



**THE AMERICAN COUNTY  
PLATFORM AND RESOLUTIONS  
2018-2019**

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# NACo POLICY PROCESS

## ABOUT NACo

The National Association of Counties (NACo) unites America's 3,069 county governments. Founded in 1935, NACo brings county officials together to advocate with a collective voice on national policy, exchange ideas and build new leadership skills, pursue transformational county solutions, enrich the public's understanding of county government, and exercise exemplary leadership in public service.

## MISSION

Through NACo, county officials:

- Advocate with a collective voice on national policy
- Exchange ideas and build new leadership skills
- Pursue transformational, cost-effective solutions
- Enrich the public's understanding of county government, and
- Exercise exemplary leadership in public service.

## VISION

Healthy, vibrant and safe counties across the United States.

## BOARD OF DIRECTORS

The board of directors has general supervision, management, and control of the business of the association and sits as the resolutions committee. The board approves the NACo work program and budget and makes interim policy between annual meetings. Board members serve for one year and must come from member counties.

## POLICY MAKING

NACo has three forms of policy pronouncements: the *American County Platform*; policy resolutions passed by the members at the annual meeting; and board resolutions on policy passed by the board of directors between annual meetings.

1. The *American County Platform* is NACo's permanent policy document. When necessary, it is amended at the annual meeting. Divided into substantive policy areas covered by ten policy steering committees, the platform reflects the philosophy and overall objectives of NACo's membership.
2. Policy resolutions are generally single-purpose documents addressing a specific issue or piece of legislation. Resolutions draw attention to a topic of current concern, clarify parts of the broadly worded platform, or set policy in areas not covered by the platform. These resolutions are valid until the next annual meeting, at which time they are reviewed by the appropriate steering committee and considered for inclusion in the platform. If they are not readopted or included in the platform, they expire.
3. Board resolutions are passed by the board between annual meetings and are valid until the next annual meeting, at which time they are reviewed by the appropriate steering committee and considered by the board of directors and the general membership or they expire.

When necessary, the executive committee may make interim policy decisions between board meetings, provided the policy is not in opposition to an adopted policy of the board of directors or the membership.

The ten steering committees propose platform changes and resolutions to the board of directors, sitting as a resolutions committee, which reports the proposals to the membership at the annual business meeting. No platform change or resolution can be brought before the full NACo membership for discussion or debate unless it has been submitted to the appropriate steering committee. However, issues which clearly do not fit within the jurisdiction of an established steering committee may, at the discretion of the president, be brought before the resolutions committee. Because issues can be crosscutting among policy steering committees, more than one committee may review a resolution or platform change.

Issues which have been addressed by the resolutions committee may then be brought before the general meeting. The membership is the ultimate arbiter of what will or will not be NACo policy. The NACo staff carries out the policy of the association and represents counties only on those issues which have been approved through the policy process.

LUCC and RAC may propose policy to the appropriate committee of jurisdiction, but do not have the authority to enact or recommend policy to the board of directors.

The *American County Platform* and policy resolutions contained in this volume have been adopted by NACo members. The platform and resolutions are carefully considered statements of the needs and interests of county governments throughout the nation and will serve as a guide for NACo members and staff in the year ahead as they appear before legislative and administrative agencies to present the views of county governments.

## **PROCEDURES FOR SUBMITTING AND CONSIDERING NACO RESOLUTIONS**

The NACo resolutions process provides the membership with the ability to create national policies affecting county governments. The process is intended to be as open as possible, in order to allow participation from the entire membership. There are, however, some guidelines to ensure that the process is a relatively orderly one. The guidelines are as follows:

**Submitting Resolutions:** Resolutions and platform changes must be submitted electronically in an editable format to [resolutions@naco.org](mailto:resolutions@naco.org), to the steering committee staff person or NACo Legislative Director no later than 30 days prior to a NACo conference. These resolutions may be introduced at NACo conferences, including the Annual Conference, Legislative Conference or, in some cases, any other conference where the NACo Board of Directors convenes.

Resolutions should, if possible, be no more than one page in length and be simply and directly written. They should include an “**Issue**” statement, a “**Adopted Policy**” statement, a factually accurate “**Background**” statement and a “**Fiscal/Urban/Rural Impact**” statement if possible. For those without a specific impact statement, the NACo steering committee staff will develop an appropriate statement prior to submittal to the board. For resolutions, the “**Issue**” statement should be a short sentence and state the purpose of the resolution, the “**Adopted Policy**” section should specify a position or action by NACo and/or other entities, the “**Background**” section should clearly outline the county interest in the particular

issue, and the “Fiscal/Urban/Rural Impact” section should attempt to address potential impacts for counties in these areas, if known. Resolutions cannot overrule platform language, which has been ratified by the membership. NACo staff may make necessary changes to the resolutions to ensure that they are in the proper format.

The NACo Legislative Director, in consultation with the steering committee staff person, shall make a preliminary decision as to which steering committee(s) to initially refer the proposed resolution, and will be subject to review by the Policy Coordinating Committee at the conference.

**Distribution of Resolutions:** No later than 14 days prior to the Legislative and Annual conferences, all proposed resolutions pertinent to a steering committee and those acted upon at a previous NACo conference which need final disposition by the NACo Board and general membership will be sent to members of the appropriate steering committee. The steering committee chairs, vice-chairs, subcommittee chairs and vice-chairs will be sent material containing all steering committee resolutions and platform changes to be considered at a conference.

**The Role of the Policy Coordinating Committee/Request for Referrals:** The Policy Coordinating Committee (PCC) consists of the chairs of each of the policy steering committees and the NACo Officers. It is the responsibility of this body to review all proposed resolutions and determine, prior to the meetings of the full steering committees, whether there are resolutions which must be considered by more than one steering committee because of a policy issue that cuts across steering committee jurisdictions.

The first meeting of the PCC is typically held prior to the steering committee meetings. Prior to, or during the first PCC meeting, it is the responsibility of steering committee chairs to request, through the NACo Legislative Director and the presiding NACo Officer, the opportunity to consider a resolution that has not been previously referred to it by NACo staff. If a subcommittee chair is interested in considering a resolution that was not referred to the full steering committee, he/she must, prior to the first PCC meeting, ask the steering committee chair to consider requesting a referral of the resolution.

For resolutions that have been referred to another committee, time must be made available at the steering committee meeting for the sponsor of the resolution or his/her representative to explain its intent. This presentation may also be made at a subcommittee meeting, but it shall not replace the presentation at the full steering committee.

**Emergency Resolutions Submitted After the 30 Day Time Limit:** Steering committees may also consider other resolutions or platform changes that were not submitted within the 30 day time limit. These so-called “emergency” resolutions are federal legislative or regulatory matters that could not have been foreseen 30 days prior to the conference, and is an issue of a timely nature that NACo should consider action immediately. Inaction on the part of a submitter is not grounds for an emergency resolution.

Steering committees receiving emergency resolutions or platform changes may consider them only if two-thirds of the steering committee members present vote to review them. This vote and the vote resulting in the adoption or defeat of the actual resolution must be tallied and reported to the PCC at the conclusion of all steering committee meetings.

If a steering committee, after a two-thirds vote to take action, considered and ultimately adopted a resolution that was not anticipated before the first PCC meeting, the PCC, at the request of any steering committee chair, may table the resolution for consideration until the next NACo conference. The request to table must be approved during the PCC meeting by a majority of the steering committee chairs or their designees or officers present.

**The Subcommittee's Role:** NACo subcommittees usually meet prior to their steering committee to both receive specific, detailed information about their issues and to consider resolutions for later disposition by the full steering committee. Most, but not all, resolutions are usually considered first in a subcommittee. The subcommittee may consider the resolution referred to it by the steering committee chair and make a recommendation, with a recorded vote, to the full steering committee on the disposition of the resolution. A subcommittee does not have the ability to table or defeat a resolution, thus prohibiting full committee consideration. There is no specific requirement for subcommittees to make recommendations.

**Platform Changes/Existing Resolutions:** Platform changes are considered only at the Annual Conference. As with resolutions, they must be submitted to the NACo legislative staff at least 30 days prior to the conference.

Each year resolutions will automatically be deleted from the *American County Platform* at the following Annual Conference. At that conference, those resolutions that are still relevant must be incorporated into platform language or offered 30 days in advance as a “new” resolution to be considered by the appropriate steering committee. Resolutions passed by the NACo Board at the Legislative Conference must be reviewed by the appropriate steering committee and recommended for ratification by the general membership, or be dropped. Resolutions cannot be used to overturn or modify existing language in the platform.

**Presentation of Resolutions and Platform Changes to the NACo Board of Directors Sitting as a Resolutions Committee:** Each steering committee chair will report to the Resolutions Committee the platform changes and resolutions adopted by the steering committee. They will also report on the proposed disposition of resolutions adopted at any previous conference. Steering committees should make every effort to settle disputes on resolutions before the meeting of the NACo Board of Directors. They should consider blending and amending the resolutions into one compromise proposal or they should table the issue for further discussion. If those alternatives are not acceptable to the steering committees that have differing views, then the disputed resolution(s) shall be presented to the Board of Directors after all other resolutions have been considered and acted upon. The representative of the steering committee that originally drafted the resolution shall present their resolution first, followed by a response and resolution from the other committee.

A steering committee chair shall report actions taken on all platform changes and resolutions, both as part of the resolutions “package” and during the chair’s report to the Board of Directors when it sits as a Resolutions Committee.



The chair's report shall identify:

- those platform changes and resolutions that were adopted unanimously;
- those platform changes and resolutions that were adopted with some unrecorded “nay” votes; and
- those platform changes and resolutions that were adopted by roll call vote, announcing the “yeas” and “nays”.

**Minority Reports:** If a resolution is defeated during steering committee consideration, a one page minority report may be made on an action taken by roll call vote where the voting minority constituted at least 25 percent of those steering committee members present and voting. After announcing such a vote, the steering committee chair may allow a member of the minority to present the minority report to the board for informational purposes only. No board action is taken on the minority report.

### **STEERING COMMITTEE NOMINATIONS PROCESS**

Every spring, NACo calls for NACo steering committee nominations through the state associations of counties. Approximately one month before the NACo annual conference, county officials must submit their completed nomination forms to their state associations of counties. Generally, the President of the state association, in consultation with the state executive director, appoints state members to NACo's steering committees. Nomination forms are sent to the state associations of counties, along with a list of the current steering committee members from their state and a sample announcement they may use to notify their membership about the process and the deadlines for submitting nominations. Affiliate nominations to steering committees must also follow the same process.

Applicants are urged to mark their first and second choices of steering committees on the nomination form. The state associations of counties will submit names electronically by a deadline determined by the NACo Legislative Director.

**The Eight and Two Rule:** NACo will make every effort to accommodate the nominee's first choice of steering committee assignments. NACo will consider the state and regional balance on the steering committees and ensure that, at a minimum, the membership of each steering committee is at least two-thirds elected county officials. Only eight county officials from the same state will be appointed to any one steering committee, and no more than two persons from the same county may serve on any one steering committee. This does not include NACo presidential appointments.

Prior to the mailing of the appointment letters, the NACo staff will review the new steering committee rosters to ensure that there is geographic and demographic diversity within each committee and the above guidelines for membership by a state or county are followed.

**Appointments:** The NACo president will send each appointee a letter announcing their appointment to a steering committee. The NACo Legislative Director, Deputy Director, or an Associate Legislative Director will contact appointees with relevant information regarding the NACo policy process, committee membership links, schedules, the *American County Platform* and other relevant information.

Steering committee appointees will serve on the committee for one year and cannot transfer membership to another committee, or serve on more than one steering committee, during that year. (As with any other NACo member, however, the appointee is welcome to attend any other steering committee meeting to

learn about its issues.) Committee appointees may serve simultaneously on NACo caucuses, standing committees, task forces, or ad hoc committees.

**Steering Committee Roles and Responsibilities:** Each policy steering committee has members who are nominated by the state associations of counties and appointed by the NACo president for one year. The committee chair and subcommittee chair are generally elected officials who are appointed by the NACo president for one year. At least two-thirds of the members of each steering committee should be elected officials, but many committees have a much greater elected representation. Steering committees are responsible for studying issues, recommending new policy positions, and carrying out the *American County Platform* through advocacy activities.

Committees review problems facing counties, identify areas of concern to counties, and make suggestions for federal, state, and county involvement. They build county and state support for recommended revisions in federal rules and regulations and assist in building state association participation in policy formulation and implementation processes. Committees also advise the NACo board on priorities, strategies, and tactics involving federal legislation, rules, and regulations, and they participate in special rallies, conferences, and meetings of the association to advance the objectives of the committee.

Platform amendments and resolutions from member counties are submitted to the appropriate steering committee for review and recommendation. At least one NACo staff member is assigned to each steering committee to work with the committee chair in arranging meetings and determining agendas. Each steering committee reviews legislation and issues within its jurisdiction. Committees usually meet at least twice a year, always at the annual conference and legislative conference. In many cases, informal arrangements are made for joint consideration of certain issues.

There are specific policy outreach expectations for every member of a steering committee. Each steering committee member needs to read and understand the established policy positions in the *American County Platform* within their respective jurisdictions. Each member also needs to be prepared to contact members of Congress on important policy issues, both in Washington, D.C. and in their districts and state. They should be prepared to discuss and inform constituents about the importance of the policy positions taken by NACo, and suggest ways they can help. Steering committee members should be ready and able to contact local and state media outlets to inform and impress upon them the importance of the county positions on policy questions affecting their steering committee jurisdiction. This includes writing op-eds, letter to the editor, editorial boards, etc.

Members should also be prepared to convene in meetings, participate in coalitions, and use the “bully pulpit” of elected office to inform a broader audience of the importance of NACo’s policy issues. Because many issues cut across jurisdictional lines, steering committees may provide oversight of platform amendments and resolutions from other committees that affect their areas of jurisdiction. The specific committee jurisdictions are:

- **Agriculture and Rural Affairs:** All matters pertaining to legislation and administrative actions affecting agriculture; rural development programs; rural renewable energy development; research and extension; food safety; and USDA conservation programs.
- **Community, Economic, and Workforce Development:** All matters pertaining to housing

programs; community and economic development; public works including the creation of affordable housing and housing options for different populations; residential, commercial, and industrial development; and building and housing codes.

- **Environment, Energy and Land Use:** All matters pertaining to air, water, energy, and land use; including water resources/management, stormwater; pesticides; air quality standards; climate change; solid, hazardous, and nuclear waste handling, transport, and disposal; national energy policy; renewable/alternative energy; alternative fuel vehicles; energy facility siting; electricity utility restructuring; pipeline safety; oil spills; superfund/brownfields; eminent domain; land use; coastal management; oceans; parks and recreation.
- **Finance, Pensions Intergovernmental Affairs:** All matters pertaining to the financial resources of counties; fiscal management; federal assistance; municipal borrowing; county revenues; federal budget; federal tax reform; elections; and Native American issues.
- **Health:** All matters pertaining to public health and healthy communities, including disease and injury prevention and health promotion; health disparities reduction; financing delivering health care, including services for the uninsured, underinsured, and medically indigent; Medicaid; Medicare; long-term care; behavioral health services; substance abuse prevention and treatment; and services for persons with developmental disabilities.
- **Human Services and Education:** All matters pertaining to children's issues; foster care; public assistance and income support; services to senior citizens and individuals with disabilities; immigration policy; social services; and elementary, secondary and post-secondary education.
- **Justice and Public Safety:** All matters pertaining to criminal justice and public safety systems, including criminal justice planning; law enforcement; courts; corrections; homeland security; community crime prevention; juvenile justice and delinquency prevention; emergency management; fire prevention and control; and civil disturbances.
- **Public Lands:** All matters relating to federally-owned public lands including federal land management programs; natural resource revenue sharing payments; payments in lieu of taxes; and property tax immunity concerns.
- **Telecommunications and Technology:** All matters pertaining to telecommunications and technology policy, including, but not limited to, the county role as a telecommunications regulator, service provider, and consumer; cable services technology and implementation; information technology development and implementation; information technology innovation; e-governance; and geo-spatial data collection and utilization.
- **Transportation:** All matters pertaining to federal transportation legislation, funding and regulation and its impacts on county government, including highway and bridge development, finance and safety; public transit development and finance; transportation planning; airport development and service; passenger and freight railroads; ports and waterways; freight movement; and research and development of new modes of transportation.

**Task Forces:** In addition to the ten policy areas governed by steering committees, there are, occasionally and periodically, issues which impact the jurisdictions of several steering committees. Because these areas are not appropriate for limited consideration, they are often referred to special task forces for broader policy consideration than that offered initially by a single steering committee.

These task forces or other special review bodies, like steering committees, report their findings to the Board of Directors and the membership as a whole. Where permanent policy is required, the policies so adopted may be inserted into appropriate locations within the platform. Temporary or other impermanent

policies are treated as general resolutions. Resolutions and platform changes recommended by a task force must be considered and adopted by the relevant steering committee(s) through the regular resolutions process.

# **AGRICULTURE AND RURAL AFFAIRS**

## **I. STATEMENT OF BASIC PHILOSOPHY**

The National Association of Counties (NACo) is concerned about the impact of national, state and local policies and decisions affecting rural counties and counties with significant rural communities threatened by urban and suburban development. Approximately fifteen percent of the nation's population lives in 2,050 counties deemed 'non-metropolitan,' or rural, accounting for over 72 percent of the nation's total land area - according to the U.S. Census Bureau.

In recent years, however, there has been a serious loss of human and financial resources in many counties as a result of economic trends and governmental agencies and their policies. Deterioration of infrastructure facilities and institutions, such as roads, health care and education systems, is prevalent in many rural counties. American agriculture and its related agribusiness remain a vital part of the U.S. economy as well as a major contributor to economic activity throughout the world.

Simultaneously, there are other industries that also are becoming an important part of the rural landscape. Long-term economic trends in rural communities show growth in the service and retail trade industries and a variety of other industries in recreation, food service, education, and health care.

The spread of advanced technology in rural areas especially in communications may make rural areas more attractive in the future to companies offering higher wage jobs. Counties need to recognize the critical importance of technology and the need for an advanced telecommunications infrastructure.

The federal government should develop a comprehensive national rural policy that recognizes the diverse challenges rural county governments are facing and increases the coordination among local, regional and state governments. In addition, the government should look to ways to streamline and simplify federal regulations and grants to rural counties.

## **II. RURAL DEVELOPMENT**

Included as part of the Federal Agricultural Improvement and Reform (FAIR Act of 1996), Congress consolidated a number of rural development programs into the Rural Community Advancement Program (RCAP).

RCAP was comprised of three funding accounts – housing, utilities and business. RCAP provided the flexibility to develop innovative approaches to rural development problems locally. By permitting the transfer of up to 25 percent of the RCAP funds allocated to other programs within RCAP, local officials could direct more assistance towards the enhancement of jobs through education, infrastructure investment and economic development.

In recent years, funds for RCAP programs are appropriated under new and separate accounts within the Rural Housing, Rural Business Cooperative, and Rural Utility Services. RCAP no longer exists in name; however, program operations and implementation, including the flexibility to transfer funds within each account is not changed.

NACo supports this flexibility and urges Congress to adequately fund Rural Housing, Rural Business Cooperative and Rural Utility Services during the annual appropriations process.

Furthermore, NACo supports the Congressional Rural Caucus on issues of mutual interest and believes that the caucus is critically important to articulating the strengths and challenges of rural America. NACo also supports the creation of an interagency taskforce led by the U.S. Department of Agriculture to help bolster resources for rural counties.

NACo calls on Congress to provide needed support to USDA so that it may explore innovative approaches for building community capacity and introduce additional economic enhancement opportunities to rural businesses.

- A. Rural Housing:** Federal regulations often are inflexible and too restrictive in providing adequate quality housing for rural families and transient and permanent farm workers.

Additionally, six percent of rural houses have severe physical problems, including inadequate heating, plumbing, and space. NACo supports the U.S. Department of Agriculture's (USDA) housing programs and opposes any effort to move these programs to the U.S. Department of Housing and Urban Development.

- B. Rural Poverty:** According to the USDA and the U.S. Census Bureau, there are 301 persistently poor rural counties throughout the nation, roughly ten percent of our counties. These areas are defined as persistently poor since twenty percent or more of the population has lived in poverty for a thirty-year time period (measured by the 1980, 1990, and 2000 decennial censuses and the 2007-11 American Community Survey).
- C. Outmigration:** Outmigration poses a significant threat to rural counties across the United States. Nearly half of the Nation's 2,050 nonmetropolitan counties lost population through net outmigration between 1988 and 2008; for over 700 counties, this loss exceeded 10 percent.

### **III. RURAL INFRASTRUCTURE**

- A. Water and Wastewater:** Critical infrastructure, such as water and wastewater, remain a priority for many rural communities. The cost of building, maintaining, and upgrading local water system is a challenge for many small towns and rural counties. Beyond the public health interests, clean and reliable water is a necessity to spur economic growth. Studies have concluded that water and sewer projects can save or create jobs in rural communities by attracting and retaining businesses. Flexible cooperative/collaborative funding opportunities are encouraged.
- B. Transportation:** Additionally, many counties have to close bridges when they become unsafe and cannot afford to rebuild them. The quality of roads and bridges is declining in many rural areas due to lack of funding. Federal funding for rural roads, bridges, local transit service, and air service needs to increase substantially.
- C. Technology:** Advanced telecommunications are critical to the economic vitality of rural America. According to the Federal Communications Commission (FCC), a lack of broadband infrastructure could limit the potential of rural communities to attract and retain businesses and jobs, especially businesses that are dependent on electronic commerce. The lack of broadband infrastructure in rural communities has severely impaired the potential of rural communities to attract and retain new businesses. Increased deployment of advanced technology has major implications for rural counties including improved healthcare services through telemedicine, long distance education, attraction of quality economic development, and improved wages and employment.

Many rural counties with broad-band service, however, may only have one provider - compared to typically multiple providers in urban areas. Competition for broadband is especially important with regards to quality, costs, and speeds of service. Having little or no choice in broadband providers can cause rural users to settle for inferior/no service.

Advanced technology is a major key to closing the information gap between rural and urban areas. NACo supports congressional and administrative action that hastens the deployment of high-speed broadband technology in rural America.

**D. Economic Development:** Rural economic development is generally thought of in terms of improving the employment opportunities, incomes, and well-being of the nation's people by strengthening the capacity of rural America to compete in a global economy.

NACo supports holistic approaches to rural development, such as the Rural Collaborative Investment Program (RCIP) and the Strategic Economic and Community Development (SECD) Program. By incorporating elected county and municipal officials, businesses, and non-profits in a multi-county region, these programs would allow multiple sectors a chance to chart the future of their community. Additionally, NACo urges Congress to provide increased funding for local capacity and technical assistance.

NACo also supports improved coordination of the USDA's economic development programs at the state, regional and local levels. Federal agencies should be required to recognize and follow county and regional development plans developed by local and elected officials.

**E. Rural Healthcare:** NACo recognizes the vital role that healthcare plays in rural America. The healthcare industry is an economic development engine and access to affordable healthcare is essential to spur new businesses. NACo supports strengthening the healthcare delivery system in rural America, including ambulatory services.

#### **IV. AGRICULTURE**

**A. Farm Bill Authorization:** The ability of county governments to provide services financed by property and other local taxes is dependent on farm income and rural business. Agriculture is a key component of economic development and should be included in any comprehensive rural development program.

NACo supports expansion of the crop insurance program to include additional crops, livestock, and poultry. Additionally, NACo encourages Congress to provide a subsidy for hay production to assist agriculture communities, prevent soil erosion, and improve water quality.

NACo supports agricultural reforms that will improve health and protect the environment of all Americans through significantly strengthening federal nutrition programs, improving access to healthy food, promoting environmental stewardship and conservation, protecting our food supply, and robustly funding rural development initiatives based on best practices in coordination with local officials. All titles of the farm bill are important to the vitality of our nation, therefore, NACo supports full funding of all titles of this important legislation.

NACo supports investments in infrastructure, entrepreneurship programs and facilities that process, distribute, and develop value-added products using locally-grown commodities purchased from local farmers to meet the demand for local, healthy food.

NACo supports the definition of biomass from Titles I & III of the 2008 Farm Act, which states that renewable biomass is:

For federal lands: Materials that are byproducts of preventive treatments (e.g., trees, wood) that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health; would not otherwise be used for higher value products; and are harvested from the National Forest System land or public lands in accordance with public laws, land management plans, and requirements for old-growth maintenance.

For non-federal lands: Any organic matter that is available on a renewable or recurring basis from nonfederal land or land belonging to Indian tribes, including renewable plant materials (feed grains, other organic commodities, other plants and trees, algae), waste material (crop residue, other vegetative waste material

including wood waste and wood residue), animal waste and byproducts (fats, oils, greases, and manure), construction waste, and food waste/yard waste.

- B. Family Farm:** NACo supports the concept of family farms in producing agricultural goods. Federal policies should support the maintenance and continued existence of family farms. NACo supports an examination by Congress and the Administration into the declining revenue to agriculture producers from food sales while there has been no reduction in the cost of food.

To keep the integrity of the family farm in place and in turn the fiscal solvency of many counties dependent upon agriculture, NACo supports the beginning farmer loan program. NACo also supports incentives, such as low-interest loans and tax credits, to be provided to young people entering farming and agribusiness in rural areas.

Farming is not simply an occupation but a lifestyle, and it is critical that farmers be able to teach their children and grandchildren how to perform agricultural work safely and responsibly. Statutory child labor parental exemptions should be kept in place in order to ensure the viability of the family farm.

Additionally, NACo supports ‘agribility’ programs within USDA that help physically challenged farmers in their agricultural duties.

- C. Land and Water Conservation:** NACo recognizes the need to protect our nation's most environmentally sensitive lands and waters. Programs such as the Environmental Quality Incentive Program (EQIP), Conservation Reserve Program (CRP), Wetlands Reserve Program (WRP), Conservation Security Program (CSP), and others are important sources for technical assistance and are needed to help communities implement many important conservation measures.

NACo supports USDA's Natural Resource Conservation Service (NRCS) and the valuable technical assistance their field offices provide. The NRCS plays a critical role for counties by addressing local conservation issues pertinent to county governments as well as Soil and Water Conservation Districts.

NACo urges Congress to fund and expand backlogged farm conservation programs such as the Conservation and Wetlands Reserve, Buffer, and Farmland Protection Programs. Flexibility should be allowed in the Conservation Reserve Enhancement Program to permanently protect locally identified critical habitat areas. NRCS should be the sole federal agency with jurisdictional authority over agricultural wetlands areas in coordination with local officials.

NACo also supports USDA's National Conservation Buffer Initiative and its attempt to encourage the establishment of long-term conservation practices such as the creation of buffer strips, planting of trees for windbreaks, wildlife and other conservation enhancement purposes. This initiative will help landowners make good use of their best cropland and maintain their marginal area lands.

NACo is concerned about the loss of productive farmland to nonagricultural uses because of increasing development. NACo urges Congress, and the USDA to support measures to retain, protect, and improve agricultural land, and conserve topsoil, consistent with local land use policies and controls. An important aspect of the conservation process is the maintenance of financial and technical assistance to establish practical methods to protect farmlands for American farm families and retain farmland to maintain stable production of farm commodities.

NACo recognizes that federal, state and county partnership in coordination should be a partnership enhanced by a common goal in identifying and implementing conservation management practices. This would include the targeting of priority protection areas in developing sound agricultural conservation management programs.



NACo urges the U.S. Environmental Protection Agency (EPA) to use the best scientific data on pesticide use, residues on crops, and toxicity, so that important pesticide uses are preserved; and to work closely with the USDA to improve consultation with all stakeholders.

NACo supports federal incentives that reward American agriculture for the implementation of best management practices that protect the environment and opposes any attempts to impose a federal greenhouse gas tax on livestock.

- D. Pest Management:** Wildlife can cause significant damage to private and public property, including agricultural crops, livestock, forests, pastures, and urban and rural structures. NACo supports USDA Animal Plant and Health Inspection Service (APHIS), Wildlife Service programs and encourages Congress and the Administration to provide necessary resources to strengthen these programs. NACo also opposes efforts to weaken WS programs, including efforts to decrease funding and change authorized abilities to cooperate with counties and other entities needing assistance.
- E. Farmworkers:** According to USDA's Economic Research Service the total U.S. agricultural labor force has declined over the past century and hired farm workers have become the largest proportion of all farm workers. An estimated half of hired farm workers lack the legal status to work in the U.S. These workers are a major presence in rural communities across our country and are vital for the economic health of our agricultural sector, from large producers to family farms and ranches. The H-2A visa program – the nation's only legally sanctioned guestworker program – does not have the capacity to handle the nation's demand for hired farm workers. NACo supports a sensible and orderly guestworker program for farm workers that significantly simplifies administrative requirements for all employers equally, provides temporary legal status and protections for migrant farm workers, and the possibility of obtaining permanent legal residence in the United States.

In addition, NACo supports the following principles:

- **The Future Flow of Agricultural Jobs:** The continuous flow of a legal, reliable and stable workforce is necessary to ensure the future of agricultural production in the U.S.
- **Wages:** The wage must be an economically viable rate for agriculture, representing the local area.
- **Private Right of Protection:** There must be protections in place to ensure that agricultural employers are not at risk from class action litigation.

- F. Property Rights of Horse Owners:** NACo calls for the humane treatment of horses in the ownership, raising, transporting, and processing that is carried out under the supervision of USDA. NACo opposes efforts to curtail the property rights of horse owners and specifically opposes efforts to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes. This federal legislation will make it illegal to transport horses to a packing plant or to release any horses to any Canadian or Mexican packing plants, thereby totally shutting down the "harvest" market for used and unwanted horses.

Only about 6,000 spaces are available nationwide for horse rescue facilities and the vast majority are already full. Unwanted horses are detrimental to county governments as horse owners release their unwanted horses into the wild, thus making it the county's responsibility to collect and dispose of them. Horse owners who wish to seek an additional value for their spent horses by sending them to slaughter should have the right to do so. Those who wish to retain them to die of old age, or euthanize and bury them on the farm or ranch should have that right as well.

**G. Renewable Energy:** NACo supports comprehensive legislation to encourage and enable American Agriculture to provide at least 25 percent of the total energy, including wind and solar, consumed in the United States by 2025 while continuing to produce abundant, safe and affordable food and fiber.

Biomass fuels (ethanol, bio-diesel) are paramount not only to the reduction of pollution in counties throughout the nation, but also serve as revenue generators for many farmers that are struggling with low prices for their crops and increased costs of production. Their use and development should be encouraged and enhanced by Congress.

While NACo is supportive of tax incentives to increase usage and reliance on renewable energy sources, it opposes mandates that will result in undue fiscal hardship to rural and agricultural users.

In addition, NACo supports the increased use and promotion of wind energy. Wind energy represents a clean and renewable source of electric power and it has great potential and should receive tax credits for production.

**H. Drought and Natural Disasters:** The results of droughts and other natural disasters cause great economic loss, high unemployment, and other long-range problems. NACo is concerned about the adverse impact these weather-related disasters have upon counties and other local governments.

NACo urges the Administration and Congress to adopt a national drought policy consistent with the recommendations of the National Drought Policy Commission's report: *Preparing for Drought in the 21st Century*. These programs should provide for long-range solutions to minimize the effects of future droughts and disasters as well as the economic revitalization of the community.

NACo urges Congress and the Administration to pass disaster assistance aimed at farmers during times of drought and abnormal precipitation.

**I. International Trade:** NACo believes that the competitive position of U.S. agriculture in world markets would be enhanced by the removal of certain barriers to trade in some foreign markets and by the termination of subsidies by foreign competitors.

NACo supports legislation that provides for uniformity in product grade, quality and inspections standards for all imports and exports.

NACo is opposed to the use of agricultural commodities as an embargo tool for U.S. foreign policy. The use of commodity embargoes has an adverse effect on long-term market demand and thus on the rural economy.

**J. Outreach Partnerships:** Across the country, counties partner with federal, state, local and tribal governments; public and private sector interests; non-profit organizations; and colleges and universities to fund community outreach and educational initiatives.

NACo reaffirms the importance of the work of the outreach programs and calls on federal, state, local and tribal governments; public and private sector interests; non-profit organizations; and colleges and universities to maintain their support. NACo also calls upon the Extension Service to ensure that services adapt regularly to the needs of counties and create a formal process to ensure that counties play a partnership role in selecting extension staff and the topical focus of local agents.

NACo supports the mission of the USDA and encourages it to focus on expanding the competitiveness of American agriculture and supporting rural businesses and industries that enhance rural development and quality of life in rural communities.

Research and extension activities that address the constantly changing economic and technical changes in agriculture are strongly supported by NACo. That includes placing a higher priority on research regarding alternative uses of agricultural products and identification of potential new uses including specialty markets that provide opportunities for agricultural entrepreneurs.

- K. GMO Regulations:** NACo supports a comprehensive plan to address the co-habitation and protection of genetically engineered and non-genetically engineered crops to provide a strong and robust agriculturally-based economy. NACo supports policies provided by the U.S. Department of Agriculture that standardize or unify regulation of genetically engineered crops which alleviate the need for county or municipal governing bodies to regulate, investigate or enforce regulation of related ordinances or laws.

## **V. FOOD SAFETY**

Protecting the welfare of all American consumers, especially our children, is the responsibility of public officials. Maintaining confidence in our nation's food supply benefits agricultural producers and food manufacturers located throughout our nation.

- A. Processing Plant Inspections:** NACo urges USDA not to exempt any particular type of processing method from rigorous inspection. NACo supports the food safety inspection system for meat processing plants. This new system replaces a sight and smell technique with scientific methods and should help other processing plants better target and reduce harmful bacteria on their products.
- B. Use of Pesticides on Imported Products:** The U.S. Department of Health and Human Services, the EPA, and other federal organizations place controls on the legal use of certain pesticides and chemicals in the United States; however, it is common practice in many foreign countries to use pesticides and other chemicals that have not been approved or have been banned in the United States. Food products treated with these pesticides and chemicals are routinely imported to the United States; therefore, NACo urges Congress to support programs that allow for voluntary labeling of American made products in an effort to differentiate American products from imported products. NACo urges Congress to support voluntary country-of-origin labeling (COOL) provisions in any agricultural authorizing or appropriation bills. NACo strongly urges the federal government to encourage that all fruits, vegetables, meats and other foodstuffs entering the United States be legibly and indelibly labeled in such manner as to indicate to the consumer the country of origin.
- C. Food Importation:** NACo supports full financial assistance to producers in the event of a national animal identification system to comply with the system. Furthermore, NACo urges the USDA to mandate that all countries wishing to import livestock to the United States must meet or exceed U.S. standards of care regarding Bovine Spongiform Encephalopathy (BSE) and foot and mouth disease. NACo urges the USDA to continue the ban on importation of livestock from countries with confirmed cases of BSE and/or foot and mouth disease and strengthen enforcement standards in order to guarantee safe food for our nation. USDA should conduct inspections at the site of production of all food products that are exported to the United States financed by the producer.
- D. Healthy Food Access:** NACo supports the promotion of healthy diets, including strengthening incentives and infrastructure to encourage more fruit/vegetable production. Incentives and infrastructure include better access to fresh foods, investment programs promoting healthy food, expansion of programs that help communities invest in retail markets and food-based businesses, and increasing access to farmers markets. NACo also supports farm-to-school programs that bring fresh locally grown food into school lunch programs.
- E. Locally Grown Initiatives:** NACo supports local food producers that sell direct to consumers and calls on USDA and FDA to continue providing outreach and technical assistance to these producers to ensure that they are implementing best practices in food safety.

**F. GMO Disclosure:** NACo supports a national policy on the disclosure of genetically engineered ingredient or content information, which can alleviate the need for state, county or municipal governing bodies to regulate, investigate or enforce regulation of related ordinances or laws. National disclosure policy should recognize the safety of genetically engineered ingredients and balance providing interested consumers with means of accessing information about genetically engineered foods without unnecessarily stigmatizing the technology. Means of providing information to consumers could include various means such as electronic or digital links, or a QR code.

## **V. METHAMPHETAMINE & OPIOID/PRESCRIPTION DRUG ABUSE EPIDEMIC**

Over the last decade, devastating and highly addictive drugs have spread across the country, especially in rural counties, most notably methamphetamine and opioids. NACo supports appropriate funding for research, enforcement, treatment and education of users and their families dealing with these epidemics.

Investigation and subsequent arrests, corrections, court costs, treatment and clean-up are all direct costs to county governments as a result of the skyrocketing use of meth and opioids, prescription drug abuse and the manufacturing of meth. These costs extend beyond the user and dealer. Many times the families and young children living with them are in need of social services, further exacerbating county governments' limited resources.

NACo urges Congress and the administration to commit more resources to fight these harmful epidemics. Specifically, NACo supports the Methamphetamine Remediation Research Act of 2007, P.L. 110-43, which provides a research program for remediation of closed methamphetamine production laboratories. NACo also supports grant programs to facilitate the creation of methamphetamine precursor electronic logbook systems and programs that fund training for healthcare providers on appropriate opioid and painkiller prescribing. Furthermore, NACo supports accreditation efforts for recovery programs, both residential and out-patient.

## **VI. STATEMENT OF COMMITTEE PURPOSE**

In addition to studying agriculture and rural development issues and recommending NACo policy positions, the Agriculture and Rural Affairs Steering Committee has an oversight role with other policy committees on issues affecting rural counties. This committee will recommend issues to be studied, indicate the impact of policies on rural counties, and seek input into policy Resolutions drafted by other policy committees.

# **AGRICULTURE AND RURAL AFFAIRS RESOLUTIONS**

## **Resolution on H-2A Administrative Rules Reform**

**Issue:** The U.S. Department of Labor should consider reforms to existing H-2A administrative rules by addressing the following items: 1) Streamlining housing, transportation, and worker certification approvals; 2) Re-evaluating housing program components to include a discussion of vouchers, wage offsets, and a pre-employment housing needs survey; 3) Clarifying the term "seasonality" and providing flexibility for farm worker movement to respond to production needs; 4) Creating a simplified application processing system with a central portal housed under the United States Department of Agriculture; and 5) Modernizing farm worker recruitment methods to ensure timely certification and arrival of farm workers.

**Adopted Policy:** The National Association of Counties (NACo) urges the U.S. Department of Labor to reform existing H-2A administrative rules to modernize and simplify the H-2A application and certification processes and expand farm worker flexibility to ensure that a reliable and capable workforce is available for the nation's farmers and ranchers.

**Adopted | July 16, 2018**

## **Resolution on Rural Broadband**

**Issue:** Rural residents lag behind their urban counterparts with respect to access to reliable and high-speed Internet services.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to strengthen sustained funding for rural broadband deployment and support cooperatives deploying telecommunications services by leveraging and streamlining key federal programs: the U.S. Department of Agriculture’s Rural Utilities Service (RUS); the Federal Communications Commission (FCC) Connect America Funds (CAF); U.S. Economic Development Administration grant program; and the Rural Infrastructure Program.

**Adopted | July 16, 2018**

# COMMUNITY, ECONOMIC AND WORKFORCE DEVELOPMENT

## STATEMENT OF BASIC PHILOSOPHY

The National Association of Counties (NACo) recognizes the critical role of county governments in the overall economic vitality of our nation through the development of viable urban, suburban and rural communities. To exercise this role, county officials must implement local policies and intergovernmental initiatives that comprehensively address such issues as affordable housing, economic development, land use planning, commercial development, job creation, business retention, employment centers, veterans services and infrastructure capacity.

County governments should ensure that community, economic and workforce development resources are accessible to all demographic [age, gender] and socioeconomic groups. Moreover, a broad range of resources and responsibilities make county governments the natural political entity to provide leadership in administering programs and delivering services. County governments play a vital role in coordination and planning efforts because many federal and state programs emphasize regional approaches to community, economic and workforce development. Since counties have limited resources and capacity, state and federal programs should allow for more flexible and cost-effective administration that will result in more efficient local management to meet the goals and objectives of state and federal programs.

## COMMUNITY DEVELOPMENT

**A. The Federal Role in Community Development:** In order to address the community development social and economic needs in urban, suburban and rural counties, federal programs must be funded at levels commensurate with national needs. Federal agencies such as the Department of Housing and Urban Development (HUD), Economic Development Administration (EDA), Small Business Administration (SBA), Appalachian Regional Commission, Tennessee Valley Authority, Delta Regional Authority, Denali Commission, USDA Rural Development, and Department of Labor are critical for stimulating local economies and leveraging private sector resources.

**B. Community Development Block Grant:** NACo strongly supports the Community Development Block Grant (CDBG) program established in the Housing and Community Development Act of 1974. The CDBG program provides increased opportunities for elected county officials to plan, implement, and evaluate local community development and housing assistance programs.

Under the Act, county officials, and particularly those whose counties receive urban county designation, are afforded additional resources to address long-range physical, social, housing and economic development needs in their jurisdictions in a comprehensive manner. Counties commit CDBG funds to projects that are determined to meet local priorities in addressing development, housing, economic infrastructure and low income needs.

Recognizing that federal funds and local capacity to administer this program are a limited resource, NACo supports the flexible use of CDBG funds to address certain immediate and unanticipated national priorities in line with the following principles:

- That national priorities not diminish local priorities and commitments;
- Additional funding must be provided for any new initiatives or responsibilities to be under-taken with CDBG funds;
- Any new initiatives that are proposed to be funded with CDBG funds must further the original purposes of the Act or be funded under a new title with separate funding; and
- More flexible and streamlined administration of federal and state mandates to allow cost-effective methods of compliance and administration.

NACo endorses the linkage provided in the Act between community development and housing assistance programs. Counties are required to submit consolidated plans. This provision gives counties increased leverage in addressing not only the housing needs of those residing, or expected to reside, in their jurisdictions, but also in determining housing location and evaluating the growth implications of such development.

