Proposed NEW Emergency Resolutions

For consideration by the National Association of Counties Board of Directors

TABLE OF CONTENTS

COMMUNITY, ECONOMIC AND WORKFORCE DEVELOPMENT

1. Proposed Emergency Resolution on Additional Workforce Funding

Issue: Support emergency funding for workforce development programs to provide short-term and long-term supports to the U.S. workforce negatively impacted by COVID-19.

Proposed Policy: The National Association of Counties (NACo) urges Congress to provide a fast infusion of workforce development funding at the local level to get America's job seekers back to work as soon as possible to assist in the overall economic recovery, due to COVID-19 and record-breaking unemployment rates. These additional funds should bolster programs such as WIOA – Title I, Wagner Peyser-Employment Services and youth related initiatives.

Background: Unemployment rates are at record-levels and there is much economic uncertainty as to how many people that were laid off will be recalled. Much like the Great Recession, providing additional funding resources to serve America's youth and job seekers will assist in getting people back to work and accelerate the overall economic recovery while increasing the skill sets of those who lost their jobs. Longer-term economic growth can only be realized with a skilled and trained workforce.

As much of the funding allocations as possible should be invested through direct consultation with private sector needs in local areas by private sector-led Workforce Development Boards. They play a critical role in developing and implementing strategic tactics and services which will provide optimal impact in an area with many of the services provided through the nationwide system of approximately 2,400 American Job Centers nationwide. These public employment offices offer public labor exchange services and assist with shorter unemployment duration for workers, including veterans.

Fiscal/Urban/Rural Impact: Funding of these workforce programs is critically important to state and local governments that provide workforce services to communities at the grassroots level as they address the COVID-19 caused economic stress in their areas.

Sponsor(s): Mark Jacobs, Director of Dakota-Scott WIB, Dakota County, Minn.; Orrin Bailey, NACo Board Member, National Workforce Association

ENVIRONMENT, ENERGY AND LAND USE

2. Proposed Emergency Resolution in Support of Increased Allocations of GOMESA Revenues to Gulf Producing States

Issue: Legislation is currently being considered through the Great American Outdoors Act (S.3422) to divert a greater share of Outer Continental Shelf (OCS) revenues to support national park improvements and maintenance and fully funding the Land and Water Conservation Fund, while providing no increase in GOMESA funds to the Gulf producing states that are essential in producing these revenues.

Proposed Policy: The National Association of Counties (NACo) objects strenuously to the allocation of federal mineral revenue to federal programs unless the allocation also increases the GOMESA revenue that is shared with four Gulf Coast states (Texas, Louisiana, Mississippi, and Alabama), which is a critical recurring source of revenue to address critical coastal protection and restoration needs.

Background: Many of the energy resources enjoyed by the entire United States are dependent upon the health of Gulf Coast ecosystems which provide access to those resources and related infrastructure and protection for communities that house its workforce. Louisiana is home to 30 percent of the nation's wetlands and 90 percent of its wetland loss, a crisis that impacts communities, ecosystems, and the very economic engines that contribute to the nation's energy security, and this impacted area is home to half the country's oil refineries and pipelines serving 90 percent of the nation's federal offshore energy production.

Under the Mineral Lands Leasing Act of 1920, 50 percent of the mineral funds generated from federal lands onshore are shared with the host state to offset impacts of the federal mineral development - and there is no cap on the revenue shared with the host state. However, only a small portion of Outer Continental Shelf (OCS) leases active since 2006 are eligible for Gulf of Mexico Energy Security Act (GOMESA) revenue sharing with the Gulf states, and Gulf states and their coastal political subdivisions receive only 37.5% (not 50% as in the Mineral Lands Leasing Act) of such federal revenue; and the four GOMESA states are capped at a total of $ 375 million of revenue sharing annually. Due to the cap placed on the GOMESA revenue, in 2018, this resulted in only 4.97% of Gulf of Mexico offshore mineral revenues being shared with Louisiana, Texas, Mississippi, and Alabama combined.

NACo recognizes that the GOMESA funds that are allocated directly to the Gulf Coast states have allowed these states and political subdivisions to have a seat at the table when discussing future coastal restoration, flood protection, and infrastructure projects.

