Northwest Territory. Residents named the county in honor of Alexander Hamilton, who was the first secretary of the treasury of the United States and a founder of the Federalist Party. The county consists of 407.4 square miles, with an average of 2,075 residents per square mile in 2000. Located in the southwestern corner of Ohio, the county's southern border helps form Ohio's boundary with Kentucky, while its western border helps form the state's boundary with Indiana. Cincinnati is the county's largest city and the county seat.

Most of Hamilton County was originally owned and surveyed by John Cleves Symmes, and the region was a part of the Symmes Purchase. The first settlers came down the Ohio River in 1788 and established the towns of Losantiville (later Cincinnati) and Cleves.

Today, many major corporations operate in the city, including Procter and Gamble, Kroger, Federated Department Stores, Ashland, Inc., CInergy and American Financial Group.

The county seal shows a large "H" with a crown representing Hamilton County being home to the third largest city, geographically, in the state of Ohio — Cincinnati.

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

Job Market & Classifieds

► COUNTY ADMINISTRATOR – CHARLTON COUNTY, GA.

Salary: \$50,000 annually; DOQ.

The Charlton County Board of Commissioners in Folkston, Ga. is seeking an energetic, motivated professional for the position of County Administrator.

The position is responsible for the administration of county government, including the direction and supervision of department heads, under the general supervision of the Board of Commissioners. This position directs and coordinates administration of county government in accordance with the policies formulated by the county commissioners and other elected officials. Applicants must have a Bachelor's

Degree, Master's Degree preferred, in Public Administration or related field and at least five years' experience as a county manager or city manager. Salary is negotiable with qualifications and experience.

Resumes should be mailed to: Charlton County Board of Commissioners, Chairman John F. Meyer, 68 Kingsland Drive, Suite B Folkston, GA 31537 or emailed to: johnmeyer@windstream.net. Note: Call 912.496.2549 to confirm receipt. A detailed job description or additional information will be made available upon request. Resumes will be accepted until the position is filled. Charlton County is an Equal Opportunity Employer and a Drug-Free Workplace.