In order for the potential of the CDBG program to be fully realized, it must be fully funded and properly administered. NACo urges the Congress, HUD and the Office of Management and Budget to comprehensively review the adequacy of present and future program levels, so that all counties, not just those that receive a direct entitlement, can participate in this important program area.

In addition, NACo opposes the imposition of a funding threshold to receive CDBG formula funds to directly or elimination of “grandfathering” provisions which allows cities and counties to maintain their entitlement status. NACo also does not support diverting CDBG formula funds to other categorical grant programs.

Finally, NACo recommends that Congress stop the proliferation of set-asides within the CDBG and HOME programs.

- C. Empowerment Zones and Enterprise Communities:** NACo supports federally designated empowerment zones and enterprise communities that respect local regulations and local contributions to the success of the zone and are distributed equitably throughout the nation and between urban and rural counties. Local governments should undertake a voluntary review of local provisions that might impede economic development.

Federal waivers should not override state and local laws or regulations. Any local, state or federal incentives to establish zones should emphasize the retention and expansion of small businesses that create the majority of new jobs.

The program should provide for local government input in developing and implementing comprehensive plans, so that counties’ critical role in delivering and coordinating a vast array of social services is maintained. Where feasible, employment aspects of zones should be coordinated with job training services.

- D. The Community Reinvestment Act:** NACo strongly supports the Community Reinvestment Act (CRA) and opposes any effort to weaken the Act, because continuing disparities in mortgage lending adversely impact low-income, distressed, and minority communities. Since its passage in 1977, the CRA has been responsible for many loans and investments to traditionally underserved inner-city and rural communities nationwide.

By assisting local governments expand private investment in these neighborhoods, the CRA has helped strengthen the tax base and thus improve the fiscal condition of many communities. Investment in housing and small business development made possible by the CRA has created jobs, expanded homeownership opportunities, and improved neighborhood stability.

## **HOUSING**

- A. The Need for Affordable, Workforce and Entry Level Housing:** County governments have a responsibility to help assure decent housing for all segments of their population. Counties should continue to identify and meet the needs of very low, low and moderate-income households, including those with special housing needs. Whenever possible, counties should take steps to remove all discrimination in the housing market, including prohibiting exclusionary zoning practices. All levels of government should ensure enforcement of Title VIII of the Civil Rights Act of 1968 through expeditious resolution of allegations of fair housing violations.

NACo urges Congress and the U.S. Department of Housing and Urban Development (HUD) to provide dedicated resources to enhance the ability of counties and local governments to comply with HUD’s AFFH

Final Rule and complete the required AFH planning process, including but not limited to: increased flexibility to utilize Community Development Block Grant (CDBG) funds beyond existing statutory and regulatory caps for fair housing planning and program implementation; and dedicated funds for local governments to offset the increased costs associated with undergoing the mandated AFH planning process. In addition, HUD is urged to provide enhanced technical assistance to counties and local governments to aid them in developing comprehensive AFHs, such as best practice guides, toolkits and sample agreements for regional or multi-jurisdictional collaboration, fair housing program implementation guidance, and specialized assistance for public housing authorities.

Concentrations of assisted housing for very low, low and moderate-income families in one geographic area should be avoided and mixed-income housing encouraged. Federal and state governments as well as counties should be aware of the interrelationship of social issues and housing and provide appropriate supportive services and facilities.

Counties should encourage innovations in housing technology, design, approval, and construction in order to lower the cost of decent, safe, and sanitary shelter. National performance criteria and minimum standards for building materials and practices should be developed along with expanded research on building construction that take into account energy conservation. To the greatest extent possible, housing should be constructed with energy efficiency in mind to reduce increasing housing costs and resource consumption.

The federal government should prepare a model building code that includes separate building codes for modular, mobile, and other forms of factory-built housing.

Counties and states also should assess the impact of local land use policies on housing costs. Federal, state, and local agencies should periodically review their off-site and on-site development standards, as well as their methods and procedures as to zoning, subdivision controls, and environmental standards, to ensure that they reflect the state-of-the-art and that their standards are not excessive. When appropriate, employer housing should be planned to allow homeowners to live close to work in order to reduce commuting costs and use of energy. The federal government should not make housing and community development funding contingent upon HUD approval of a jurisdiction's local regulations affecting housing affordability and availability.

**B. State and Local Roles in Housing:** States and local governments should collaborate on their respective roles in reducing housing costs and increasing the supply of affordable units, including establishment of state and local housing finance agencies. This analysis might consider ways to seek uniformity in tax assessment practices.

State governments also should adopt legislation clarifying the respective rights of owners/occupants, and landlords/tenants. Moreover, NACo urges industry groups and government at all levels to implement programs and take legislative/regulatory action necessary to eliminate predatory lending practices.

**C. The Federal Role in Housing:** The federal government should follow a national housing policy that embodies clear annual housing goals, provides adequate and predictable funding levels, offers incentives for energy efficient buildings and builds on partnerships with state and local governments and the private and nonprofit sectors in support of new construction and rehabilitation for rental and homeownership properties, particularly for low and moderate-income persons.

Federal policy should allow for voluntary adoption of fair share housing programs on a metropolitan area basis, address the housing needs of rural America, expand the federal government's role in credit enhancement, and preserve the Federal Housing Administration's single and multifamily housing insurance programs.



NACo supports legislation that makes funding available to state and local governments to address affordable and workforce housing needs.

The lack of affordable housing at the state and local level is a national crisis. Over the years, housing has become more and more unaffordable. Homeowners are forced to either live beyond their financial resources and/or live long distances from the communities in which they work. This commute creates transit and social issues that put demands on counties.

When Congress considers comprehensive tax reform, NACo urges it to protect key tax code incentives that stimulate private investment in single-family and multifamily affordable housing and neighborhood revitalization. These include tax-exempt single-family and multifamily housing private activity bonds, Low-Income Housing Tax Credits and New Markets Tax Credits.

NACo supports an amendment to the current law to allow metropolitan city Emergency Solutions Grant (ESG) funds that fall below the threshold to be remitted to the urban county in which the municipality is located, rather than the state. Additionally, NACo supports legislation that allows Metropolitan Cities and Urban Counties to form consortia for purposes of receiving and administering ESG funds.

- 1. The HOME Investment Partnerships Program:** The Cranston-Gonzalez National Affordable Housing Act is landmark legislation that reestablishes a major federal commitment to housing. The HOME Investment Partnerships program, which is the centerpiece of this Act, builds upon the significant capacity and experience of county and other local and state governments to design and implement affordable housing programs for low and moderate-income persons. In order to maximize the program's effectiveness, county governments must be allowed considerable flexibility in their use of HOME funds to address identified local needs.

Sixty percent of HOME funds are allocated to urban counties and metropolitan cities and the balance to the states. Awarding the bulk of funds to local governments reduces bureaucracies at the state level that impede local flexibility.

NACo urges Congress to pass legislation authorizing a federal housing production program within the HOME program.

- 2. National Housing Trust Fund:** NACo urges Congress and the U.S. Department of Housing and Urban Development (HUD) to provide for the allocation of HTF funds to local governments. Driving HTF resources to the local and county levels will ensure these federal affordable housing resources are effectively targeted and tailored to meet the unique and individualized affordable housing needs of local communities across the nation. In the event that increased HTF resources become available, Congress and HUD are also urged to provide a formula allocation of HTF resources directly to local governments.
- 3. Federally Owned Residential Property:** The federal government, due to foreclosures and abandonment of federally insured houses, owns thousands of residential properties throughout the country. These properties are not only a tax burden for local government, but also contribute to rapid neighborhood deterioration and decline. Most are vacant and subject to vandalism, becoming breeding grounds for crime and delinquent behavior.

NACo strongly believes that the federal government, in cooperation with local governments, should provide mechanisms for returning these homes to sound condition. All local efforts to rehabilitate and occupy these properties should be supported. Counties should cooperate with the federal government in rehabilitating and returning these properties to the housing market. In no case, however, should the federal

government ignore its responsibility for the condition of these homes and shift the burden for reclaiming these properties to state, county, or city government.

- 4. Preservation of the Low-Income Housing Stock:** Many low-income rental housing units receive federal assistance, and many are insured through the Federal Housing Administration (FHA).

In the absence of a preservation strategy, many of these units are likely to be lost from the low-income rental inventory through defaults on mortgages, and others could be lost if owners prepay mortgages and convert properties to market-rent. NACo supports strategies that preserve the supply of low-income rental housing stock.

NACo generally supports legislation that provides a tax credit to help offset the negative tax liability for owners of federally assisted housing to encourage transfer of their property to a preservation entity that agrees to keep it affordable for a period of at least thirty years. Such efforts will minimize the risk of property deterioration and loss of economic value of affordable housing units.

- 5. Restructuring the Federal Housing Administration Portfolio:** NACo supports refining the Federal Housing Administration (FHA) portfolio. The FHA multifamily portfolio must address federal budgetary concerns and ease federal regulatory burdens that have increased the cost of operating Section 8 housing for owners and the cost of subsidizing such housing to HUD.

- 6. Preserving Section 8 Housing:** NACo supports preserving Section 8 housing and preventing the displacement of the tenants. NACo urges the administration and Congress to take the necessary steps to preserve local communities' stock of affordable housing by adopting tax policies that encourage the transfer of properties outside of CDBG, HOME, and other HUD programs.

NACo urges Congress to pass legislation amending the Housing Choice Voucher Program to improve its use in the development and preservation of housing for low- and moderate-income families. Specifically, NACo calls on Congress to:

- Expand the limit for project-based vouchers from twenty to 35 percent of a locality's allocation;
- Consistent with current performance standards, require HUD to reallocate unused vouchers to other jurisdictions in a specified time period annually;
- Modify the targeting requirements to allow sixty percent of the vouchers to be made available for households at or below thirty percent of median income and up to forty to fifty percent of median income, with households below or at thirty percent being given preference; and;
- Restore the fifty percentile of the fair market rent standard to promote the de-concentration of families in poverty;
- Provide more flexibility in initial and annual inspection of units to be occupied by voucher holders. Accept inspections from other agencies and reduce the frequency of annual inspections for projects with good track records;
- Remove disincentives to forming consortia to administer voucher programs. In addition, NACo does not support block-granting of the Section 8 program because it will result in a reduction of funding sold on the basis of more flexibility;
- Insure that program administrators have a system of reserves in order to deal with unforeseen changes in market conditions, family incomes, appropriations, administration and additional authorized vouchers.

- 7. Use of Tax Code for Multifamily Rental Housing:** NACo supports incentives in the tax code to stimulate investment in affordable housing, including continuing the ability of counties to issue tax-exempt single

and multifamily housing bonds and allocate Low-Income Housing Tax Credits. NACo supports legislation amending Section 149(b) of the Internal Revenue Code to permanently add Federal Home Loan Banks to the list of entities permitted to credit and/or enhance tax exempt bonds.

NACo also supports removing the penalty that lowers the value of the tax credit from nine percent to four percent when used in conjunction with tax-exempt financing for multifamily housing.

8. **The Low-Income Housing Tax Credit:** NACo continues to support permanent status of the Low-Income Housing Tax Credit. The credit accounts for many of the new apartments constructed in the United States, and virtually all of the apartments constructed or rehabilitated for low-income renters. Permanent status of this tax credit must be maintained so that potential investors will not be discouraged from making investments and housing providers can make appropriate planning and administrative decisions.

NACo is very concerned that any future proposal to eliminate the double taxation of corporate dividends through an “excludable dividend amount” would have an adverse impact on tax-exempt bonds and Low-Income Housing Tax Credits.

9. **Commercial Revitalization Tax Credit:** NACo supports the Commercial Revitalization Tax Credit (CRTC) to provide business growth in distressed areas. The CRTC can be an important and worthwhile incentive for business investment in specially-designated revitalization areas to bring communities back to life. Private business investment in these revitalization areas will help boost the economic vitality of these communities and provide opportunities for new job growth. New business construction and business rehabilitation can enhance the physical environment of distressed areas in communities around the nation, while improving their social and economic conditions.

10. **Single-Family Homeownership Tax Credit:** NACo endorses the concept of a homeownership tax credit designed to provide homeownership opportunities for low and moderate-income families. Homeownership gives families a stake in their communities and increases the stability and vitality of neighborhoods. Local elected officials support legislative efforts towards the creation of an investor-based tax credit that would encourage the development of single-family affordable housing.

11. **Government Sponsored Enterprises (GSEs):** NACo strongly supports the continuation of a government role in the secondary market for the Nation’s mortgage system. GSEs are chartered by Congress to provide stability in the secondary market for residential mortgages, respond appropriately to the capital markets, and promote access to mortgage credit throughout the nation. In that role, they provide liquidity to the market by buying and packaging mortgages into mortgage-backed securities that are sold to investors. This process is essential to maintaining a flow of capital to the mortgage market. GSEs are key partners with county governments in expanding affordable housing opportunities for first-time and other homebuyers.

Government-Sponsored Enterprises have been leaders in the creation of innovative lending programs to finance affordable housing. The GSEs’ mission assures that mortgage capital will be focused on the development of tools that create mainstream products and services tailored to the affordable housing marketplace. The GSEs work through national and local lenders and county governments to innovate and take prudent risks in providing mortgage capital to develop and sustain strong communities. The GSEs also have been essential investors in tax-exempt single family and multifamily housing bonds and Low-Income Housing Tax Credits, essential tools used by counties to expand affordable housing opportunities.

NACo supports a federal role in the secondary market for the nation’s mortgage system to provide stability for residential mortgages and to help expand access to mortgage credit and affordable housing opportunities for first time homebuyers and other homebuyers and renters. In any reform of the housing finance system Congress should provide for a continuation of the 30-year mortgage, support for affordable

rental housing including the provision of credit enhancement and insurance products in support of county affordable housing programs and permitting county lending programs to cover some or all of the down payment for first-time homebuyers who are adequately counseled in the responsibilities of homeownership.

- 12. Lead-Based Paint:** NACo supports additional funding to offset the substantial increase in the cost to rehabilitate housing units using CDBG and HOME funds due to the presence of lead-based paint hazards.

Many communities have experienced a substantial increase in the cost of their CDBG and HOME funded rehabilitation and homeownership programs to implement lead-based paint mitigation strategies, without a source of funds to pay for the increased cost.

This regulation was issued under sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992, and covers all housing assisted through CDBG and HOME, including housing where no children under the age of six are present. It has been documented that there is a lack of a sufficient number of trained and certified lead-based paint professionals, such as risk assessors, inspectors, abatement contractors, and laboratories to implement the regulation in all communities. In addition, this regulation will impact the timely expenditure of CDBG and HOME funds. NACo supports federal support of additional resources to help local governments implement the requirements of this federally mandated regulation.

NACo supports revision of the National Manufactured Housing and Construction and Safety Standards Act of 1974 to make and keep current; and address concerns with the construction and safety standard of manufactured homes. NACo supports the modernization of the Act by establishing a process for the development, revision, and interpretation of federal construction and safety standards for manufactured homes.

- 13. Homeless Assistance:** NACo supports full funding of federal homeless assistance programs. NACo supports efforts to convert categorical housing programs for the homeless into a block grant program. The programs should give localities sufficient flexibility to address identified local priorities and needs. Localities should be provided with sufficient funds for program administration and capacity building of local service providers. Caps should not apply to supportive services. Finally, urban, suburban, and rural counties should be able to form consortia to effectively implement continuum of care plans.

NACo strongly recommends that Congress and the Administration enact legislation that provides dedicated full funding for existing Shelter Plus Care programs that are separate from the HUD McKinney Act Supportive Housing Program, while maintaining current Shelter Plus Care regulations and consistency with the successful Continuum of Care approach.

NACo strongly supports retaining Housing First as a best practice approach to homeless assistance that prioritizes providing permanent housing to people experiencing homelessness. NACo also calls for an end to the practice of discharging large numbers of people into homelessness from hospitals, mental health and chemical dependency treatment facilities, jails and prisons without adequate community support systems. NACo commits to urging Congress to make investments in additional affordable and supportive housing alternatives from mainstream systems, so that supportive housing is available to those who are homeless or would be homeless without it.

NACo supports legislation to provide additional federal resources to develop housing with supportive services, including mental health services, to help the reintegration of “public safety” ex-offenders into the community and the housing market. These additional federal resources must not be at the expense of existing HUD programs, Low-Income Housing Tax Credits, or any other federally funded domestic program.

NACo endorses the Administration's national goal of ending chronic homelessness in ten years. NACo supports the ten-year planning process of the Interagency Council on Homelessness, which recognizes that the abolition of chronic homelessness requires collaboration and coordination of resources in performance-based strategies at all levels of government, together with community institutions, businesses, and faith-based organizations. NACo encourages counties to develop Ten-Year Plans incorporating the latest research on effective engagement, housing, and services strategies to prevent and end chronic homelessness.

**14. Initiative to End Veteran Homelessness:** NACo supports the goal of ending homelessness among veterans and military families, including using temporary assistance and shelter resources to assist with permanent housing placement. NACo strongly recommends the continued appropriation of resources through the Veterans Affairs Supported Housing (HUD-VASH) vouchers, Supportive Services for Veteran Families (SSVF) grant program, and the Grants and Per Diem program to accomplish this goal.

**15. Special Needs Housing:**

**a. Housing Options for an Aging Population:** NACo supports the development of local housing options that assist older persons to continue living in their dwellings. These options may include home equity conversion, home maintenance, accessory apartments or other secondary units and shared/group residences. When older persons are no longer able to live in their existing dwellings, their options should include congregate housing, continuing care retirement communities, assisted living and other appropriately designed multi-family or group living complexes.

In appropriate circumstances, family caregivers who wish to alter their homes to provide needed non-institutional support for older parents should not be penalized by zoning regulations and higher property taxes from adapting their residences for this purpose. Efforts should be made to support older persons living in their own dwellings or in congregate housing through the integrated delivery of social services in the community.

**b. Housing Opportunities for Persons with AIDS:** There is an urgent need for communities to provide appropriate and affordable housing for persons and families living with the acquired immunodeficiency syndrome and human immunodeficiency virus (AIDS) who are at greater risk of illness and possible homelessness.

In order to better coordinate the delivery of health care and housing services, counties as well as cities should become eligible to be allocating agencies for metropolitan areas under the Housing Opportunities for People with AIDS (HOPWA) program. Counties and cities throughout the country have demonstrated that they will develop fair allocation and implementation procedures that meet the needs of entire communities.

**16. Refining the Mortgage Revenue Bond Program:** NACo supports the Mortgage Revenue Bond program and the increased purchase price limits due to the recent economic downturn. NACo supports preservation of the Qualified Veterans Mortgage Bonds (QVMB), bonding authority for states.

**17. Employer Assisted Housing:** NACo supports legislation that would encourage employers, counties, and municipalities to invest in employer-assisted housing programs by providing a tax credit to partially offset the costs of such programs.

**18. Foreclosures:** NACo supports programs that reduce the number of foreclosures, encourage refinancing/restructuring mortgages that allow families to retain their homes, and lower the inventory of vacant and abandoned homes to eliminate blight and revitalize the housing market.

## COUNTY ROLE IN HOUSING

- A. Planning:** Local elected officials, after appropriate citizen input, should develop guidelines for areas of development opportunity (where growth should be encouraged and facilitated) based on explicit standards to protect critical areas. Any state and/or regional review of local plans should only be for consistency with these guidelines and standards. Local land use plans should be based, among other things, upon demographic and marketing trends and upon local capital improvement projects which provide the infrastructure for growth.

Natural resource inventories (as opposed to environmental impact statements) should be undertaken on a metropolitan area basis to identify hazardous areas where no development can take place, areas of critical concern, such as productive agricultural land, where limited development can take place, and areas where no impediments exist. Federal standards for programs necessary for growth (such as water and sewer funding) should be based on the growth needs of each area.

NACo supports county planning and land use policies that contemplate growth and development patterns occurring within a county and the surrounding region. Recognizing that land use decisions are inherently local in nature, NACo strongly supports county government decision-making that appropriately reflects the county's needs in accommodating growth, as well as the will of county residents.

- B. Housing Element in the Local Plan:** Counties should prepare and adopt housing elements as part of their comprehensive plans. This housing component should include projections of present and future housing needs, and take into account land zoned for different types of lot sizes, types of housing (including manufactured housing), and different income levels. In addition, it should set realistic annual goals for the number of units or persons to receive housing assistance and make provision for the public facilities. The housing element should be coordinated with all other related plans supportive to the housing element such as utilities, human services programs, open space, recreation, trails, schools, churches, commercial areas, agriculture, transportation, and other community services and facilities.
- C. Local Land Use Policies and Procedures:** Zoning, subdivision regulations, timing of development, and permitting procedures have a direct, although not the major, impact on the cost of housing. Recognizing, therefore, that county government can contribute, at least in part, to stemming increases in housing costs, NACo recommends the following policies:
- 1. Inclusionary Zoning:** Incentives such as inclusionary zoning and density bonuses should be enacted to expand affordable housing.
  - 2. Permitting Processes:** Legislation enacted by states or local governments involving zoning, subdivision regulation, or environmental protection, and their implementing regulations, should be reviewed regularly for consistency to reduce duplication, achieve simplicity (including those areas where regional qualification and criteria are necessary), and clarity.

The number of permits required for development should be reduced through consolidation of overlapping regulations. Intra-governmental and intergovernmental consolidation of hearings and interchange ability of approvals (or at least interchangeability of information requirements) can reduce delay while maintaining opportunities for public involvement.

Local governments should require that on-site improvements exclusively benefiting the home buyer be included as part of development costs. On and off-site improvements benefiting a population larger than the development should be shared between the developer and the community.

Counties should prepare housing and building permit registries which describe requirements, procedures, and regulations in specific terms. Application forms should be consolidated and/or standardized. Criteria for determination of application completeness should be developed and published. Preliminary conferences should be held with developers (particularly small or inexperienced ones) to assure that requirements, procedures, and regulations are clearly understood, and an early determination of application completeness should be made. Local governments should consider using a zoning hearing examiner as a way of reducing development processing time.

NACo commends the Department on its commitment to reducing regulatory barriers. However, it must be noted that zoning and land use decision making is an inherently local process, subject to a range of influences including market forces, citizen input and political realities. Moreover, there is a concern that some communities without the capacity to undertake technical or personnel changes necessary to implement practices that streamline permitting and zoning processes may lose important federal resources. Regardless, local governments are deeply committed to increasing the supply of affordable housing, and agree that steps can be taken to reduce regulatory barriers.

## **ECONOMIC DEVELOPMENT**

**A. County Role in Economic Development:** County officials should exercise strong leadership in creating a supportive environment for business investment by: promoting diversified economies; creating, rehabilitating and maintaining support infrastructure; providing quality education and training; and involving the non-profit and private sectors. Economic development efforts benefit counties through the retention and creation of jobs, the broadening of county tax bases, and the improvement of the overall quality of life. States governments should develop policies supporting new business development, business retention and business expansion. They should implement coordinated processes that involve county governments in providing the infrastructure and financial incentives to promote economic development.

- 1. Economic Development Planning and Resource Development:** County governments should adopt economic development as a high priority. These efforts should: support public education and vocational and on-the-job training; focus on government assistance recipients, displaced workers, unemployed and underemployed individuals, disadvantaged youth, persons with disabilities, women and minority populations and veterans; and appropriately involve community groups and other special purpose organizations.

Counties should design and implement comprehensive economic development plans that include short range and long range goals in response to local and regional needs. These plans should guide growth, development and redevelopment. Counties should encourage the participation of city governments, public agencies, utilities and the private sector in the formulation of economic development plans. County economic development plans should generate innovative financial strategies that leverage private investment through public-private partnerships.

- 2. Land Use:** Locally adopted land use plans and zoning ordinances should serve as the basis for determining the best locations for economic development and redevelopment activities. These policies and plans should be sensitive to the needs for balanced growth. Plans and policies should strive to maintain the variety and quality of residential, commercial, and industrial uses, and preserve the environment and areas of historic and cultural significance.
- 3. Small and Medium Business Development:** Counties must work with the Small Business Administration (SBA) and state and local financial institutions to develop and provide other sources of capital – i.e., grants and loans – to assure the availability of funds for small and medium-sized entrepreneurs. Whether the need be legal, financial or marketing expertise, counties should disseminate information, and aggressively market services that are available and evaluate the

effectiveness of these services. As a component of these efforts, counties should work with the private sector in facilitating the creation and expansion of minority- and women-owned business enterprises, and promote the development of small and medium sized businesses.

To encourage the commercialization of technologies developed by small businesses, county governments should work closely with universities, community colleges, business groups, chambers of commerce and federal, state and municipal governments. Counties should strive to identify firms that export products and services to national and/or international markets, and those that have the potential to export to national and international markets.

4. **Commemorative Projects:** NACo supports county projects such as the National Underground Railroad Freedom Center, which will foster an open, continuous dialogue on the subject of freedom and commemorate the cooperation, courage and extraordinary heroism of enslaved Americans who sought for freedom, and those who assisted them in the pursuit of that goal. NACo encourages counties to recognize and commemorate the commitment of individuals whose acts exemplify the American spirit of liberty and justice for all.
5. **New and Small Business Development:** New and Small Business Development: Counties should work with entrepreneurs and small businesses to foster innovation and take advantage of new and untapped business opportunities in their local and regional communities. This support would include: hosting and participating in local and regional conferences; working with other entities to provide access to business planning resources, mentors and advisory networks, and financing opportunities.

NACo encourages state and federal governments to provide incentives that support entrepreneurs and small business growth. Counties should work to bolster the development of entrepreneurial and business talent within their communities and emphasize the expansion and retention of local businesses.

**B. The Federal Role in Economic Development:** NACo supports federal programs – including EDA, SBA, and USDA Rural Development – that recognize the importance of a federal role in state and local economic development, and provide funding resources, bonds, information, and technical assistance to further this important role.

1. **Clean Up and Redevelopment of Brownfields:** The federal government should provide incentives for counties to identify and remediate contaminated, abandoned or substantially underutilized industrial and commercial land – i.e., brownfields – as a catalyst for redevelopment of economically distressed areas. NACo supports legislation to authorize a federal brownfields program that includes enhanced funding for counties.

NACo urges that a portion of EPA funds be used for revolving loans for cleanup activities, as well as for site assessments. HUD and EDA funds should be used for planning projected uses and redevelopment of sites. Local governments should be given flexibility in determining appropriate uses. HUD funds for brownfields should be freestanding, as opposed to a set-aside out of CDBG funding. NACo supports the use of Superfund Trust Fund monies by EPA, with funds – preferably grants rather than loans – directly allocated to local governments for site assessments and brownfield site cleanups.

NACo supports cleanup programs operated by states for brownfield sites, yet urges that state programs be required to operate in conformity with existing minimum federal standards and guidelines. Counties should have the authority to request that EPA list a brownfield site on the Superfund national priorities list if, in the process of assessing a site, the county determines that it is more toxic than originally estimated.



Brownfields are abandoned or underutilized commercial and industrial sites that have environmental contamination issues related to their previous uses, yet are potential resources for community economic revitalization. Counties must be protected from liability for potential future environmental problems related to inadequately cleaned-up brownfields.

Many brownfield sites remain underutilized because no funds are available either to assess the presence and extent of contamination, or to clean up environmental hazards. Federal resources are essential for assessment and remediation, as well as to provide incentives for private investment. Flexibility in the types of federal assistance is critical because brownfield sites vary in their marketability, the magnitude of redevelopment activities necessary to attract investors, the type of private investment, and the projected rate of return to the investor.

Brownfields exist in rural as well as urban and suburban counties. Redevelopment is one component of a broader interest by counties in achieving sustainable development on a regional basis and for reducing urban sprawl. Redevelopment of these abandoned or underutilized sites can stimulate economic revitalization in the surrounding areas, and preserve green space by providing an alternative to unchecked urban sprawl.

2. **Superfund Program:** NACo opposes the reduction of funding to the Superfund program, which provides for the assessment and cleanup of hazardous waste at contaminated and abandoned industrial sites. NACo supports full funding of federal programs that provide for the assessment, cleanup and redevelopment of brownfields sites. The adaptive reuse of brownfield sites will help revitalize distressed areas in communities, and NACo opposes any reduction of funding for the Superfund program that would limit or diminish the effectiveness of federal, state or local efforts towards the revitalization of brownfields sites.
3. **Sustainable Communities:** NACo supports legislation that will encourage agencies at the federal and regional levels to integrate housing, transit energy and environmental planning to support sustainable development that makes the most efficient use of existing transportation and other infrastructure. NACo promotes future transportation and infrastructure - including water, sewer, and broadband- to maximize economic growth and the quality of life in a region while minimizing traffic congestion, environmental impacts, and energy use in urban, suburban, exurban and rural areas.
4. **Promotion of Arts and Culture:** NACo supports increased funding for the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH), the Institute of Museum and Library Services (IMLS) and the arts education program within the Department of Education to provide counties with additional resources to develop and expand cultural resources in their counties.
5. **Emerging Markets:** Congress has passed emerging new markets and renewal communities legislation. NACo supports efforts to open new markets in economically underserved areas, and supports private sector investment in untapped markets. Investments should be focused especially on emerging minority-owned and operated businesses in order to address real growth in both the geographic and commercial potentials of underserved markets and their communities.

Certain sectors have not been targeted in promoting increased marketing and availability for business expansion despite having the necessary population and skilled workforce. Improving access to capital for low- wealth households, minority populations and traditionally underserved borrowers, by bringing private enterprise into underserved neighborhoods and communities, should be encouraged.

6. **EB-5 Regional Center Program:** NACo supports federal legislation to permanently authorize the EB-5 Regional Center Program and to maximize its capacity for economic impact and job creation.

7. **Infrastructure and Public Works:** Counties must provide and support sufficient infrastructure and support services to generate increased economic activity. To sustain and increase economic activity in counties, federal, state and municipal governments must assist in the rehabilitation and expansion of physical infrastructure and support services, including multimodal transportation, power utilities, broadband, water treatment and waste management systems, and natural gas distribution infrastructure. Changes in federal regulations have affected the cost of providing infrastructure capacity significantly, and counties must work to ensure balanced regulations that protect the environment, without unreasonably increased costs. NACo strongly supports:
- a national commitment, shared by all levels of government and the private sector, to increase capital spending;
  - more flexible administration of federal and state mandates to allow cost-effective methods of compliance;
  - accelerated spending of the federal highway, transit, aviation and waterways trust funds;
  - prioritization of rehabilitation and improvement of aging infrastructure that negatively affects business retention and attraction in older regions and communities;
  - removal of unwarranted limits on the ability of state and local governments to help themselves through tax-exempt financing and incentives, such as empowerment zones; and
  - funding the Resource Conservation and Development Program (RC&D).
8. **The New Homestead Economic Opportunity Act:** NACo urges Congress to pass the New Homestead Act to strengthen rural counties suffering from high rates of outmigration.
9. **Middle Market Companies:** NACo supports sound policies that enhance access to capital and reduce redundant regulations to allow middle market companies to thrive and support economic recovery across the United States.
10. **Challenges and Local Impacts of Base Closure:** The adverse economic impacts of military base closures and realignments are devastating for small or rural communities and metropolitan areas. Immediate effects include a loss of civilian and military jobs, an erosion of the tax base, increased local government costs in providing services to the base, the presence of substandard buildings and infrastructure that may fail to meet local codes, a decline in real estate values which can trigger a drop in property tax revenue, and adverse impacts on banks when homeowners are unable to pay their mortgages.
- a. **Federal Oversight of Base Closures:** Efficient conversion of closed bases to productive civilian uses requires the coordinated effort of several departments of the federal government. Conflicting missions within the Department of Defense (DoD) and among other federal departments and agencies have slowed the base reuse process and added to the difficulties communities face.
- Congress and DoD have made unrealistic estimates of the profits that the federal government will receive from reuse of closed installations. As a result, the conversion process is delayed, because base commanders often are forced to make economically unrealistic demands in the sale or lease of base facilities, or commanders fail to exercise their interim leasing authority, and instead relinquish their authority to leasing agencies.
  - An Assistant Secretary of Defense should be appointed whose primary responsibilities are to ensure rapid conversion of facilities and economic development. This senior official must have the authority and responsibility to administer base closure activities for the three branches of the military and coordinate actions taken by federal departments and agencies that impact conversions. This official should engage in continuing dialogue with affected communities and provide a forum for communities to bring grievances, resolve disputes, and assure consistency in

the interpretation and implementation of the same law. This office also would serve as a vital clearinghouse of best practices in the event that additional base closures are authorized in the future.

- The Secretary of Defense should provide clear orders through the service secretaries to all commanders of installations designated for closure that their primary mission is to facilitate swift civilian reuse of the installation while minimizing adverse impacts on the community. Base commanders should be encouraged to enter into leases as they are authorized to do.

- b. Economic Adjustment Assistance:** To maximize the fiscal benefit of base closure, the federal government must assist in the rehabilitation of substandard base facilities and provide creative financing terms to purchasers or developers of closed bases. Economic Adjustment Assistance, from the Office of Economic Adjustment or the President’s Economic Adjustment Committee, is absolutely necessary. Such funding should be available for reuse planning, as well as for special projects on a discretionary basis and for preparing strategic marketing plans including development, printing and distribution of marketing materials.

“Bridge funding,” to enable communities to assume responsibility for large airfields and other military facilities with civilian uses, should continue for several years after closure until the facilities can begin to generate revenue. To preserve taxpayer investment in these assets, facilities should be maintained, and equipment that is essential for their functioning should remain intact for long-term economic development following conversion. To assist with economic stimulus, the federal government along with state governments should enter into joint marketing agreements with local governments to promote development of these properties.

Continued support for projects related to base closure through EDA remains important. Affected local governments should be eligible for federal dollars that can be used for local priorities, including making loans or grants to businesses that utilize former bases. Any loan repayments should go into a revolving loan fund for use by local governments in financing additional conversion activities.

DoD must explore alternative methods to finance the transfer of bases out of federal ownership and the development of new, productive uses on the property. Financing often can be provided without expense to the federal government by extending the time period during which an installment purchase of a facility must be paid. Coordinating the disposition and reuse plans with funding available through other federal departments, such as Labor and Transportation, will allow the federal government to obtain a greater overall, long-term value for closed bases while mitigating adverse local impacts.

The introduction of Economic Development Conveyances (EDCs) in recent years has been an innovative and important step in facilitating more expedient redevelopment. No-cost EDCs have been of particular importance to rural communities that lack the resources to buy base property for redevelopment. The further step in 1999 to both expand no-cost EDCs to all communities and to allow communities experiencing changed economic circumstances to renegotiate earlier EDC agreements has been integral in many reuse projects moving forward. DoD must continue to develop creative strategies such as this to help communities cope with base closure.

NACo urges the following:

- Allow local reuse authorities to issue tax-exempt industrial development bonds, to serve as business incentives and provide financial support to local closure authorities during the conversion phase.
- Closing military bases should be made foreign trade zones and federal empowerment zones with the associated tax advantages and investment credits to enable them to attract private investment.

- Any national infrastructure finance program, such as the GROW AMERICA ACT, should set aside funds for infrastructure improvements on former military installations.
- c. **Property Transfer:** The design and implementation of a review and transfer process that is consistent among the operating branches within DoD are imperative. This process needs to be responsive to community reuse objectives and provide prompt transfer of property to accomplish early economic recovery.
- Interim leases should be longer than one year so that the local governing entity is better positioned to recruit private businesses and should be processed within sixty [60] days as the law requires.
  - DoD should act swiftly to implement P.L. 102-426. This law requires prompt identification, parcellation, and transfer of uncontaminated parcels of base property.
  - Negotiated sales of base property should require Congressional review only if valued at a fair market value of \$1 million or more. Current law requires Congressional review for sales worth \$100,000 or more.
  - In developing reuse plans, communities should take into consideration the needs of all citizens, including the homeless living in the vicinity, in deciding the most appropriate use of the property. Federal preference for use of the base by homeless providers, however, should in no way delay the planning process. Instead, local redevelopment authorities should assist interested groups in evaluating property at the base, consult with representatives of homeless people, and take their proposed uses into account in developing a reuse plan.
  - DoD should reexamine the policy that precludes the demolition of buildings prior to transferring bases. Many buildings are unusable, for example, because they contain asbestos, or do not comply with the Americans with Disabilities Act and state and local building codes.
  - Interim agreements should give local governments preference in exercising their police power – i.e., zoning ordinances and building regulations – and rendering caretaker services. The federal government should reimburse local governments for maintenance costs.
- d. **Environmental Cleanup:** Environmental contamination on bases must be cleaned to a standard that protects human health, and also permits the reuse of the facility in accordance with locally generated, legally defensible land use plans without the local agencies or private sector having to incur additional cleanup costs in order to reuse the facility.

Local jurisdictions must have the opportunity to be active participants in all phases of environmental cleanup, including evaluation of site conditions and selection and implementation of remediation programs. The timetable for environmental impact statements, parcellation and prioritization should be coordinated with civilian reuse plans.

A federal finance bank could be authorized to purchase federally guaranteed bonds to be issued by communities for local acquisition of closing base facilities and for upgrade of the property with minimal down payments and at low interest rates.

- e. **Job Retraining:** The Dislocated Workers and Trade Adjustment Assistance Act administered under the Workforce Innovation and Opportunity Act (WIOA) currently serves displaced workers including those displaced due to defense downsizing. WIOA programs should continue to be utilized as a framework for any new comprehensive retraining program for dislocated workers.
- f. **Support for Non-Base Federal Installations:** Appropriate support for reinvestment and economic redevelopment should be made available to communities impacted by the closure or significant

downsizing of other non-base federal installations, such as national laboratories, enrichment facilities and other DoD and Department of Energy facilities.

- 11. Trade Agreements:** NACo supports free trade activities that enhance the economic base of local governments and promote county participation in the global economy. NACo, however, opposes the adjudication of disputes arising out of trade agreements in a manner that preempts local government authority, circumvents domestic judicial processes, and grants greater rights to foreign investors than those guaranteed to U.S. citizens by federal, state, and local law.

NACo urges Congress to review and create a report card on existing and new Free Trade Agreements to determine their effects on U.S. manufacturing industries, workers and agriculture, and to send the report back to NACo as soon as possible.

- 12. State Role in Economic Growth:** States are urged to involve counties and other local governments as full partners in planning and implementing statewide economic development strategies. Where authorized by law, states should work with county governments in the allocation of tax-exempt bond authority and Low-Income Housing Tax Credits in order to achieve equitable distribution of these tools throughout the state. States should consider appropriate legislation that would provide a sound method for acquiring land for future public urban, suburban, exurban and rural development uses.
- 13. Regional Economic Development Commissions:** NACo supports the concept of regional economic development commissions, which would facilitate comprehensive and cooperative approaches to economic and infrastructure development in severely distressed counties, provided that funding for such commissions is not at the expense of funding for traditional economic development programs, such as Economic Development Districts.
- 14. Trade Assistance:** NACo supports the concept of trade adjustment assistance for local governments. Many communities may experience a negative change in the local economy as the US marketplace becomes increasingly global. NACo believes that federal resources should be allocated to help alleviate the negative impacts of expanded trade practices, and help communities devise strategies for future economic viability.
- 15. International Economic Development and Offshore Manufacturing:** Economic development is a key issue for many counties across the nation, and with high unemployment still in existence, jobs are a priority. Too many companies however are moving from one state to another without a net increase to the overall U.S. economy. NACo continues to urge the federal government to encourage businesses to move manufacturing back to the states from offshore. This can be done through a variety of incentives. NACo is open to working with the federal and county governments to find the right way to incentivize this initiative.
- 16. Export-Import Bank of the United States:** NACo supports, endorses and advocates for the reauthorization of the Export-Import Bank of the United States.

## **WORKFORCE STATEMENT OF BASIC PHILOSOPHY**

The National Association of Counties (NACo) believes that county governments have a critical role to play in the planning, management and implementation of employment programs designed to prepare people for the world of work and to help ensure employers have a skilled workforce. Therefore, NACo supports the following principles.

- **Local Authority:** The federal government should not usurp or undermine the authorities, responsibilities and obligations that generally are reserved to states and localities with respect to workforce programs.

- **Workforce Development:** Federal, state, and local governments must work together to maintain an effective national workforce development system that addresses the needs of job seekers including youth, incumbent workers, and employers; aligns the appropriate resources; and is designed, governed, and implemented by a public-private partnership comprised of local elected officials and business leaders.

## **LOCAL AUTHORITY**

The Constitution of the U.S. sets out those responsibilities specifically given to the federal government and those retained by the states and the people. County governments are partners with the federal government and states in providing important programs and services to the American people. When appropriate, the federal government should legislate on the fair labor, employment and workforce development needs of the nation. The federal government, however, should refrain from pre-empting those aspects of labor law that remain the responsibility and obligation of states and local governments.

## **WORKFORCE DEVELOPMENT**

A skilled workforce is essential for the economic success of the nation's employers. Thus, NACo strongly supports efforts to enhance the effectiveness and efficiency of the national workforce development system. NACo believes that workforce programs can be strengthened and better aligned to improve access and service delivery for both workers and employers through a streamlined national workforce development system. The federal government would fund the system through formula-based block grants to states and passed through to localities, thus providing flexibility to local governments to adapt to local needs. The alignment of these resources should be decided by state and local elected officials and business leaders working through Workforce Development Boards (WDBs).

**Goals:** The principal goals of the national workforce development system should be to enhance business and economic development, reduce local unemployment rates, increase local workforce participation rates, enhance incomes, work with youth on career awareness and ensure that all individuals obtain appropriate wages.