NACo strenuously objects to any legislation directing federal mineral revenues to be allocated automatically and annually to federal programs, such as national parks maintenance or other causes, if it should do so at the expense of the Gulf producing states by continuing to limit the increased revenue sharing that these states receive under GOMESA;

NACO urges Congress to support an amendment to the Great American Outdoors Act (S.3422) to increase GOMESA revenue to the Gulf Coast states to a level that is more on par with the revenue sharing of onshore mineral production states by increasing the percentage these states receive, lifting the cap on these revenues, and expanding the amount of eligible leases.

Fiscal/Urban/Rural Impact: This will provide an increase in the allocation of GOMESA revenues that is shared among the Gulf producing states, which are essential in generating these revenues, and it will reduce the disparity between revenues received from onshore production versus offshore production.

Sponsor(s): Archie Chaisson III, Parish President, Lafourche Parish, La.; Holly Fonseca, Councilwoman, St Charles Parish, La.; Mary Coulee, Councilwoman, St. Charles Parish, La.

3. Proposed Emergency Resolution in Opposition of Material Preference Legislation

Issue: There is a national effort to eliminate local control of water, wastewater and stormwater (water) infrastructure systems, and it would deny engineers, utilities, local governments and public entities the ability to design water systems in the manner that best serves the needs of their community.

Proposed Policy: The National Association of Counties (NACo) supports local control of decisions related to water infrastructure and thus opposes Material Preference Legislation, or so-called "open competition" or "innovative materials" legislation. Local communities are in the best position to determine the type of water infrastructure investments that are best for their community. State and federal governments should not pass laws or regulations that restrict or limit local governments' ability to invest in the types of water infrastructure that best suit their needs. NACo is neutral as to which materials communities select for water infrastructure projects, but NACo recognizes that communities have unique needs regarding water infrastructure and their autonomy to address those needs should not be restricted or limited in this manner.

Background: Our Nation has a long history of recognizing water infrastructure is a long-term investment and allowing local communities to make those investments based on their unique needs. We have many water systems that have pipes that have lasted for many, many years – in some instances more than 100 years. NACo supports significant reinvestments in water infrastructure at all levels of government, but it must be done in a manner that preserves both a long-term investment approach and local control.

Since 2014, special interests have introduced legislation in at least 12 states that would add new state mandates and preempt the decisions of local public entities and their engineers in choosing the appropriate materials for their water infrastructure systems. Thankfully, no state has passed this type of legislation. Similar efforts have also been proposed to Congress and failed. Although the legislation has predominantly focused on water piping materials, it has been expanded to other infrastructure materials in several instances.

The legislation's language has evolved since 2014, but its core tenet has remained the same – to take away the ability of local communities to continue designing water systems in the manner that best meet their communities' needs and to use state government to benefit one industry. This has the practical effect of forcing communities to select water piping materials that may not be suitable for local conditions, instead of the current process, which allows communities to properly evaluate the suitability of materials based on many critical factors, including lifecycle costs, durability, reliability, experience and the local conditions of a water system. This legislation's short-sighted approach undermines local control over water infrastructure and will likely cost our communities much more in the long-run through increased costs, project delays and increased litigation. NACo urges all levels of government to oppose this type of legislation.

Fiscal/Urban/Rural Impact: Would allow counties and local communities to maintain their autonomy with respect to water infrastructure projects, which is essential given the unique needs of different counties and local communities.

Sponsor(s): Melissa Cribbins, Commissioner, Coos County, Ore.

FINANCE, PENSIONS AND INTERGOVERNMENTAL AFFAIRS

4. Proposed Emergency Resolution Supporting Urgent Congressional Action to Provide State and Local Fiscal Relief

Issue: The COVID-19 public health emergency has triggered an economic crisis which has drastically reduced county revenues, threatening the ability of counties to provide basic services.

Proposed Policy: The National Association of Counties (NACo) urges Congress to immediately enact additional emergency fiscal relief for states and local governments. The relief for counties and municipalities should be divided equally. Counties of all sizes should receive their funding directly from the federal government. We strongly support the continued efforts of Congress to approve much-needed emergency relief for revenue losses being experienced by state and local governments due to COVID-19. This would be a tremendous boon to strained municipal budgets across the Country and help preserve vital public health and public safety services. Understanding additional relief is still being considered and debated at this moment, we implore Congress to amend the Coronavirus Relief Fund established in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to permit those funds, including those already allocated, either directly or through state distributions to counties and municipalities, to be used to offset lost revenue due to the public health emergency and resulting economic slowdown. Permissible uses of the fund should be flexible and include offsetting revenues lost due to the public health emergency and resulting economic slowdown.