**Access and Flexibility:** Access to workforce development programs should be universal without respect to economic circumstance, gender, sexual orientation, race, ethnicity, national origin or religion. Local governments should have the authority to implement these programs and to determine the range of services provided and the priority populations that should receive these services. Particularly during times of rapidly changing economic conditions, local elected officials must have the authority and flexibility to bring resources together at the grassroots level to best serve citizen and employer needs. NACo believes this alignment can occur effectively with local elected officials at the city and county levels.

NACo also encourages the federal government to provide a stable funding mechanism to make available long-term skills training for every worker dislocated due to industry shut downs and businesses that relocate off shore.

Local workforce development areas and states should be granted broad waiver authority to creatively respond to the employment, education and training, economic development and socioeconomic issues confronting particular states and localities. Requests for waivers should be developed jointly by local elected officials and WDBS, and should receive the approval of state agencies and/or governors before they can be enacted.

The federal government should deny new waiver requests or disapprove state Workforce Innovation and Opportunity Act (WIOA) plans that fail to include the proper input or the process of consultation with local elected officials and local WDBs as required under law. Furthermore, the Department of Labor should deny approval of any state WIOA plan submitted by a governor that circumvents federal laws and/or consolidates or eliminates any local workforce areas without demonstrated rationale (e.g. fraud, or lack of performance). Additionally, in both examples meaningful input and support from a majority of local elected officials should be required. NACo further urges the federal government to uphold a state's current WIA or WIOA plan in the event a state governor subsequently submits a plan which is contrary to the intent, policy and procedures of the Workforce Investment Act of 1998 or future workforce reauthorization legislation.

**Administration:** Workforce development programs should be developed, implemented, and overseen at the city, county or multi-county levels by city or county elected officials and local WDBs. The chief local elected official or officials for the local workforce investment area should appoint the local WDBs based upon recommendations from representatives of the business community, and should be comprised mainly of business community representatives. Regardless of population, counties and cities or consortia of counties and cities with histories of effective workforce development activities should be eligible for automatic designation.

County governments should have the flexibility, through their local planning process and in cooperation with local WDBs, to merge Temporary Assistance for Needy Families (TANF) programs and local WIOA programs into a single entity.

The national workforce development system should integrate and streamline the disparate federal, state and local training and employment programs into a more aligned and reduced set of funding streams whose services are delivered through a locally established and governed one-stop delivery system. Mandatory partners within the one stop delivery system should be required to contribute to infrastructure and other costs related operations of the one-stops. These contributions can be direct and also can include local, state and federal resources.

**Federal Government Role:**

- Grant authority to local governments to operate training and employment programs and provide direct client services, and thereby avoid services duplicative of those offered under the Wagner-Peyser Act.
- Interpret federal law through regulations and when necessary arbitrate disagreements between state and local officials.
- Supply sufficient resources to ensure that states and localities are able to achieve the goals and objectives of the law.
- Provide funding across the states and workforce development programs that are equitable and based upon a formula that reflects state and local fiscal needs. The formula should also incorporate a “hold harmless” percentage to reduce the “roller-coaster” effect to state and local allocations.
- Through the Department of Labor, allocate as much funding as possible to local workforce service areas.
- Provide dedicated infrastructure funding for the facilities and operations of Local One-Stop Centers
- Administer new federal training and employment programs, additional funding or additional program guidance, as part of the formula-based block grant program, and retain and utilize existing governance structures to avoid program duplication and confusion.
- Expand funding to meet demand for the Department of Labor YouthBuild Program which serves counties and provides effective pathways to education, workforce training, community service and leadership training for low-income young adults who are unemployed or do not hold a high school diploma.
- Take a reasonable and uniform approach to performance standard negotiations.
- The U.S. Department of Veterans Affairs should maintain or increase funding for Vocational Rehabilitation and Employment (VR&E).

**State Government Role:** State governments in partnership with local WDBs, should develop plans and strategies that address the states’ broader economic goals and align state resources to support local delivery of programs and services.

States should have a limited and, important role in the delivery of workforce development services. States should:

- Provide local labor market information;
- Provide technical assistance and guidance;
- Develop a statewide workforce development plan that can guide local workforce development areas as they develop their plans;
- Provide capacity building services;

- Develop, operate, and support a statewide information management system; and
- Develop performance standards that may be used as the basis for rewards to or sanctions of local workforce development programs.

**Local Roles:** Local elected officials, local workforce programs and local WDBs should have the authority and responsibility to:

- Develop programs that meet the needs of job seekers including youth, employers and employees with the flexibility to develop sector-based, incumbent worker, and other specialized training services that respond to local economic development policies and business needs.
- Assist structurally and cyclically unemployed individuals in acquiring marketable job skills that lead to employment and economic self-sufficiency: young people should obtain those skills necessary to make the transition to work; and business and industry should meet the needs for qualified and skilled workers.
- Provide public sector employment during periods of high unemployment or long-term unemployment.
- Maintain high standards of accountability, fiscal management and include “return on investment” and “customer satisfaction” strategies as well as appropriate regression models to determine program benefits and ensure that special populations are served adequately and effectively.
- Ensure that these programs maintain high standards of accountability and responsibility.
- Establish and oversee the one-stop career center system within their workforce development areas.

Structurally, at a minimum, local WDBs should:

- Be comprised of a majority of representatives of the private sector;
- Be chaired by a representative of the private sector;
- Involve public partners

**Local Elected Official Roles:** Each local workforce development area should be under the direction of one or more local elected officials and a local workforce development board appointed by local elected officials. At a minimum, local elected officials should:

- Appoint and certify local workforce development boards;
- Participate in the development and approval of local workforce development plans and programs in partnership with local WDBs;
- Approve all grant recipients including those designated to provide one-stop system services;
- Oversee and evaluate all workforce development and one-stop system programs in partnership with the local WDBs; and
- Manage fiscal resources, in cooperation with the local WDBs.

## **EMPLOYMENT STANDARDS**

**A. Collective Bargaining:** NACo opposes national legislation that would require states and localities to bargain collectively. Each state legislature should decide this issue based upon local conditions and circumstances. NACo urges all state legislatures to enact labor-management legislation that would:

- Grant public employees the right to organize and freely choose their representatives;
- Require public employers to meet and negotiate with public employees through their bargaining unit;
- Protect the rights of public employers, public employees, and the public at-large;
- Cover all permanent, non-supervisory employees of state and local governments;
- Exclude temporary, supervisory, managerial, confidential and elected employees;
- Grant public employees the right to bargain collectively for wages, hours, fringe benefits, and related conditions of employment;



- Establish procedural mechanisms that ensure that the broadest and most comprehensive bargaining unit is identified through secret ballots, under adequate supervision that can address impasses;
- Provide for reasonable means to resolve disputes; and
- Grant localities the right to pass appropriate ordinances in the absence of state laws.

**B. Equal Employment Opportunity:** NACo believes that county governments have a vital and continuing interest in the development, maintenance, and extension of vigorous and effective civil rights policies within the workplace. Therefore, counties shall or should:

- Enforce and apply all laws that prohibit discrimination on the basis of race, gender, sexual orientation, disability, familial status, veteran status and age;
- Remove all barriers to the recruitment, selection, hiring, compensation, provision of pensions and benefits, promotion, transfer, or discharge of employees that have no relationship to job requirements;
- Develop and carry out affirmative action programs for minority groups, disabled persons, and women; and
- Establish employment programs that benefit disadvantaged county residents.

NACo supports equal pay for equal work and urges all counties to undertake a thorough review of their various job classifications and pay scales to ensure that they are equitable, justifiable, and fairly account for positions historically dominated by women.

**C. Occupational Safety and Health:** NACo supports efforts to establish state and local occupational safety and health standards. States should retain the ability to set their own occupational health and safety standards tailored to the needs of their jurisdiction.

**D. Fair Labor Standards Act:** NACo supports future amendments to the Fair Labor Standards Act that would recognize the unique working conditions of all public safety employees, including dual function employees such as firefighter/paramedics employed by a public agency but not connected to a fire department.

**E. Davis-Bacon:** The Davis-Bacon Act was designed to ensure that workers on federally-subsidized construction projects receive the prevailing wage for a specific construction job whether they are part of a union or not. NACo believes that federal implementation of the Davis-Bacon Act has been problematic at the local level, specifically with respect to reporting requirements for sub-contractors working on a federally funded, local construction project.

Therefore, NACo recommends to Congress to make the following reforms to the Davis-Bacon Act:

- Determination of the prevailing wage should be based upon a 50 percent or majority rule, rather than the current 30 percent rule;
- Allow state and local governments to employ “helpers” in the same ratio used in non-Davis-Bacon Act construction;
- Utilize county boundaries or MSA, generally, when determining local wage rates, and prohibit the use of urban wage data in rural areas, and vice versa;
- Raise the \$2,000 threshold to \$500,000, and index this threshold based upon the consumer price index; and
- Waive Davis-Bacon regulations in states where state established labor rates for public construction projects exist.

## **COMMUNITY, ECONOMIC AND WORKFORCE DEVELOPMENT RESOLUTIONS**

### **Resolution on Protecting the Health and Safety of Sober Home Residents**

**Issue:** Local governments continue to see a proliferation of sober homes within their boundaries and need additional clarity from the federal government on how they can protect the health and safety of sober home residents through reasonable regulations.

**Adopted Policy:** The National Association of Counties (NACo) supports further U.S. Department of Justice (DOJ) and U.S. Department of Housing and Urban Development (HUD) clarification on the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA) to allow local governments to enact reasonable regulations to protect the health and safety of sober home residents, and the residents of the surrounding communities.

NACo also supports federal legislation to establish patient protection and best practices for sober homes.

**Adopted | July 16, 2018**

### **Resolution to Maintain Current Funding for HUD-VASH Vouchers for Homeless Veterans in FY 2019 Budget**

**Issue:** Support federal funding for the HUD-Veterans Affairs Supportive Housing (HUD-VASH) program.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to maintain current funding for the HUD-VASH voucher program for homeless veterans at a level of not less than \$40 million for FY 2019.

**Adopted | July 16, 2018**

### **Resolution on FY 2019 Appropriations for the U.S. Department of Housing and Urban Development**

**Issue:** Support FY 2019 appropriations for the U.S. Department of Housing and Urban Development (HUD).

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to support the following levels of funding for core U.S. Department of Housing and Urban Development (HUD) programs in the FY 2019 Transportation, Housing and Urban Development and Related Agencies Appropriations bill: no less than \$3.5 billion in Community Development Block Grant (CDBG) formula funding; no less than \$1.5 billion in formula funding for the HOME Investment Partnership Program (HOME); no less than \$2.6 billion for Homeless Assistance Grants, including at least \$270 million for the Emergency Solutions Grant program plus an amount to fully fund expiring supportive housing and Shelter Plus Care rent subsidy contracts; full funding for existing Section 8 project-based and tenant-based contracts; \$40 million for HUD-VASH and \$500 million in Section 108 Loan Guarantee authority.

In addition, NACo opposes the imposition of a funding threshold to receive CDBG and HOME Investment Partnerships program funds directly, or the revision of “grandfathering” provisions that would remove participating jurisdictions from future funding eligibility.

**Adopted | July 16, 2018**

## **Resolution on Preservation and Expansion of Affordable Housing Stock**

**Issue:** Preservation and Expansion of the U.S. Affordable Housing Stock

**Adopted Policy:** The National Association of Counties (NACo) supports strategies that preserve and expand the supply of housing for low- and moderate-income families. These include:

- The elimination of the Rental Assistance Demonstration (RAD) cap, which limits the number of public housing units eligible for conversion under the RAD program to 225,000. Elimination of this cap would promote access to the RAD program for more Public Housing Authorities (PHAs) nationwide and create a more favorable environment to fully maximize the opportunity to preserve and expand affordable housing. Increase the RAD Section 8 Project-Based rental subsidy to equal regular Section 8 Project-Based rental subsidies.
- Fully fund and expand the Public Housing Resident Self-Sufficiency Programs, Family Self Sufficiency (FSS), Resident Opportunity and Supportive Services (ROSS), the Jobs Plus Initiative, and Moving to Work (MTW) Demonstration programs funded by HUD that provide tools for Public Housing Authorities (PHAs) to promote access to opportunity for the families they serve.
- Release of the MTW Expansion Notice which gives more PHAs access to the MTW program and supports legislation that expands the program for all PHAs.
- Adequately fund HUD's mainline programs of Section 8 vouchers and public housing.

**Adopted | July 16, 2018**

## **Resolution on Low-Income Housing Tax Credits**

**Issue:** Support an increase in the supply of affordable housing through the expansion of tools such as the Low-Income Housing Tax Credit program.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to increase the allocation of Low-Income Housing Tax Credits (LIHTCs) by 50 percent and enact a permanent 4 percent credit rate floor for acquisition and bond-financed projects, allowing the program to create and preserve more affordable homes in the United States. Additionally, NACo urges Congress to provide enhancements and increased funding levels to all programs aimed at increasing the supply of affordable housing.

**Adopted | July 16, 2018**

## **Resolution on the New Markets Tax Credit**

**Issue:** Support the reauthorization of the New Markets Tax Credit program in order to promote community development and economic growth by attracting private investment in low-income communities with high unemployment and poverty.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to provide a permanent extension of the New Markets Tax Credit (NMTC) and other enhancements to the program to allow for private sector investment and economic growth in low-income communities.

**Adopted | July 16, 2018**

## **Resolution on Housing Infrastructure**

**Issue:** Support the inclusion of affordable housing investments in any federal infrastructure package.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to include affordable housing investments in any federal infrastructure package to provide counties with the resources necessary to create and preserve more affordable homes in the United States.

**Adopted | July 16, 2018**

## **Resolution on FY 2019 Appropriations for the Workforce Innovation and Opportunity Act (WIOA)**

**Issue:** Support FY 2019 Appropriations for the Workforce Innovation and Opportunity Act.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to provide adequate resources for Workforce Innovation and Opportunity Act (WIOA) programs and fund the Title I, Title II and III accounts at the levels authorized and listed below:

### Title I – Department of Labor

- \$861.1 million for Adult Employment and Training Services, \$922.2 million for the Youth Activities, and \$1.37 billion for Dislocated Worker Employment and Training Services

### Title II – Department of Education

- \$649.287 million for Adult Education

### Title III – Wagner Peyser Employment Services

- \$666.413 million for Wagner-Peyser Employment Services (ES) – current-year levels to give states the additional resources they need to provide WIOA’s intensive reemployment services.

In addition, NACo supports only a WIOA formula allocation funding approach. NACo supports local control and investment at the county and municipality level, and rejects any mechanism that gives states more authority than WIOA intends.

**Adopted | July 16, 2018**

## **Resolution on Registered Apprenticeships Program Flexibility**

**Issue:** Support flexibility for registered apprenticeships, academic and hands-on training.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to provide more flexibility for the Registered Apprenticeships Program to allow for more hours to be achieved through relevant college and workshop classroom instruction, rather than all hours having to be recorded working with a journeyman.

**Adopted | July 16, 2018**

## **Resolution Supporting Reauthorization and Appropriations for the Department of Commerce's Economic Development Administration**

**Issue:** Appropriations and reauthorization legislation for the U.S. Department of Commerce's Economic Development Administration (EDA)

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to support reauthorization and current appropriations for the U.S. Department of Commerce's EDA to keep communities strong and economically viable at this critical time in the history of our nation.

**Adopted | July 16, 2018**

## **INTERIM POLICY RESOLUTIONS**

### **Resolution on FY 2020 Appropriations for the U.S. Department of Housing and Urban Development**

**Issue:** Support FY 2020 appropriations for the U.S. Department of Housing and Urban Development (HUD).

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to support the following levels of funding for core U.S. Department of Housing and Urban Development (HUD) programs in the FY 2020 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill: no less than \$3.8 billion in Community Development Block Grant (CDBG) formula funding; no less than \$1.5 billion in formula funding for the HOME Investment Partnerships Program (HOME); \$2.6 billion for Homeless Housing Assistance grants, including at least \$270 million for the Emergency Solutions Grant program plus an amount to fully fund expiring supportive housing and Shelter Plus Care rent subsidy contracts; full funding for existing Section 8 project-based and tenant-based contracts; and \$500 million in Section 108 Loan Guarantee authority.

**Adopted | March 4, 2019**

### **Resolution on Economic Development Administration Reauthorization**

**Issue:** Support appropriations and reauthorization of the U.S. Department of Commerce Economic Development Administration.

**Adopted Policy:** The National Association of Counties (NACo) urges the U.S. Congress to appropriate funding and reauthorize the U.S. Department of Commerce Economic Development Administration (EDA) as follows:

- Provide at least \$304 million in appropriations annually for EDA to support economic assistance programs.
- Focus on EDA's core infrastructure and economic adjustment programs – public works, economic adjustment assistance and partnership planning. Congress should also authorize additional funding investments for special initiatives so as not to steer funding away from EDA core programs.
- Encourage regional collaboration by rewarding and incentivizing local governments, businesses and communities to participate in the Comprehensive Economic Development Strategy (CEDS) process. The CEDS process brings together stakeholders to develop regional strategies and goals.
- Elevate EDA's role as an integrator of federal economic development planning programs and formalize EDA's role as the federal government's lead integrator for economic development and central facilitator for interagency collaboration and resource integration.
- Expand EDA Disaster and Recovery Relief Eligibility. EDA has a significant role to play in post-disaster relief and long-term recovery assistance for impacted communities. In areas where a major disaster or

emergency has been declared under the Stafford Act, EDA grant recipients should be eligible for up to 100 percent of the cost of the project.

- Strengthen EDA's National Technical Assistance program for small and distressed rural communities to allow greater access and leveraging of federal, state, local and regional economic development programs.

**Adopted | March 4, 2019**

### **Resolution on Opportunity Zones**

**Issue:** Support the issuance of guidance and regulations from the U.S. Department of Treasury on the newly created Opportunity Zones tax benefit.

**Adopted Policy:** The National Association of Counties (NACo) urges the U.S. Department of Treasury to provide guidance and regulations on the newly created Opportunity Zones tax benefit that prevent abuse, promote developments that support and provide public benefits and encourage collaboration with local jurisdictions and stakeholders.

**Adopted | March 4, 2019**

### **Resolution to Support Legal Migration to Strengthen Local Economies and the Workforce**

**Issue:** The role legal immigration plays in our nation's workforce and local economies.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress and the administration to enact legislative and regulatory proposals that provide improved and efficient legal avenues for immigrants to enter the United States and contribute to the workforce and local economies.

**Adopted | March 4, 2019**

### **Resolution on Streamlining State Licensing Procedures for Military Spouses**

**Issue:** The men and women who serve in uniform, and their families, experience hardships following a move when seeking employment due to licensing procedures.

**Adopted Policy:** The National Association of Counties (NACo) urges the U.S. Department of Defense to implement the provisions of Public Law 115-91 to fully reimburse military spouses for costs they incur in transferring professional licenses and certifications from state to state. Further, counties should do all that they can to support the U.S. Departments of Defense, Homeland Security, Labor and the Military Spouse Employment Partnership in encouraging states to streamline the process for granting reciprocity for military spouses who must relocate from state to state in support of our men and women in uniform as they provide for the security of our nation.

**Adopted | March 4, 2019**

# **ENVIRONMENT, ENERGY AND LAND USE**

## **STATEMENT OF BASIC PHILOSOPHY**

NACo believes protection of the environment, and the conservation and development of our nation's resources are obligations shared by citizens, private enterprise and all levels of government.

America's counties are highly diverse communities occupying a nearly unlimited range of geographic settings, with immense variation in their natural resource endowments, and with many different economic, cultural and social systems and concerns. Counties are primary service providers with a responsibility to care for and protect their citizens' health, welfare and safety and to maintain and improve their quality of life.

Addressing environmental health and safety, ensuring responsible energy development and conserving and protecting our essential natural resources in an atmosphere of limited governmental capacity will be achieved by building effective partnerships between all levels of government, citizens and the private sector.

## **UNFUNDED MANDATES AND PREEMPTIONS**

NACo opposes any legislation, regulation, or policy proposal which mandates programs and responsibilities on states and local governments without commensurate federal funding. To fully understand the impact of any mandate on local governments, a fiscal note or statement of estimated costs of implementation must be provided prior to formulation or passage of legislation or regulations.

NACo opposes any federal attempts to preempt state and local planning policies, processes and decisions. NACo does encourage federal agency participation and expert assistance in regional and local environmental public policymaking, where appropriate.

## **INTERGOVERNMENTAL COOPERATION**

Implementing environmentally sensitive and cost-efficient strategies for the conservation and use of natural resources can only be accomplished with collaborative planning and good communications among stakeholders. Therefore, counties must be involved as significant partners in the formative stages of developing standards, policies, and guidance and have the ability to develop specific standards, where appropriate.

State governments should act as coordinators, providers of technical and financial assistance, and developers of general standards, which recognize the need for flexibility and regional differences. The federal government should be responsible for supporting or conducting research, setting general standards, developing policies, providing guidance, and financial and technical assistance, while recognizing the need for flexibility and regional differences.

NACo believes the federal government should provide financial and other incentives to support the most cost-effective planning and management programs to meet federal goals.

## **PRIORITIZATION AND PERFORMANCE-BASED STANDARD SETTING**

NACo supports national and state policies tailored to meet the needs of local communities with goals and performance standards and goals-being set to accomplish outcomes and give local governments the flexibility to select among alternative means to achieve them.

This flexibility is critical for local governments with often very limited resources to prioritize implementation of federal environmental laws and regulations based on actual needs and to match the environmental, social and economic costs and benefits of alternative strategies with local plans, priorities and capacity.

Financial resources must be allocated to address environmental problems before they escalate to a cost-prohibitive level.

### **INCENTIVE-BASED SOLUTIONS**

NACo supports federal government incentives to protect the environment and natural resources. NACo supports the repeal of programs and policies that distort the pricing or development of products in a manner that encourages the exploitation of resources, discourages recycling and conservation, and provides inducements for greater pollution.

### **SOUND SCIENCE AND TECHNICAL ASSISTANCE**

NACo calls upon the federal government to authorize, adequately fund, and require federal departments and agencies to provide fair, thorough, peer reviewed, scientifically sound assessments of health, safety or environmental risks associated with policy alternatives, prior to requiring any actions by local governments.

NACo supports coordinated and expanded environmental research efforts, in which the research process allows for input from state and local governments, private industry and the public. Local governments should be kept informed about ongoing monitoring and compliance evaluations related to the implementation of environmental mandates. Research should address all impacts of pollution and recognize and accommodate technology advancements.

### **PUBLIC EDUCATION AND COMMUNICATION**

NACo supports federal assistance and increased funding to assist local governments, schools, colleges, universities, technical and vocational institutions in developing and funding curricula, supplying laboratories, training staff and increasing public engagement in various environmental research activities and educational programs of local and regional significance. These programs help involve and educate local officials and the general public about basic science and the environmental, social, and financial impacts of implementing environmental, energy and land use policies.

### **WATER QUALITY**

NACo recognizes that the availability of an adequate supply of clean water is vital to our nation. Water quality degradation can impose human health risks through contaminated drinking water supplies, diseased fish, and unsafe or polluted water bodies used for recreation, and can lead to the loss of valuable wildlife habitat.

NACo supports integrated and cooperative programs for protecting water quality that place responsibility on each level of government. Because the elimination of water pollution is a long-term process limited by economic and social costs, a reasonable relationship between costs and benefits should be a key consideration toward reaching the goal of improved water quality throughout the nation.

The use of loans or grants should be tailored to the specific needs and capacity of each county, including the county's ability to pay. More restrictive federal clean water requirements and new mandates should not be imposed on counties unless the federal government provides additional funding.

**A. Clean Water Act:** NACo supports federal funding to meet all Clean Water Act (CWA) mandates imposed on counties. NACo believes the CWA is instrumental in successfully managing water pollution from point and non-point sources by keeping toxic substances out of our nation's waterways, thus ensuring that surface waters are safe for sport and recreational purposes. NACo endorses enforcement measures for compliance with the CWA, which includes effective monitoring.

- 1. Research:** NACo supports an increase to the federal government's research and development programs to aid the efforts of local and state governments in the control of non-point sources of water pollution and



contaminated sediments. The Environmental Protection Agency (EPA) should also support research on programs such as combined sewer overflows, land application of sewage sludge, and source reduction.

**2. Stormwater Runoff:** NACo supports revisions to the CWA and development of a federal stormwater program, which would achieve the following outcomes:

- Incorporate public, state and local governments comments and/or suggestions into promulgation and/or expansion of existing federal stormwater rules;
- Flexibility for local governments to consider the site-specific nature of stormwater (including geographically-specific information) and determine the most cost-effective and technologically feasible means of reducing pollutants to meet CWA objectives;
- Consolidation of Phase I (over 100,000 population) and Phase II (under 100,000 population) stormwater regulatory programs for local governments into a simplified, workable and effective program;
- Development by local governments of local stormwater management programs consistent with state stormwater program goals and EPA guidance;
- Federal funding of a comprehensive stormwater research program to determine the impact of stormwater on overall water quality. This study should also include a comprehensive cost benefit analysis;
- An exemption from regulation for local governments that do not contribute to stormwater pollution problems or have implemented stormwater management programs that are shown to be successful in addressing local water quality concerns; and
- Logging roads should be excluded as a “point source” under CWA rules and regulations (pertaining to stormwater discharges).
- Public and private roads located on forest lands should not be subject to CWA stormwater regulations or requirements.

**3. Sewer Overflows:** NACo support a Combined Sewer Overflow (CSO) program which is based on cost-benefit analyses and allows for a variety of control techniques. EPA’s CSO policy should accommodate water quality standards that encompass stormwater discharges and their impact in CSO systems.

NACo supports the crafting and uniform application of Clean Water Act regulations and permits such that Publicly Owned Treatment Works can operate their facilities in the manner in which they were designed and permitted, including the use of peak wet weather flow management techniques such as blending.

NACo believes that a significant national environmental or public health problem requiring federal regulation from Sanitary Sewer Overflows (SSO) has not been demonstrated. NACo calls on the EPA to review SSO regulations to ensure flexibility for local communities to adequately address this challenge.

**4. Good Samaritans for Abandoned Mine Sites:** NACo supports legislation and/or policy that will immediately limit liability for "Good Samaritans" performing voluntary, cooperative mitigation efforts on water discharging from abandoned mine sites which measurably improves water quality that has been impacted by mining activity where there is no financially responsible party.

**B. Clean Water/Drinking Water:** NACo supports the goal of the Safe Drinking Water Act (SDWA) to provide safe drinking water.

NACo believes the federal government should adopt clear federal policies and regulations that allow flexibility to state and local governments to implement programs that will protect public health balanced with environmental and economic impacts.

NACo supports federal funding for existing or new federal mandates. NACo supports the State Revolving Loan Fund (SRF) programs, the Clean Water State Revolving Loan Fund (CWSRF), and the Drinking Water State Revolving Loan Fund, as supplements to, not a substitute for, federal grants program. Grants and technical assistance should be made available to those small, rural, disadvantaged communities that are unable to meet their needs solely with loans. States should provide adequate funds to match federal grants to the SRF program, and assure flexibility in the administration of such loans.

Additionally, NACo urges Congress to establish a water trust fund that provides, on an annual basis, matching grants and other assistance to advance the achievement of national clean water goals at the local, statewide and national levels. Any water trust fund must be financed through a dedicated revenue stream that is long-term, reliable, sustainable, fair, equitable, and raised from the national economy based on low rate fees.

1. **Standard Setting:** NACo supports a federal policy that prescribes realistic maximum limits for contaminants, with standards tailored to the particular contaminants used in the watershed. Regulations should be based on a peer-reviewed scientific basis.
2. **Monitoring:** NACo supports minimum guidelines for monitoring, site selection, and construction of public water systems.
3. **Research:** NACo supports additional federal research into the effects of various pollutants and carcinogens in the drinking water supplies. Such research should have a special emphasis on the protection of sole source aquifers and other water supplies.
4. **Small Water Systems:** NACo supports effective and adequate federal funding to small, rural communities for drinking water treatment facilities. If consolidation of small water systems is required to receive federal loan or grant assistance, county governments should be federally authorized to participate in the planning, management and development of programs.

**C. Watershed and Wetlands Management:** Management of watersheds, wetland areas, and coastal watersheds address public health and safety, environmental protection, and restoration issues within hydrologically defined geographic areas. Local governments make critical front-line land use decisions balancing these important considerations with achieving sustainable economies. Counties must be involved in all aspects of planning and management.

NACo supports expanded federal funding and increased flexibility for planning and implementation of watershed management at the local level and for the restoration of wetlands, repair of habitat, coordination of stormwater management programs with comprehensive watershed management efforts, and establishment of native vegetation on lands vital to water quality.

NACo urges continued federal funding of the Coastal Zone Management Act (CZMA) and the Coastal Impact Assistance Program, CWA programs such as the National Estuary Program Comprehensive Conservation and Management Plans, State and Local Wetlands Grants and Wetlands Conservation Plans, the Non-Point Source Grants Program, and the Small Watershed Program for small agricultural watersheds under the Food Security Act.

NACo supports flexible and voluntary water quality trading policies that control and reduce watershed non-point pollution. Costly controls should not be required when less costly controls are appropriate and effective.

NACo supports federal government efforts to discourage residential, commercial, or industrial development in floodplains and wetlands, when feasible, because NACo recognizes these areas are of great natural

productivity, hydrological utility and environmental diversity, and provide natural flood mitigation, improved water quality, recharged aquifers, and flow stabilization of streams and rivers. Flood risk analysis and consideration of the environmental impacts should be performed for development activities, including flood mitigation measures, in these high-risk, sensitive areas.

- D. Wetlands Permitting and Navigable Waters:** NACo supports the national policy goal of net gain/no net loss of wetlands and encourages a management approach that first avoids wetlands, then minimizes wetland loss and mitigates any loss as the final alternative. This policy goal is intended to prevent new adverse impacts on both watershed, flood storage capacity and water quality impacts. NACo supports additional federal funding for local governments to implement the national policy goal.

NACo supports a requirement to offset unavoidable wetland loss by mitigating both watershed, flood storage capacity and water quality impacts by restoring these functions through enhancement of existing wetlands, or creating new wetlands, when public need requires that public facilities, utilities, or improvements be developed over sensitive ecological areas.

NACo supports clarification of federal law to permit the proper maintenance of drainage systems according to the original intent and design of the law and to federal and state regulations established prior to 1985. Land designated as agricultural land prior to 1985 should not require restoration to conditions prior to agricultural use.

NACo supports keeping the terms navigable and/or navigable waters in the Clean Water Act to protect intrastate waters, including wetland habitats, rivers, and streams within the United States and to protect the basic, fundamental principles of local land use control in accordance with the goals of the CWA. NACo will oppose any effort to remove the term “navigable” from the CWA.

NACo calls on the federal government to clarify that local streets, gutters, and human-made ditches are excluded from the definition of "waters of the United States." Further, NACo urges the federal government to recognize that the flow volume of stormwater from development and regulation of impervious surfaces are local land use issues, and are not subject to federal regulation.

NACo urges the federal government to improve the CWA §404 permit process by the U.S. Army Corps of Engineers (Corps); remove routine maintenance of human-made public flood protection facilities and infrastructure from the §404 permit process when no endangered species habitat is present; and extend the (CWA) general permit term for routine maintenance from five to ten years.

NACo supports using pesticides in accordance with the instructions on the label, and supports strong penalties for those who misuse pesticides in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). NACo opposes any legislation that expands the Environmental Protection Agency’s (EPA) jurisdiction in regard to pesticide use in (and around) county-owned and operated streets, gutters, and ditches.

- E. Funding and Security for Water Infrastructure:** NACo recognizes the threat posed to the health and safety of our nation as it faces a crucial time of aging and crumbling water and wastewater infrastructure and an increased risk for both natural and human-made disasters. NACo calls for a reliable, long-term, and substantially increased federal investment in water infrastructure, watershed protection, and the protection of water resources and facilities from physical and chemical security threats. The broad range of local needs to achieve national clean water goals and objectives that would be funded by this investment include the construction, repair and replacement of treatment works, collection and distribution systems, compliance with federal regulatory mandates, investments in decentralized wastewater systems, voluntary non-point source pollution abatement, source water protection, and improvements in the security of water resources and facilities, consistent with local land-use plans.

NACo recognizes the critical role dams and levees play in local flood control, and that failure of unsafe or deficient dams and levees can lead to significant property destruction and immeasurable loss of human life. Like other critical infrastructure, these man-made structures deteriorate and ongoing investment is necessary to ensure the safety of such structures. NACo supports increased federal commitment to fund the repair and rehabilitation of America's non-federal, publicly-owned dams and levees, including those constructed through agreements between counties and the National Resource Conservation Service, with priority funding given to structures presenting the highest risk of failure and which present the highest risk to homes, schools, businesses or important infrastructure in the event of failure. Federal funding should be made available through grants, loans, and federal cost-share programs designed to assure that unsafe or deficient dams and levees are brought into compliance with national minimum safety standards and to assure that necessary maintenance and upgrades can be conducted to meet these standards on an ongoing basis. Moreover, NACo urges federal and state governments to consult with, and include, counties in the decision-making process when undertaking the rehabilitation of unsafe or deficient dams and levees located within the jurisdiction of the county.

- F. Water Resources Development Act:** NACo supports preserving and maintaining current federal law that provides for federal participation through the U.S. Army Corps of Engineers in a long-standing partnership with state and local governments for funding, implementing, and maintaining essential and environmentally sound navigation, harbor, beach management, flow control, coastal and aquatic ecosystem restoration and protection, and environmental improvement projects across this nation.

NACo supports federal matching funds for local governments to plan for and implement projects that reduce flood damage risks and accomplish other goals under the Water Resources Development Act (WRDA). NACo opposes more of the federal share of water resource projects being shifted to local governments, because most projects are costly and local governments would not have the fiscal resources to assume the federal share. Additionally, many of these projects are intended to enhance or conserve regionally or nationally significant resources; and protect the health, safety and welfare of the public. NACo urges Congress to appropriate the funds needed, where they are needed, to reduce the backlog of projects authorized under WRDA.

NACo supports counties in ensuring that they are consulted before the federal or state government undertakes water resource projects within a county's jurisdiction and that county concerns are incorporated into project planning.

NACo supports the federal government providing state and local governments with a major voice in the decision-making process, which includes the authority to assume full responsibility for planning and implementing flood control projects, assessing and mitigating their environmental impacts and determining the necessity or advisability of flood control projects by the federal government.

NACo supports continued and increased funding for federal programs that assist counties with planning and the implementation of projects that address habitat restoration and connectivity, ecosystem restoration and resiliency, protection and enhancement of ecological resources including fish and wildlife, and environmentally beneficial modifications to existing projects.

- G. Water Conservation:** NACo supports federal water conservation strategies that provide federal financial and technical assistance to state and local governments to design, implement, and evaluate appropriate water conservation measures including the rehabilitation of water supply systems. Water conservation should be given priority in water projects planning and evaluation where there are limited sources of supply. Federal research and grant programs should focus on water reclamation, recycling, reuse, and desalination.

NACo supports qualification and adjudication of federal reserved water rights being determined in state courts and administered subject to local and state water conservation and development plans.

**H. Oceans and Coastal:** NACo supports federal funding for continued education and scientific study of ocean acidification.

NACo supports federal efforts to address the increasing problem of marine debris. This includes, but is not limited to: support for continued reauthorization of the Marine Debris Research, Prevention, and Reduction Act (MDRPRA) and/or similar legislation and increased funding to the National Oceanic and Atmospheric Administration (NOAA) to provide additional resources for grants to coastal counties for beach cleanup efforts, derelict fishing gear removal; research on the effectiveness of off-shore clean-up methods; and federal policies that encourage states and localities to educate small business communities and consumers about the significant environmental harm of single-use plastic bags/bottles and the benefits of associated county-wide bans and additionally encouraging reuse/recycle policies at the local level.

**I. Oil Pollution Act:** NACo supports federal legislation and policies to strengthen local government involvement under the Oil Pollution Act (OPA). NACo supports requiring federal agencies who oversee OPA to consult and coordinate with local governments in environmental protection, oil spill contingency planning, training and implementation of OPA processes.

NACo supports sharing CWA penalty oil spill fines with impacted communities. NACo supports using the 2012 RESTORE Act (Resources and Ecosystems Sustainability, Tourism Opportunities and Revived Economy of the Gulf Coast Act) provisions as a model for future pollution incidents throughout the country.

## **AIR QUALITY**

NACo recognizes the need for on-going and sustained action regarding air quality involving all stakeholders at the international, federal, state, and local levels of government. The transport of air pollutants is a national and international problem and knows no political boundaries.

Air pollutants can have significant impacts on human health, the economic vitality of communities, natural resources and recreation areas, quality of life, and the ecological balance of the world.

### **A. Roles and Responsibilities**

**1. Federal Role:** NACo supports the goals of the Clean Air Act Amendments of 1990, which balances the need to ensure the highest level of environmental protection with the need to maintain economically viable and sustainable communities.

NACo supports federal leadership that ensures open communication and an objective process when deciding on an acceptable level of risk to human health while still protecting the environment.

NACo recommends an increase in federal technical and financial assistance to states and local governments for the development and administration of local air pollution control programs, which includes expansion of federal air pollution research programs for development and local implementation of strategies designed to reduce air pollutants.

NACo supports requiring the federal government to work cooperatively with state and local governments to help formulate guideline and technical assistance programs for the administration, implementation, maintenance, and enforcement of plans that affect local land use and resource allocation decisions.

**2. State and Local Government Responsibility:** NACo believes individual counties or groups of counties should have the right to control their air pollution problems within one state or on an interstate basis in accordance with their needs, while ensuring adequate representation of county governments in these entities.

**B. National Ambient Air Quality Standards:** NACo believes that national air quality standards should be set using well-founded, peer-reviewed scientific evidence. Public review of standards is essential and should include the range of health effects associated with the pollutant, the levels of pollution as they relate to the effects on health, the characteristics and number of people affected, and the compounded effects when multiple pollutants are present.

State and local governments must have the option of adopting secondary standards which are more stringent than the national goals in order to protect localized environmental, property, and human values. In addition, states and local governments should be allowed to select among alternative means to achieve air quality standards.

EPA standards should be flexible enough to consider regional conditions.

NACo opposes any attempts by the U.S. Environmental Protection Agency (EPA) to impose regulations more stringent than the 2012 Particulate Matter standards for fine particles (PM 2.5). NACo supports increased funding for the local Particulate Matter (PM) monitoring program and asks the EPA to assist counties in determining the true source of particulate matter.

**C. The State Implementation Plan (SIP) Process:** NACo believes that limited federal oversight of state and local air quality programs is necessary when air quality management practices have been proven effective.

NACo urges federal revision of the SIP review process, including:

- Continuation by the EPA of timely guidance for developing state pollution control plans and programs, reviewing state plans and programs on a fixed periodic basis, and ensuring states do not undertake pollution control activities unless authorized by a joint determination of state and local elected officials;
- Authority by the EPA to revoke a state's authority to administer federal clean air programs if, during a periodic audit, it determines the state has taken actions inconsistent with its own plan or that its programs and plans are no longer adequate and the state did not correct this inadequacy. This provision should apply to the local government, if authority is delegated by the state;
- Allowing state and local governments to grant or alter Title V permits without the need for federal approval if consistent with EPA-approved generic permit rules;
- Ability of local governments to obtain EPA review of any state permitting decision or other minor SIP revision not otherwise needing EPA approval; and
- Allowing counties to establish fees for operating permits to cover the cost of implementation and enforcement in counties that have the responsibility for issuing permits and enforcing the requirements of the Clean Air Act and state air quality laws.

NACo supports the goals of the Clean Air Act and any subsequent transportation reauthorization bill that aims to encourage environmentally sound transportation projects.

NACo also supports legislation that would codify the EPA's grandfathering provision of the 1997 transportation conformity regulation which keeps a project eligible for federal funding once it has satisfied environmental requirements and is consistent with the state approved clean air plan.

**D. Clean Air Act Deadlines:** NACo supports changes to the Clean Air Act to establish a sensible, orderly long-range strategy for air quality improvement and attainment of federal primary and secondary air quality standards.

NACo believes the EPA should vigorously enforce the Clean Air Act and that enforceable deadlines are necessary to promote progress toward cleaner air.

NACo supports providing EPA with flexible authority to grant case-by-case extensions where controls are as stringent as those in attainment areas and demonstrate progress toward attainment.

NACo believes that EPA should continue to have the power to levy funding sanctions and restrictions on new source permitting for areas not acting in good faith to comply with the Clean Air Act. Sanctions should not be imposed on funding that is aimed at alleviating air pollution problems. If an uncontrollable natural condition or occurrence causes air pollution, the federal and state governments are urged to work with the jurisdiction affected rather than subject the jurisdiction to sanctions.

## **E. Vehicle and Vessel Emissions**

- 1. Motor Vehicle Emissions:** NACo urges the federal government to set stricter standards to help reduce motor vehicle emission levels across the United States.

NACo supports programs to enhance transportation alternatives, including, but not limited to, low-pollutant emission vehicles, an increase in mass transit, rail, and carpools.

NACo believes that improved vehicle certification and inspection maintenance programs can reduce hydrocarbons, carbon monoxide and other pollutant emissions from vehicles in use. Certification requirements should cover the full useful life of the vehicles and be based on real-life driving conditions, such as cold start temperatures.

NACo believes the EPA should establish guidance procedures for enhanced vehicle Inspection and Maintenance programs and work cooperatively with state and local governments for implementation.

NACo calls on Congress and the President to fully fund and reauthorize the Diesel Emissions Reduction Act (DERA) to help counties reduce particulate matter pollution, which is a factor in nonattainment.

- 2. Air Quality Ocean Going Marine Vessel Emissions:** NACo urges Congress to support legislation to reduce emissions from ocean-going marine vessels through economic incentives, including funding for research and development on retrofit emissions controls and new technology to reduce emissions from marine vessels.

- ## **F. Interstate/International Transport of Air Pollution:** NACo recognizes that air pollution is transitory in nature and does not respect state or other geographic borders, particularly in the case of ozone. NACo supports the creation of multi-jurisdictional ozone transport regions and interstate commissions to provide for regional planning, conflict resolution, and implementation of area-wide strategies, as ozone may contribute to or cause non-attainment of the National Ambient Air Quality Standards (NAAQS). When the EPA determines that state or local jurisdictions are in compliance and do not significantly contribute to ozone transport problems, that area should be exempted from further regulatory requirements. Counties or air basins within a state should be allowed to subtract the effect of pollutants transported from other parts of a state, as well as from other states, when calculating their own area's clean air compliance attainment.

NACo supports the creation of an EPA policy to grant states and local governments the authority to leverage air quality improvements in one region to offset the non-attainment status of another adjacent region during the same period to avoid non-attainment status in the region whose air quality exceeds the current standards.

**G. International Transport of Air Pollution:** NACo supports efforts by federal, state, and local governments in cooperation with U.S. and Mexican officials to recognize that preserving, protecting, and improving the natural environment, as well as public health and safety, is a major priority. NACo urges these entities to work together with U.S. counties to develop strategies that are proactive, while protecting and improving both the public health and the environment.

NACo also urges, supports, and will assist the entities in efforts to formulate agreements in establishing common air, water, waste standards, and requirements for the U.S./Mexico border region in order to preserve, protect, and improve the natural environment and public health of residents living in the region.

**H. Prevention of Significant Deterioration:** NACo recognizes there are areas where special air quality is essential, such as wilderness areas, national parks, watersheds, and viewsheds. Therefore, NACo supports the ability of all levels of government to implement control strategies consistent with the use, needs, and desires of the area.

**I. Multi-Emissions/New Source Review:** NACo believes that any changes to address multi-emissions pollution sources should support, not supplant, current Clean Air Act provisions and protect the ability of state and local governments to adopt more stringent regulations. Each state should be allowed to achieve the specified levels of emissions reductions through the most efficient, cost-effective and appropriate technology method.

NACo supports a reduction of emissions for sulfur dioxide, nitrogen oxides, and mercury from power generators. NACo also supports significant reductions from other major sources.

NACo supports increased federal funding for research and development of new, less expensive technologies for reducing sulfur and nitrogen oxides.

NACo urges EPA review and, when appropriate, strengthening of its New Source Review program to ensure it fully protects public health and welfare.

NACo believes any required retrofitting, based on the new source review standards, should be limited to addressing significant pollution problems of the region. The EPA should work cooperatively with state and local governments and allow for site-specific variations for existing facilities. Reasonable timeframes for retrofitting and achievable emission control requirements should be established, based on federal, state, and local standards.

NACo believes states and sources should be allowed to trade emissions reductions as long as specific credited sources do not increase their emissions.

**J. Climate Change:** All across the U.S., counties are experiencing new, often drastic, weather patterns and their effects which are attributed to climate change. Regardless of manmade or a natural warming cycle, as counties adapt to a changing climate, NACo urges the federal government to aggressively pursue and support:

- National and international programs to research, develop and deploy carbon-neutral energy sources to reduce greenhouse gas emissions;
- National and local strategies, including private sector initiatives, to mitigate the impacts of climate change and enhance community resiliency; and
- Research and development of new technologies and commercialization of existing technologies that will contribute to reducing atmospheric carbon emissions.



NACo urges Congress to provide more federal funding, economic, fiscal and practical incentives and awards for counties and businesses to meet these objectives. These programs and policies must not create unfunded mandates or preemptions on counties and/or their local economies.

Instead, NACo urges the federal government to work closely with counties on climate change initiatives. NACo urges Congress to provide financial and technical assistance to local governments to help develop and implement local climate change adaptation and mitigation plans and projects, including but not limited to smart growth initiatives, mass transit development, acquisition of high efficiency fleet vehicles, renewable energy deployment installation of emerging micro-grid and energy storage infrastructure, protection of water supplies, and disaster planning and preparedness.

NACo is concerned about the fiscal impacts of climate change, as well as our responses to climate change, at all levels of government.

NACo supports federal policies and programs that provide assistance and mechanisms for willing counties along with local and state governments to partner with federal and international entities in order to benefit economically from the global transition to a lower carbon economy. Such policies and programs include those that assist willing counties in developing strategies to foster economic growth and competitiveness and identifying ways to leverage changing conditions and take advantage of new technologies and innovation.

While NACo presently opposes cap and trade or carbon tax, NACo supports ongoing analysis and evaluation of these and all other tools that seek to reduce greenhouse gas (GHG) emissions, including their local economic and fiscal impacts.

Likewise, NACo is concerned about EPA's efforts to further constrict the mining, transportation and burning of coal. EPA should undertake further consultation and research to fully understand the impacts of existing and pending rules, regulations and standards will have on local communities. This analysis should include the costs and benefits on electric utility operations, electricity availability and capacity, electric rates, the economic impacts to manufacturers, and the economic and health impacts to communities and consumers.

**K. Indoor Air Quality:** NACo supports legislation to increase federal indoor air quality funding for research and grants, and for technical assistance to county governments. Increased funding will be used to promote awareness of indoor air quality issues, testing, and mitigation of radon in homes to help reduce the concentration of indoor air pollution.

## **SOLID AND HAZARDOUS WASTE MANAGEMENT**

NACo recognizes that improper management of solid and hazardous waste is a national problem, which endangers public health by contributing to air, water, and land pollution. Local governments are integral to waste management, especially through establishing waste reduction and recycling programs.

NACo supports a national integrated waste management system incorporating the following elements:

- Waste Reduction;
- Recycling;
- Waste Recycling; and
- Waste Disposal.

NACo supports a waste management system that allows counties to select among a variety of options to protect the environment, cost-effectively meet local needs, and avoid undue financial hardship on counties. NACo supports favorable tax policies, including financing for solid waste management facilities.

**A. Waste Reduction and Product Stewardship:** NACo encourages federal, state, and local governments to support public education designed to promote participation in activities that reduce the volume and toxicity of municipal solid waste (MSW). NACo supports an Extended Producer Responsibility Framework Approach, which creates effective producer-led reduction, reuse and recycling programs, to address a product's lifecycle impacts from design through end of life management, without relying solely on state and local governments.

NACo encourages federal legislation in support of environmentally preferable purchasing that takes into consideration environmental impacts, cost effectiveness and flexibility and eliminates disincentive for reusable products by government.

NACo supports federal research and incentive programs for product stewardship efforts that will work with manufacturers and packagers of retail and wholesale goods to minimize or eliminate heavy metals or other toxic substances in household products and packaging and disposable or "throw-away" products.

**B. Recycling:** NACo supports federal legislation that encourages businesses to minimize or reuse packaging. NACo encourages federal, state, and local government support of voluntary programs that increase recycling of waste.

NACo also encourages federal, state, and local governments to create incentives for the development of strong, stable private markets for recyclable commodities. To support market development, specifications must be developed that favor purchasing products containing recycled materials. Any government requirements for recycling of specific products must include end market development of such products.

NACo supports maximizing the recycling and reuse of electronic waste – including computers, televisions, and other electronic devices – that has reached the end of its useful life through an internalized electronics industry financing mechanism that covers the cost of collection, transportation, and recycling, and does not rely on state and local government funding. This policy encompasses (but is not limited to) other waste materials, such as mercury-containing fluorescent lamps, paint recycling and reuse, and safe disposal of pharmaceuticals.

**C. Waste Recovery:** NACo recognizes that resource recovery/waste-to-energy facilities remove recyclable materials and substances potentially harmful to air quality from the waste stream. Therefore, NACo encourages federal financial and technical support of energy conservation efforts and county waste recovery programs, with incineration of waste being a domestic energy source and a form of recycling, including, but not limited to:

- Construction grants;
- Incentives for resource recovery projects;
- Restoring tax incentives for greater private sector participation in resource recovery projects and electricity generation facilities;
- Consistent permitting processes to avoid costly reconstruction or retrofitting of previously approved projects;
- Incentives for innovative uses of ash and other resource recovery by-products; and
- Utilizing environmental monitoring techniques relevant to resource recovery facilities.

NACo supports legislation that provides direct grants to local governments and tax incentives for the construction of methane-to-CNG production and fuel delivery systems, as well as conversion and production of CNG fleet vehicles.

**D. Waste Disposal:** NACo recognizes that landfilling is the predominant method for managing MSW even though costs have increased for transportation and substandard landfill sites have been closed under the federal Resource Conservation and Recovery Act (RCRA) Subtitle D.

NACo supports federal legislation to protect the environment and our natural resources, particularly water supplies, that includes, but is not limited to:

- Uniform landfill standards that are performance-based, to the extent possible, and allow the establishment of regulatory programs by states to meet federal requirements;
- Federal technical assistance to states and counties for the safe closure of landfills; and
- Voluntary recovery of methane from landfills as an energy source.

NACo supports federal legislation or regulations for county solid waste arid landfills that allow for differential groundwater monitoring requirements. RCRA Subtitle D does not provide such discretion for states, even when conventional ground water monitoring methods at arid landfills are not effective and effective alternatives, such as monitoring of the vadose zone or low-cost moisture detection devices, are available.

**E. Interstate/International Issues for Solid Waste:** NACo urges the development of a national policy on interstate transportation of MSW by the federal government.

NACo supports local governments' legal authority to control the flow of MSW generated within their jurisdiction.

NACo supports federal legislation that recognizes the decision-making role and responsibilities of county and other local governments in land use and MSW disposal and empowers them to make decisions which will assure environmentally and fiscally sound, RCRA consistent, solid waste management practices. MSW management should be a primary responsibility of state, county and other local governments.

NACo urges Congress to support bi-national projects between private, state, federal, tribal, and public organizations, which develop and implement programs to educate, prevent and clean up illegal dumping along the U.S./Mexican border.

**F. Hazardous Waste Management:** NACo supports a national hazardous waste management program that includes, but is not limited to:

- Federal research, development and promotion of technologies and strategies, such as encouraging changes in manufacturing processes and products, neutralization, recovery, or destruction, to prevent pollution and reduce landfilling of hazardous waste; and
- Assistance regarding hazardous waste landfill regulations through:
  - Federal financial and technical assistance to state and local governments to evaluate potential new sites for hazardous waste disposal facilities;
  - Federal assurance that there is no degradation of the environment or danger to public health as a result of new hazardous waste disposal facilities. This can be accomplished by developing and implementing prompt and responsible emergency or long-term procedures in case of spills or leakage at the site or in transporting hazardous materials to and from the site;
  - Requirement of permits, as if they were new facilities, for major expansion or additions beyond the previously permitted capacity or limitations for existing hazardous waste disposal facilities; and
  - Federal financing through a tax on hazardous waste generators to establish and cover the costs of a continuing inspection process for hazardous waste disposal sites permitted under RCRA, which will assure owners and operators of hazardous waste facilities of the ability to obtain adequate insurance for emergency response and cover any liability.

**G. Transportation of Hazardous Materials:** NACo generally supports the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA) which responded to public concern about state or local ordinances or regulations on transporting hazardous materials and requiring the use of Department of Transportation (DOT) standards when designating highway routes for such materials.

NACo strongly opposes any efforts to further expand the preemptive powers of the federal government in the area of hazardous materials transportation.

**H. Nuclear Waste Management:** NACo is concerned that the federal nuclear waste repository program through the Department of Energy (DOE) is seriously behind schedule. NACo supports federal legislation to assure DOE meets its statutory responsibilities regarding present and future stockpiles of nuclear wastes which pose a serious threat to the natural environment and to the public's health and welfare.

NACo supports construction of a suitable permanent nuclear waste repository and the use of an interim central storage facility until the permanent site is completed.

NACo supports federal development of a transportation system from nuclear power plants to the interim or permanent site that includes assessing community impacts, intensive consultation, participation, and control in siting and transportation decisions with affected states and local governments, and consulting with and providing appropriate benefits to counties directly affected by the interim or permanent nuclear waste facility.

NACo supports research and development of spent nuclear fuel storage technologies.

NACo supports DOE oversight, which includes participation by emergency management officials, of state and regional plans to assure seamless responses to accidental or intentional discharge of nuclear waste.

NACo supports federal funding to fully cover emergency management and public safety costs associated with the transport of nuclear waste, including, but not limited to training for emergency personnel, technical assistance, equipment and communication needs, preparedness and response costs, and monitoring of radiation emissions along transportation routes.

NACo supports a funding mechanism that requires payments by ratepayers to the Nuclear Waste Fund, which will only be used for management of spent nuclear fuel.

NACo supports the community right-to-know emergency planning, federal funding of state and local emergency programs, technical assistance, and training programs to local governments, provisions of the Superfund Amendments Reauthorization Act (SARA) Title III.

**I. Disposal of Nerve Gas:** NACo supports regulation of the transportation and disposal of military nerve agents as a hazardous substance by the EPA.

**J. Superfund Sites:** NACo supports reauthorization of the Superfund program to continue identification, evaluation and control of existing hazardous waste disposal sites with the primary source of cleanup funds continuing to be the parties responsible for the disposal of toxic wastes.

NACo supports the Superfund provisions for retroactive strict, joint, and several liability designs that are used to finance most costs of cleaning up hazardous waste, and acknowledges that a partial elimination of retroactive liability for some Superfund sites may be a reasonable alternative to the current liability arrangement.

NACo supports increased federal funding of the Hazardous Substance Response Trust Fund (HSRTF) to assure adequate funding to clean up current and new sites added to the National Priority List (NPL), even if federal changes are made to the funding mechanism for Superfund.

NACo supports federal HSRTF funding to cover at least half the costs of long-term operation and maintenance at federal cleanup sites, including those owned and operated by local governments.

NACo supports routine use of the administrative settlement tools in Superfund by EPA.

NACo supports federal legislation that ensures counties will not assume full financial responsibility for cleanup costs or be held legally responsible for such cleanup by limiting local government liability and prohibiting private parties from bringing contribution actions against local governments for the generation, transportation, regulation, or disposal of MSW and providing expedited settlements for local governments involved in Superfund sites.

NACo supports strengthening the role of local and state governments in Superfund activities by:

- Granting greater decision-making responsibility to local and state governments, including options to fully assume responsibility for planning and implementing Superfund response actions and flexibility in financing or providing matching funds for cleanup efforts;
- Having Superfund regulations and guidance focusing more on the desired results of cleanup actions and less on the process for determining such results; and
- Assuring the EPA works in close cooperation with state and local governments to develop criteria or guidelines for the level of remediation sufficient to protect the environment and public health.

## **ENERGY**

**A. National Energy Policy:** NACo seeks a comprehensive and integrated approach to a national energy policy that:

- Balances increased domestic oil and gas production on public and privately-owned lands, including issuance of oil and gas drilling permits in a timely fashion;
- Provides states and counties, which support and encourage oil and gas production off their shores, with a share of revenues proportionate to the royalties generated;
- Accelerates development, research and incentives for alternative and renewable energy, clean energy, energy efficient programs, and clean coal technologies;
- Gives local governments a central role in formulating local environment, energy and land use policies;
- Supports environmental equity issues;
- Continues energy conservation programs that reduce consumption, encourage efficient energy use, and improve end use efficiencies;
- Preserves and protects ecologically unique areas;
- Provides a comprehensive approach to addressing the problems of communities affected by new energy resource facility development, and direct participation by local governments in all strategy development for mitigating any adverse consequences of a new energy resource facility;
- Provides federal funding through grants, payments, low-interest loans, and loan guarantees, to counties and other local governments to help fund the planning and development of public facilities, and services, required as the result of new or expanded energy resource and facility development;
- Ensures that the nation's electrical transmission grid system is secure from the types of threats which could cause catastrophic failure; and
- Provides funding for Native American energy resource development.

**B. Energy Research and Education:** NACo supports federal funding and other incentives to promote research, explore the interrelationships among energy, capital, labor, and materials, and the technological problems of energy systems. Federal research efforts should be broad-based, unbiased, and equitable among the various energy technologies, with the results of the research being disseminated by all levels of government and the private sector through a variety of public education technologies.

**C. Energy Conservation:** NACo supports federal funding and other incentives to promote nationwide energy conservation efforts. To facilitate decentralized energy conservation activities, the federal government should seek input from local government on implementation and continue to adequately fund all conservation and fuel assistance programs, such as: the State Energy Conservation Program; Energy Extension Service; Institutional Conservation Program; Weatherization Assistance Program; Low-Income Housing Energy Assistance Program; and the Energy STAR Program. NACo believes the federal government should work with local governments in the research, development, and implementation of energy efficient building standards.

NACo believes the federal government should encourage local governments to develop partnerships with utilities and private industry to develop energy efficiency and conservation programs which will result in cost savings for local businesses and a stronger local economy.

NACo supports full funding for the Energy Efficiency and Conservation Block Grant (EECBG) Program in FY2010 and thereafter. Additionally, NACo supports including city populations in the overall county population numbers and urges the DOE to allow all “eligible” counties in all states to apply for the direct formula funding.

NACo supports funding for Property Assessed Clean Energy (PACE) programs and supports their treatment by federal regulators as a traditional tax assessment program with priority lien status.

**D. Nuclear Energy:** NACo supports nuclear power as a component of a comprehensive energy program. NACo encourages the continued research, improvement and development of nuclear power and related technologies that add to its safety and efficiency.

**E. Renewable/Alternative Energy:** NACo supports increased federal resources for researching and developing renewable energy technologies, including wind, solar, geothermal, biomass, electricity from landfill gas, and other forms of waste-to-energy which will achieve the objective of clean and safe forms of energy.

NACo supports increased and multifaceted federal efforts to increase renewable energy sources and consumption, including consumption incentives to all levels of government to encourage purchase of renewable energy, industry tax incentives, such as R&D credits, encouragement to co-ops to replace wired electricity delivered to remote rural areas that are not cost-effective, and further public and private partnerships.

NACo supports federal legislation and policies that enables funding mechanisms, including grant programs, for Community Renewable Energy Projects.

NACo supports expanding the definition of governmental purpose in the Internal Revenue Code (IRC) to include energy efficiency, renewable energy improvements, and water conservation and efficiency projects.

NACo supports legislation that encourages research and development of energy storage technology.

**F. Energy Program Evaluation:** NACo believes all energy programs should be periodically reviewed and analyzed for efficiency and effectiveness in achieving their goals. Programs that are found to be ineffective or inefficient should be reengineered in collaboration with county, state, and other local governments.

**G. Alternative Fuel Vehicles:** NACo supports a national policy promoting lower pollution vehicles, such as Alternative Fuel Vehicles (AFVs), Hybrids and High Efficiency Vehicles (HEVs), and Advanced Technology Vehicles.

NACo supports a national strategy, including tax incentives, rebates, and promotions, to increase the purchase of lower pollution vehicles by private businesses and all levels of government. However, federal policy must be established to ensure the availability of a refueling infrastructure and of competitively priced, reliable alternative fuel and alternative fuel vehicles, and should consider its impact on gas tax revenues and the highway trust fund before requiring conversion of motor vehicle fleets.

NACo supports an increase in fueling infrastructure stations to support the promotion of AFVs.

NACo supports the DOE's efforts to decrease reliance on oil by focusing on alternative fuels such as ethanol, methanol, compressed natural gas, electricity, and biodiesel, among other agents. The ethanol used in E-85 is a renewable fuel that provides benefits to American farmers and rural areas of the country.

NACo supports increased fuel economy standards for trucks and cars to reduce fuel costs and air pollution.

**H. Electric Utility Restructuring:** NACo supports the following principles of reliability, equitable benefits, social and environmental impacts, and stranded costs in any attempts to restructure the delivery of electricity:

- The federal government should work in partnership with state and local governments if it plans to restructure the nation's electric industry;
- Whether or not restructuring is pursued, the foremost consideration is to develop and enforce a common goal and supporting policies that maintain and improve the system, including upgrading and replacing aging and outdated infrastructure with particular attention to our older communities and regions, incorporating newest technologies and anticipating technological improvements, and ensuring reliability and affordability of service with particular attention to resilience in the face of natural and other hazards.
- Any transition to a competitive generation market should provide sufficient time, in line with the magnitude of the change, for counties to adapt to the new structure, avoid disruption of service to the public, and adjust to potential changes in tax revenues;
- Any restructuring must acknowledge and not abridge the existing power and authority of counties to operate county utilities or the ability of counties to form such utilities in the future, providing the utilities do not result in a cost-shifting to other counties;
- Under any restructuring, counties, either individually or on a regional basis, should have the opportunity to consider combining the electric loads of various users and negotiate the purchase of electricity on behalf of those consumers;
- Any restructuring should include a transition period during which legitimate stranded costs can be recovered in a just and reasonable manner as determined by state law;
- Counties should continue to have the authority to issue franchises and/or taxes and no federal or state action should preempt or interfere with county revenue authority;
- Counties should retain full authority over its own rights-of-way and recovery costs for their use;
- Customers should be allowed to choose their own electric power supplier as determined by state legislation, not federal law, and be given a written disclosure prior to selecting a provider on the overall cost of service;
- Recognition of electrical, geographic and institutional differences such as the western and eastern electrical grids having different features and challenges; and
- DOE and state utility commissions continuing their important role in ensuring that all consumers can count on the long-term integrity, safety, and reliability of their electricity service.

- I. Pipeline Safety:** NACo supports efforts to strengthen federal pipeline safety legislation and regulations which are necessary to improve the safety of natural gas and hazardous liquid pipeline operation, maintenance, and public reporting, including:
- Federal certification of operator training and qualification;
  - Flexibility for state and local governments to impose stringent requirements for installation of effective leak and defect detection, and increased inspections for pipeline corrosion and defects as pipelines continue to age;
  - Expanded public awareness and notification programs by pipeline operators and federal regulators to help prevent third-party damage;
  - Required disclosure to state and local governments of all inspection results and corrective measures for pipelines in their jurisdictions;
  - Enhanced federal funding for grants to state and local pipeline safety authorities, for funds to federal pipeline regulatory agencies, and for pipeline safety research and development; and
  - Achievement of these and other improvements should acknowledge the vital role that state and local governments have in protecting the public and environment from preventable pipeline accidents.
- J. Underground Storage Tanks:** NACo supports full funding for the leaking underground storage tank (LUST) program, which should only be used for its intended purpose of remediating and preventing further contamination caused from underground storage tanks (UST).
- K. Regulating Natural Gas Drilling:** NACo calls upon Bureau of Land Management (BLM), other Federal Land managers and impacted states to encourage the use of state of the art technology for natural gas development as proper practices can lessen the surface impacts of roads, pads and pipelines. NACo encourages land managers to routinely monitor these drilling areas to ensure compliance with existing regulations and assist in determining the impacts to air, water, public health and wildlife.

## LAND USE

NACo recognizes that comprehensive land use planning and growth management are central to our social and economic stability. How we use our land directly affects our ability to accommodate development, protect valuable natural resources, minimize pollution, preserve the cultural and historical character of our community, conserve energy, provide community facilities and services, and maintain a high quality of life for current and future residents.

Sustainable development principles should include providing protection for the integrity and health of our natural resources, enhancements for economic vitality of a region, environmental protection for counties to protect open space, farmland, national landscapes, watersheds, and critical environmental areas, and social equity for all. These principles assume that the benefits derived from smart growth are available to all of its citizens. Counties must retain the authority to plan and manage growth with federal and state laws being respectful of local initiatives, and provide a variety of transportation choices that link transportation decision-making to sustainable land use planning to increase safety, reduce traffic congestion, and improve air quality.

- A. Intergovernmental Roles and Relationships:** NACo urges federal, state and local coordination through the comprehensive planning process. Because land use control should take place at the local level, federal and state objectives should reflect the needs and conditions of local governments.

NACo supports federal and state land use planning and management actions being consistent with local land use policies. Activities involving federal agencies under the National Environmental Policy Act (NEPA) should not exclude local governments on interdisciplinary teams because of the provisions of the Federal Advisory Committee Act (FACA).



NACo encourages federal and state governments to allow local government authority for impact fees to help fund infrastructure costs for new development.

- B. Federal Planning and Funding:** NACo calls for significant federal funding for research and demonstration projects to encourage local governments to develop fiscally sensible, efficient land use planning and infrastructure design practices that will produce better physical activity and health outcomes. Federal grant programs earmarked for the development of community facilities, environmental protection programs, and transportation, should set aside a percentage of grant funds for local planning. Planning funds should supplement the basic grant and be utilized to maximize effectiveness and minimize undesirable impacts.

NACo supports federal policies, legislation, and funding that makes accurate land parcel data available to all levels of government.

NACo urges Congress to support the Digital Coast Initiative through the National Oceanic and Atmospheric Administration (NOAA), consistent with NACo's support for other similar type federal initiatives that use data and technological tools to improve local land use decisions.

- C. Resource Conservation:** NACo supports the option by local government to implement Historical Building tax credits and conservation easement programs for historical preservation or to foster economic development, providing it is approved through local land use plans.

NACo supports all levels of government developing techniques to reduce water and air pollution, generation of solid waste, inefficient and non-sustainable consumption of natural resources, promotion of historic and cultural resource preservation, energy resource conservation, full utilization of human resources, and sustainable uses of natural resources and space.

NACo supports continuation of the enhanced federal tax deduction for donations of conservation and trail easements to facilitate their use by counties, special districts and other units of local government as a land planning, conservation, and management tool.

- D. Redevelopment of Abandoned Industrial Areas (“Brownfields”):** NACo encourages the federal support for economic revitalization and environmental restoration programs in coordination with local governments.

NACo supports redevelopment of abandoned or under-utilized industrial and commercial sites, which are frequently contaminated due to past practices, through programs designed to allow these sites to once again be economically viable. NACo also supports federal funding for environmental cleanup of these areas. Clean-up standards should be based on the level and type of contamination, and the intended reuse purpose.

NACo believes there is an appropriate and increasing role for county public health departments in brownfields clean-up. Federal funding for providing these services should increase as duties expand.

- E. Federal Installations, Military Testing and Training Ranges:**

- NACo urges federal recognition that funding to cleanup former and existing federal military and other federal complexes is a federal responsibility. To protect human health and the environment, NACo believes the federal government should:
  - Approve full federal funding for environmental cleanup activities at existing and former military, nuclear weapons, and other federal complexes;
  - Make a commitment to complete environmental cleanup at its facilities within a reasonable and justifiable timeframe;

- Strive to not only comply with environmental laws, but also be a leader in the field of environmental cleanup to address public health concerns, ecological restoration, and waste management; and
- Consult with local governments regarding transportation and timing of cleanup materials.
- NACo supports continued funding and commitment for Department of Defense's (DOD) Readiness and Environmental Protection Initiative (REPI). The REPI program enables DOD to enter into cost-sharing partnerships, authorized by Congress, with private conservation groups, local and state governments to protect military test and training capabilities and conserve land. These partnerships acquire easements or other interests in land from willing sellers to preserve compatible land uses and sustain wildlife habitat near installations and ranges where the military operates, tests, and trains.

**F. Siting Issues (Eminent Domain):** NACo supports federal efforts to ensure that counties are empowered and included in the decision-making process when siting of infrastructure, including, but not limited to, power grids, pipelines, or energy-related corridors, and facilities, such as liquefied natural gas terminals and refineries, are being considered.

NACo recognizes that land use controls, including the siting of facilities that may have an adverse effect on environmental quality, are traditionally a state and local prerogative.

NACo supports strengthening the role of counties in the process and opposes any federal effort to preempt state and local land use authorities.

**G. Environmental Equity:** NACo supports federal funding of research to scientifically evaluate cumulative environmental and health risks to all people, regardless of race or economic status, who live close to facilities that emit pollutants, and providing the results to local elected officials.

NACo urges federal and state financial assistance to local governments to implement and enforce environmental laws in a non-discriminatory manner to protect all citizens from environmental harm.

**H. Parks and Recreation:** NACo believes the federal government has a role in the financing of local parks and recreation programs, and an obligation to acquire, develop, and maintain national parks and similar facilities of historic value.

NACo supports full funding for the U.S. Forest Service's Urban and Community Forestry program (U&CF), at a level that will help counties become more sustainable and viable, as counties can aid in meeting the challenge of increased leisure time by providing well-planned parks, open space, quality recreational opportunities, and public education about the use of these facilities.

NACo supports continued funding of the Land and Water Conservation Fund (LWCF), with funding priority given to those areas in greatest need of open space protection. NACo supports establishing and funding of federal initiatives and programs to assist counties with preserving open space and farmlands, as deemed appropriate by the county.

NACo supports annual allocation of adequate "stateside" funding in the federal LWCF to provide matching grants to counties, special park, forest preserve and conservation districts, and other local governments for purchase of park lands and other open space, and development of trails and other outdoor recreation amenities.

NACo supports federal programs that make surplus federal real and personal property available at no or reduced costs to local governments for parks and recreational purposes.

NACo opposes legislation to limit the ability of counties to utilize reasonable user fees, as long as they do not deny persons with modest incomes access, to help defray some of the operational and maintenance costs for public parks and recreation programs.

NACo encourages the creation of partnerships between the public and private sectors, such as the "adopt-a-park" program, to supplement government's ability to develop and deliver recreational services and facilities.

- I. Noise Pollution:** NACo believes counties should have authority over noise regulations in their communities. However, when federal jurisdiction supersedes local authority, there should be a fair, just, and meaningful appeals process.

NACo supports continued federal noise emission standards, periodic review of the standards for trucks, buses, and motorcycles, and reserving the authority of state and local governments to develop and enforce stricter standards.

NACo supports federal funding and support for public/private noise-related research and development.

NACo is opposed to shifting the burden from noise caused by federal facilities and federal actions to counties without adequate financial and technical resources.

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## **ENVIRONMENT, ENERGY AND LAND USE RESOLUTIONS**

### **Resolution on the Environmental Protection Agency's Waters of the U.S. Definition Rulemaking**

**Issue:** The Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) are in the process of rescinding and rewriting the 2015 Clean Water Rule (the 2015 Rule) to redefine "Waters of the United States" (WOTUS).

**Adopted Policy:** The National Association of Counties (NACo) supports withdrawal and rewriting of the EPA and Corps' 2015 Rule in a way that recognizes counties' role as owners of key public safety and water infrastructure and as intergovernmental partners in implementing federal regulations under the Clean Water Act. NACo recommends that the agencies work closely with state and local governments to develop consensus for a new WOTUS rule.

**Adopted | July 16, 2018**

## **Resolution Supporting Codification of EPA’s Integrated Planning Framework**

**Issue:** Clean Water Act (CWA) compliance for sewer districts across the country is too costly

**Adopted Policy:** The National Association of Counties (NACo) urges the passage of legislation that codifies the U.S. Environmental Protection Agency’s (EPA) 2012 Integrated Municipal Stormwater and Wastewater Planning Approach Framework (Integrated Planning Framework), under which sewer districts can seek more efficient and affordable solutions to CWA compliance, and creates demonstration projects under which local communities will be allowed more flexibility in their efforts to comply with the regulatory requirements of the CWA.

**Adopted | July 16, 2018**

## **Resolution on EPA’s Imposition of Numeric Water Quality-Based Effluent Limitations on Local Governments**

**Issue:** The United States Environmental Protection Agency (EPA) is imposing watershed-wide water quality standards on all localities within the Chesapeake Bay watershed, which will have implications on other counties across the nation when such standards are imposed in other watersheds.

**Adopted Policy:** The National Association of Counties (NACo) opposes U.S. EPA’s imposition of localized numeric water quality-based effluent limitations or area pollution targets. NACo opposes any provisions of any watershed-wide strategy that penalizes local governments by withdrawing current forms of financial assistance or imposing monitoring, management or similar requirements on localities without providing sufficient resources to achieve water quality objectives.

**Adopted | July 16, 2018**

## **Resolution on the Environmental Protection Agency’s Regulation of Groundwater Under the Clean Water Act**

**Issue:** The U.S. Environmental Protection Agency (EPA) is considering regulating pollutants originating from point sources that eventually reach surface water through groundwater via a “direct hydrologic connection.”

**Adopted Policy:** The National Association of Counties (NACo) urges the EPA to work closely with state and local governments on potential regulations, guidance or clarifications on the agency’s authority to regulate groundwater connections under the federal Clean Water Act (CWA).

**Adopted | July 16, 2018**

## **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, utility managers, and local government officials the ability to design water systems in the manner that best serves the needs of their communities.

**Adopted Policy:** The National Association of Counties (NACo) supports local control of water infrastructure procurement decisions. NACo opposes federal legislation that sets mandatory requirements on local water infrastructure procurement decisions.

**Adopted | July 16, 2018**

## **Resolution Urging Congress to Provide Funding for Local Efforts to Address Sea Level Rise**

**Issue:** Addressing the threat posed by rising sea levels to the built environments of coastal communities across the country

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to provide appropriate financial assistance and support to local governments for sea level rise and increased storm surge related initiatives and projects that aim to develop adaptive solutions to these potentially devastating events.

**Adopted | July 16, 2018**

## **Resolution in Support of Affordable Beach Renourishment Projects**

**Issue:** Allowing local governments to purchase sand from countries outside of the U.S. to replenish shorelines due to beach erosion

**Adopted Policy:** The National Association of Counties (NACo) supports enabling the Secretary of the U.S. Army Corps of Engineers to allow counties to acquire sand by purchase, exchange or otherwise from non-domestic sources for the purpose of beach renourishment.

**Adopted | July 16, 2018**

## **Resolution Supporting the Reauthorization of the Coral Reef Conservation Act**

**Issue:** Coral reefs throughout the United States are threatened. In particular, the Florida Reef Tract, the third largest barrier reef in the world and the only living coral reef in the continental United States, is currently facing an unprecedented disease outbreak.

**Adopted Policy:** The National Association of Counties (NACo) supports the Coral Reef Conservation Reauthorization Act and any similar legislation that will dedicate needed resources to improving the health of coral reefs. Specifically, NACo supports legislation that would:

- Strengthen the federal response to coral reef emergencies, such as the current disease outbreak in Florida;
- Direct new federal grant making for local coral reef conservation projects;
- Provide Congressional authorization for the U.S. Coral Reef Task Force, which gives full representation to state and territorial governments;
- Support public-private partnerships that advance coral reef conservation and stewardship;
- Authorize the U.S. Department of the Interior to conserve coral reefs in our national parks, national wildlife refuges, and marine national monuments; and
- Engage our nation's marine laboratories, aquariums, and coral reef institutes in cutting-edge, federally funded research that advances our scientific understanding of coral reef biodiversity and resiliency. Current research has not been able to properly identify or find a cure for the current disease outbreak.

**Adopted | July 16, 2018**

## **Resolution on the Impact of Per-and Polyfluoroalkyl Substances (PFAS) on Human Health and the Environment**

**Issue:** Addressing the potential human health and environmental threat caused by per-and polyfluoroalkyl substances (PFAS)

**Adopted Policy:** The National Association of Counties (NACo) supports efforts by the U.S. Environmental Protection Agency (EPA) and other federal agencies to study health and environmental impacts of PFAS compounds. Additionally, as the administration moves toward potential regulatory action, NACo urges the administration to work closely with state and local governments throughout the rule-making process.

**Adopted | July 16, 2018**

## **Resolution on any Future Administration Budget Request to Eliminate GOMESA Revenue Sharing Funds**

**Issue:** Amending or modifying the Gulf of Mexico Energy Security Act of 2006 (GOMESA) to redirect Outer Continental Shelf (OCS) oil and gas leasing activities and revenue sharing to the U.S. Treasury and away from eligible coastal states and their counties, parishes and boroughs.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to oppose any future administration budget request to eliminate GOMESA's revenue sharing with eligible states, counties or parishes.

**Adopted | July 16, 2018**

## **Resolution Supporting Liquid Natural Gas Export Facilities Nationally**

**Issue:** Increasing liquid natural gas (LNG) infrastructure nationally will help stabilize the economic impacts in communities of impact, reduce the carbon footprint and decrease air quality impacts and increases global security.

**Adopted Policy:** The National Association of Counties (NACo) supports the further development of liquid natural gas export facilities nationally.

**Adopted | July 16, 2018**

## **Resolution on the Federal Energy Regulatory Commissioner and Water Control Infrastructure Drawdowns Before Flooding Events**

**Issue:** A resolution urging the Federal Energy Regulatory Commission to enact operating procedures consistent with its mission and design to reduce downstream flooding from imminent stormwater events.

**Adopted Policy:** NACo urges the Federal Energy Regulatory Commission (FERC) to revise federal guidelines in coordination with local governing authorities that operate water control projects to reduce downstream stormwater events.

**Adopted | July 16, 2018**

## INTERIM POLICY RESOLUTIONS

### **Resolution to Revise the Process to Assess Benefits of Federally Funded Water Infrastructure Projects**

**Issue:** The process for conducting cost-benefit analyses for flood control projects does not properly acknowledge the value of agricultural land or socio-economic factors.

**Adopted Policy:** The National Association of Counties (NACo) urges the U.S. Army Corps of Engineers (Army Corps) and the White House’s Office of Management and Budget (OMB) to add a quantitative indexed value to life-safety, agricultural land value and the impacts of crop flooding, protection of low income communities and environmental benefits to determine the benefit of federal investments in flood control projects.

Additionally, NACo urges Congress to authorize the Army Corps to implement the *2013 Principles, Requirements and Guidelines* to allow rural communities to fairly compete for federal funding by considering non-population-based criteria for water projects.

**Adopted | March 4, 2019**

### **Resolution on Compensatory Mitigation In-Lieu Fee Programs**

**Issue:** Ensuring that mitigation programs occur in the watershed or region where the impact occurred.

**Adopted Policy:** The National Association of Counties (NACo) urges the U.S. Army Corps of Engineers to give preference to mitigation projects funded by in-lieu fees for compensatory mitigation in the local watershed where the fee was collected in consultation with local officials.

**Adopted | March 4, 2019**

### **Resolution Supporting the Development of New Coal Export Facilities**

**Issue:** Natural resources are an economic driver in many communities and new export facilities would deliver an economic boost.

**Adopted Policy:** The National Association of Counties (NACo) supports the development of new coal export facilities in the United States, as long as it does not preempt state or local authority.

**Adopted | March 4, 2019**

# **FINANCE, PENSIONS AND INTERGOVERNMENTAL AFFAIRS**

## **STATEMENT OF BASIC PHILOSOPHY**

Counties, as political subdivisions of the sovereign states have a right and a responsibility to raise the necessary revenues to finance critical basic public services of a wide variety, many of which are federally mandated.

## **TENTH AMENDMENT**

NACo affirms the Tenth Amendment to the Constitution of the United States as the operational force governing and balancing the respective powers of the states and local governments and federal government.

## **PARTNERSHIP AND THE NEED FOR STRONG COUNTY GOVERNMENT**

Counties are more than just local branches of the state or federal government. As representatives of the local government that reaches all the people, county officials pledge themselves to strengthen and improve county government. The federal government should recognize the inalienable right of state and local governments to participate in the decision-making process of a federal system. It should further recognize that because local government is the closest to the citizenry it is often best equipped to deliver services and administer programs. Strong county government is an essential component and partner in the effective operation of national-state-local government activities.

## **INTERGOVERNMENTAL IMMUNITY FROM TAXATION**

It has been long established, under the Constitutional doctrine of intergovernmental immunity that the federal government and state governments, and their political subdivisions, may not by taxation interfere with the legitimate functions of another. Furthermore, the Constitution, by requiring that the federal government guarantee a republican form of government to the states, requires that state and local governments should have the power to finance their legitimate functions free from federal interference. NACo insists that the federal tax system should acknowledge the direct and indirect linkages between federal and local tax systems. The federal government should not tax county governments or their respective functions, just as local governments cannot tax the federal government. Nor can federal tax policies be allowed to dictate states' revenue sources.

## **ASSESSMENT AND TAX ADMINISTRATION**

**A. GASB Activities Related to Performance Measurement:** NACo opposes issuance by the Governmental Accounting Standards Board (GASB) of any standard or any other official guidance, such as a statement of recommended practice, on performance measurement for the following reasons:

- Accounting is not synonymous with accountability;
- Decisions about performance measurements depend on the specific goals, objectives and strategies pursued by a local government and inherently not simply an accounting decision but a part of the policy and budget process;
- Even a voluntary action by GASB, an authoritative standard-setting body, will be perceived as mandatory; and
- Standards will discourage, rather than foster, innovation in performance measurement.

**B. Tax Exemption for Municipal Bonds:** NACo supports the right of counties to issue governmental debt for essential public services by marketing bonds to investors with interest on such bonds remaining totally exempt from federal taxation. Just as federal debt is exempt from local taxes, county governments vigorously oppose any action in the context of tax reform or deficit reduction that would directly or indirectly tax, under the federal income tax, interest on state or local government municipal bonds, or would place these bonds in an inferior competitive position with federal debt instruments and corporate securities. NACo asserts that tax-exempt bonds are a critical tool for budgeting and financing of long-range investments in the infrastructure and facilities necessary to meet public demand for government services. NACo opposes restrictions that would



drive up the cost of issuing tax-exempt bonds. NACo endorses simplifications that would ease existing burdensome restrictions on tax-exempt financing.

NACo supports the use of direct subsidy bonds (e.g. Build America Bonds and Recovery Zone Bonds) as additional financing options for county governments but not as a replacement for traditional tax-exempt municipal bonds.