Background: While Congress has enacted four emergency coronavirus response bills to date, the public health crisis is far from over and the financial impact on counties across the country remains severe.

Prior to the COVID-19 pandemic, county governments were already struggling to return to pre-recession levels. In fact, despite our resilience and abilities to maintain balanced budgets, only 806 county economies out of the nation’s 3,069 county governments recovered to their pre-recession levels of economic output (i.e., GDP), as of 2019.

Now faced with this new public health crisis, already strained county budgets are facing extreme fiscal pressure as we work daily to stop the spread of COVID-19. New NACo research shows the COVID-19 pandemic could have a $144 billion budgetary impact on counties of all sizes through fiscal year 2021, including $114 billion in lost revenue from county-collected sales tax and local fees and an additional $30 billion in COVID-19 response costs.

Furthermore, counties are limited in our ability to raise additional revenue, even when additional expenditures make it imperative to balance budgets. For example, in 35 of the 45 states with county property tax authority, counties retain less than 30 percent of the property tax collected state-wide. When it comes other revenue sources such as sales tax, only 29 states authorize counties to collect sales tax. Out of the 29 states, 26 impose a sales tax limit.

This tremendous loss of revenue and increase in costs may ultimately result in cuts to essential county services that counties use to address the COVID-19 pandemic including public safety, social services, child protective services, mental health, homelessness, jail diversion, reentry and more. To maintain mandated balanced budgets, many counties have already been forced to cut costs by furloughing or laying off workers, a step many county governments have already taken. On average, these counties have furloughed about 14 percent of the total county workforce.

Fiscal/Urban/Rural Impact: Lost revenue due to the COVID-19 public health crisis affects counties of all sizes nationally.

Sponsor(s): Toni Preckwinkle, Board President, Cook County, Ill.

HEALTH

5. Proposed Emergency Resolution on Declaring Racism a National Public Health Crisis

Issue: Communities of color are disproportionately impacted by a multitude of socioeconomic and public health challenges facing counties across the country, and this disproportionality is rooted in individual, systemic, and institutional racism.

Proposed Policy: The National Association of Counties (NACo) urges the Federal Government to: (1) Assert that racism is a public health crisis affecting our entire country (2) leverage a racial equity lens in evaluating federal policy; (3) Develop relevant policies aimed at improving health and economic opportunity in communities of color, and (4) support local, state, and Federal initiatives that advance social justice.

Background: Racism has been a pervasive issue since the establishment of our nation, and yet remains embedded in our policies, our systems and our communities, and the COVID-19 crisis has greatly exacerbated the existing health and prosperity divide between communities of color and their white counterparts. The American Medical Association states that racism contributes to health inequities in the United States, and the American Public Health Association (APHA) has expressed that racism is a driving force of the social determinants of health due to the resulting inequalities in a number of community indicators such as housing, education, criminal justice system involvement, and employment. While there is no epidemiological definition of "crisis", the health impact of racism clearly rises to the definition proposed by Galea, "[t]he problem must affect large numbers of people, it must threaten health over the long-term, and it must require the adoption of large-scale solutions. The impact of racism on public health deserves action from all levels of government, including counties.

Fiscal/Urban/Rural Impact: Declaring racism a public health crisis and leveraging an equity lens in evaluating policy will help counties more precisely measure the costs and benefits of policies and decisions to ensure they are applied equitably.

Sponsor(s): Dennis Deer, Commissioner, Cook County, Il.; Toni Preckwinkle, Board President, Cook County, Ill.; John O'Grady, Board President, Franklin County, Ohio; Marilyn Brown, Commissioner, Franklin County, Ohio; Kevin Boyce, Franklin County Ohio.

6. Proposed Emergency Resolution Supporting Urgent Congressional Action For COVID-19 Response and Protecting Local Public Health Funding

Issue: The World Health Organization has declared the outbreak of the 2019 novel coronavirus (SARS-CoV2), to be a pandemic and the Secretary of the U.S. Department of Health and Human Services (HHS) has declared a public health emergency for the entire United States. Counties are the front line of response to the outbreak.