**C. Public Purpose:** Counties should have the right to determine the public purposes to be financed by their bonds. The tax-exempt nature of tax-exempt bonds should be safeguarded when they meet a public purpose that benefits the community as a whole, not merely as individuals, regardless of ownership. Ownership or the employing power of those who operate a facility should not be the criteria by which public purpose is defined. However, eligibility for tax-exempt bonds should rest on a test of public purpose, defined in the following manner. A public purpose should be met:

- When a general purpose state or local government’s general revenues have been used to finance a purpose or service over an historic period prior to issuance of a bond for a project determined to be necessary to the provision of such a purpose or service, or
- When local governments carry out a public service as directed by a federal mandate, e.g., jail overcrowding, clean air or water, or
- Where a bond issue is proposed by the local government and meets state and/or local requirements for bond approval. This process should not be used to override Congress’ acts that certain facilities should not be eligible for tax-exempt financing.

**D. Delinquent Tax Bonds:** Counties should be allowed to issue tax exempt bonds to cover the cost of uncollected and delinquent real property tax bills.

## **CATEGORIES OF TAX-EXEMPT BONDS**

Tax-exempt bonds fall into three major categories:

- **Governmental Bonds:** Governmental bonds should meet at least one of the above three public purpose tests and their ultimate credit should be pledged from the general revenues of the local government that is the issuer of the bond.
- **Partnership/Private Activity Bonds:** Tax-exempt bonds that fall into this category are treated differently from governmental bonds in that they are subject to state-by-state volume limitations based on the population of the state. Partnership bonds are issued on behalf of a governmental body for public purposes that meet one or more of the above three tests. However, they differ from governmental bonds because they have no claim on the general tax revenues and are largely financed through the revenues generated by the project itself. Furthermore, the bond proceeds benefit a larger percentage of the private sector than the proceeds of governmental bonds. Examples of projects that may generally fall into this category are moderate to low income single family housing and small scale highly targeted economic development.
- **Special Exceptions:** Special exceptions should be made for multifamily housing, solid waste facilities, renewable energy improvements, energy efficiency, water conservation and efficiency projects, and they should not be subject to volume caps.

## **501(c)(3) NON-PROFIT ORGANIZATION BONDS**

These are bonds that are issued by authorities created by a government on behalf of organizations that qualify for tax-exempt status under the federal tax code and Internal Revenue Service regulations. They are tax-exempt because they are deemed to perform a charitable service and help government to address the burdens of public service in a progressive manner. Therefore, these organizations should be eligible to use tax-exempt bonds as a capital financing tool as long as they meet certain public service requirements. These bonds are subject to the following restrictions and requirements that distinguish them from purely governmental bonds:

- **Non-Profit Hospitals:** Section 501(c)(3) non-profit hospitals should be required to meet appropriate Medicaid/charity care tests in return for the benefit received from using tax-exempt bonds. As long as they provide an appropriate percentage of their services to the uninsured or underinsured their bonds should not be subject to penalties or to the volume cap for all other 501(c)(3) institutions currently authorized under the Tax Reform Act of 1986.
- **Non-Profit Long-Term Care Facilities:** Section 501(c)(3) non-profit long-term care facilities for the elderly, disabled, or terminally ill patient (e.g., AIDS), should continue to be subject to the current volume cap unless, on a case by case basis, they meet appropriate Medicaid/charity care tests.

### **EXEMPTION FROM THE ALTERNATIVE MINIMUM TAX**

Interest earned on tax-exempt bonds should be exempt from the federal Alternative Minimum Tax (AMT). This exclusion should also apply to ‘excess’ corporate book income, to the extent that it includes interest earned on tax-exempt bonds.

### **REFUNDING**

NACo opposes restrictions on counties’ ability to refinance their bonds at lower interest rates, which can save taxpayers millions of dollars.

### **ACCESS TO THE TAX-EXEMPT MARKET**

When considering any legislation which would have an impact on the municipal bond market, Congress should ensure that access of state and local governments to the existing tax-exempt market should not be impaired. NACo supports legislative and regulatory efforts to assist state and local governments in accessing the municipal bond market during times of crises.

### **DISCLOSURE OF INFORMATION BY MUNICIPAL BOND ISSUERS**

NACo recognizes the need for full disclosure of all relevant information concerning a county’s financial condition to potential investors, citizens, and other parties interested in municipal bonds. NACo opposes federally imposed standards for county financial accounting and reporting and supports those principles put forth by the GASB.

NACo supports disclosure guidelines developed by the Government Finance Officers Association and the GASB in cooperation with public interest groups and urges county governments to adhere to these guidelines.

### **ARBITRAGE RATES**

NACo opposes requirements that non-abusive arbitrage earnings from investments of bond proceeds in higher yielding securities be rebated to the United States Treasury. The federal government should amend the U.S. tax code to provide simpler and more flexible criteria to determine whether arbitrage has been earned in using tax-exempt bond proceeds.

### **SIMPLIFICATION OF TAX-EXEMPT BOND STATUTES**

NACo urges Congress to simplify current tax-exempt bond statutes and that the legislation includes provisions to:

- Raise the small-issuer arbitrage rebate;
- Establish an arbitrage rebate safe harbor with a three-year spend out for construction projects;
- Raise the small-issuer bank interest deduction exception; and
- Repeal the five percent unrelated or disproportionate use rule.

## **MANDATED INFRASTRUCTURE FACILITY BONDS**

NACo urges Congress to create a new category of bonds called Mandated Infrastructure Facility Bonds to assist states, counties, and cities in financing federal infrastructure mandates. The bonds would not be subject to arbitrage requirements, state-wide volume caps or limitations on advance refunding.

## **CREDIT ASSISTANCE**

Any credit assistance program should be automatically applicable to all legitimate state and local borrowing and should not be subject to elaborate administrative procedures.

## **EQUALIZATION IN FEDERAL GRANTS**

The distribution of federal grants should reflect relative inequalities among recipient governments in program needs and in the fiscal capabilities to meet these needs with the following:

- **Appropriateness and Feasibility:** Appropriate agencies of the federal government should be required to examine those grant programs that distribute funds directly to local governments or support local projects, in order to assess the extent to which variations in local fiscal capabilities should be recognized in their distribution and appraise the feasibility of administering effective and equitable equalization provisions in such grants;
- **Periodic Review of Need Indices:** The departments and agencies responsible for administering federal grant programs should be required to review periodically the adequacy of the need indices employed in the respective grant programs and the appropriateness of their equalization provisions;
- **Recognizing Disparities:** States should be required to recognize disparities in fiscal needs and resources among local governments in the redistribution of federal grant funds; and
- **Serving Incorporated Areas:** All federal grant programs should include equitable criteria that recognize that county governments serve all citizens within their boundaries, including areas within incorporated municipalities. The distribution of federal assistance funds should be based on total county population when determining prime sponsorship or entitlement.

## **BLOCK GRANTS**

NACo urges Congress and the Administration to consider the following principles in developing block grant legislation:

- Emphasis should be on reducing expenses and not on shifting costs from the federal government to local taxpayers;
- Federal block grant legislation should be developed in close consultation with county officials;
- States should be required to jointly plan, review, accept, and publish comments from county officials on all expenditures of federal funds;
- Federal block grant funds for health, social services, employment, community and economic development, and criminal justice should be allocated to general purpose local governments where existing service delivery systems are in place;
- Reasonable transition time should be allowed to move from categorical to block grants and counties should be given sufficient time to adjust their own laws, budgets and administrative procedures to comply with changes in federal policy;
- Local flexibility should be permitted to address identifiable needs within the context of meeting broad national objectives;
- Block grant proposals should require political accountability for the expenditure of public funds at the county level;
- Accountability for the use of funds should be demonstrated through outcome measurements;

- State administration costs should be capped to what is reasonable and justifiable on the basis of current administrative costs; and
- If a federal mandate is eliminated or waived for a state it should be eliminated for local governments.

### **GENERAL SERVICES ADMINISTRATION SCHEDULE CONTRACTS**

Access to General Services Administration schedule contracts provides volume pricing and reduces unnecessary duplication of effort by multiple federal, state and local government contract managers to make public sector procurement more cost-effective. NACo supports total access for local governments to GSA schedule contracts, including access to “green” schedules.

### **CONSULTATION IN FEDERAL DECISION-MAKING**

The federal government should encourage early and meaningful involvement of elected public officials and their representative organizations in all aspects of national decision-making. The federal government should discern the difference between the partnership role of public elected officials and their representative groups and the advisory role of public interest groups representing non-elected officials.

### **RECOGNITION OF FISCAL IMPACTS**

The national government should protect the integrity of its state and local government partners by establishing an expanded fiscal impact policy. This policy should inform state and local governments of all anticipated regulatory and fiscal impacts of proposed policies on state and local budgets.

### **MANDATE FUNDING**

The federal government should fund local government for all costs associated with complying with mandates.

### **PREEMPTION**

Preemption of local authority is a growing concern of the nation’s counties. Federal efforts to dictate implementation of traditional county responsibilities and functions undermine the concept of federalism and are contrary to the constitutional framework underlying federal/state/local relations. Therefore, NACo opposes any effort by the federal and state governments, or international agreement, to preempt local authorities. Federal preemption of local authority should not be initiated unless there is an overriding national issue and the fiscal impact on local government of such action has been evaluated closely.

Additionally, NACo opposes any federal legislative or regulatory initiatives that would preempt state and local taxing authority.

### **DEDUCTIBILITY OF STATE AND LOCAL TAXES**

The federal tax code should retain the deductibility of all state and local taxes, particularly the property tax, and it should reinstate the deductibility of sales taxes. NACo opposes any requirements that place the burden of responsibility on counties to determine and specify on real property tax bills the deductibility of those taxes and also opposes any requirement to report to the Internal Revenue Service the amount of taxes paid by each taxpayer.

### **SALES AND USE TAXES**

NACo encourages efforts to reduce the complexity of state and local sales and use tax laws and urges Congress to pass legislation codifying the Streamlined Sales and Use Tax Agreement. NACo also supports granting counties with the authority to enforce the collection of already existing sales and use taxes from remote sellers. These efforts, however, should not be used by the federal government as a means to undermine county government taxing authority and revenue streams.

## **QUASI-GOVERNMENT INSTRUMENTALITIES**

The federal government should not deprive counties of their effective power to tax through creation of quasi-governmental instrumentalities that are exempted from state and local taxes.

## **VALUATION AND ASSESSMENT DECISIONS**

NACo opposes federal legislation that intrudes into state and local government valuation and assessment decisions.

## **AD VALOREM TAXES**

NACo opposes federal legislation that attempts to usurp state jurisdiction over ad valorem taxes.

## **REFORM OF PROPERTY TAXES**

The property tax should be regarded as a necessary part of an overall tax system because it raises a substantial amount of money and is, in fact, the largest single source of local tax revenue. However, property tax revenues are no longer sufficient to support all functions of local government, and the property tax is no longer the best measure of a person's ability to pay. Counties should have the ability to employ additional means of financing county government. NACo recommends the following policies to relieve and reform the property tax:

- **Maintenance of Federal and State Funding:** Federal and state financing of public assistance and income-maintenance programs should be maintained by federal and state governments.
- **Reimbursement:** Legislation should be enacted by the federal government or the states to reimburse counties for any loss in property tax revenues caused by legislation or by administrative action which reduces or exempts property from taxation, such as the holding of lands in trust for the benefit of Native Americans.

## **INTERCEPT OF FEDERAL TAX REFUNDS**

NACo supports federal legislation to permit the offset of federal tax refunds for state and local tax debts and outstanding court-ordered obligations in criminal and juvenile justice proceedings.

## **FEDERAL TAX REFORM**

NACo supports tax reform and simplification, and encourages Congress and the Administration to make it a priority.

## **EMPLOYEE BENEFITS**

**A. Social Security and Medicare:** NACo believes that participation in Social Security and Medicare should be optional for state and local public sector workers and should be based on the efficacy and soundness of state or local public employee retirement systems. Efforts to fund and improve Social Security and Medicare should not rely on the mandatory participation of state and local workers.

Further, NACo believes that there should be no federal restrictions on the maintenance or initiation of separate or supplementary retirement, health or disability systems.

**B. Pension and Retirement Benefits:** NACo believes that all counties should provide all county employees with adequate pension and retirement benefits that are governed by county elected officials and that are exempt from tax and regulatory burdens. County pension plans should be required to fully disclose all plan information.

NACo also believes that counties should implement strong fiduciary standards, prudent investment practices, sound funding procedures, and equitable vesting requirements. NACo supports the continuation of deferred compensation (457) plans for county employees. County employees should be able to utilize these plans to adequately provide for their own retirements.

NACo supports full portability of retirement benefits between all types of retirement plans and opposes any policy that would eliminate or limit the special features of state and local governmental retirement plans.

NACo supports pension reforms that would:

- Simplify county compliance with Section 415 of the Internal Revenue Code;
- Increase IRA limits and catch-up contributions to public sector plans;
- Allow for tax-free withdrawals for charitable purposes;
- Continue employer-sponsored 457 deferred compensation plans for county employees and increase benefit and contribution limits;
- Simplify rollover procedures between all types of plans; and
- Permit the purchase of service credits in governmental defined benefit plans.

**C. Workers' Compensation:** Workers' Compensation laws must remain the prerogative of individual state legislatures.

**D. Employee Assistance Programs:** NACo supports employee assistance programs that are designed to reduce absences from work and increase worker productivity. Employee assistance programs may address, but should not be limited to, alcohol and drug abuse, financial hardship, divorce, dysfunctional family relationships, and dysfunctional employees.

**E. Family and Medical Leave:** NACo strongly supports family and medical leave programs that permit county employees to attend to family and medical matters without the threat of the loss of one's job or the loss of benefits or seniority. NACo also supports leave programs for county and other elected officials so that they may attend to their elected official duties without fear of termination, deductions from existing leave accounts, poor performance ratings or loss of other benefits.

## **COUNTY AND TRIBAL GOVERNMENT RELATIONS**

The policy of NACo is to support government-to-government relations that recognize the role and unique interests of tribes, states, counties, and other local governments to protect all members of their communities and to provide governmental services and infrastructure beneficial to all – Indian and non-Indian alike.

NACo recognizes and respects the tribal right of self-governance to provide for tribal members and to preserve traditional tribal culture and heritage. In similar fashion, NACo recognizes and promotes self-governance by counties to provide for the health, safety, and general welfare of all members of their communities. To that end, NACo supports active participation by counties on issues and activities that have an impact on counties.

NACo supports the reaching of enforceable agreements between tribes and local governments concerning the mitigation of impacts of gaming or other development. NACo opposes any federal limitation on the ability of tribes, states, counties and other local governments to reach mutually acceptable and enforceable agreements or on the ability of these governments to fulfill the purposes for which they have self-governance.

Nothing in federal law should interfere with the provision of public health, safety, welfare, or environmental services by local government. It is the policy of NACo to support legislation and regulation that preserves – and does not impair – the ability of counties to provide these services to the community.

## **LANDS IN TRUST**

NACo supports the improvement of the process by which lands are considered to be taken into trust, including revision of the Indian Reorganization Act of 1934, to require:

- adequate advance notice of applications,

- actual meaningful consultation (including providing counties 120 days to respond to applications and requiring the Department of the Interior/Bureau of Indian Affairs to respond within 90 days, in writing, to such comments explaining the rationale for acceptance or rejection of those comments), and
- to the extent constitutionally permissible, the consent of the affected counties.

NACo opposes administrative action or a legislative “quick fix” to overturn the United States Supreme Court decision in the case of *Carcieri v. Salazar*, 555 U.S., 129 S. Ct. 1058 (2009), which held that the Secretary of the Department of the Interior (DOI) lacks authority to take land into trust for tribes that were not “under federal jurisdiction” upon enactment of the Indian Reorganization Act (IRA) in 1934. NACo calls on Congress to address any *Carcieri* issues as part of a comprehensive examination and congressionally enacted reform of the fee land into trust process. *This reform is necessary as the current federal fee to trust process as exercised under the IRA and as used under the “restored lands” exception to the Indian Gaming Regulatory Act (IGRA) is contrary to the original legislative intent; is without clear and enforceable standards; does not take into account county interests; and, at times, interferes with county ability to provide essential services to the community.* NACo supports legislative changes to the trust process that also include full compensation to counties for lost tax revenue resulting from taking lands into federal jurisdiction.

## **GAMING**

NACo supports the revision of the IGRA to require consultation with and mitigation of identified impacts on affected local governments and the implementation of accountability procedures.

## **ELECTIONS**

Counties have traditionally administered and financed elections in the United States, an arrangement that acknowledges the differences in size and requirements of various jurisdictions. NACo opposes legislation that imposes specific and impractical requirements regarding equipment, procedures, and personnel responsibilities under the guise of federal election reform when said regulations directly impact the conduct of state and local elections. NACo additionally opposes unfunded mandates and insufficient deadlines with regard to federal election reform. Counties administer the nation’s elections and should be included in any meaningful reform of our election process. NACo further asserts that counties should not be held liable for state failures to comply with election requirements imposed by the federal government.

Additionally, NACo strongly supports the role and functions of an U.S. Election Assistance Commission (EAC) that recognizes and focuses on the importance of rigorous testing of voting equipment and appreciates the efficiencies and cost savings of voluntary federal certification. NACo appreciates the important role the EAC plays in coordinating collaborative efforts among local, state and federal government officials in addressing issues associated with the field of election administration.

## **TOOLS FOR MINORITY LANGUAGE OUTREACH UNDER THE VOTING RIGHTS ACT**

NACo expresses concern that the federal government does not provide the essential resources needed for voters who require assistance to participate in our democracy. Many counties lack essential tools required to comply with Section 203 of the Voting Rights Act and serve the needs of voters who are limited English-proficient.

NACo encourages full funding for the Census Bureau and additional funding for the Department of Justice and/or the Census Bureau to notify affected jurisdictions upon publication in the Federal Register of any coverage determination under Section 203 of the Voting Rights Act. Such notice should specify the basis for the coverage determination and should include a data supplement for use in targeting outreach required under Section 203. This supplement should disaggregate the demographic data used to determine coverage by census tract or other smallest level appropriate.

## **DISCOUNTED POSTAGE RATE**

NACo supports the establishment of a discounted Presort First-Class postage rate, similar to that enjoyed by federal agencies such as the Internal Revenue Service, for specified local government mailings mandated by federal or state law, such as voter registrations, election ballot mailings, property tax statements, summonses, and jury duty pay.

## **REPEAL OF THE REAL ID ACT**

NACo urges repeal of the Real ID Act of 2005. It places an unfair burden on the motoring public, threatens privacy, and leaves citizens vulnerable to identity theft. The Act fails to accomplish its mission of improving security. NACo urges the federal government to ensure that Homeland Security should start at home by allowing driver's license renewal services to remain at home.

## **AMERICAN COMMUNITY SURVEY**

NACo supports nationwide implementation of the American Community Survey to improve the utility of census data and permit more frequent releases of data to demonstrate emerging local and regional trends. In particular, NACo recognizes the importance of the American Community Survey to identifying and serving veterans across the country.

# **FINANCE, PENSIONS AND INTERGOVERNMENTAL AFFAIRS RESOLUTIONS**

## **Resolution on Fully Funding the 2002 Help America Vote Act**

**Issue:** States have used or obligated funds appropriated by the Help America Vote Act of 2002 (HAVA) to implement the requirements of the law and to improve the administration of elections. However, fulfilling the original intention of HAVA and fully funding the law is necessary to ensure states have the financial resources they need to sustain the improvements they have made since 2002.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to fully fund the required payments of the Help America Vote Act (HAVA). These funds are allocated to states to continuously upgrade voting systems, registering voters in statewide voter registration databases, provide provisional voting options, improve voter accessibility and implement other improvements to the administration of elections. Continuous funding of election administration, beyond the one-time infusion of federal dollars from HAVA, is also critical. NACo urges the federal government to provide more funding to county governments for functional voting machines and to create awareness for increased voter participation. Continuous funding from the federal government sustains local election jurisdictions (counties and municipalities) to procure voting equipment that is critical to the nation's election infrastructure.

**Adopted | July 16, 2018**

## **Resolution on the Secure Elections Act (S. 2261)**

**Issue:** The Secure Elections Act of 2017 (S. 2261) seeks to protect states' primacy in conducting elections; improve information sharing between the federal government and state, county and municipal election agencies; assist state, county and municipal election agencies in election cybersecurity preparedness; support states in replacing outdated and insecure electronic voting machines; and encourage robust sanctions in response to a state-sponsored hack on U.S. election systems.

**Adopted Policy:** The National Association of Counties (NACo) supports efforts by Congress to combat the cybersecurity threats that are already negatively impacting public perception of the integrity of elections. NACo



appreciates that the Secure Elections Act would involve county election authorities in addressing these threats and that it seeks to share crucial information from federal authorities to state and local authorities and vice-versa.

NACo believes it is essential that election cybersecurity guidelines and grant administration remain coordinated within the existing structure of the Election Assistance Commission (EAC) rather than having a new federal entity develop potentially conflicting guidelines.

In general, NACo urges Congress to adhere to the following guidelines in the Act or any related legislation:

- 1) giving greater representation to state and local authorities (including government Chief Information Officers) on any new advisory panel on election cybersecurity;
- 2) maximizing flexibility and opportunities for nimble, innovative and secure tabulation auditing protocols;
- 3) providing county election officials, government Chief Information Officers and other county technology resources with maximum information about cyber threats;
- 4) increasing the availability of interim election preparedness grants and the accessibility of these grants to counties, with criteria based on security principles rather than specific technologies;
- 5) authorizing a separate and sustainable allocation of funds for local governments; and
- 6) removing any "hack the election" program, or else placing it under the EAC.

**Adopted | July 16, 2018**

### **Resolution to Preserve Municipal Investment Options and Access to Capital for Public Infrastructure and Economic Development**

**Issue:** State and local governments rely on access to robust capital markets to finance the construction and maintenance of schools, roads, public transportation systems, affordable housing, airports and other important infrastructure projects. Money market funds facilitate that access by investing in short-term municipal debt that is normally held to maturity. That access has been put at risk by a Securities and Exchange Commission (SEC) rule that requires prime and tax-exempt money market funds offered to institutional investors to no longer use amortized cost accounting to operate on a stable net asset value (NAV) basis. Instead, beginning October 14, 2016, such funds were required to use a floating NAV. Bipartisan and bicameral legislation has been introduced in Congress to permit money market funds that invest in the short-term debt of commercial entities and state and local governments to continue to use amortized cost accounting for valuing fund assets. The legislation would preserve money market funds as a source of liquidity and capital for the public infrastructure needs of our citizens.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to enact S. 1117/H.R. 2319, the Consumer Financial Choice and Capital Markets Protection Act, or similar legislation. The legislation will preserve communities' access to capital and promote economic development by expressly permitting any money market fund with the choice to operate on a stable net asset value (NAV) basis if it adheres to certain requirements and restrictions. The legislation would not have any impact on the other changes to the regulation of money market funds that were adopted by the Securities and Exchange Commission (SEC) in 2010 and 2014.

**Adopted | July 16, 2018**

## **Resolution on the Marketplace Fairness Act and Remote Transactions Parity Act**

**Issue:** Remote sales tax legislation

**Adopted Policy:** The National Association of Counties (NACo) encourages and supports efforts to permit the collection of sales and use taxes from remote sellers and endorses remote sales tax legislation like the Marketplace Fairness Act or Remote Transactions Parity Act to provide states with the ability to enforce their existing state and local sales and use tax laws.

Any such legislation should:

- Establish a definition of what constitutes a reasonable “nexus” between a state or locality and a vendor;
- Establish a consistent definition of “small business” and the small business exemption;
- Utilize a destination-based taxing system for online and remote sales; and
- Ensure local sales taxes are included in collection and distribution methods.

**Adopted | July 16, 2018**

### **Resolution to Oppose the ACA’s 40 Percent Excise Tax on High-Cost and Employer-Provided Health Benefits**

**Issue:** Resolution to oppose the ACA’s 40 percent excise tax on high-cost and employer-provided health benefits.

**Adopted Policy:** The National Association of Counties (NACo) opposes the taxation of health insurance benefits to county employees through the application of the ACA excise tax on health insurance benefits for county employees, the capping of the tax exclusion for employer-based defined contributions made by counties and any new taxes which would apply to the health benefits that counties provide to their employees.

**Adopted | July 16, 2018**

### **Resolution Supporting the Reauthorization of the Volunteer Responder Incentive Protection Act**

**Issue:** Tax protections of incentives for volunteer firefighters and emergency medical services (EMS) personnel expired in 2010 and must be reauthorized.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to reauthorize the Volunteer Responder Incentive Protection Act (VRIPA), which would waive federal income taxes on nominal recruitment and retention incentives provided by local jurisdictions to volunteer firefighters and EMS personnel.

**Adopted | July 16, 2018**

### **Resolution on the Stop Settlement Slush Funds Act**

**Issue:** A bill that may restrict or disallow the Department of Justice from giving settlements funds from federal cases to states, counties, parishes and boroughs that are impacted from the lawsuits.

**Adopted Policy:** The National Association of Counties (NACo) opposes regulatory actions or bills, such as the Stop Settlement Slush Funds Act (H.R. 732/S. 333), that would disallow funds derived from court settlements from being distributed to states, counties, parishes and boroughs, including those for injuries related to the environment.

**Adopted | July 16, 2018**

## **Resolution Supporting Federal Tax Intercept of Unpaid Court Fees**

**Issue:** Re-introduce and pass the Crime Victim Restitution and Court Fee Intercept Act to facilitate a federal tax intercept for recovering court debt.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to re-introduce and pass the Crime Victim Restitution and Court Fee Intercept Act.

**Adopted | July 16, 2018**

## **Resolution Supporting the Municipal Advisor Rule**

**Issue:** The Security and Exchange Commission's (SEC) Municipal Advisor rule under the Dodd Frank Act.

**Adopted Policy:** The National Association of Counties (NACo) supports the 2013 rule released by the Securities and Exchange Commission (SEC) on the Registration of Municipal Advisors (MA), as well as the operational guidance released by the SEC. Counties support regulations separating the duties between MAs and financial advisors to prevent manipulation of government finances or use of government financial transactions for personal gain.

**Adopted | July 16, 2018**

## **Resolution Supporting a Complete and Accurate Census 2020 Count**

**Issue:** Supporting a complete and accurate Census 2020 count

**Adopted Policy:** The National Association of Counties (NACo) supports full funding for an accurate and complete count during and throughout the 2020 Census. NACo supports the forming of complete count committees at the local level. NACo urges Congress to provide enhanced funding to rural counties, where access to reliable internet is a challenge, in order to support a complete and accurate census count in rural communities.

**Adopted | July 16, 2018**

## **INTERIM POLICY RESOLUTIONS**

### **Resolution on Restoring Tax Incentives for Automatic Fire Sprinkler Systems**

**Issue:** A portion of the Tax Cuts and Jobs Act of 2017 (TCJA) prevents fire sprinkler systems and other interior building improvements from qualifying for a limited period of full expensing as well as an accelerated depreciation schedule.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to allow qualified improvement properties (QIPs) to be eligible for bonus and accelerated depreciation as intended by the Tax Cuts and Jobs Act of 2017.

**Adopted | March 4, 2019**

# HEALTH

## STATEMENT OF BASIC PHILOSOPHY

County governments are integral to America's current health care system and will be crucial partners in achieving any successful reform. At the most basic level, county officials are elected to protect the health and welfare of their constituents. County governments set the local ordinances and policies which govern the built environment, establishing the physical context for healthy, sustainable communities. County public health officials work to promote healthy lifestyles and to prevent injuries and disease. Counties provide the local health care safety net infrastructure, financing and operating hospitals, clinics and health centers. County governments also often serve as the payer of last resort for the medically indigent, including many veterans. County jails must offer their inmates health care as required by the U.S. Supreme Court. Counties operate nursing homes for low-income seniors. County behavioral health authorities help people with serious mental health, developmental disability, and substance abuse problems that would have nowhere else to turn. And as employers, county governments provide health insurance to the nearly three million county workers nationwide. Clearly, county tax payers contribute billions of dollars to the American health care system every year and their elected representatives must be at the table as full partners in order to achieve the goal of one hundred percent access and zero disparities.

## HEALTH SYSTEM REFORM

- A. Vision and Purpose:** County governments are integral to America's current health system and will be crucial partners in achieving successful ongoing and continuous reform. At the most basic level, county officials are elected to protect the health and welfare of their constituents. County tax payers contribute billions of dollars to the American health care system every year and their elected representatives must be at the table as full partners in order to achieve the goals of access for all improved quality of care, improved cost efficiency of services and the elimination of disparities. NACo supports implementing – and making improvements to – the Affordable Care Act (ACA), by regulation and additional legislation, in order to enhance the ability of county governments to build healthy, safe and resilient communities. To that end, NACo endorses the following components of health system reform:
- B. Local Delivery Systems and Access for All:** NACo supports ongoing system reform that focuses on improving access to and delivery of quality health services for all. Health insurance coverage is not enough. Insurance carriers participating in public programs should be required to extend coverage into rural areas and to contract and coordinate with local providers. Local delivery systems should coordinate services to ensure efficient and cost-effective access to care, including primary and preventive care, behavioral health vision care and oral health, for underserved populations. County governments are uniquely qualified to convene the appropriate public and private partners to build these local delivery systems in a way that will respect the unique needs of individuals and their communities and should be offered financial incentives and regulatory flexibility to do so. Also, County governments are uniquely positioned to optimize the local service delivery system by implementing cost-effective services and eliminating redundancy and waste in the delivery system.
- C. Public Health and Wellness:** NACo supports an ongoing enhanced focus on disease and injury prevention and health promotion is a way to improve the health of our communities and to reduce health care costs. Healthy communities depend upon a full array of interrelated county services and programs which include access to healthy foods, community development plans, and public works infrastructure projects that promote healthy living and access to affordable housing and shelter. Local public health considerations should be systematically integrated into land use planning and community design processes to help prevent injuries and chronic disease. Likewise, the public health response to emergencies should be fully integrated into each county's emergency management plan. Policies are also needed to address health inequity, the systemic, avoidable, unfair and unjust differences in health status and mortality rates, as well as the distribution of disease and illness across population groups. Investing in wellness and prevention across all communities will result in better health outcomes, increased productivity and reduce costs associated with chronic diseases.

**D. Expanding Coverage:** NACo supports universal health care for all with universal health insurance coverage. Existing public health insurance systems should be strengthened and expanded, including Medicare, Medicaid and the Children's Health Insurance Program (CHIP). As states and counties attempt to shoulder their legislatively mandated responsibilities to provide care for the indigent and uninsured, federal regulatory barriers should be removed to allow flexibility and innovation at the local level. Restrictions on the expansion of County Organized Health Systems should be lifted and they should be authorized to serve as a public plan option in their service areas.

**E. Maintaining a Safety Net:** NACo believes that the intergovernmental partnership envisioned in the Medicaid statute should be strengthened. NACo supports the enhanced Medicaid reimbursement rate for the ACA expansion population and the provision requiring the federal medical assistance percentage (FMAP) to be passed through to counties contributing to the nonfederal share. Local safety nets, supported by Medicaid and disproportionate share hospital (DSH) payments, should not be dismantled to "pay for" universal coverage. DSH payments should not be phased out or down until health insurance coverage expansion and other delivery system reforms are fully implemented and the effects on DSH payments can be accurately assessed. Assumptions should not be made that DSH can be cut by any arbitrary amount on some arbitrary timeline during the implementation of health care reform.

**F. Health Workforce:** NACo believes that the health professional and paraprofessional workforce must be supported and enhanced. It is important that we sustain training programs and sites of service that enable us to develop a complement of health professionals that can address the needs of a changing, growing and aging population. Because public hospitals have often been teaching hospitals, NACo supports reasonable medical education funding as an integral part of the business model of these institutions.

NACo supports initiatives and programs to recruit, train, license and retain health professionals, and allied professionals and paraprofessionals, on an expedited basis. Funding for existing education and training programs – in secondary, post-secondary and vocational educational settings – should be increased and targeted towards initiatives to expand and diversify the health workforce. Partnerships between local economic developers and workforce development professionals should be encouraged to meet growing health care sector demand. Targeted incentives including scholarships, loan forgiveness and low-interest loan repayment programs should be developed to encourage more providers to enter and remain in primary care and public health careers. Primary care providers should be empowered to – and compensated for – case management services.

**G. Health IT:** NACo believes the federal government should support the integration of health information technologies into the local health care delivery system, including the behavioral health and substance use treatment systems and county jail health systems. NACo supports efforts to promote the use of a range of information technologies to facilitate appropriate access to health records and improve the standard of care available to patients, while protecting privacy. This includes deployment of broadband technologies to the widest possible geographic footprint. Other tools facilitate evidence-based decision making and e-prescribing. Using broadband technologies, telemedicine applications enable real-time clinical care for geographically distant patients and providers.

**H. Long-Term Care:** Federal policies should encourage the elderly and disabled to receive the services they need in the least restrictive environment. Since counties provide and otherwise support long term care and other community based services for the elderly and disabled, state and federal regulations and funding programs should give them the flexibility to support the full continuum of home, community-based or institutional care for persons needing assistance with activities of daily living. Nursing home regulatory oversight should be reformed in order to foster more person-centered care environments.

**I. Jail Health:** NACo believes the federal government should provide health care coverage for otherwise eligible county detainees (including many veterans), pending disposition of charges. Furthermore, a true national partnership is needed to divert the non-violent mentally ill from jail and into appropriate evidence-based treatment in community settings, if possible. Finally, resources should be made available to counties to implement timely, comprehensive pre-trial and re-entry programs so that justice involved individuals will have access to all needed health and social services, including behavioral health and substance abuse treatment, to avoid recidivism and become fully integrated into the community.

## **MEDICAL LIABILITY REFORM**

NACo supports medical liability reform that:

- Is a means to prevent a patient's loss of access to needed medical care;
- Requires pre-trial professional review of cases to discourage frivolous lawsuits without obstructing the rights of citizens to due process;
- Requires medical liability insurance carriers to justify rate increases that exceed the established state rate; and
- Subjects providers of inadequate medical care to professional discipline.

NACo opposes medical liability reform that imposes mandates or usurps state authority.

## **HEALTH CARE FINANCING**

NACo supports:

- Federal and state governments' efforts to appropriately and adequately fund essential health services;
- Providing adequate funding to local governments to carry out essential health and administrative functions;
- The use of intergovernmental transfers (IGTs) as an essential means for maximizing the utilization of public funding from all three levels of government;
- An emphasis on primary prevention and health education services as the best tools to contain costs;
- National reporting on health trends or activities that recognize and include the services provided by county government;
- Proposals that enhance federal assistance and increase funding to counties for health services;
- Requiring individuals to pay for their public program coverage on an ability to pay, sliding fee scale basis;
- Providing county public hospitals, participating in the 340B program, with the same discount for inpatient prescription drugs they receive for outpatient prescription drugs. The 340B program should be expanded to include county behavioral health authorities;
- Encouraging case managers and managed health care entities to recognize and use county and other public providers and reimburse them for care provided to Medicaid managed care patients;
- Using alternative delivery methods and treatment settings to reduce costs;
- Redesigning federal and state reimbursement systems to reflect the unique responsibilities of county run health care facilities;
- Ensuring that county health programs are eligible for the same federal reimbursements available to federally funded entities;
- Public reimbursement for services provided to the uninsured and special populations by any provider or profession licensed or authorized by the state to provide health services; and
- A variety of strategies which assist in cost containment for prescription drugs.

NACo opposes:

- Capping federal health care entitlement programs;
- Measures that shift costs to counties; and
- Activities that hamper counties' ability to negotiate the best possible prices for prescription drugs.

## **PUBLIC HEALTH**

**A. Infrastructure:** Each county should be served by a strong local public health agency. The elements of a strong infrastructure include a skilled workforce, integrated electronic information and communication systems and effective organization and management. NACo supports:

- The concepts and standards for local public health departments as outlined in the voluntary Public Health Accreditation Standards and Measures;
- Active partnerships among the county's health care community and other public and private organizations concerned with health;
- Sustained federal support for building and maintaining a local public health infrastructure that is linked with state and federal public health systems; and
- Federal scholarships, loan repayment programs, and direct support for training of all public health professionals particularly those in shortage areas.

**B. Preparedness:** Local governments and local public health departments are the first responders to public health emergencies. Every county must be protected by a fully prepared governmental public health system. NACo supports:

- Sustained and ample federal funding for public health preparedness;
- Full integration of the public health response to emergencies into each county's emergency management plan; and
- Federal requirements that allocate a substantial proportion of federal funds to localities.

**C. Chronic Disease Prevention:** Successful chronic disease prevention requires a combination of individual responsibility for health behaviors and community support for healthy living. NACo supports:

- Collective action at the federal, state, and county levels to create programs, policies, and practices that encourage and facilitate healthy living and appropriate behavioral change;
- Systematic integration of local public health considerations into land use planning and community design processes;
- Policies and programs to improve wellness;
- FDA regulation of tobacco without preemption of stronger local laws and regulations; and
- Federal and state governments and the private sector to collaborate with counties in reducing health care costs associated with preventable disease and disability by creating and supporting programs and actions that promote healthy behavior and the early detection and treatment of preventable diseases.

**D. Infectious Disease Control:** County public health is responsible for the control of communicable diseases.

**1. Immunizations:** NACo supports:

- Increased federal appropriations for immunization programs to provide vaccines to under/uninsured children and other at-risk populations; to build sustainable infrastructure for immunization assessments and immunization outreach and coverage. Immunization programs should include public health departments and public health nurses as access points for vaccines; and
- Federal purchase and distribution of influenza vaccine during pandemic seasons to address problems of vaccine shortages, delays in deliveries and vaccine availability.

**2. HIV/AIDS:** NACo supports:

- Policies that facilitate local flexibility in the use of funds for HIV/AIDS prevention;
- Full funding and reauthorization for the Ryan White CARE Act;

- Uniform federal requirements for reporting of HIV testing and a national voluntary partner notification program; and
- Continuous training on infection control techniques for all health care workers.

**3. Tuberculosis Control:** NACo supports:

- Federal funding for local public health departments to provide effective community based TB control services, including supervised therapy; and
- Federal immigration policies that support TB assessment and control before immigrants enter the United States.

**E. Environmental Health:** Public health departments at the county level work to prevent diseases caused by environmental factors such as unsafe food, housing, and waste management. NACo supports:

- The formation of a federal/state/local partnership in the establishment, delivery and funding of environmental health protective services;
- The early and continuous involvement of county officials, as the lead contact, and public health authorities in steps taken under the Environmental Protection Agency's (EPA) Superfund statute to assess hazardous waste and disaster sites, place them on the National Priorities List, and establish and implement appropriate cleanup plans. EPA's involvement with local authorities should include immediate notification of site discovery;
- Appropriate testing for lead poisoning according to the Centers for Disease Control and Prevention guidelines, providing appropriate medical and environmental follow-up incentives based on financial need to help finance solutions to lead related hazards and the reporting of cases of lead poisoning to state and local health departments; and
- Establishment of a national collaborative science-based food safety system that will integrate and fund food safety activities, provide support for county authorities who have primary front-line responsibility for the inspection and compliance of food service establishments and address consumers' behavior related to safe food handling practices.

**F. Injury Prevention:** Injuries and resulting deaths, particularly those from intentional and unintentional violence, including those from the use of firearms and other weapons, are critical public health and safety concerns. NACo supports:

- Enhanced federal assistance and increased funding for public health science, programs, and services to prevent injuries;
- Collaboration among public safety, law enforcement, and public health departments; and
- Promotion of all strategies to reduce injury-caused disability and death.

**G. Clinical Preventive Services and Health Education:** Public health departments at the county level provide clinical preventive services and health education through such programs as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), family planning clinics, and health and sexuality education programs for adolescents. NACo supports:

- The WIC program and other vital child nutrition programs and urges continued funding for them;
- Comprehensive sexuality education for adolescents, including education about abstinence, resisting peer pressure, pregnancy, sexually transmitted diseases, and HIV/AIDS; and
- Family planning programs that provide information on a wide range of family planning methods with sensitivity to the religious beliefs of the client or recipient. Physician-patient communications should not be dictated, defined or restricted by laws or regulations that restrict a patient's right to medical information and legal medical procedures.



## **RURAL HEALTH**

NACo supports:

- Elimination of the urban-rural difference in Medicare payments for hospitals;
- Full funding of the geographic blend for Medicare + Choice;
- Tax relief for National Health Service Corps scholarships;
- Tax incentives for health professionals practicing in rural/underserved areas;
- The Rural Hospital Flexibility Grant program for facilities examining their service and financial role in the community;
- Reforms to the Graduate Medical Education program to produce more primary care providers;
- The J-1 visa program which allows foreign medical graduates to practice in underserved areas of the United States;
- Extended Medicare reimbursement for telemedicine to all rural areas and expanded coverage;
- Health Services Outreach grants to enhance services to vulnerable populations;
- Initiatives to enhance rural health research, farm safety, and health and state rural health clearinghouses;
- Initiatives that encourage the assignment of dental students' participation in the oral health of underserved communities; and
- Initiatives that integrate the efforts of multiple health disciplines in an approach to promote total health and well-being.

## **INDIAN HEALTH SERVICE**

NACo supports requiring the U.S. Department of Health and Human Services' Indian Health Service to pay for the full cost of health care for enrolled tribal members who live on Indian trust lands, including reimbursement for care given at county facilities.

## **LONG-TERM CARE**

County governments provide and purchase long-term health care. Federal policies and funding must recognize the role and responsibilities of county governments as safety net providers, in assuring necessary and effective services for the elderly and disabled, including community-based and long-term care services. NACo supports:

- Services provided in the least restrictive environment;
- Additional administrative flexibility in federal health financing programs to encourage and enable the expansion of community-based care as a means of avoiding unnecessary institutional care;
- A continuum of home, community-based or institutional care services, including room and board, for persons needing assistance with activities of daily living (ADL);
- The availability of Supplemental Security Income (SSI) and Medicaid to persons residing in community-based and home-based services;
- The availability of long-term care tax credits; and
- Incentives and support for informal caregivers.

**A. Medicare Reimbursement for Skilled Nursing Facilities (SNFs):** SNFs provide needed rehabilitation and skilled nursing for their residents. To ensure access and quality care, NACo supports reimbursement formulas that account for high cost, medically complex patients and that reflect annual changes in the prices of SNF outputs.

**B. Survey and Certification:** NACo supports:

- The use of benchmarking and outcome measurement systems to determine quality of long-term care services. Those systems should provide objective results that can be easily compared with other providers;
- Collaboration between providers and regulators to fix problems and empower staff to improve quality;

- Clear distinctions between serious offenses and minor offenses;
- Reinvesting fines collected from providers to improve care;
- Devoting more survey resources to poor performing providers; and
- Recognition of providers that are outstanding performers.

**C. Staffing Requirements:** Staff turnover is a major obstacle to continuity and quality of care. NACo supports:

- Staff empowerment rather than mandated staff ratios to achieve quality care and retention;
- Medicaid and Medicare funding which recognizes the cost and importance of adequate staff; and
- The ability to hire and train more staff of varying skill levels to help provide long-term care services.

## **BEHAVIORAL HEALTH**

**Vision and Purpose:** The National Association of Counties (NACo) seeks to (1) improve the responsiveness, coordination, accountability, and integration of person-centered behavioral health services to provide timely and appropriate help to individuals, families, and communities; (2) reduce mental health crises, homelessness, and incarceration by strengthening community based services, including early intervention, outreach, engagement, prevention, crisis support, rehabilitation, housing, employment and peer run services for persons of all ages; and (3) ensure that all Americans with mental illnesses, substance use conditions, or intellectual/developmental disabilities, and their families can gain access to evidence-based and emerging best practices based on the values and principles of trauma-informed care and mental health recovery, delivered in a culturally and linguistically competent manner, to ensure that they can fully participate and/or regain full lives in the most integrated settings within their chosen communities.

**NACo Positions:** Counties represent a major cornerstone for behavioral healthcare services in the United States. They plan, operate and finance public community-based services for persons with mental illnesses, substance use conditions or intellectual/ developmental disabilities. For this reason, NACo has endorsed the positions summarized below.

### **NACo Supports:**

#### **Services Development**

- Improved community-based care and services enabling individuals to live in the least restrictive environment;
- Implementation of evidence-based prevention and health promotion services;
- Efforts to increase the number of public sector behavioral health professionals and paraprofessionals;
- Efforts to reduce health disparities in behavioral health services with health literacy, language services, and cultural competency training.

#### **Financing of Services**

- Extension of Medicaid and VA health care benefits to persons detained in county jails, pending disposition of charges;
- Medicaid waivers for essential behavioral health innovations;
- States' managed care waiver requests which offer sole source provisions for providing behavioral health services.

#### **Insurance Reform**

- Private and public insurance coverage of behavioral health services, including non-medical interventions;
- Parity in coverage and availability of behavioral health services with other health services, regardless of payer source;

- The removal of Employee Retirement Income Security Act (ERISA) exemption of self-insured plans from state insurance regulation, including extending federal behavioral health parity requirements to such plans;
- Parity of mental health and substance use benefits in Medicare, in Medicaid beyond the Medicaid expansion, and in all private health insurance plans, including small business plans.
- Cost controls allowing the availability of the most effective medications at the lowest cost.

### **Federal Government Support**

- Federal funding and legislation to divert non-violent persons with mental illness, substance use and intellectual/developmental disability conditions from county jails and into appropriate care;
- Federal government support and development of behavioral health information, services and research; particularly into causes and cures and the promotion of those findings;
- The National Institute of Mental Health’s efforts to promote systems that finance and deliver care in community settings including reducing federal categorical restrictions;
- Full funding and reauthorization for the Substance Abuse and Mental Health Services Administration (SAMHSA);
- Increased federal funding for school-based behavioral health services targeted to at-risk youth.

### **Regulatory Reform**

- State and local flexibility in using substance use and mental health block grants funds to address local problems, including services for persons with co-occurring disorders;
- State flexibility for integrated and concurrent treatment programs for persons with co-occurring disorders;
- Amending Medicaid’s Institutions for Mental Disease (IMD) exclusion to promote better access to services;
- Federal policies that support the development and funding of long-term mental health support services to counties which experience major natural and manmade disasters;
- State flexibility in determining the length of participation in mental health or substance use treatment that would count toward Temporary Assistance for Needy Families (TANF) work requirements.

### **NACo Opposes:**

#### **Regulatory Reform**

- Federal regulations that may exempt state licensing and certification standards or regulations;
- Federal mandates that require states to have a competitive bidding process for when counties are acting as purchasers on behalf of the state; and
- Federal categorical restrictions that limit needed services available to persons with mental illness, substance use or intellectual/developmental disability conditions.

### **MEDICAID AND INDIGENT CARE**

The current Medicaid program reflects four decades of national consensus that the federal government bears primary responsibility for providing health care to the country’s most vulnerable citizens. This consensus and the unique federal, state and county partnerships in administering and financing Medicaid services should inform all changes to the system. Such reforms must require state Medicaid agencies to include county officials in state decisions regarding the design and administration of the Medicaid program in each state. NACo supports:

- Fiscal relief to state and local governments to protect the Medicaid program;
- An increase in the federal medical assistance percentage (FMAP):
  - Any proposal for an increase in the FMAP should protect current eligibility for Medicaid and have a memorandum of understanding (MOU) that current Medicaid eligibility within a state will be sustained;

- To the greatest extent possible, any proposal for an increase in the FMAP should be exclusively in the form of an increase in the state's FMAP and not in the form of a block grant; and
- Any FMAP increase must be passed through to counties commensurate with their financial contributions to the program.
- The state option to use provider taxes to raise a portion of their non-federal share for Medicaid as long as that mechanism increases the resources going to health care;
- Medicaid coverage of all legal immigrants and HIV infected individuals, while maintaining traditional preventive and case management services by local public health programs;
- Swift action to help counties serve the growing population of patients seeking uncompensated care in the nation's county emergency rooms and hospitals;
- Expanding Medicaid eligibility and enrollment education for women and children, as well as providing greater flexibility to states in using the State Children's Health Insurance Program (SCHIP) funds, including increasing the length of time that individual states have to spend their unexpended federal allotment and increasing federal funds for outreach;
- Allow redistribution of fifty percent of unspent SCHIP funds to states that spent all their allotment while allowing the other unspent funds to be retained by states three years after enactment of such legislation extending use of the funds;
- Fund efforts to reach qualified but unenrolled children and expand SCHIP to cover the parents of SCHIP qualified children;
- Legislation to restore Medicaid and SCHIP eligibility to all legal immigrants;
- A stronger disproportionate share hospital (DSH) program that assists systems serving large numbers of the medically uninsured and Medicaid recipients;
- Keep DSH funds separate from other Medicaid funds and strengthen and protect the DSH program in any Medicaid reform proposal;
- Increase allotments for low DSH states in future legislation, but not at the expense of other states;
- Any federal programmatic changes to explicitly address and support the dual, interrelated roles of counties in providing personal and public health services to the uninsured, the underinsured and entire communities;
- Comprehensive reform of the Medicaid waiver requirements and process to enable counties and states to implement clinically efficient and cost-effective health services;
- Legislation that would create a state option to create a Medicaid buy-in to expand Medicaid coverage to children with disabilities up to age 21, who would be eligible for SSI disability benefits but for their income or resources;
- Legislation to create a new Medicaid option for states to finance an array of intensive community-based services for adults with severe and persistent mental illnesses and children with serious mental and emotional disturbances;
- All Early Periodic Screening, Diagnosis, and Treatment (EPSDT) Program services will continue to be available regardless of enrollment in any benefit package; and
- Continued utilization of Home and Community Based waivers as a service model for the future with a county government voice and influence in how those waiver programs are designed and implemented in states where counties are responsible for administering them or for paying all or part of the non-federal share of the waivers.

NACo opposes:

- Cuts to all Medicaid programs;
- Capping the amount of the federal contribution to Medicaid or Medicare;
- Any action to restrict the definition of allowable services under the Rehabilitation Option;
- Citizenship and identity documentation requirements for Medicaid eligibility that delay service delivery;
- Administrative approval of state benefit packages that exempt services under a State Medicaid plan or require "contracts" between the beneficiary and the plan; and
- A definition of third party liability that shifts financial responsibility to county governments.

## **HEALTH FACILITIES CONSTRUCTION AND CAPITAL FINANCING**

NACo supports:

- Funding of health and hospital construction grant programs;
- Financing and taxing mechanisms for health facilities and providers that incorporate attention to the provision of indigent care;
- Expansion or construction of all health care facilities, the acquisition of equipment and allocation of health care resources to be carefully managed through a local planning process;
- Maintenance of the county-based infrastructure for assuring delivery of care;
- Priority to be given to new construction projects for public health care facilities and to modernization and renovation projects for existing public facilities;
- Priority to be given to purchasing and equipping mobile, clinical or health service outreach facilities; and
- Enforcement of regulations prohibiting refusal of care for financial reasons or transfer of patients for financial reasons.

## **FEDERAL ROLE**

The federal government should be responsible for assuring that all citizens have access to adequate and appropriate health care services, and that persons with disabilities can retain health benefits upon returning to work. NACo supports:

- Federal research into serious diseases that affect a large part of the population;
- Adequate funding of federal health care programs so that they do not increase the burden on the local tax base;
- Efforts to control the rate of growth of health care expenditures;
- Reforms to the Medicare and Medicaid systems that will insure optimal benefits to beneficiaries and full reimbursement to county providers;
- Federal health insurance programs as the primary payer of benefits and services provided to all eligible beneficiaries, particularly those who are dually eligible;
- Reimbursement to counties for providing preventive services, prenatal health care, treatment and testing of communicable diseases, dialysis, and chemotherapy treatments to all immigrants;
- U.S. Citizenship and Immigration Services (USCIS) reimbursement to counties for the care provided to injured or sick undocumented immigrants that Border Patrol officers apprehend;
- Federal government reimbursement to counties for the care provided to humanitarian parolees;
- The ability of states and counties to use their own funds to provide health care services to immigrants regardless of their status, without a reduction of federal financial responsibility for those services;
- The federal government to require states, in consultation with county governments, to set Medicaid reimbursement rates at levels that do not discourage providers from accepting Medicaid patients;
- Measures to reform these programs in the context of the entire system of financing health care, including costs to deliver services and utilization of a wage index formula that does not unfairly perpetuate low wages and geographic wage inequities;
- Efforts by the federal government to develop a single claims form and development of electronic billing as a means to reduce administrative costs in consultation with state and county governments, insurers and providers;
- Changes in the current federal policy that will allow a person receiving federal benefits who has been charged with a crime but not convicted to continue to be eligible for such entitlements including, but not limited to, Medicare, Medicaid, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Veterans, and Children's Health Insurance Program (CHIP) benefits until such time as they may be convicted and sentenced to an institution;
- Protecting the privacy of individual medical records in a way that does not impede the flow of information necessary to coordinate care among multiple providers efficiently and cost-effectively;

- The importation of Food and Drug Administration (FDA) approved prescription drugs manufactured in FDA approved facilities to increase access to safe, affordable prescription drugs;
- Changes in the current federal policy that will allow a person receiving federal benefits who has been charged with a crime but not convicted to continue to be eligible for such entitlements including, but not limited to, Medicare, Medicaid, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), VA health care, and Children’s Health Insurance Program (CHIP) benefits until such time as they may be convicted and sentenced to an institution; and
- Fully funding veterans’ services especially those that support community treatment for mental illness and that allow for reimbursement to community agencies for services provided to veterans.

NACo opposes the imposition of restrictions upon reimbursement monies.

## **HEALTH RESOLUTIONS**

### **Resolution Regarding Privatization of U.S. Department of Veterans Affairs (VA) Health Services**

**Issue:** Several congressional initiatives have recommended that all medical and mental health services be privatized and treatment be provided by the private sector, totally eliminating direct medical and mental health services provided by U.S. Department of Veterans Affairs (VA) medical centers and community-based medical treatment facilities.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress not to enact any legislation that would privatize all medical and mental health services now provided by the U.S. Department of Veterans Affairs to eligible veterans.

**Adopted | July 16, 2018**

### **Resolution Supporting Funding for Alzheimer’s Disease Research, Community Education and Outreach, and Caregiver Support**

**Issue:** Lack of sufficient funding for Alzheimer's disease research, Alzheimer's community education and outreach, and resources for caregivers, family members and individuals with Alzheimer's disease.

**Adopted Policy:** The National Association of Counties (NACo) supports the continuous and increased use of federal funding to support Alzheimer's disease research, Alzheimer's community education and outreach, and resources for caregivers, family members and individuals with Alzheimer's disease.

**Adopted | July 16, 2018**

### **Resolution to Prohibit Insurers from Denying Health Benefits to Pre-adjudicated Persons**

**Issue:** Private insurance companies’ “inmate exclusion” shifts health care costs from pre-adjudicated inmates to counties.

**Adopted Policy:** The National Association of Counties (NACo) urges the U.S. Department of Health and Human Services (HHS) to prohibit insurers from denying reimbursement under health benefit plans for covered services provided to pre-adjudicated persons in the custody of local supervisory authorities.

**Adopted | July 16, 2018**

## **Resolution on Federal Policy Changes Related to Immigrant Eligibility for Federal Benefits**

**Issue:** Immigrants' use of public health benefits and the impact of changes to eligibility on county governments.

**Adopted Policy:** The National Association of Counties (NACo) opposes specific changes to existing immigration policy that would lead to increases in uncompensated care and shift federal and state costs and the administrative burden to counties, including preventing access to and/or penalizing immigrants for the use of federally-funded health care and public health programs including Medicaid and the Children's Health Insurance Program (CHIP).

**Adopted | July 16, 2018**

## **Resolution Supporting Local Efforts for Mobile Support Teams**

**Issue:** Address the need for local health departments' mobile support teams to work closely with law enforcement agencies to promote safety and emotional stability when a behavioral health crisis occurs.

**Adopted Policy:** The National Association of Counties (NACo) supports legislative efforts at the federal and state levels to fully fund and promote mobile support teams within local jurisdictions. NACo urges federal and state matching funds to maximize financial support for local jurisdictions in implementing and operating mobile support teams.

**Adopted | July 16, 2018**

## **Resolution Supporting Amendment to 42 CFR Privacy Provisions to Allow Information Sharing Between Behavioral Health and Law Enforcement for Jail Diversion**

**Issue:** To support the development of protocols and systems among law enforcement, mental health, substance abuse, housing, corrections and emergency medical service operations to provide coordinated assistance to high utilizers. A high utilizer: (a) manifests obvious signs of substance abuse, mental illness or has been diagnosed by a qualified mental health professional as having a mental illness; and (b) consumes a significantly disproportionate quantity of public resources, such as emergency, housing, judicial, corrections and law enforcement services.

**Adopted Policy:** The National Association of Counties (NACo) supports an amendment to 42 Code of Federal Regulations (CFR) Part 2 privacy provisions to explicitly allow information sharing between behavioral health, other health providers and law enforcement in order to best serve individuals with substance use disorders.

**Adopted | July 16, 2018**

## **Resolution Urging the Federal Government to Suspend, Instead of Terminate, Medicaid Coverage for Incarcerated Individuals**

**Issue:** Medicaid benefits may be withdrawn when an individual is incarcerated as opposed to convicted.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to pass legislation that: a) amends federal law to prohibit states from terminating eligibility for individuals who are inmates of public institutions or residents of Institutions for Mental Disease (IMD) based solely on their status as inmates or residents; and b) requires states to establish a process under which an inmate or resident of an IMD facility, who continues to meet all applicable eligibility requirements, is placed in a suspended status so that the state does not claim Federal Financial Participation (FFP) for services the individual receives, but the person remains on the state's rolls as being eligible for Medicaid; and c) once release or discharge from the facility is anticipated, require states to take

whatever steps are necessary to ensure that an eligible individual is placed in payment status so that he or she can begin receiving Medicaid covered services immediately upon leaving the facility.

**Adopted | July 16, 2018**

### **Resolution on the Importance of the ACA and Medicaid Expansion**

**Issue:** Covering over 70 million individuals, Medicaid is the country's largest program providing health coverage and health care services to the nation's low income population. The Affordable Care Act (ACA) allowed states to expand their Medicaid programs, which provide billions of federal dollars to counties for indigent health care services, behavioral health services, preventative care, public health and coordinated care.

**Adopted Policy:** The National Association of Counties (NACo) supports maintaining the Medicaid program as a means-tested entitlement and further supports provisions in current law that allow for expanded program eligibility and coverage standards. NACo urges Congress and the administration not to repeal the Medicaid expansion. Maintaining eligibility and coverage under the current program is essential to sustain the strong federal-state-local partnership that underpins our nation's health system.

**Adopted | July 16, 2018**

### **Resolution Regarding the National Health Service Corps Loan Repayment Program**

**Issue:** County jails are not eligible for designation as health professional shortage areas for the purpose of the National Health Service Corps (NHSC).

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to amend the National Health Service Corps loan repayment program and allow county and municipal jails to be eligible for the program. Current law excludes county jails from being designated as health professional shortage areas and NACo urges Congress to review this designation and allow county and municipal jails to be named health professional shortage areas. NACo also calls on Congress to increase funding for the National Health Service Corps loan repayment program sufficiently to cover the newly eligible local jail sites without reducing funding available to currently eligible sites.

**Adopted | July 16, 2018**

### **Resolution to Extend Federal Medicaid Payments to Detainees in County Jails who are Pre-Adjudicated**

**Issue:** Extending federal Medicaid payments to detainees in county jails who are pre-adjudicated.

**Adopted Policy:** The National Association of Counties (NACo) supports a federal legislative change to require the federal Medicaid program to contribute the federal Medicaid match for health and mental health care that is provided while a pre-adjudicated detainee is actually incarcerated.

**Adopted | July 16, 2018**



## **Resolution to Extend the New Medicaid IMD Payment Provisions**

**Issue:** Extending new Centers for Medicare and Medicaid Services (CMS) Institutions for Mental Disease (IMD) provisions to non-managed care entities

**Adopted Policy:** The National Association of Counties (NACo) request that Centers for Medicare and Medicaid Services (CMS) extend the new Medicaid Institutions for Mental Disease (IMD) payment provisions permitting up to 14 days per month of inpatient/residential care to IMD organizations that are not part of Medicaid managed care systems.

**Adopted | July 16, 2018**

## **Resolution Supporting Integration of Mental Health and Addiction Care to Address the Opioid Crisis**

**Issue:** Although opioid addiction very frequently follows the onset of depression, and opioid addiction frequently triggers depression within as few as 30 days, our patterns of care organization and funding do not make provision for a necessary linkage between mental health and substance use care.

**Adopted Policy:** The National Association of Counties (NACo) urges the federal government, specifically relevant agencies within the U.S. Department of Health and Human Services (HHS), to modify grant, technical assistance and service funding programs that support the development and operation of integrated care to include provision for the integration of mental health and addiction care, including care for depression and opioid addiction.

**Adopted | July 16, 2018**

## **Resolution on the Veterans Choice Accountability Act (H.R. 1797)**

**Issue:** Support for the Veterans Choice Accountability Act (H.R. 1797)

**Adopted Policy:** The National Association of Counties (NACo) supports the Veterans Choice Accountability Act (H.R. 1797) and urges Congress to ensure that reimbursements from the U.S. Department of Veterans Affairs (VA) to non-VA facilities for the care they provide to eligible veterans through the Veterans Choice Program are processed in a timely manner. This will not involve any diversion of funds from other VA programs, including VA medical centers.

**Adopted | July 16, 2018**

## **INTERIM POLICY RESOLUTIONS**

### **Resolution on Reducing Disparities in African American Child Deaths**

**Issue:** African American children die at disproportionate rates across the United States, impacting families and communities.

**Adopted Policy:** The National Association of Counties (NACo) supports federal legislative efforts to fund local initiatives to reduce African American child deaths through collective impact models and targeted, community-based programs to reduce risks.

**Adopted | March 4, 2019**

**Resolution Supporting Funding for and Improvements to Rural Emergency Medical Services (EMS) Needs Grants**

**Issue:** Rural fire and emergency medical services (EMS) agencies currently struggle to fund their EMS operations.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to fund the SIREN grants at \$20 million for FY 2020. The SIREN grants will provide funding for rural fire and EMS agencies to recruit personnel, procure emergency medical supplies and provide EMS training classes. Only public and nonprofit agencies are eligible to receive these funds.

**Adopted | March 4, 2019**

# HUMAN SERVICES AND EDUCATION

## INTRODUCTION

Every county in the United States administers and funds part of the cost of strengthening communities and protecting and enhancing families. The Human Services and Education Committee of the National Association of Counties (NACo) exists to support counties in this work. The role of counties varies widely from state to state, but human services and health expenditures are among the largest parts of county budgets.

NACo supports a broad, comprehensive array of services for families, children, individuals with disabilities and the elderly. Social services, public health, preventive services for children and youth, early childhood development, parent education and support, childcare, and other programs that encourage and support families also strengthen communities throughout our country.

Poverty is a national problem and requires a national solution. Federal efforts to reform public assistance must recognize that poverty is influenced by national economic factors that are not within the control of local or state governments.

Families in poverty usually need support services to become self-sufficient. Education and job training, childcare, Medicaid, mental health and substance use disorder coverage, housing, transportation, veterans services claims representation and work programs are supports that often involve counties. Federal requirements in these programs should be flexible and coordinated with local partners to provide a seamless range of services.

Programs mandated by the federal government should be fully federally funded. It is important that new programs do not duplicate existing state and local efforts; the federal government also must provide adequate time to implement major changes to prevent disruptions in program delivery.

New federal programs should be integrated with an appropriate, existing administrative delivery system. Congress should encourage coordination with state and local governments when seeking citizen input, such as advisory committees to oversee program development, so that there is no duplication of state and local coordinating efforts.

NACo believes decisions on laws and regulations should be made using data and measurable outcomes. Scrutinizing existing and proposed mandates using these standards will help reduce unnecessary and unfunded mandates, streamline government, and use limited resources effectively, which will benefit clients and constituents alike. NACo urges the federal government to ask these key questions when considering changes:

- Was comprehensive data used to define the problem and desired outcome?
- Were experts who administer the affected programs engaged?
- Will it streamline or add layers of bureaucracy?
- Is it redundant or inefficient?
- Are current local staffing levels sufficient to comply with additional requirements?
- Will we be able to measure the outcomes to be achieved by this change?
- Is there adequate federal funding to pay for all direct local costs?
- Are there other models that may provide better outcomes?
- Have local elected officials been consulted?
- Has there been collaboration between federal, state, and local agencies?
- Does it limit local and state flexibility to be responsive to community needs?

Counties are the front-line providers of basic social services; we seek to achieve an appropriate blend of local administrative flexibility and federal and state standards to provide a basic level of assistance for children and families.

## **SELF-SUFFICIENCY PROGRAMS**

Self-sufficiency programs are meant to be a temporary safety net for families and individuals who are experiencing unemployment, underemployment or have other barriers to self-sufficiency.

- A. Block Grants for Entitlement Programs:** NACo believes that the federal government should be responsible for adequately funding its entitlement programs. NACo opposes mandatory block grants and funding caps for federal assistance programs such as SNAP, Medicaid, and Foster Care. Capped block grants in these programs would shift the full cost of program growth and inflation to states and counties. NACo also opposes reductions in administrative funding for these programs that would result in unfunded mandates to counties and states.
- B. Block Grants for Categorical Programs:** NACo recognizes strong county government as an essential component and partner in the effective operation of national-state-local human services programs. Local governments are often best equipped to administer human services programs, and therefore must be assured an effective role in the development and implementation of federal programs.

NACo supports consolidating existing categorical grant programs in order to reduce complexity and improve flexibility and program delivery at the local level. Human services block grants must follow the following principles:

- Programs should be controlled by elected county officials responsible directly to the taxpayers.
  - Federal block grant proposals must be developed in close consultation with county officials.
  - Federal block grant funds for health and social services programs should be allocated directly to counties where an existing service delivery system is in place.
  - States must be required to plan jointly with county officials and to publish program plans for review and comments.
  - Where direct funding is not available, states must be required to pass through maximum dollars to counties.
  - Reasonable transition time should be allowed to move from categorical grants to block grants, including sufficient time to adjust county and state laws, budgets, and administrative procedures.
  - There must be an absolute reduction in federal mandates and regulations, and increased flexibility and simplicity in program administration.
  - No matching funds should be required of local governments.
  - No maintenance of effort should be required. State and local government laws and procedures governing spending should apply to block grants.
- C. Temporary Assistance for Needy Families (TANF):** The success of TANF depends on counties' flexibility to target local needs and support participants' work activities. Without that flexibility and the funding to implement it, the working families who are struggling toward self-sufficiency will lose supportive services and many will fall back on cash assistance. Welfare reform is an ongoing process of supporting working families in gaining self-sufficiency, not a one-time removal of families from the welfare rolls.

Many TANF participants who find work continue to need assistance with job retention, transportation, counseling and other support services such as child care and health care. Additionally, TANF funding must be able to react quickly to economic downturns and other emerging issues by having unallocated reserves that states can tap quickly.

1. **Funding:** TANF should have an annual inflation increase, including the supplemental grants for high-growth states. The TANF state entitlement block grant structure should be maintained without carve-outs or set-asides. The funding level for the TANF Contingency Fund should be increased. NACo supports new funding for research and dissemination of information on family formation.
2. **Flexibility:** States, counties, and Native American tribes should be permitted to spend carryover funds on any allowable use of TANF. This would include transferring funds to the CCDBG and SSBG.
3. **Participation Requirements and Work Activities:** NACo opposes arbitrary and counterproductive work and participation requirements and supports a strong county role in mutually negotiated outcome measures in which states are judged by their progress toward achieving these goals. NACo supports greater flexibility in the TANF work requirements in order to allow counties and states to meet the individual needs of their caseloads. These include, but are not limited to, the following:
  - A 50 percent work participation rate for two-parent and single parent families;
  - Thirty hours of work a week for two-parent and single parent families;
  - At the very least, the 12 activities included in the original TANF law;
  - Allowing individuals who are participating in substance abuse or mental health treatment, and domestic violence services to count those activities as work;
  - Continuing to exclude victims of domestic abuse and mothers with young children from the participation requirement;
  - At least twelve weeks of thirty hours per week a year for job search and job readiness activities;
  - Twenty-four months for vocational education to a higher percentage of the caseload;
  - Allowing more than 10 hours a week of basic skills and education training to count as work activities and allowing these hours to count toward work participation rates;
  - Removing teen parents from the 20 percent vocational education limit;
  - Exempting relatives who are caring for a child who would otherwise be in foster care from the work requirements and the time limit;
  - Allowing vocational education and high school equivalency programs to count towards the work participation rates;
  - Exempting adults who are the primary caregivers of a disabled family member from the work requirements; and
  - Allowing a parent providing child care in a two-parent family to count toward the work requirement.
4. **Time Limits:** For time-limited assistance to be successful, it must be accompanied by adequate federal and state funding for a wide continuum of supportive services that will help families move toward self-sufficiency. NACo supports preserving and increasing state flexibility in administering the federal time limits. This includes allowing states to discount months in which the recipient participates in work and/or specific work activities, including substance-use disorder treatment, behavioral health and domestic violence services in compliance with their employability plan; and eliminating child care, transportation, and housing from the definition of assistance.

NACo supports the twenty percent hardship exemption and the family violence exemption from the TANF time limit. Victims of sexual assault should be added to this exemption. States should be allowed to lift the lifetime ban on TANF eligibility for individual family members with drug felony convictions.

5. **Maintenance of Effort:** Current law is unclear on the ability of states to supplant existing funding with federal TANF funds, and under what circumstances a state may use federal funds to increase existing state-funded programs. Once a state or county spends its Maintenance of Effort (MoE) for a given fiscal year, it should be able to draw down its full allocation of federal TANF dollars for that year at any time. Unspent funds should not be applied against future allocations. Obligated funds should be treated and

reported as spent. The supplantation provisions must be clarified so that replacement of state dollars with federal dollars is strictly prohibited, but allow using federal dollars to increase the coverage or availability of a state program above current state spending levels.

6. **Teen Parents:** Teen parents in particular are at great risk of long-term welfare dependence. Teen parents should be required to pursue their high school education or GED. Alternative education should be provided when needed and waivers should be developed for special circumstances. The education system should make the necessary provisions to provide needed child care, counseling and other supportive services for teen parents. NACo supports alternatives that would encourage teenage parents to live with their parents or other responsible adults, and fund enhanced case management and independent living arrangements.
  7. **Program Coordination:** An integrated workforce development system should be encouraged by giving counties greater flexibility to coordinate programs and blend funds.
  8. **Family Promotion:** TANF already has the flexibility for states to promote marriage and family formation. Any new incentive programs aimed at marriage promotion must be funded with new money, and should not be carved out of TANF. NACo opposes penalties associated with marriage promotion outcomes. NACo supports funding and disseminating further research on these subjects.
  9. **Partial Credit:** Many families, particularly those with special needs, struggle to meet their work participation requirements. Under current law, no credit is given for these families, even if they fall short by as little as one hour. Counties and states should be allowed to apply partial credit for the hours that these families participate.
  10. **Phasing-Out Benefits:** A single dollar increase in TANF's Income Reporting Threshold can make a family ineligible for benefits and can serve as a disincentive to work. Counties and states should be allowed to gradually phase-out cash benefits as the family's income increases.
- D. Supplemental Nutrition Assistance Program (SNAP):** The SNAP program provides nutrition assistance funding to low income families and individuals to support better support healthy and adequate eating habits. SNAP is critical to struggling families and has proven to be one of the most countercyclical federal programs because benefits can reach families quickly during economic downturns as well as natural disasters. The program serves diverse populations with a wide range of needs, and is administered by counties in a variety of states across the country. NACo supports moving a SNAP reauthorization in conjunction with a reauthorization of the Farm Bill.
1. **Program and Funding Structure:** NACo supports the current SNAP entitlement program and funding structure, including maintaining the 50 percent federal administrative match for states given that counties contribute to the administrative costs of the SNAP program in many county-administered states. SNAP should not be block granted, since such a policy change would place additional strain on both recipients and state and local governments. As the introductory statement states, SNAP is indeed a very responsive countercyclical program, as evidenced by the large increases in SNAP participants during the great recession in the late 2000's and early 2010's. Block granting would seriously undermine that responsiveness, leaving struggling families with less access to food and further weakening the economy since SNAP families redeem their benefits quickly and locally. Moreover, counties would see shifts in costs to support those households if the already low benefit is reduced under a block grant.
  2. **Streamlining SNAP**
    - a. **Administratively and Across Programs:** NACo encourages Congress to increase the options available to state and local administrative bodies in streamlining applications and administrative

processes. Local social services departments see many individuals and families that are eligible for multiple programs, but requirements are often slightly different for each program, generating significant work for staff and applicants alike. All states should be allowed to seamlessly enroll Supplemental Security Income (SSI) participants in the SNAP program. In general, as additional programs are streamlined, barriers to entry for participants should be reduced, and Congress and states should not make the most restrictive elements of each program the qualifications required for approval.

- b. For Recipients:** Congress and the U.S. Department of Agriculture Food and Nutrition Service (FNS) should work to reduce “churn” – the rolling of recipients on and off of the program – in the SNAP program, which can be a burden for recipients and administrators alike. Administration and application processes should be simplified to allow individuals reapplying for benefits to enter a streamlined process, reducing the time between application and receiving benefits while also reducing administrative costs.
- 3. Importance to Children:** Proper nutrition is crucial to high quality early childhood development goals and ensures children are mentally and physically prepared to learn when entering school. SNAP benefits for families should be at an adequate level so that all children have healthy diets.
- 4. Work Requirements and Time Limits:** NACo opposes arbitrary and counterproductive work and participation requirements and supports a strong county role in mutually negotiated outcome measures in which states are judged by their progress toward achieving agreed upon goals. NACo supports greater flexibility in the SNAP work requirements in order to allow counties and states to meet the individual needs of their caseloads.
  - a. SNAP Employment and Training (SNAP E&T) Program:** NACo supports enabling individuals to find and secure long-term employment and encourages Congress to acknowledge the reality that for time-limited assistance to be successful, it must be accompanied by adequate federal and state funding for a wide range of supportive services. The SNAP E&T program should receive more realistic funding levels from the federal government to ensure states and counties have the proper resources to assist individuals in finding work and remaining employed, including increasing the reimbursement rate, since SNAP E&T is an employment program. SNAP E&T should also be further integrated with existing workforce programs at the federal, state and local level, including local workforce development boards.
  - b. Able-Bodied Adults Without Dependents (ABAWDs):** In addition to the increased reimbursement rates for employment programs, NACo supports lengthening the time limit for ABAWDs and making the work requirements more flexible. Often, rapid attachment employment programs are short term, and individuals who find work do not remain employed because they have not developed the required skills. Allowing for increased training and an extended time limit would make employment goals more realistic. Additionally, NACo supports a tax incentive for employers who hire ABAWD SNAP participants for 20 hours or more each month, which could be increased based on the number of ABAWD participants hired. NACo also supports allowing counties in county-administered states to apply for a waiver for the ABAWD time limits if the state does not apply for a state-wide or partial waiver.
- 5. Disqualifications:** Lifetime disqualification from the SNAP program can have a lasting effect not just on the individual, but also on his or her family. NACo supports additional flexibility in disqualification determinations for states and local governments. NACo also supports lifting the lifetime ban on individuals with felony drug convictions in all states.

6. **Phasing-out of benefits:** Recipients of federal benefits programs often face a financial “cliff” as they gain employment – the boundary line at which point individuals or families lose benefits given their rise in income. NACo urges Congress to consider gradual phase outs of certain programs, including SNAP, to ease the transition from benefits to income, especially for families.
  7. **Rural Solutions:** NACo urges Congress and the Food and Nutrition Service to pursue solutions that address the specific obstacles rural communities face in ensuring access to food and healthy eating habits in rural areas, which often lack access to healthy food options. States with large rural populations and rural counties should be afforded additional flexibility in the administration of the SNAP program to help combat these challenges.
  8. **Use of Technology:** Among federal benefits programs, SNAP is already a leader in innovation and simplification of benefits, including the use of SNAP EBT cards. The federal government should continue to play a leading role in developing technology that makes program administration more seamless. By pioneering advances at the federal level, the program would be streamlined in states and local jurisdictions across the country.
  9. **Program Integrity:** NACo supports the goals of maintaining low levels of fraud and error rates within the SNAP program. Counties believe that a federal commitment to streamlining the program, increased technological advances, and additional flexibility to eliminate systemic program issues (including program churn) will help achieve this goal.
- E. Supplemental Security Income (SSI):** SSI benefits and resource limits have not kept pace with inflation. A significant number of persons, including the homeless, who are potentially eligible for the program, do not participate. Congress and the administration should:
- Consider the impact that changes to SSI will have on county general assistance and indigent health care programs;
  - Provide benefits to individuals who receive care in county-owned residential facilities;
  - Reevaluate payment levels to ensure SSI recipients are provided with an adequate standard of living;
  - Reevaluate the asset limit to reflect inflation;
  - Simplify and expedite the application and eligibility process; and
  - Fully fund and expand SSI outreach programs.
- F. Earned Income Tax Credit:** The Earned Income Tax Credit (EITC) has significantly boosted the incomes of low-income working families. According to Census Bureau data, the EITC helps move more children out of poverty than any other program. NACo supports changes to the EITC structure that increase the number of eligible families and provide higher benefit amounts.

## **CHILDREN’S SERVICES**

- A. Early Childhood Education and Development:** The importance of the early years in child development is well documented. Quality prenatal services, health care, nutrition, and pre-school education are essential to the healthy development of a child. Early intervention and prevention programs, particularly home visitation programs, produce numerous advantages. Children who participate in early childhood development programs record outstanding developmental progress and greater success in the future. Other advantages include early detection of health and learning problems, higher educational achievement, preventing juvenile delinquency, lower crime rates, greater parental involvement in school programs, and reduced teen pregnancy rates. Consequently, best practices demonstrate investment in early childhood development programs reduces the need for chronic health care services, utilization of child welfare programs, juvenile justice measures and public assistance. NACo supports federal initiatives to help counties develop and expand these voluntary early



childhood and parent education programs. They include:

- **Head Start/Early Head Start:** Congress should provide adequate funding for comprehensive programs such as Head Start/Early Head Start, to ensure that needed educational, nutritional, and social services are available to disadvantaged pre-school children, including children with disabilities. Early Head Start, in particular, deserves stronger support so that infants, toddlers and their caregivers can take advantage of the program's continuum of services at an earlier age.
- **Educational Coordination:** NACo supports strengthened coordination of state and federal pre-school programs with county agencies that provide related services to children and their families. NACo further supports coordination between child care programs and Head Start to allow for full-day, continuous care at a single location. Better coordination and follow-up with schools are needed to ensure that the gains made by Head Start are not lost in future years.
- **Nutrition and Food Support:** Adequate nutrition not only prevents serious health problems, but also helps children improve their ability to learn. The Supplemental Nutrition Assistance Program (SNAP) and the Feeding Program for Women, Infants, and Children (WIC) are valuable components of the continuum of services needed to ensure children's physical and mental development. NACo therefore opposes further cuts to SNAP and supports continued expansion of WIC.

**B. Child Welfare Services:** The child's natural family has the primary right and responsibility to provide each child a safe and nurturing environment. Society must provide the necessary services and supports to safeguard and enhance the ability of all families to fulfill this essential role. Failing this, it becomes society's responsibility to provide for expeditious, alternative arrangements that are permanent and meet the child's physical, mental, and emotional needs. The societal response works best when governments at all levels collaborate in their efforts to restore children and families to health and wholeness.

In many states child welfare, substance use disorder treatment, behavioral health and services to individuals with developmental delays/disabilities are administered by counties, yet the various systems fail to operate collaboratively. Consequently, children suffer. Children whose parents struggle with chemical dependencies also suffer from substance use disorder and health problems. States and counties often are able to provide treatment to only a fraction of these parents and children. Access to adequate and timely services is even more difficult to obtain for children and youth with co-occurring conditions such as developmental delays and disabilities. NACo supports funding for new partnerships among federal, state and local child welfare and substance use disorder agencies. NACo further supports increased federal funding for school and community-based behavioral health, developmental and substance use disorder and services for children and youth. Counties must be involved in the planning and implementation process and must be eligible for direct funding.

NACo believes that systems that protect abused and neglected children should be based on a continuum of care, including a broad array of preventive services. When out-of-home care is necessary, kinship placements must be thoroughly explored before a child is placed into foster care. Counties should be afforded flexibility in designing services that best meet the needs of their children and communities.

**1. Foster Care, Kinship Care, Guardianship and Adoption Assistance:** a variety of foster care situations should be available and sufficiently funded to provide for the differing needs of children. NACo strongly opposes block grants and/or funding caps in the federal Foster Care program. NACo strongly supports the following:

- Modernizing the eligibility determination system by linking federal foster care eligibility from the 1996 Aid to Families with Dependent Children (AFDC) income eligibility standards and developing a financing system that responds to a child's imminent risk of abuse or neglect;
- Acknowledging the role that counties play in the foster care and child welfare system by consulting county officials in the development and implementation of legislation at the federal and state level;

- Enhancing county and state flexibility to provide supportive services for children and their families, including preventing unnecessary removal from the home and enhancing outcomes for children;
- Using Title IV-E funds for subsidized kinship guardianship and kinship post-guardianship services both prospectively and retroactively;
- Allowing Medicaid to cover more than life threatening care for dependent, abused, and neglected undocumented children in state custody. At a minimum, rehabilitation and targeted case management associated with abused or neglected children, and medical care required by federal policy pertaining to foster children should be covered;
- Allowing counties and states to include reunification and post-reunification services within the definition of IV-E Foster Care maintenance payments;
- Allowing IV-E Adoption Assistance funds to be used for post-adoption services for adopted children as well as subsidies;
- Government owned/operated residential treatment programs of more than 25 beds in size should be treated on an equal basis as similar not-for-profit and for-profit facilities, and should be eligible for Title IV-E reimbursement;
- Allowing states and counties to use IV-E funds to provide services for children placed in non-IV-E settings that prevent children from being placed in foster care;
- Allowing states and counties to use IV-E funds to provide prevention, pre-placement and early intervention services for children who are determined to be candidates for foster care.
- Allowing child welfare staff to conduct visits through computer technology, rather than in-person, with older youth (over 18 years of age) in extended foster care who are attending college out of state or connecting with relatives.

NACo strongly opposes block grants and/or funding caps in the federal Foster Care program because they would undermine counties' ability to ensure the health and safety of our most vulnerable children. If Congress adopts a capped allocation rather than continue to operate under an open-ended entitlement, NACo recommends the following basic principles:

- There must be adequate funding available through the duration of the grant;
  - Training and welfare information systems must remain separate from the flexibility proposal;
  - States should be required to maintain their current level of effort in child welfare;
  - Emergency funds should be flexible and broad enough to allow access by sub-state regions with sudden caseload increases;
  - Foster care children must remain categorically eligible for Medicaid;
  - States that opt to receive the capped allocation must be allowed to opt back into the open-ended entitlement at any time;
  - States should be able to negotiate the funding baseline for a block grant with the federal government;
  - States should be allowed to retain the current flexibility to negotiate waivers for localities; and
  - State associations of counties, in states where counties operate child welfare systems, must be consulted and state legislatures must have the right to approve a state's request to opt into the capped allocation system.
2. **Foster Youth:** Research shows that children aging out of foster care generally have poor outcomes. NACo urges a national "call to action" to raise awareness of the issues faced by children aging out of the foster care system. Additionally, NACo supports the following measures to improve outcomes for youth aging out of foster care:
- Enable disabled youth receiving federal foster care payments to immediately receive SSI benefits when leaving the foster care system;

- Enhance federal funding for workforce development, housing, health care, independent living programs, mental health, substance abuse services, and transitional services; and
- Coordinate and align resources between human services and workforce development to ensure completion of secondary education, gainful sustainable employment and/or post-secondary occupational training.