Proposed Policy: The National Association of Counties (NACo) urges Congress to enact additional emergency supplemental appropriations and annual appropriations sufficient to expand and strengthen global, federal, state, territorial, tribal, and local capacity and coordination to adequately respond to this disease on a sustained basis over time.

County public health and health care systems require robust federal funding and equitable coordination for the following services and materials, including, but not limited to: personal protective equipment (PPE), reliable and valid testing, lab capacity, contact tracing, room and board for isolation and quarantine, expanded and/or temporary COVID-19 treatment beds, medical countermeasures (e.g. ventilators and remdesivir), telehealth technology, behavioral health supports and vaccines. When proven effective, robust funding will be essential to adequately source, promote, coordinate and distribute vaccines to the public at-large in an equitable and timely fashion.

Funds from the Provider Relief Fund should be directed to public health care and hospital systems that serve a disproportionate share of low income, uninsured and Medicaid patients.

Congress should also take action to stabilize the federal-state-local partnership for financing and administering the Medicaid program for the duration of both the public health and the state and local fiscal crisis. These stabilization measures should include, but are not limited to: repealing or delaying the scheduled statutory reductions to the Medicaid disproportionate (DSH) hospital payments, placing a moratorium on finalization of the Centers for Medicare and Medicaid Services (CMS) proposed Medicaid Fiscal Accountability Regulation (MFAR), permitting states with Medicaid 1115 waivers expiring in 2020 or 2021 to extend them by at least twelve months and lifting the Medicaid institutions for mental disease (IMD) payment exclusion.

NACo will work to ensure that all coronavirus relief funding not be offset by reducing or eliminating other public health programs and to restore funding for existing programs or grants from which funds may have been diverted or transferred in the near-term response. Additionally, coronavirus relief funds should be available to reimburse for county expenses as well as to offset lost revenues.

Background: While Congress has enacted four emergency coronavirus response bills to date, the public health crisis is far from over and the health and financial impact on counties across the country remains severe.

County public health, health care, long term care, behavioral health and correctional health systems are on the front lines of the local response and require additional and sustained support for the duration of the public health emergency and the state and local fiscal crisis.

Fiscal/Urban/Rural Impact: According to NACo research, America's counties face a combined $144 billion fiscal impact from the COVID-19 pandemic through FY2021. Without additional aid, vital healthcare and public health services provided at the county level will be severely impacted jeopardizing COVID-19 recovery efforts and limiting resources needed to fight this and other public health emergencies.

7. Proposed Emergency Policy Resolution to Enhance Federal Resources for Veterans' Mental and Behavioral Health Services During the COVID-19 Pandemic

Issue: The COVID-19 pandemic is straining counties' ability to provide critical health resources – including key mental and behavioral health services – to veterans.

Proposed Policy: The National Association of Counties (NACo) supports legislation that would provide additional federal resources to develop mental and behavioral health services for veterans as communities respond to increased local needs stemming from COVID-19. NACo specifically urges Congress and the administration to supplement existing mental and behavioral health services for veterans through the development of pilot programs and innovative solutions around the following key areas for veterans: depression, anxiety, suicide prevention, substance use disorders, post-traumatic stress disorder (PTSD) and Traumatic Brain Injury (TBI).

Background: Communities need flexible, innovative solutions for the specific mental and behavioral health challenges associated with veterans' combat experience.

Fiscal/Urban/Rural Impact: The measure would provide new federal funds and resources to counties and community-based organizations.

Sponsor(s): Hon. Heather Post, Councilwoman, Volusia County, Fla.

HUMAN SERVICES AND EDUCATION

8. Proposed Emergency Resolution Urging Congress and the Administration to Maintain County Child Welfare Flexibility and Funding

Issue: In February 2018, Congress passed, and President Trump signed into law the Family First Prevention Services Act (FFPSA). The law provides new federal entitlement funding for optional foster care prevention services meeting stringent best practice benchmarks and creates new federal requirements relating to congregate (group home) care that would reduce federal IV-E reimbursement and shift costs to states and counties. The FFPSA did not extend federal IV-E waivers slated to expire on which expired September 30, 2019 but were extended for two years in a subsequent law, the Family First Transition Act. Given the coronavirus pandemic, protecting children and families has become even more challenging, shifting resources and attention to the immediate public health emergency which has slowed FFPSA implementation planning in many states and counties. Furthermore, in December 2019, Congress appropriated $500 million under the Family First Transition Act to assist states in planning for FFPSA implementation, but those funds have yet to be distributed to states. All states must fully implement the FFPSA by October 1, 2021.