**3. Training and Administration of Foster Care, Kinship Care, Guardianship and a doption Assistance:**

Proper administrative support for these programs is essential to ensure children’s continued well- being. NACo opposes any attempt to cap the Title IV-E administrative reimbursement for foster homes and social worker case management costs as an unwarranted cost shift to counties and states. States and counties also need to be given adequate time and resources to implement new requirements such as more frequent case reviews and automation of records and systems.

Staff training should be reimbursed at 75 percent regardless of the proportion of children in a state who are eligible for federal IV-E Foster Care maintenance and Adoption Assistance program payments. Additionally, states should have the flexibility to use IV-E funds for cross-agency training of child welfare staff and other public and private agencies that work with these children, including substance abuse, mental health, education, juvenile justice, probation, and welfare agencies. Training funds should also be provided for foster parents, kinship care and guardianship care providers, and adoptive parents.

**4. Child Protective Services:** Federal policy must ensure local capacity and flexibility for immediate response to reports of child abuse and must provide a coordinated, comprehensive services systems that are designed to protect children and restore family functioning. NACo supports the development of an outcomes-based child protection system through a series of benchmarks developed at the local level that will monitor a community’s progress based on its socio-economic needs and priorities.

**C. Child Care:** High-quality child care services are needed to ensure that we meet the developmental needs of children. Child care policies must recognize that the majority of mothers with young children are employed at least during a portion of the child’s early years. Federal support for child care should be available to all public assistance recipients who need it while participating in employment, education, or training. Funding for the Child Care and Development Block Grant must be increased to meet the needs of eligible families, while maintaining the funding and flexibility in TANF.

Federally funded childcare should be available to working parents as they leave public assistance and should continue to be available on a fee scale based on their ability to pay. In the very least there should be enough federal child care funds to ensure that quality services are available to families with incomes of up to 225 percent of the federal poverty level and for families that leave TANF. Financial support should be made available for infant care, child care for children with special needs, children in foster care, and child care during non-traditional hours when needed.

Public child care resources such as licensing and monitoring of providers, information and referral, and assistance in selecting appropriate care, should be available to all, without regard to income or resources. State and local licensing laws should be carefully monitored to ensure adequacy of facilities and caretakers.

Employers should be given increased financial incentives to provide child care for their employees on site or as a benefit. The Dependent and Child Care Tax Credit should be made refundable.

**D. Child Support:** It is the right of every child to be supported by his or her parents. NACo supports the federal Title IV-D Child Support Enforcement program as a cost-effective means of ensuring that right. NACo supports providing federal financial incentives to states that opt to pass-through a higher percentage of child support collections to families on public assistance. NACo urges Congress to permanently restore the

ability of counties and states to draw additional federal match dollars from the reinvestment of child support incentive payments. County-administered child support programs should be allowed to retain the full application fee for cases where the custodial parent is not receiving cash assistance by identifying it as an administrative cost rather than as program income.

NACo supports removing the cap on the Child Support Incentive Fund and supports maintaining the 66 percent reimbursement rate for administrative costs and the 90 percent rate for genetic testing. NACo supports programs that assist non-custodial parents to be appropriately involved in the lives of their children financially and emotionally. Any new child support enforcement mandates must be accompanied by enhanced federal reimbursement.

NACo opposes private sector access to child support data and enforcement tools.

NACo supports legislation that creates a corrective action plan for states that have been unable to implement federal child support requirements; restricts penalties to corrective action plan non-compliance; and allows alternative systems configurations that provide expanded local flexibility for automated child support payments.

NACo supports legislation to streamline the international enforcement of child support obligations of parents who live outside the United States.

## **SERVICES TO OLDER AMERICANS**

Between 2011 and 2030 the 78 million individuals who were born between 1946 and 1964 will reach the age of 65. This means that the number of older adults in the U.S. will more than double. Not only will there be significantly higher numbers of the elderly, they will also be living longer. Individuals over the age of 85 are already the fastest growing sector of the population. At the same time, the number of working age people is only increasing by 20 percent and there will be fewer workers to support the retired population.

NACo supports a continuum of care for the elderly that provides supportive services to assist older persons remain active, productive and independent. These services would include adult day care, transportation, respite care, housing alternatives, caregiver training, support groups, in-home support services, family counseling, daily money management, public conservatorship and guardianship services, as well as chore services, personal care, skilled nursing care, and long-term care.

NACo supports federal policies that recognize the role and responsibilities of county government in assuring necessary and effective services for the elderly, including community-based and long-term care services. Federal policy should recognize that these costs have increased, and should support, facilitate and provide adequate federal funding for county implementation of these ever increasing costs and responsibilities.

**A. Older Americans Act:** NACo supports the Older Americans Act's goal of developing a coordinated program of services and opportunities for our older citizens. The Act should provide maximum flexibility for county governments to target resources to address the needs of the elderly in their community. Congress should fully fund the programs authorized under this legislation. Congress should expand and improve access to daily nutrition and meal services, respite care, home care services, adult day care, services to family caregivers, information and referral services, and research.

The changes in the aging population require better planning and targeting of health and human services programs. NACo urges the federal government to assist states and counties by funding in-depth needs assessments to determine the real needs of the elderly in their community and the adequacy of existing services and gaps in delivery.

- B. Long-Term Care:** County government has a long, established role as a provider, purchaser, administrator and/or contractor for long-term health care. Services should be provided in the least restrictive environment meeting the individual's needs.

Additional flexibility should be provided in Medicare, Medicaid, Veterans' Services, and other federal programs to encourage and enable the expansion of community-based care and assisted living facilities as a means of avoiding unnecessary institutional care.

Informal caregivers should be given support and provided incentives to encourage them to continue to provide support for those in need of services.

Rural counties have a higher percentage of senior citizens than urban counties, but they are less likely than their urban counterparts to have access to in-home and community-based services. NACo supports efforts to expand these programs in rural areas.

- C. Adult Protective Services:** Adult Protective Services (APS) vary widely among states and generally cover neglect, self-neglect and fiduciary and physical abuse of the elderly and disabled adults. In many states, counties have the responsibility for APS. Unfortunately, there are no clear data on the incidence of elder abuse and neglect nationwide although some studies suggest that almost 11 percent of people ages 60 and older faced some form of elder abuse and a 2009 report by the MetLife Mature Market Institute and the National Committee for the Prevention of Elder Abuse estimates that seniors lose at least \$2.5 billion each year to financial abuse. There is insufficient national information on the victims and perpetrators of abuse or evidence-based best practices. The Elder Justice Act (EJA) is the first federal program designed to combat abuse, neglect and exploitation of older adults. The program was authorized at \$777 million over four years but has yet to be funded. Counties in many states are responsible for adult protective services. NACo therefore supports full funding for the EJA and a federal research strategy.
- D. Social Security:** As the providers of last resort for health and social services, counties have an interest in preserving the benefits received by the nation's most vulnerable populations. Social Security benefits prevent poverty for people of all ages. NACo urges Congress, as it reforms Social Security, to protect the financial security of current and future Social Security beneficiaries, especially low-income individuals, the disabled and surviving spouses and children.

## **SOCIAL SERVICES**

There must be a human services program designed to achieve the full objectives of encouraging self-support, self-reliance, strengthening of family life and the protection of children and adults. The broad range of supportive social services needed to strengthen the community and family structure should emerge at the local level from a federal-state-county partnership that provides for maximum flexibility at the county level.

These services should be administered at the local level and adequately funded at the federal and state levels. States should be required to pass through to counties the majority of the state's share of federal funds. To ensure this pass-through, a limit should be placed on the amount states can retain for administrative or other purposes.

- A. Social Services Block Grant (SSBG):** SSBG is used by many counties for a variety of programs, such as adult protection, child care for children with special needs, child welfare, and child abuse prevention. In some cases, such as adult protection, this is the only source of fund for these services.

SSBG statutory funding has dwindled over the years from a level above \$3.1 billion to its current level of \$1.7 billion, which in reality is lower because it is affected by sequester cuts in 2013. NACo supports restoring the program to the highest level possible. Additionally, NACo strongly supports continued flexibility in the SSBG

program and maintaining the authority to transfer up to ten percent of TANF funds to SSBG. This flexibility enables states and counties to use the program to meet their specific local needs and goals.

- B. Services to Individuals with Disabilities:** Counties recognize that the objectives of encouraging self-support, self-reliance, strengthening of family life, and protective services apply equally to the physically, mentally, and developmentally disabled. NACo supports federal action that will promote these objectives by removing categorical restrictions that inhibit comprehensive planning and delivery of services to the disabled.

NACo supports federal action that increases incentives for deinstitutionalization and encourages and funds the expansion of community-based services, including the necessary individual and program financial support, to prevent reinstitutionalization. NACo supports equal opportunity for individuals with disabilities in all aspects of American life. Federal funding is necessary to supplement local efforts to achieve program and facility accessibility and equal employment opportunity.

- C. Community Action Agencies:** Through its boards involving the public sector, the private sector, and the community, the Community Services Block Grant (CSBG) represents a unique and effective partnership with counties, states, federal government and community organizations. NACo strongly supports full funding for CSBG.

- D. Domestic Violence:** Domestic violence is a major social problem not only because of its high incidence, but also because of its pervasive and self-perpetuating nature. The problem affects not only spouses, but also individuals in a wide range of living arrangements, including children, senior citizens, and those with developmental problems.

Children living in violent homes, whether victims or witnesses, frequently become abusive parents and/or mates themselves. Domestic violence is often associated with the development of other social and emotional problems. Treatment of the problem often involves temporary respite and permanent community resources to shelter victims. However, federal funding is insufficient.

The federal government should fund domestic violence programs that permit counties and communities to develop resources and services to protect family members and prevent family violence, improve staff training, and link programs in the health, behavioral health, self-sufficiency, child welfare, criminal justice, law enforcement, and social service systems for effective treatment and prevention of domestic violence.

- E. Energy Assistance for Low Income Persons:** NACo recognizes the need for a comprehensive energy assistance, weatherization, and conservation program with sufficient federal funding and incentives so that the cost burden does not fall on county government.

Eligibility criteria should include renters. It should not discriminate against single-person households and should not be limited to persons eligible for other federal programs. At the same time, every effort should be made to coordinate with other programs in order to simplify the application and eligibility program.

Congress has not always appropriated emergency or contingency funds for the Low Income Home Energy Assistance Program (LIHEAP). There needs to be a fund that addresses sudden situations such as fluctuations in energy costs, natural disasters and extreme weather conditions.

- F. Assistance for the Homeless:** NACo recognizes the need for a comprehensive national policy to end homelessness and poverty. A significant federal commitment is necessary to meet the growing need for services, including housing, mental health services, and substance abuse treatment to ensure that the burden for providing care and assistance to the homeless does not fall disproportionately upon counties. NACo endorses the federal strategic plan to prevent and end homelessness; especially the commitment for greater cooperation among federal agencies and the special attention being paid to veterans, families, and youth.

**G. Veterans' Services:** NACo strongly supports full funding to qualified veterans for educational, housing, and medical costs. County Veterans Service Officers, who are employed by counties, work to secure benefits for veterans by collaborating with the U.S. Department of Veterans Affairs (VA), state Departments of Veterans Affairs and Veterans Service Organizations. NACo endorses sustained federal financial support for CVSOs providing these benefits services. Benefits generated by CVSOs are not limited to individual veterans and often provide cost savings to local governments and revenue that goes back into the local economy. NACo endorses increased investments in solutions to veteran homelessness, and encourages both the Administration and Congress to continue to increase the resources targeted to end homelessness among veterans through programs such as the Veterans Affairs Supported Housing (HUD-VASH) program, Supportive Services for Veterans Families (SSVF), and the Grants and Per Diem program. NACo supports a process that is responsive to the needs of veterans and their families, provides appropriate information, and facilitates administrative services.

**H. National and Community Service:** The Corporation for National and Community Service (CNCS) and the programs it funds such as VISTA, Foster Grandparents, AmeriCorps and Senior Corps help youth and senior citizens become involved in the community and provide volunteer services to millions of Americans. NACo supports full funding for CNCS.

### **LEGAL IMMIGRANTS, MIGRANTS, REFUGEES AND UNDOCUMENTED INDIVIDUALS**

Legal immigrants, refugees, undocumented individuals, and others enter and remain in this country as a result of federal action or inaction. The heavy fiscal burden that is placed upon local governments is the direct result of national immigration policies or the lack of enforcement of immigration policies. It is imperative that be an on-going consultation process on immigration issues with NACo and other national organizations representing state and local governments.

**A. Comprehensive Immigration Reform:** NACo urges Congress and the President to enact comprehensive immigration reform legislation that:

- Provides for uniform enforcement of all existing laws;
- Secures our borders;
- Includes a national strategy for coordination among federal, state, local and tribal authorities;
- Establishes a sensible and orderly guest worker program;
- Imposes no unfunded mandates on state and local governments;
- Includes no mandates on counties to enforce immigration laws;
- Preserves the eligibility of legal non-citizens for federally-funded health benefits and provides a sustainable funding stream to counties for their cost of providing health services to legal non-citizens who are denied federally-funded health benefits;
- Establishes an earned path to citizenship that includes registering, background checks, demonstrating employment, learning English and civics, paying back taxes and fees that may be required;
- Improves and simplifies the current legal immigration system; and
- Provides green cards for science, technology, engineering and mathematics students who have received a graduate degree from American universities.

**B. Services:** Counties traditionally provide health, self-sufficiency programs and social services to persons residing within their boundaries, regardless of their legal status. Since immigration is a federal responsibility, the full cost, including administrative costs, of any services or assistance to non-citizens should be paid by the federal government rather than by county and state governments.

The 1996 welfare reform law limited refugee eligibility for SSI to seven years. NACo strongly supports restoring full SSI eligibility to refugees.

In addition to reimbursing county governments for costs incurred in assisting legal immigrants, refugees, undocumented individuals, and others, the federal government should strengthen its enforcement efforts to control illegal immigration.

- C. Refugee Program:** Refugees should be resettled in a manner that minimizes their concentration into a few counties. When making decisions to admit new refugees into the country, the U.S. State Department should give advance notice of those decisions to the states and counties that are most likely to be affected by the refugee resettlement.

There should be a permanent federal refugee program with uniform policies for all refugee groups and with sufficient federal funds to provide assistance during resettlement. Refugee resettlement funding has deteriorated over the years from 36 months to eight months of assistance. Federal funding should continue at the 100 percent reimbursement level for financial assistance, medical care, social services, employment services, and education until refugees reach a reasonable level of self-sufficiency.

It is critical that funding formulas respond not just to the challenges that state and local governments face at the point of initial resettlement. Secondary migration needs to be addressed through accurate data and funding that follows the refugee.

The federal government should develop contingency plans, in consultation with state and local elected officials, for mass asylum situations in which the U.S. is the country of first asylum. The legal status and rights of applicants for asylum and their eligibility for federal assistance must be clear and consistent.

The federal government must increase its dialogue with and accountability to state and local governments. NACo opposes any proposal that would transfer funds needed by states and counties for refugee assistance to resettlement agencies without proper state and county consultation and agreement. States and counties should have the flexibility to use refugee employment services for hard to serve populations who have been in the U.S. more than five years.

- D. Unaccompanied Children Crossing the Border:** NACo calls on the Administration and Congress to ensure that adequate federal funds are appropriated to shelter and provide care, including medical assistance, to unaccompanied children crossing the border and to ensure that the costs of the care provided to these children are not transferred to counties.

## **EDUCATION**

Education is key to the success of our economy and our ability to attract businesses to our communities. Furthermore, our quality of life is directly related to a quality education in our schools.

Local education systems affect all segments of the community and are critical to the success of many programs operated by counties. Regardless of the specific funding arrangements between counties and school districts, they share a common tax base and are both faced with limited resources.

- A. Elementary and Secondary Education:** Although states have the primary responsibility for elementary and secondary education, it is in the national interest and merits continued federal financial support. NACo urges Congress to substantially amend the Elementary and Secondary Education Act to grant greater local flexibility in the use of student achievement measures, the design of interventions for schools not making Adequate Yearly Progress and to address the individual needs of students with disabilities and students of English as a Second Language. NACo strongly urges Congress to fully fund the law so that states and local education agencies (LEAs) can implement all aspects of the law. Congress should provide increased funding to assist local communities in meeting regulations designed to eliminate discrimination.



NACo supports the current method of disbursement of funds LEAs and does not support the use of vouchers and policies such as tuition tax credits that would provide an unfair competitive advantage to private schools and erode support for public schools.

Bullying and harassment interfere with students' ability to achieve higher academic standards and can lead to even greater school safety problems. NACo urges the federal government provide school districts with the tools and resources they need to ensure that all students feel safe within their schools.

NACo supports the development of partnerships between schools, counties, local organizations and state and federal partners to support children from military families.

- 1. Health Services in Schools:** Medicaid program should reimburse states, local governments and LEAs for health and behavioral health services provided in schools. This reimbursement should include direct services such as medical appointments and therapies and administrative services such as outreach and care coordination activities.
- 2. Impacted Areas:** Congress must recognize the burdens placed on communities that have a large number of federal employees and facilities and must continue to provide federal aid to meet the extra costs involved in educating the children of federal employees.
- 3. Education for Children with Disabilities:** NACo supports the goal of available free public education to all children with disabilities. Congress must keep the federal commitment to ensure full funding for the Individuals with Disabilities Education Act so that states and LEAs can meet the law's requirements.
- 4. After-School Programs:** County governments run a variety of programs such as after school day care, mentoring/tutoring and recreational programs. Programs such as the 21<sup>st</sup> Century Community Learning Centers should be available directly to counties.
- 5. School Construction:** NACo supports efforts to establish federal incentives that will help state and local governments finance school repair, renovation, modernization, and construction projects and facilitate the development of community services for children and families in school buildings.

**B. Adult, Career and Technical Education:** The federal government should place increased emphasis on the promotion of career technical programs across the secondary and post-secondary educational spectrum. These programs should respond to the needs of the local economy and should be coordinated with local self-sufficiency and job training programs. Congress should provide adequate funding for adult education, including English as a Second Language programs.

**C. Higher Education and Financial Aid:** According to the American Association of Community Colleges, there are 986 public community colleges nationwide and local funds provide 17 percent of their revenues. Additionally, several local governments fund four-year colleges. Pell Grants play a significant role in community college financial aid due to their lower tuition and higher percentage of low-income students. NACo therefore believes that Pell Grants and federally backed student loan programs are vital if this nation is to preserve equal educational opportunity and receive the benefit of the fully developed talents of the younger generation. Loans and grants should be based on economic need and require reasonable levels of self-help.

NACo also supports veterans' and their dependents' utilization of GI Bill education benefits and policies to assist them in accessing courses to obtain a degree. Additionally, NACo supports continued funding for veterans' vocational rehabilitation and apprenticeship opportunities.

**D. Science, Technology, Engineering and Mathematics (STEM) Education:** STEM-related jobs are expected to grow by 17 percent over the next decade, with 60 percent of those jobs requiring college degrees or higher, yet the U.S. is not attracting enough students into those fields. NACo strongly supports efforts to improve STEM

education, including health sciences, at all levels of the educational continuum. These efforts should include attracting more STEM teachers to rural elementary and secondary schools and encouraging groups that are underrepresented in the field to pursue STEM education, particularly women, African Americans and Latinos.

## **HUMAN SERVICES AND EDUCATION RESOLUTIONS**

### **Resolution on Early Childhood Development**

**Issue:** Increased funding for early childhood development

**Adopted Policy:** The National Association of Counties (NACo) supports legislation to increase investments in high quality early childhood development, including greater coordination among pre-school programs in schools and county run programs such as home visitation, child wellness, Head Start, Early Head Start and high quality childcare. Additionally, NACo supports legislation to fully fund early intervention entitlements through the Office of Special Education programs.

**Adopted | July 16, 2018**

### **Resolution Supporting Two-Generation Efforts to Reduce Poverty**

**Issue:** Poverty is a national problem and requires a national solution. In order to combat the harmful impacts of intergenerational poverty, federal, state and local partners should promote new methods of addressing these issues.

**Adopted Policy:** The National Association of Counties (NACo) encourages the federal government to pursue policies that support and enable state and local jurisdictions to coordinate a two-generation approach to combat poverty. Federal efforts to reform public assistance must recognize that poverty is influenced by national economic factors that are not within the control of local or state governments, and that local and state governments are best positioned to help their citizens when federal programs are flexible and support all generations within a family.

**Adopted | July 16, 2018**

### **Resolution to Enact the DREAM Act or Similar Legislation**

**Issue:** The National Association of Counties (NACo) should support the Development, Relief, and Education for Alien Minors (DREAM) Act or similar legislation.

**Adopted Policy:** The National Association of Counties (NACo) calls upon Congress and the president to enact the DREAM Act or similar legislation that, without imposing costs on counties, would allow certain undocumented immigrants who entered the country as children to attain legal status if they pass background checks, demonstrate good moral character and meet education requirements.

**Adopted | July 16, 2018**

## **Resolution to Fully Fund and Update the Temporary Assistance for Needy Families (TANF) Program**

**Issue:** The Temporary Assistance for Needy Families (TANF) program expires at the end of the fiscal year. The House Ways and Means Committee has adopted a partisan, five-year reauthorization entitled the Jobs and Opportunity with Benefits and Services (JOBS) for Success Act (H.R. 5861).

**Adopted Policy:** The National Association of Counties (NACo) supports a reauthorization of the Temporary Assistance for Needy Families (TANF) program to provide greater state and county flexibility to create and provide services that support families and help move them off welfare, including allowing more flexibility in TANF program design such as allowing higher education to count as work; realistic time limits on education; and allowing states to use TANF funds to support post-secondary educational expenses. NACo supports congressional efforts to measure client outcomes instead of administrative processes, but is concerned that Workforce Innovations and Opportunity Act (WIOA) metrics may not be the best benchmarks to determine programmatic success. NACo urges Congress to, at a minimum, retain and enhance state flexibility to use TANF funds for subsidized employment. Given the demonstrated success of TANF subsidized employment programs, NACo urges Congress to increase funding for those programs but not at the expense of existing funding for the TANF block grant or contingency fund. Given that Congress has not increased the \$16.5 billion TANF program since its enactment in 1996, NACo urges Congress to ensure that reauthorization includes a provision increasing TANF funds annually at an amount commensurate with the rate of inflation. NACo supports continuing the ability of states to transfer up to ten percent of their TANF block grant to the Social Services Block Grant in order to address locally-identified needs, such as responding to the opioid crisis. NACo further supports continued ability of states to directly utilize TANF block grant funds for child care expenses for families. Additionally, NACo urges transparency regarding the use of TANF block grant and state “maintenance of effort” (MOE) funds.

**Adopted | July 16, 2018**

## **Resolution to Oppose the Proposed Changes to the Supplemental Nutrition Assistance Program (SNAP) in the House Farm Bill**

**Issue:** The House Agriculture and Nutrition Act of 2018 (H.R. 2) would make sweeping changes to the Supplemental Nutrition Assistance Program (SNAP) by increasing work requirements and penalties for non-compliance, as well as restricting state and county administrative flexibility in determining benefit eligibility. SNAP is a critical, often short-term support for families and has proven to be one of the most effective countercyclical federal programs because benefits reach families quickly during economic downturns as well as natural disasters.

**Adopted Policy:** The National Association of Counties (NACo) opposes provisions in the Agriculture and Nutrition Act (H.R. 2) that would terminate Supplemental Nutrition Assistance Program (SNAP) benefits for families currently eligible for the program and increase county administrative complexity in operating SNAP.

**Adopted | July 16, 2018**

## **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 new law provides new federal entitlement funding for optional foster care prevention services meeting stringent best practice benchmarks and will create 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 September 30, 2019.

**Adopted Policy:** The National Association of Counties (NACo) urges the Trump Administration 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 the administration 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. 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.

**Adopted | July 16, 2018**

## **Resolution to Address Sexual Abuse in Families**

**Issue:** Resources and education to prevent sexual abuse in families

**Adopted Policy:** The National Association of Counties (NACo) urges the U.S. Department of Health and Human Services' (HHS) Office of the Administration for Children and Families' (ACF) Children's Bureau to focus prevention money through, but not limited to, the Family First Prevention Services Act (FFPSA) for victims of sexual abuse, including commercially sexually exploited children, with evidence-based trauma informed care. NACo further supports programs, research and monitoring systems that prevent child abuse and neglect in families while ensuring that children who are victims receive treatment and care.

**Adopted | July 16, 2018**

## **Resolution in Support of Strengthening Military and Veteran Caregiver Programs**

**Issue:** Support for strengthening military and veteran caregiver programs

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to pass legislation that would strengthen services, including caregiver, financial planning and legal services, under the U.S. Department of Veterans Affairs' (VA) military and caregiver programs. Additionally, NACo supports the enhancement of special compensation for members of the Armed Forces or veterans who require assistance in everyday life.

**Adopted | July 16, 2018**

## INTERIM POLICY RESOLUTIONS

### **Resolution to Minimize the Negative Impact of Immigration Enforcement on Families and Children**

**Issue:** The need to carry out enforcement of immigration law in a manner that does not increase reliance on local social safety-net services or increase administrative costs for counties.

**Adopted Policy:** The National Association of Counties (NACo) urges the federal government to carry out its enforcement of immigration law in a manner that minimizes negative impacts on families and children and does not increase reliance on local social safety-net services or create new demands and administrative costs for counties.

**Adopted | March 4, 2019**

### **Resolution to Oppose the Proposed Rule Further Restricting the Ability of States to Request Waivers to Modify Supplemental Nutrition Assistance Program (SNAP) Work Requirements for Single Individuals**

**Issue:** The U.S. Department of Agriculture (USDA) has issued a notice of proposed rulemaking (NPRM) that would change the criteria and calculations of state waivers for the Supplemental Nutrition Assistance Program (SNAP) program.

**Adopted Policy:** The National Association of County (NACo) urges USDA to modify substantially the proposed rule on SNAP waivers. NACo supports the continued ability of states to request statewide waivers, as well as the current flexibility states have when grouping counties subject to a waiver. NACo supports greater flexibility to allow able-bodied adults without dependents (ABAWDs) to receive SNAP benefits as they find jobs, including increasing federal support and administrative flexibility in administering SNAP Employment and Training (E&T) programs. Finally, NACo supports a change in the waiver process to allow counties to apply for an ABAWD waiver if a state does not apply for a state-wide or partial waiver.

**Adopted | March 4, 2019**

### **Resolution to Maintain Current Levels of Legal Migration**

**Issue:** The health of our economy and communities and our economic growth as counties depends on a robust legal immigration system.

**Adopted Policy:** The National Association of Counties (NACo) supports legislative or regulatory proposals that at least maintain current statutory legal immigration levels and opposes any efforts that would significantly reduce legal immigration to the United States.

**Adopted | March 4, 2018**

# JUSTICE AND PUBLIC SAFETY

## STATEMENT OF BASIC PHILOSOPHY

Only through county partnership with other levels of government can a comprehensive approach to crime and public safety issues be undertaken within the American system of federalism. Counties must increasingly look to the federal government for substantial financial assistance; to the states for coordination of state and local crime and public safety programs as well as appropriate statutory authorizations and a measure of financial assistance; and to their sister municipal governments and regional agencies for cooperative and coordinated local approaches to these problems. There is an evident need for comprehensive planning in order to bring about a more rational approach to problem-solving in all areas of the public safety enterprise. Counties must exercise a strong leadership role in this regard.

## CRIMINAL JUSTICE SYSTEM

County governments are geographically best suited to coordinate local criminal justice activities, since all major criminal justice agencies are usually included within county boundaries and since county governments allocate local tax dollars to these agencies. However, the triple threat of increasing costs, rising standards imposed by courts and state legislatures, and the inherent autonomy of criminal justice agencies places on county officials unique planning and coordination requirements.

NACo supports the following policies and principles in criminal justice administration:

- A. Criminal Justice Planning and Coordination:** NACo encourages the use of state and federal funds to establish a planning capacity that can develop programs and priorities for county-financed operations as well as for federally-funded projects. NACo supports majority representation by officials from general purpose units of local government on federal policy boards.
- B. Law Enforcement and Crime Prevention:** The control of crime and the improvement of criminal justice are basically local concerns, and, as such, all efforts to alleviate and prevent crime must begin at the local level. Counties are encouraged to have written policy that specifies the objectives and priorities that will guide the agency's delivery of police services.
  - 1. **Diversion:** NACo supports diverting from the criminal and juvenile justice system – including through pretrial release – those individuals or cases for whom the criminal and juvenile justice system would not be appropriate, or in such instances where other resources would be more effective.
  - 2. **Citation Release:** NACo supports the use of citation release; this form of release should be utilized in misdemeanor cases where allowable by law.
  - 3. **Quality of Personnel:** The Department of Justice (DOJ) should provide assistance programs to train and educate local law enforcement personnel.
  - 4. **Assault Penalties:** Adequate penalties for assault upon law enforcement officers in the performance of their duties should be provided.
  - 5. **Forfeiture:** The assistance of state and local criminal justice agencies is essential to federal efforts to control crime. Therefore, proceeds from property subject to criminal forfeiture as a result of joint federal and local law enforcement activities should revert to state and local governments. DOJ should be required by statute to establish equitable procedures for distributing to state and local governments any proceeds generated from forfeited property

6. **Racial Profiling:** NACo strongly opposes racial profiling and supports federal incentive funding for counties to promote best practices to prevent its occurrence.
- C. Courts:** A number of important reforms are necessary to enable state and local courts to operate with effectiveness. Substantial changes in the processing of criminal and civil cases and increased utilization of qualified judges and county court clerks are essential to more effective and efficient administration of justice. To improve federal, state and local courts, NACo supports the following:
1. **Access to Justice:** NACo supports adequate multi-government funding and training to guarantee the continuation of defense counsel for the indigent, which is an essential component of our criminal justice system. Counties, states and the federal government should support adequate funding for civil legal aid and other legal assistance to provide critically needed services to low-income and vulnerable Americans.
  2. **Problem-Solving Courts:** NACo enthusiastically supports the concept of problem-solving courts, such as drug courts and mental health courts.
- D. Corrections:** NACo supports the following principles and policies regarding correctional facilities at the local, state and federal level:
1. **State-County Partnership Programs for Community Corrections:** NACo supports state-county partnership programs that foster local comprehensive planning and provide a range of community alternatives to incarceration for less-serious felony and misdemeanor populations. State governments should assist counties in this process by providing a stable source of financial and technical assistance.
  2. **Confinement of Mentally and Developmentally Disabled Individuals:** The federal government should reduce its budgetary emphasis on reimbursement for institutionalized care and provide increased resources for community-based programs. NACo supports the goal that the mentally and developmentally disabled should not be incarcerated in local jails, and that programs to provide alternative institutional or community-based residential facilities and services should be developed.
  3. **Institutional Services:** Correctional institutions in any jurisdiction – whether federal, state, or county – should provide humane living conditions and rehabilitation programs, and should provide services for their offenders’ well-being, i.e., medical care, recreation, counseling, etc.
  4. **Establishment of Standards:** States and counties should jointly plan and develop state standards for adult and juvenile detention services, personnel, and facilities. Technical assistance and financial incentives should be provided by the state and federal government to assist counties in meeting these standards.
  5. **Prison Rape:** NACo supports federal research and financial assistance to protect individuals from prison rape.
  6. **Private Industry in County Correctional Programming:** Congress should, with the support of organized labor, remove restrictions prohibiting inmate-made goods from being sold in interstate commerce.
  7. **Federal Corrections Assistance:** The federal government should provide financial and technical assistance to counties to develop local strategies to reduce jail populations and to develop humane correctional facilities and services. Existing federal programs designed to provide health and mental health services, social services, educational and vocational training, and employment services should be made available to local correctional and detention facilities.

8. **Police Lockup:** NACo supports the consolidation or transfer of the police lockup function to county correctional agencies as part of a comprehensive strategy for system-wide correctional reform at the local level.
9. **Use of Federal Facilities for Correctional and Other Alternative Purposes:** NACo favors the use of federal facilities for jail purposes on the condition that the county in question has taken all reasonable measures to develop alternative programs prior to seeking the use of such facilities. NACo supports special intensive technical assistance programs to assist counties in utilizing federal facilities for correctional purposes, and also supports the full utilization of federal facilities to reflect the priorities established by Congress and the Executive Branch and local governments in addressing areas of national concern, such as homelessness, drug abuse, education and corrections.
10. **Loss of Federal Entitlement Benefits for Pretrial Defendants:** NACo supports changes in current federal policy that would allow a person receiving federal benefits who has been charged with a crime, but not convicted, to continue to be eligible for entitlements – including, but not limited to Medicare, Medicaid, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Veterans Administration health care and disability insurance, and Children’s Health Insurance Program (CHIP) benefits – until such time as they may be convicted and sentenced to an institution.
11. **Bail Practices and Release Options:** To ease the financial burden of bail on poor defendants, all states should enact defendant-based percentage bail laws. NACo also recommends that states and localities make greater use of such non-financial pretrial release options, such as citation release and release on recognizance, where there is a reasonable expectation that public safety will not be threatened.
12. **Federal Incentives to Promote Comprehensive State-County Partnership Programs in Corrections:** Despite the fact that county correctional expenditures account for about one-third of total state and local outlays, Congress has eliminated language, under Title II of the 1994 Crime Act, that made it mandatory for states to consult and share Title II funds with counties for certain purposes in accordance with a “comprehensive” state plan certified by the Attorney General of the United States. Consequently, NACo calls on Congress to require a mandatory pass through of Title II funds to counties, to be used in support of state-county partnership programs, including the implementation of statewide sentencing guidelines, community corrections acts, and other local programs or detention facilities set forth in a statewide plan.
13. **Veterans in Jail:** On any given day, veterans account for nine out of every 100 individuals in U.S. jails and prisons. However, veterans or active duty service members are often treated by the corrections system as any other civilian offender would be treated, despite nearly half of post-9/11 service members utilizing VA health services for a myriad of combat related issues, including: Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), depression, and anxiety. Intake assessment forms and the corrections system should work to better identify veterans and any additional services they may need.
14. **Incarceration of Undocumented Immigrants:** NACo supports full federal reimbursement of state and local costs of incarcerating undocumented immigrants through the State Criminal Alien Assistance Program (SCAAP). Although it is the federal government’s responsibility to protect and secure our nation’s borders, counties incur millions of dollars in un-reimbursed expenses each year as a result of housing undocumented individuals who violate state or local laws.
15. **Training and Safety of Correctional Employees:** NACo calls on Congress to prioritize funding that can be accessed by counties to provide training and services for employees of local correctional institutions. As Congress considers various criminal justice reform measures, the needs and safety of correctional employees should not be overlooked.



**16. Federal Support for Reducing Mental Illness in Jails:** NACo strongly supports the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), which assists local efforts that aim to improve access to mental health treatment for individuals who come into contact with the criminal justice system. NACo further supports full funding for this program in the annual appropriations process.

**E. Community Crime Prevention:** NACo supports the community policing model, which incorporates members of the community in crime prevention and deterrence. Beyond helping public agencies become more effective, citizens have two additional roles in this model: reducing the opportunities for crime against potential victims through public education and target hardening, and alleviating social and economic problems associated with crime. Federal and state agencies should aid counties in assisting citizen groups with crime prevention activities.

States and counties should place increased emphasis on correctional programs within local communities. Counties should locally determine and assess their needs in developing flexible treatment programs according to the available resources within their communities. NACo supports state-county partnership programs that foster local comprehensive planning and provide a range of community alternatives to incarceration for less serious felony and misdemeanor populations. The federal government should provide incentive funds to assist states and counties in developing or enhancing Community Corrections Acts.

**F. Sentencing Guidelines:** In order to reduce sentencing disparity, eliminate unnecessary confinement, establish more rational and appropriate sentencing policies, and, in general, better manage limited correctional resources – including jails and prisons – NACo encourages the development and enactment of rational and uniform statewide sentencing guidelines that are tied to comprehensive community corrections legislation and legislatively predetermined jail and prison population maximums at both the state and local level. Such sentencing recommendations should set fixed presumptive terms for felony and serious misdemeanor populations, indicating who should go to jail or prison, and who should be placed in alternative community programs and for how long.

The guidelines should be based on an appropriate combination of offense and offender characteristics and allow judges to depart from the sentencing guidelines only in exceptional cases, when they can provide written reasons explaining why the sentence chosen is more appropriate or more equitable than that provided in the guidelines. A very thorough and rigorous monitoring system should be established.

**G. Restorative Justice:** NACo supports the immediate, incremental, and eventual systemic shift toward a restorative community justice philosophy that:

- Encourages the utilization of conflict Resolution skills to affected citizens and creates conflict Resolution mechanisms in its institutions;
- Directly links the offender to the harm caused, holding said offender accountable to right the wrong through restitution, community service, and other appropriate means;
- Provides options, choices, and opportunities for involvement for victims, allowing them to get questions answered and confront the offender in a mediated setting, if they so choose; and
- Offers options for community involvement in the sanction setting and supervision process.

**H. Control of Firearms:** NACo supports the enactment of appropriate federal, state, and local legislation that would strengthen criminal sanctions relating to the illegal possession or sale of firearms. NACo further supports legislation providing for mandatory prison sentences for the use of dangerous weapons in the commission of a felony.

NACo also supports the provisions of the 1968 Gun Control Act and the Omnibus Crime Control and Safe Streets Act that are directed at preventing possession of handguns by proscribed groups of people. These provisions stipulate that the following individuals are ineligible to receive firearms: fugitives from justice; persons under federal or state felony indictment; persons convicted of a federal or state felony; persons ineligible by state or local law to possess a firearm; minors (under eighteen for rifles and shotguns, and under twenty-one for handguns); adjudicated mental defectives or persons committed to a mental institution; unlawful users of or addicts to any depressant, stimulants, or narcotic drug; felons; persons dishonorably discharged from the U.S. Armed Forces; mental incompetents; former U.S. citizens; and illegal aliens.

In order for the intent of these laws to be fulfilled, an effective method is needed to verify a purchaser's eligibility. NACo supports the requirement of a reasonable waiting period for the purchase of a handgun to allow for a records check, where possible, to ensure that the purchaser is not ineligible under existing federal law to possess a handgun.

- A. Reducing the Supply of Illegal Guns to Criminals and Juveniles:** NACo encourages counties to adopt as a countywide strategy the tracing of all firearms that have been seized or confiscated in order to identify the illegal sources of firearms that supply criminals and juveniles in our nation's counties, and also endorses state and federal legislation and state and federal funding to facilitate statewide tracing measures.
- B. National Child Safety Lock Up:** NACo endorses federal legislation that limits children's access to loaded and unlocked firearms.
- C. Safe Ownership of Firearms:** NACo recommends that counties actively promote firearm safety programs of proven effectiveness as part of a comprehensive strategy to deal with the use of firearms.
- I. Federal Support for Forensic Sciences:** NACo supports and strongly encourages the implementation and full funding of federal legislation that would provide grants to existing local and state forensic laboratories to improve productivity, quality measures, and overall operation, and to achieve professional certification based on generally accepted forensic science performance standards, common definitions and protocols. NACo also supports and encourages the implementation and funding for federal legislation to improve the quality and timeliness of forensic science and medical examiner sciences.
- J. Organized Crime:** NACo recognizes that success in combating organized crime will require a greater commitment of resources and imagination at all levels of government. Coordination at the local level, along with the necessary legal tools for gathering evidence and the power to grant witness immunity are essential. Investigations must be carried out with a broader focus than merely the prosecution of individual cases.
  - 1. **Investigation:** Special grand juries should be impaneled by the appropriate U.S. District Court for the sole purpose of investigating organized crime within its jurisdiction.
  - 2. **Witness Immunity:** Federal and state statutes that grant general witness immunity should be enacted.
  - 3. **Organized Units:** State or regional organized crime intelligence units should be established and their activities coordinated.
- K. Victim/Witness Assistance:** NACo urges federal and state governments to develop programs of assistance that will help counties create a cooperative network between social service providers and criminal justice agencies to meet the needs of victims/witnesses of crime.

- L. Victims of Domestic Violence:** NACo supports federal legislation that encourages a comprehensive approach to domestic and intimate partner violence that incorporates offender accountability and programs for victims' services. County governments are urged to develop a broad-based system of response to domestic violence including financial support for shelters, crisis lines, and other programs offering advocacy, support and counseling, public education and prevention activities, safety for victims of crime and emergency medical services. County officials are also urged to examine the response of various criminal justice agencies to cases of domestic violence. Law enforcement and prosecutorial policies and practices should ensure the protection of the victim and reflect the serious criminal nature of acts of domestic violence. County governments are encouraged to incorporate non-gender specific language regarding both the victim and the perpetrator to recognize that domestic and intimate partner violence knows no bounds of sexual orientation, gender identity, or gender expression.
- M. County Coordination of Private Agency Programs:** Federal and state financial assistance for such programs as drug abuse and juvenile delinquency prevention to private agencies should be channeled through county governments in order to avoid duplication and to achieve better coordination of local governmental and private programs.
- N. Human Trafficking:** NACo supports legislation and programs designed to prevent trafficking, protect victims, prosecute traffickers, and create partnerships across all levels of government, the private sector, and international agencies in order to enhance the collection, use and sharing of data. NACo supports victim centered and trauma informed programs designed to meet the needs of the victim including safe housing, mental health assistance and access to education. NACo also supports programs that eradicate the root causes of vulnerability among trafficking victims - poverty and discrimination. Furthermore, NACo supports programs that strengthen our legal network and those that provide training opportunities for local government employees and their agents on recognizing the signs of trafficking including government inspectors, law enforcement, criminal justice, health care, transportation and public transit, educational partners, and employees working with vulnerable populations.
- O. Tax Offenses and Identity Theft:** NACo supports all legislation in Congress that would reduce tax crimes and identity theft and would halt the victimization of millions of U.S. taxpayers through losses due to several billion dollars in fraudulent claims. Such legislation would encourage the U.S. Department of Justice (DOJ) to dedicate additional resources, including the use of investigative task forces, to address tax return identity theft. The legislation would ask DOJ to focus resources in areas with a high rate of tax return identity theft, coordinate investigations with state and local law enforcement agencies, and protect vulnerable victims, including veterans, seniors and minors. The legislation would increase penalties to help deter this type of crime and protect victims.