Proposed Policy: The National Association of Counties (NACo) urges the U.S. Department of Health and Human Services (HHS) to provide administrative flexibility in the Family First Prevention Services Act (FFPSA) to minimize the anticipated cost-shifts to states and counties that will occur by denying FFPSA Title IV-E eligibility to children who would remain eligible for state or county-funded foster care and adoption assistance. Congress should also provide states and counties with sufficient flexibility to serve and protect abused and neglected children as done currently under some state laws. NACo further urges that Congress amend and/or HHS mitigate the law's proscriptive provisions intended to reduce the use of congregate care so that states and counties already proceeding with similar efforts may continue to do so. Due to the impact of COVID-19, NACo urges Congress to extend the FFPSA implementation deadline at least one additional year to enable state and county child welfare agencies to continue to focus on the immediate need to respond to families and children during COIVD-19. Additionally, Congress should extend federal IV-E waiver authority through September 30, 2024 unless comprehensive child welfare finance reform that reflects NACo's priorities is passed and implemented before waivers expire.

Background: Counties finance and provide services to about 42 percent of the nation's federal foster care population and over 53 percent of federal foster care expenditures are in counties with child welfare responsibilities. County agencies work with individuals and entities in a child's life to identify and provide prevention services or, as a last resort, a range of foster care placements that are in the best interest of the child.

The FFPSA does not invest any new funds in child welfare. The law's new prevention services are funded in two ways: 1) by delaying financial eligibility and support for adoption assistance and; 2) by not reimbursing group homes for care provided to about 70 percent of children in homes presently due to homes being unable to meet the new federal mandates.

Counties in a number of states are implementing similar provisions contained in the law. Prior to enactment, some states and counties urged Congress, without success, to make changes to the bill so that it would better align with state and county reforms already underway.

Through federal IV-E waivers, states have developed innovative practices to prevent children from entering out-of-home placement including residential/congregate care. Waivers give counties and states flexibility to test innovative approaches to child welfare service delivery and financing. Under waivers, states design and demonstrate a wide range of approaches to reforming child welfare and improving outcomes in the areas of safety, permanency, and well-being.

Fiscal Impact: The FFPSA will shift costs to states and counties unable to meet the congregate care requirements. Federal IV-E waivers provide states and counties with the flexibility to design their prevention systems to meet local needs.

Sponsor(s): National Association of County Human Services Administrators (NACHSA); County Welfare Directors Association of California (CWDA)

PUBLIC LANDS

9. Proposed Emergency Resolution Opposing Use of the Land and Water Conservation Fund to Acquire Private Lands for Federal Estate in States with Greater Than 50% Federal Land Ownership

Issue: Congress is considering permanent funding of approximately $900 million for the Land and Water Conservation Fund, 40 percent of which would be granted to federal agencies to acquire additional land for the Federal estate, thereby exempting acquired lands from local property taxation.

Proposed Policy: The National Association of Counties (NACo) urges Congress to prohibit the use of the Land and Water Conservation Fund to acquire private lands for the Federal estate in any state where more than 50 percent of the land area is already under Federal ownership. These states include: Nevada (approx. 85 percent), Utah (approx. 65 percent), Idaho (approx. 62 percent), Alaska (approx. 61 percent), and Oregon (approx. 53 percent). If additional federal land acquisitions in any of the states listed above are deemed necessary by the impacted state and county, such land acquisitions should be offset with a relinquishment by trade or sale of public land to private ownership within the same county.

Background: The transfer of private property to federal ownership results in such property becoming exempt from local property taxation and reduces the overall taxable market value of affect counties. This tax shift impairs the ability of county governments to provide necessary public services. The addition of lands into Federal ownership also exacerbates the maintenance backlog facing Federal land management agencies. The Federal government should not acquire any additional land in those states where more than 50 percent of the land is already tax exempt due to Federal ownership.

Fiscal/Urban/Rural Impact: Counties with large tracts of federal public lands within their jurisdiction would have a greater say in federal land acquisitions that currently remove private lands from the property tax rolls and receive much lower compensation under the Payments In-Lieu of Taxes program.

Sponsor(s): Mark Whitney, Commissioner, Beaver County, Utah