## **JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

NACo believes that an effective juvenile justice system is one that provides a continuum of services and interventions that combine accountability and sanctions with increasingly intensive treatment and rehabilitation. NACo supports the view that the traditional role of the juvenile and family court is to treat and rehabilitate the dependent or wayward minor, using an individualized approach and tailored response to the particular needs of the child and family, with the goals of responding to the needs of the troubled youth and their families; providing due process while recognizing the rights of the victim; rehabilitating the juvenile offender; and protecting both the juvenile and the public.

Federal justice grant funds for juvenile justice and delinquency prevention should go directly to counties, with the following requirement: leadership from all entities must work together in the preparation of a comprehensive plan that aims to prevent, reduce and control juvenile crime. Elements of such a plan shall include, but not be limited to strategies, programs, services and supports designed to:

- Prevent delinquency through provision of resiliency factors that offset risk factors;
- Intervene early and effectively when delinquent behavior is encountered, utilizing the least restrictive approach; and
- Protect the community, hold offenders accountable to individual victims and the community, and remedy the skill and competency deficits of offenders.

Since 1974, the Juvenile Justice and Delinquency Prevention Act (JJDP) has been a major catalyst in producing positive change in the juvenile justice system and in creating preventive and interventive approaches for at-risk youth. Societal change has heightened concern for communities' ability to address the rise in violent juvenile crime at increasingly younger ages. In light of this trend, NACo proposes that the Juvenile Justice and Delinquency Prevention Act promote the following essential principles:

- Collaborative planning and authority should occur at the local level;
- All federal funds coming to local communities should be distributed through the collaborative planning process at adequate and sustained levels of support;
- Core requirements of JJDP – deinstitutionalization of status offenders, jail removal, sight and sound separation and addressing disproportionate minority contact – should be preserved;
- Violent and repeat offenders must be identified in order to provide appropriate interventions; and
- Prevention, education and treatment strategies for juveniles involved with illegal substances should be encouraged.

Additionally, NACo supports the following principles and policies:

- Juvenile Court Jurisdiction:** The jurisdiction of the juvenile court should be limited to those acts which, if committed by an adult, would constitute a crime, in addition to dependent and neglect cases. NACo opposes trying and sentencing youth in adult criminal court, except in the case of a chronic and violent offender. The decision to transfer a juvenile to adult court should be made by a juvenile court judge or jury. NACo supports the reform of state laws that inappropriately send far too many youth under the age of 18, including first-time and non-violent offenders, into the adult criminal justice system.
- County Strategy for Front End Investment to Prevent Crime:** NACo calls for a National Front End Youth Investment Policy. We urge Congress and the Administration to work with state and local governments to design and fund effective prevention and early intervention strategies that provide a full continuum of services for families and children, with a special focus on early childhood development.
- Unaddressed Mental Health Needs:** NACo believes that children suffering from mental illnesses require effective assessment, diagnosis, and treatment. NACo advocates for non-institutional, community and family-based treatment for these children. NACo also supports continued eligibility for federally funded health benefits for juveniles arrested and held in pre-trial detention.
- Exploited and Missing Children:** NACo supports public-private partnerships to build a coordinated, national response to the problem of missing and exploited children. NACo also supports sex offender laws requiring convicted sex offenders to register their addresses with law enforcement. Recognizing the ambiguity in sex offender registration and community notification laws and increased mobility between jurisdictions, NACo further supports county and statewide efforts for increased funding of sophisticated measures of tracking sex offenders, such as satellite tracking. Counties are encouraged adopt a nationally uniform system to prioritize sex offenders according to dangerousness as well as a nationally uniform reporting system. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) should develop crime prevention materials specifically directed at child abduction, abuse and sexual exploitation.

- E. **Gang Violence:** NACo supports federal efforts that strengthen local governments in implementing a comprehensive approach to the prevention and control of gang violence.
- F. **Detention Pending Court Disposition:** Detention pending court disposition shall be based on clearly enunciated standards and reduced to a minimum.
- G. **National Children’s Memorial Day:** NACo urges Congress to support the goals and ideas of National Children’s Memorial Day as a way of remembering children who die by violence and committing to end preventable deaths of children.
- H. **Children with Disabilities:** NACo supports federal legislation and support that assists counties in guaranteeing a free appropriate public education to each child with a disability.

**SUBSTANCE ABUSE**

A comprehensive local approach is required to combat the problems of alcoholism and, to an even greater extent, that of drug abuse. Programs emphasizing rehabilitation together with punitive measures for certain violators of criminal codes are needed.

- A. **Alcohol Treatment:** Alcohol and drug-dependent persons are recognized as handicapped under Section 504 of the Rehabilitation Act of 1973, as amended, which states that no such person should be denied admission to, or treatment by, any program or service, such as emergency medical treatment, when under the influence of alcohol or drugs. NACo supports federal legislation and programs that assist counties in finding treatment for alcoholism within the criminal justice system.
- B. **Alcohol Abuse Prevention:** Increased federal funding should be provided for adequate alcohol prevention and rehabilitation programs on the state and county level.
- C. **Narcotics and Drug Abuse:** NACo supports federal legislation that addresses the growing problem of narcotics and drug abuse, which requires the strengthening of all approaches – prevention and education, treatment and rehabilitation and law enforcement and public safety.
- D. **Substance Abuse Treatment in Jails:** Drug and alcohol abuse and addiction are factors in the crimes and incarceration of 80 percent of the inmates in local jails, yet most of these inmates do not receive adequate substance abuse treatment and related services. NACo supports the treatment of individuals struggling with substance abuse in jails and calls on the federal government to provide funds to counties in both urban and rural areas to develop assessment and treatment programs these individuals, including education and literacy programs, vocational training, HIV prevention and medical and mental health services. The federal government should also provide funds to encourage counties to develop and implement treatment-based alternatives to local incarceration for nonviolent offenders whose core problem is substance abuse and addiction, and to encourage counties to develop training programs for judges, prosecutors, probation officers, corrections officers, and other county criminal justice personnel to educate them about substance abuse, addiction and treatment.
- E. **Federal Responsibility for Drug Control:** NACo believes narcotics and dangerous drug traffic transcend state lines and international borders; therefore, the federal government should largely be responsible for regulating and enforcing against illegal drug trafficking, while respecting states’ right to decriminalize cannabis under state law. The federal government should work closely with state and local governments to enforce against cannabis drug activity that violates states’ laws and regulations.

- F. **Control of Drug Manufacturers:** The federal government should exercise its legal power to strengthen and enforce regulations and controls over manufacturers and distributors of dangerous drugs and narcotics, while respecting states' right to decriminalize cannabis under state law.
- G. **Unique Needs of Veterans Suffering from PTSD or Traumatic Brain Injuries:** Veterans involved in the criminal justice system may have a mental health condition or have suffered a traumatic brain injury that is connected to or exacerbated by alcohol or drug abuse. Counties should work more closely with the VA to identify veterans who need specialized care.
- H. **Addressing the opioid crisis:** NACo recognizes that the opioid crisis represents a widespread and deadly threat to local communities across the country and supports legislation, like the Comprehensive Addiction and Recovery Act (CARA), that aims to stem the tide of this crisis by providing federal support for local efforts to curb prescription painkiller and heroin abuse. Programs authorized by CARA should be fully funded through the annual appropriations process to provide local communities the resources they need to fight the opioid crisis.
- I. **Cannabis Policy:** NACo urges Congress to enact legislation that promotes the principles of federalism and local control of cannabis businesses with regard to medical and adult-use of cannabis under state law. Congress should allow and encourage state and local governments to enact and implement cannabis laws, regulations, and policies that appropriately control production, processing, sales, distribution and use, as well as promote public and consumer safety, should they choose to decriminalize and regulate cannabis under state law. Limitations should be included to reduce the harms caused by cannabis decriminalization under state law, including operating motor vehicles, under-age use, substance abuse and detrimental health impacts. NACo also encourages Congress to immediately enact legislation that would ensure greater access to banking for legally-sanctioned commercial cannabis activities, as well as allow for proper medical research on the effects of cannabis use.

## COMPREHENSIVE EMERGENCY MANAGEMENT

The goal of comprehensive emergency management is to develop and coordinate the resources available to meet potential emergencies that might result from all hazards, including, but not limited to natural disasters and acts of terrorism. NACo believes that the resilience of the nation depends on the resilience of counties and our sister municipalities, and the ability of these local government resources to assist in collaboration and coordination with states and the federal government in support of the National Preparedness Goal.

- A. **Building a Sustainable Future:** NACo supports federal policies that recognize that to ensure the safety of people and the livability of communities, significant federal resources for disaster planning, mitigation and recovery should be provided directly to both state and local governments. These resources should provide for coordinated planning and education and should encourage the use of innovative approaches that result in positive changes and adhere to the following principles:
  - **Sustainability:** Disaster preparedness, response, mitigation, and recovery resources should be invested to improve public health and safety, environmental stewardship, and social and economic security.
  - **Planning and Incentives:** Plans designed to reduce the impact of disasters and to encourage recovery should provide incentives to individuals, the private sector, and government to pursue sustainable development and redevelopment and reduce the impact of repetitive disasters.
  - **Partnerships:** Individual citizens, the private sector, local, state, and the federal government should act as partners with shared goals and values to further the capacity of our communities to be self-sufficient.
- B. **Locally Driven Process:** Emergency management decisions should be driven by a consensus-based, inclusive process that stakeholders use and trust. The process should identify local priorities, leading to the

investment of pre- and post-disaster resources that will meet those needs, emphasizing both the need for local responsibility and self-sufficiency, as well as the role of counties in coping with disasters of statewide and national scope. State and local governments should be consulted in policy decisions and initiatives related to preparedness, response, recovery and mitigation early in the process, and rationale should be provided when state and local recommendations are not implemented. The process should support state and local advisory councils, task forces, and other relevant groups.

- C. Emergency Management Coordination:** Counties are encouraged to develop, in cooperation with local, state, and federal governments, comprehensive emergency management systems that include preparedness, response, mitigation, and recovery activities in order to minimize the destructive impact of all types of disasters. NACo supports the use and continued development of recognized voluntary national standards for public sector Emergency Management programs by local governments such as the Emergency Management Accreditation Program.

Federal and state governments should continue to provide leadership in the development of a coordinated emergency management system. Such a system must include a robust, sustained, and consistent process for soliciting local, state, tribal, territorial, and private sector engagement, including un-filtered input to key federal decision makers, on the full breadth of homeland security issues. This process must ensure that stakeholders are included in all aspects of national policy development as successful collaboration requires a partnership with state and local governments, the private sector and non-governmental organizations.

Federal and State governments should recognize the first-line responsibility of county government and the critical role that counties play in the overall national response to, and recovery from, disasters by providing direct financial and technical assistance to counties in the preparation and response to emergencies and expeditious, practical, and substantial aid to individuals, businesses, and public agencies following disasters. Emergency management functions should be firewalled and protected in legislation similar to the Secret Service and Coast Guard treatment in the Homeland Security Act of 2002. A firewall will prevent funding, personnel and resources from being used for other functions.

- D. Role of the Military:** The role of the military should continue to be in support of civilian authorities. Procedures should be refined for requesting assistance from the U.S. Department of Defense in those rare and catastrophic events when assets are needed that only the department can provide. Congress must protect the constitutional role of states with regard to control of their National Guard forces and clarify the circumstances as well as the command, control and coordination procedures under which federal active duty forces are to be employed in operations within the homeland. Congress is also encouraged to ensure that the National Guard remains under the command and control of the nation's Governors for all homeland security operations purposes.
- E. FEMA Regional Offices and Staffing:** During and after disasters, counties and states often require swift, accurate, and decisive assistance from FEMA. NACo supports the strengthening of FEMA Regional offices through adequate staffing and resources. FEMA must be fully staffed and have the capability to establish and maintain stockpiles and pre-position resources and equipment, as well as to establish trained cadres of personnel to provide surge capacity to state and local governments in large disasters. In order to maximize fiscal responsibility, minimize waste and error, and avoid later deobligation of funds to states and local governments, FEMA staff must be adequately trained and equipped to provide needed services.
- F. Intelligence and Information Sharing:** The U.S. Department of Homeland Security (DHS), DOJ, and other relevant federal agencies must preserve progress to date and continue to expand and implement efforts to ensure timely and effective sharing of information with counties. Information sharing that incorporates local governments should be consistent and constant.

**G. Integrated Emergency Management and Homeland Security:** The interdiction of, response to, and recovery from acts of terrorism are often the responsibility of local government. The impacts of all hazards are often similar no matter the cause. Therefore, preparedness functions must be linked both statutorily and operationally with response and recovery functions within federal emergency management. Relationships must be established and communications networks in place prior to events. DHS should establish a field presence that interacts with state and local partners on a day-to-day basis. FEMA must provide additional focus on its ability to effectively implement recovery programs for local governments, individuals, families, and businesses. Governors must remain the lead in disaster response within their states in support of and in consultations with local officials. Counties have, and must retain, local control and coordination of response to and recovery from disaster.

The assessment of capabilities and capacity for the preparedness, response, recovery, and mitigation of all hazards must begin with the local government. DHS should ensure that adequate resources are passed through to local government in support of these activities.

**H. National Preparedness Goal, Frameworks, and Incident Command System:** County governments support the Incident Command System (ICS) model for emergency management

DHS unveiled the National Response Framework (NRF) in late 2007. The NRF presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies. In 2011, DHS formalized the coordination of all emergency management and homeland security efforts through the National Preparedness Goal. In support of the Goal, over the years, DHS has issued additional National Frameworks for Planning, Prevention, Recovery, and Mitigation. A working group of experienced professionals that includes federal, state and local stakeholders should periodically review the Frameworks and make adjustments based on lessons learned from previous responses to disasters.

NACo supports accelerating the FEMA's NIMS Integration Center's establishment of qualifications and credentialing for people who serve in public safety disciplines.

**I. Stafford Act:** The Stafford Act does not require wholesale change or major refinement. Congress should exercise great care in making changes to the Act and consult closely with state and local stakeholders prior to making major changes

**J. Recovering Emergency Management Costs for Private and Common Carrier Transportation Accidents:** County personnel routinely respond to airline, railway, and other private and common carrier transportation accidents. Fire, police, road crews, medical and mental health personnel, medical examiner/coroner, environmental, emergency medical service personnel, emergency management personnel, and a host of private businesses frequently join together in massive recovery and cleanup operations.

NACo maintains that the ultimate financial responsibility for recovery and cleanup should be placed on the transportation carrier and/or its insurance provider, not that of local, state or federal government. NACo supports federal legislation that would provide financial relief from transportation carriers for all costs incurred by local government during and after a private and common carrier transportation accident.

**K. Fire and Wildfire Prevention and Control:** The fact that U.S. casualties and losses per fire are below average compared to other countries is a tribute to the capability of our local fire suppression services. However, the incidence of fires and the high cost of suppression indicate a need for more fire response, prevention, fire protection planning and public education to respond to and prevent fires from occurring and to mitigate secondary impacts from fires that do occur.



NACo supports federal efforts to increase the hiring of local firefighters through programs like DHS' Assistance to Firefighters Grant Program, and urges the federal government to fully fund this grant program.

NACo also supports federal funding of fire response and prevention activities, with continued assistance to state and local governments for combating the nation's fire problem.

Additionally, federal fire protection programs such as the Rural Communities Fire Protection Program in the U.S. Department of Agriculture should be expanded to assist rural areas.

Research and development and technology transfer can improve public fire protection and should be supported by appropriate federal agencies. County officials should have input into the development of federally supported technology research and development priorities, and they should participate in the dissemination of fire protection and control information.

- L. Arson:** Federal agencies should coordinate and give high priority to identifying and analyzing factors that contribute to arson and identify, encourage, and fund programs that will help counties reduce arson. Training in arson prevention, investigation, and prosecution should be provided, and national arson criminal files should be established for use by state and local investigators, fire marshals, prosecutors, and law enforcement officials. County governments should adopt policies that encourage local public and private organizations to cooperate in the investigation, prosecution, and prevention of arson.
- M. Civil Disturbances/Acts of Terrorism:** The federal government and the states should provide financial assistance to counties to pay the costs resulting from civil disturbances/acts of terrorism. Regional agreements and working relationships between counties to promote efficiency and economy through existing regional structures in each state, like the Emergency Management Assistance Compact (EMAC), should be encouraged. Congress should adopt an annual \$4 million appropriation for EMAC.
- N. Emergency Management/Homeland Security Funding:** Recognizing that local governments, despite their diversity, perform comparable emergency functions; and that local jurisdictions may face multiple risks including but not limited to natural disasters and acts of terrorism, NACo favors rapid federal response and reimbursement at rates authorized in the original language of the Stafford Act; and encourages DHS to apply all regulations and policies on a consistent basis in all presidentially declared emergencies and disasters throughout the country. NACo encourages DHS to apply all regulations and/or policy changes on a prospective basis based on the declaration date of the emergency or disaster; and supports DHS' leadership in reducing excessive paperwork and overly restrictive and bureaucratic regulations.

NACo supports federal legislation or requirements that would improve homeland security grant programs by streamlining application and planning requirements, promote flexibility, and provide first responders and county governments with additional resources in an expedited fashion. Priority funding decisions should be based on a regional and/or a multi-jurisdictional planning and collaborative effort between state and all levels of local governments. Risk-based funding should take into account the unique capabilities and threats to large urban counties. At the same time, programs to support the application of capabilities in less densely populated counties should not be neglected.

State governments, in coordination with county, municipal, and tribal governments, should establish equipment acquisition services and/or purchase critical homeland security-related equipment in bulk and distribute same to county, municipal, and tribal communities in a manner consistent with the State and Urban Area Homeland Security Strategies.

DHS, in coordination with state, county, municipal and tribal governments should establish national standards for the management of grant funding and develop an automated grant tracking system that would allow for the real time tracking of the distribution and use of homeland security-related funds.

Recognizing that state, county, municipal, and tribal governments of all sizes and resource levels are eligible to receive funding, DHS in coordination with representatives of state, county, municipal, and tribal governments should develop minimum staffing recommendations for grant and program management personnel – this may require increasing the DHS’ Office of Grants and Training three percent allocation cap on management and administrative expenses.

DHS should continue to expand and enhance the level of training and technical assistance provided to state, county, municipal, and tribal officials involved in the management of homeland security-related grants.

Congress should expand the approval of State Homeland Security Grant Program (SHSGP) funds so as to allow state, county, municipal, and tribal entities to better address short-term issues attributed to terrorist threats and other significant hazards. For instance, counties should be able to use funds provided through SHSGP to offset incremental operational cost including overtime and other personnel costs incurred as a result of threat specific security operations of pre-defined duration.

DHS should work closely with all levels of government to establish a comprehensive risk assessment methodology to support the identification of high-risk, high consequence critical infrastructure and major events.

The federal government must provide adequate funds for local governments to meet federal port security mandates, without impacting traditional funding sources for capacity and other critical projects, including eligibility to use homeland security funds for operational costs.

NACo urges Congress to provide maximum funding for federal programs that support all-hazards emergency management preparedness in support of capacity building at the local level, including the Emergency Management Performance Grant Program (EMPG). NACo urges Congress to maintain EMPG as a separate account in the DHS budget, and to maintain the current 50-50 match structure of the EMPG formula for all-hazards preparedness. The EMPG formula should not be linked to any other homeland security grant reform package, and all permitted use policies and the flexibility of the program must be retained. Voluntary performance metrics-based systems (such as the Emergency Management Accreditation Program) should be used to measure the capacity being built by EMPG, rather than homeland security-specific measurables.

NACo urges the Secretary of DHS to take aggressive action to ensure that states pass through a substantial percentage of EMPG funds to local governments and to ensure that maximum flexibility be maintained regarding eligibility, particularly with respect to use of funds for personnel.

Since many states are on bi-annual programming and budget cycles and all states require time to adjust to new or altered funding formulas, NACo urges that a transition period of two full fiscal years be implemented for states to accommodate to agreed changes. During this transition, NACo urges the Secretary of DHS to ensure that states maintain the percentage of EMPG passed through to local governments at no less than the previous level.

NACo encourages the Secretary of DHS to recommend to the President that the federal government reward states that take the initiative to pass such trust funds to improve their emergency management capabilities and infrastructure. Such measures could include adjusting the cost share ratio in disaster assistance for response and recovery when disasters strike. NACo urges the Secretary of DHS to not penalize states that establish an

emergency trust fund by counting the trust fund balance against the state in the recommendation to the President concerning a presidential declaration of emergency or disaster.

**O. National Disaster Insurance System:**

NACo calls on Congress to support sustained funding for the Flood Map Modernization Fund, FEMA's efforts to modernize flood plain mapping through digitalization, FEMA's efforts to promote community involvement and ownership in the mapping process, FEMA's efforts to enter into a relationship with "Cooperating Technical Communities" as a new partnered approach to flood plain mapping, and to direct FEMA to share digitized flood plain mapping data with counties for GIS purposes.

NACo supports federal incentives to states and local governments to prioritize and undertake pre- and post-disaster hazard mitigation to diminish future losses. NACo recognizes that state and local governments need to improve their emergency management planning, their pre-disaster planning and their first responder capabilities with the help of substantial federal assistance. As such, NACo strongly supports full funding for the federal Hazard Mitigation Grant Program.

NACo urges Congress and the federal administration to work with the states, local governments, the insurance industry, and other stakeholders to:

- Develop universal insurance and reinsurance programs that would make it possible for private insurers and re-insurers to make available affordable natural disaster insurance to cover damage and loss caused by natural and man-made disasters and emergencies;
- Increase funding for research aimed at improving mitigation measures which, if followed, would reduce damage and loss caused by natural and man-made disasters and emergencies;
- Provide incentives and education to encourage responsible pre- and post-disaster mitigation by states, local governments, and individuals;
- Provide incentives to encourage the public and private sectors to construct new structures according to established technical construction standards and consensus safety codes;
- Provide incentives to encourage the public and private sectors to construct and/or retrofit existing structures to reduce future losses from natural and man-made disasters and emergencies;
- Provide financial incentives to encourage state and local government and private property owners to locate new construction outside of high risk areas such as flood plains, coastal areas or on or near earthquake faults; and
- Authorize FEMA to develop pre-disaster mitigation programs; and to fund pre-disaster mitigation.

**P. National Domestic Preparedness Consortium:** NACo urges Congress to provide maximum funding for the National Domestic Preparedness Consortium (NDPC). The NDPC is a partnership of several nationally recognized organizations whose membership is based on the urgent need to address the counter-terrorism preparedness needs of the nation's emergency first responders within the context of all hazards, including chemical, biological, radiological, and explosive Weapons of Mass Destruction (WMD).

**Q. National Weather Service (NWS):** Any proposed degradation of NWS services represents a threat to the well-being of county governments, and presents immeasurable challenges to county emergency management, and public safety personnel and operations. Therefore, NACo urges Congress and the Administration to ensure that funds budgeted for NWS operations in support of local communities are protected from reallocation and that the operating hours of local NWS forecast offices, which warn and advise county emergency managers regarding severe weather threats, are maintained at current hours of operation.

**R. Critical Infrastructure:** DHS, Congress, and other relevant federal agencies must strengthen efforts to provide funding to state and local governments to protect and make more resilient our national critical infrastructure and subsequently our national economy. The federal government must also accelerate steps to

fully integrate the full range of federal efforts with the local, state, and private sectors and assure that the actual protection of critical infrastructure systems remains a primary responsibility of local and state governments with the private sector. The federal government must support these requirements with adequate federal resources and policy.

**S. Public Safety Telecommunications:** The objectives of public safety telecommunications are to ensure that:

- The general public has access to public safety emergency resources when needed;
- Public safety employees in high-risk activities have ready access to emergency communications systems in their own communities that are compatible with communications systems in surrounding communities;
- Public safety employees have access to data necessary for the proper discharge of their duties; and
- Sufficient data standards are developed for the emergency response community.

Counties should develop comprehensive telecommunications policies that incorporate these objectives for available media, such as radio and microwave frequencies, cable television, emergency telephone such as 911, and computerized systems. These policies should seek to coordinate telecommunications among localities at a county or other appropriate multi-jurisdictional level. States should assist counties in developing comprehensive telecommunications programs through enabling authorities and financial and technical assistance.

The federal government should provide technical and financial assistance to counties for comprehensive programs and provide adequate communications frequencies and channels for public safety at the local level.

**T. Emergency Medical Services:** One of the most basic and vital services local governments can provide to constituents is immediate, lifesaving care for victims of singular or widespread emergency medical incidents. Federal programs that help develop comprehensive emergency medical service (EMS) systems are administered by the U.S. Department of Health and Human Services, the U.S. Department of Transportation, and the U.S. Fire Administration.

These programs call for countywide or multi-county systems of emergency medical care that address the needs of specific geographical population groups. County governments generally provide the most efficient government format for the delivery of such comprehensive care systems. Counties should examine their current roles regarding federal, state, and local efforts to develop EMS systems and should utilize existing resources to plan for and implement comprehensive countywide and multi-county EMS systems.

NACo urges Congress to continue its support and appropriations for implementation and development of countywide and multi-county EMS systems, and for the integration of private ambulance services that provide public EMS into the coordinated system.

**U. Public Health:** The U.S. Department of Health and Human Services (HHS), DHS, Congress, and other relevant federal agencies must improve efforts to enhance the full range of health and medical readiness to address trauma and exposure related injury and disease, and the impact of large-scale disaster. HHS, DHS, Congress, and other relevant federal agencies must also sustain funding that supports ongoing public health, medical, and EMS preparedness to build and enhance medical surge capacity, promote training and workforce development, enhance technology for disease prevention, detection, and production of medical countermeasures and mass prophylaxis.

**V. Interoperability:** The development of data standards for the emergency response community will save lives and reduce property damage by decreasing the time it takes our Nation's responders to respond to incidents of all sizes, including man-made or natural disaster. As a result, NACo supports DHS' Office for

Interoperability and Compatibility in its effort to carry out its statutory authority to support the creation of national voluntary consensus standards for interoperable communications.

DHS, the Department of Commerce, Congress, and other relevant federal agencies must continue to promote coordinated development of governance, technology, and protocols necessary to enhance minimal capabilities for interoperable communications (voice, video, and data) among all levels of government and the private sector.

DHS, the Department of Commerce, Congress, and other relevant federal agencies must establish incentives for private sector organizations to work with government to develop and maintain public safety communications systems at the local, regional, state, and national levels; continue to promote, through policy and resources, efforts that create local, regional, statewide, and nationwide operability and interoperability; allocate additional radio spectrum for public safety activities to ensure sufficient capacity exists to meet growing voice and data communications needs; clarify the conditions and protocols under which private entities will be required to vacate radio spectrum under their control during federally-declared national emergencies; develop a clear shared definition, vision, and implementation strategy for nationwide communications interoperability.

## **ROLE OF THE COUNTY CORONER/MEDICAL EXAMINER**

The county coroner/medical examiner, where appropriate, aside from determining the cause and manner of death has responsibility for protecting the living through the performance of medical-legal investigations and by sharing information and research in traffic safety, environmental health, product safety, occupational safety, and public health. The county coroner/medical examiner, therefore, should be an integral partner in the community planning process and in the development of public health and emergency management policies.

NACo calls for the creation of a national research and technical assistance project to create or enhance statewide training and certification programs for coroners and medical examiners. NACo also supports federal funding, programs and training that enhance the capabilities of the local coroner.

## **JUSTICE AND PUBLIC SAFETY RESOLUTIONS**

### **Resolution Supporting the Emergency Management Performance Grant Program**

**Issue:** The Emergency Management Performance Grant (EMPG) is the sole all-hazards grant currently extant, and the most demonstrably successful DHS grant program. However, in light of state funding shortfalls many state Emergency Management Agencies have reduced the amounts of EMPG funding passed through to local government in many places often with little or no input from or notice to counties. On several occasions, the President and/or Congress has proposed reductions to or elimination of the EMPG as a whole, or incorporation of EMPG into other programs.

**Adopted Policy:** The National Association of Counties (NACo) requests that Congress guarantee that the Emergency Management Performance Grant (EMPG) remain a separate program, separately funded from all other grants that specifically address terrorism or other specific issues (remaining, then, a truly all-hazards program), at or above current funding levels, and require that a minimum of 70 percent of EMPG funds be passed through to local government while continuing the 50-50 match requirement.

**Adopted | July 16, 2018**

## **Resolution Supporting Inflationary Increase to the Emergency Management Performance Grant**

**Issue:** The Emergency Management Performance Grant (EMPG) is the sole all-hazards grant currently extant, and the most demonstrably successful Department of Homeland Security (DHS) grant program for local governments. NACo has long supported the EMPG program. For nearly a decade, the EMPG program has remained steady at \$350,000,000 per year while inflationary costs have risen, eroding the fund. The National Emergency Managers Association (NEMA) and the International Association of Emergency Managers (IAEM) are working with Congress in light of the new spending caps to increase the EMPG funding by at least 5 percent to account for inflation.

**Adopted Policy:** The National Association of Counties (NACo) requests that Congress provide for an inflationary increase of at least 5 percent in the Emergency Management Performance Grant (EMPG).

**Adopted | July 16, 2018**

## **Resolution on Fair Restructuring of Homeland Security and Emergency Management Grants**

**Issue:** Consolidation of existing Homeland Security and Emergency Management grants, particularly if these grants are administered solely by the states, will decrease local resilience and negatively impact national preparedness for disasters and emergencies of all types.

**Adopted Policy:** The National Association of Counties (NACo) continues to oppose the complete consolidation of the existing Homeland Security and Emergency Management grant programs, and requests that Congress mandate that the Department of Homeland Security (DHS) and Federal Emergency Management Agency (FEMA) actively include county Emergency Managers in creating alternatives that will better address the needs of all levels of government and that does not discard the advances gained through past grants.

NACo asks that Congress preserves, maintains, and enhances the Emergency Management Performance Grant and other all-hazard grants related to disaster recovery and mitigation as fully funded programs separate from grants directed at terrorism-related issues.

NACo asks that Congress works with DHS and FEMA to ensure that Homeland Security and Emergency Management grant programs address realistic risks from all hazards including, but not limited to, terrorism. State Administrative Agencies must make grant related prioritization decisions in transparent consultation and with the consent of local governments, and Congress should continue to require that no less than 80 percent of these funds be passed to local government in each state based on their realistic risk.

NACo asks Congress to require DHS to maintain the Urban Area Security Initiative (UASI) specific funding to at least 35 urban areas at greatest risk of disastrous event from all hazards including, but not limited to, acts of terrorism. In light of the significant populations, density, infrastructure and economic drivers of these areas and the fact that the populations of large urban counties and cities are often least able to financially address these risks without federal assistance. The UASI program should remain jointly administered by the State Administrative Agency and the existing UASI organizational units and continue to require that no less than 80 percent of these funds be passed through to the Urban Areas. NACo will work with Congress and the other stakeholders to prepare updated legislative language to accomplish these goals.

**Adopted | July 16, 2018**

## **Resolution to Support National Standards for Emergency Management Programs and the Emergency Management Accreditation Program**

**Issue:** Since 2001 Congress has sought metrics for understanding the capabilities and capacities of local government to respond to, and be resilient in the face of, terrorism and other emergencies and disasters. NACo recognizes that the capacities and resources of county programs for emergency management will always vary. However, NACo has long invested time and effort into the development and maintenance of national standards for county emergency management programs through involvement with the Emergency Management Accreditation Program Commission and the Emergency Management Standard.

**Adopted Policy:** The National Association of Counties (NACo) supports the use of the Emergency Management Accreditation Program (EMAP) Emergency Management Standard administered through the EMAP as the national standard for assessment of the capability of county emergency management programs. Additionally, NACo supports the current processes and procedures the EMAP Commission uses to update and evaluate the Standard. The Standard should be free from requirements not supported in the ANSI standard setting guidelines or the EMAP Commission management process.

**Adopted | July 16, 2018**

## **Resolution Urging Congress and FEMA to Ensure County Involvement in the Implementation of Emergency Management Strategic Goals**

**Issue:** In 2018 the Federal Emergency Management Agency (FEMA) released a new five-year strategy for the agency. As part of that strategy, FEMA set forth a new concept for coping with the rising cost of major disasters and emergencies and the limited capacity of the agency to adequately manage all emergencies.

The keystone of this new strategic approach is that FEMA will oversee major emergencies and disasters in a new way, which is federally funded, state managed and locally executed. The FEMA strategy document does not, however, detail any partnership between FEMA and local government in the policy, prevention, planning, response, and mitigation and recovery realms.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress and the U.S. Secretary of Homeland Security to ensure that FEMA actively consults with and involves counties in the development, analysis and implementation of emergency management policy and procedures in the United States to ensure that “state management” of emergencies and disasters is carried out with transparency and due attention to the needs of local government, and that due attention is given to the development of adequate local capacity to execute appropriate activity.

**Adopted | July 16, 2018**

## **Resolution on FEMA’s Deobligation of Approved Disaster-Relief Funds**

**Issue:** Since 2010, the Federal Emergency Management Agency (FEMA) has aggressively sought to recover and deobligate previously-approved recovery funds distributed to local governments by FEMA through the Robert T. Stafford Disaster Relief Act. The process has created growing uncertainty in counties’ ability to accept disaster-relief funds.

**Adopted Policy:** The National Association of Counties (NACo) supports legislation that would establish a 3-year statute of limitation on deobligation of FEMA Public Assistance funds from the date a project is certified complete by the state (grantee).

The National Association of Counties (NACo) also urges the federal government to clarify the process whereby FEMA can declare that funds distributed to local governments and approved by FEMA for disaster relief efforts are deobligated; so as to ensure that:

1. The deobligation process includes a reasonable timeframe for counties to respond to information requests;
2. FEMA makes timely decisions on appeals filed by counties that face the potential rescission of previously appropriated federal funds; and
3. Precludes FEMA from immediately rescinding previously obligated funds from the grantee, once the subgrantee has stated its intent to appeal, in a timely fashion, FEMA's decision.

**Adopted | July 16, 2018**

### **Resolution on National Flood Insurance Program Reauthorization and Program Improvements**

**Issue:** County priorities in the reauthorization of the National Flood Insurance Program

**Adopted Policy:** The National Association of Counties (NACo) urges congressional committees of jurisdiction to include local and state stakeholders in the process of drafting legislation to craft an affordable and sustainable reauthorization of the National Flood Insurance Program.

A reauthorization bill should:

- Enhance National Flood Insurance Program solvency and sustainability
- Enhance flood insurance affordability and accessibility
- Reduce premium costs through an agreed value pilot program
- Provide private market access, accountability and competition
- Modernize flood mapping and flood risk accuracy
- Enhance National Flood Insurance Program transparency and accountability

Specifically:

- **Rates** – should be publicly disclosed and affordable and developed in a transparent manner. Section 205 (Pre-FIRM) subsidies should be applied to all categories of property, including second homes and businesses;
- **Program Administration** – Write Your Own (WYO) payments must be capped, and risk should be spread by increasing the pool of policyholders through enforcement, incentivizing sales methods, and expansion of the Preferred Risk Policy;
- **Affordability** – preserve grandfathering regardless of the time of map adoption, preserve the reserve fund set-aside and change the 1 percent limit on premium to coverage ratio to a hard cap. If rates must rise, ensure that the rate of increase does not exceed five percent per year on any policy, inclusive of surcharges and fees;
- **Privatization** – require private insurers to reflect the entire spectrum of risk (i.e. no cherry-picking of preferable policies);
- **Mapping** – should be transparent, fair to local communities and include input from local governments; appeal caps must be lifted and a method to pay for mapping elevations should be developed; mapping should utilize the most effective technology available.



- **Mitigation** – funding for mitigation should be increased, and NFIP premiums should be allowed to count as community and homeowner mitigation efforts; oppose unfunded mandates to local governments for mitigation efforts;
- **Consumer Protection** – a policy review process should be created, Flood Insurance Advocates should be regionalized and Force-Placing provisions should be amended to keep policyholders in NFIP instead of surplus lines.

**Adopted | July 16, 2018**

### **Resolution Supporting Legislation Providing Mitigation Funds for Certain Areas Affected by Wildfires**

**Issue:** Support for Legislation Providing Mitigation Funds for Certain Areas Affected by Wildfires

**Adopted Policy:** The National Association of Counties (NACo) supports legislation that provides dedicated mitigation funds by providing up to 15 percent of the cost of a Fire Mitigation Assistance Grant (FMAG) to support wildfire mitigation projects.

**Adopted | July 16, 2018**

### **Resolution Supporting and Improving Rural EMS Needs Act**

**Issue:** Rural fire and emergency medical services (EMS) agencies currently struggle to fund their EMS operations. As a result, many agencies experience difficulties recruiting personnel, providing EMS licensure classes and obtaining sufficient medications and medical supplies.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to pass the Supporting and Improving Rural EMS Needs Act (SIREN Act, H.R. 5429/S. 2830). This bill would reauthorize and amend a grant program within the U.S. Department of Health and Human Services to provide funding for rural fire and EMS agencies to recruit personnel, procure emergency medical supplies and provide EMS training classes. Only public and nonprofit agencies would be eligible to receive these funds.

**Adopted | July 16, 2018**

### **Resolution Supporting Deflection Initiatives**

**Issue:** Communities across the country are facing a behavioral health crisis related to substance abuse. In an effort to provide resources needed to combat the devastating impacts of the crisis, law enforcement agencies are implementing deflection program initiatives. These innovative programs - intended to divert non-violent individuals experiencing addiction, substance use, and mental health disorders from jails into community treatment programs while protecting public safety – connect individuals directly to the services needed.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to increase financial support for measures that maximize the ability of counties to develop and support programs that deflect non-violent individuals experiencing behavioral health crisis into treatment driven by a complete, integrated and accessible continuum of care. NACo encourages federal legislative action to expedite the creation of collaborative deflection initiatives that offer immediate pathways for non-violent individuals to treatment and other services as an alternative to traditional involvement in the criminal justice system.

**Adopted | July 16, 2018**

### **Resolution Supporting the State Criminal Alien Assistance Program (SCAAP)**

**Issue:** Restore full reimbursements to states, counties, and cities for the costs of housing criminal aliens as provided in the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322.)

**Adopted Policy:** The National Association of Counties (NACo) opposes recently proposed cuts to the State Criminal Alien Assistance Program (SCAAP) and urges Congress to appropriate funding that fully reimburses states, counties and cities for the costs of housing criminal aliens.

**Adopted | July 16, 2018**

### **Resolution on Finalizing Reauthorization of the Juvenile Justice Delinquency Prevention Act**

**Issue:** The Juvenile Justice Delinquency Prevention Act (JJDP A) has not been reauthorized since 2002. Both chambers of Congress have approved reauthorization bills, but differences in the measures must be reconciled before a single bill can be signed into law.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to reconcile differences between JJDP A reauthorization measures passed by the U.S. Senate (S. 860) and U.S. House of Representatives (H.R. 1809) so that a single reauthorization bill can be signed into law during the 115<sup>th</sup> Congress.

**Adopted | July 16, 2018**

### **Resolution in Support of Reauthorization of the Second Chance Act**

**Issue:** Reauthorization of the main source of federal funding for local reentry programs

**Adopted Policy:** The National Association of Counties (NACo) urges congressional leaders to reauthorize the Second Chance Act, which funds local programs that help formerly incarcerated individuals reintegrate into society, access needed treatments and gain and maintain employment.

**Adopted | July 16, 2018**

**Resolution Urging the United States Congress to Support Efforts by the National Fire Protection Association, National Institute for Occupational Safety and Health, and Others to Regulate the Service Life of Fire Protective Clothing by Amending National Fire Protection Association Standard 1851 that Mandates Retirement of Such Clothing Based on Manufacture Date**

**Issue:** The service life of firefighting personal protective equipment, which includes helmets, boots, coats and pants (“fire protective clothing” or “bunker gear”) is governed by a standard that mandates retirement of the gear based on manufacture date and not consideration of integrity, meeting applicable specifications or safe use.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to support efforts by the National Fire Protection Association (“NFPA”), National Institute for Occupational Safety and Health (“NIOSH”), International Association of Fire Chiefs (“IAFC”), Metropolitan Fire Chiefs Association (Metro Chiefs”) and others working to: (1) amend NFPA Standard 1851 (“NFPA 1851”), the Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting; (2) evaluate the functionality, safety and integrity of the fire protective clothing for compliance with all applicable laws and standards; and (3) change standards that regulate the service life or use of bunker gear through objective technical specifications correlated to the capacity of the equipment to protect firefighters during its intended use.

**Adopted | July 16, 2018**

**Resolution Urging the United States Congress to Direct the National Institute for Occupational Safety and Health to Expedite Research Assessing the Performance Requirements and Retirement Criteria of Fire Fighter Turnout Gear to Determine the Safe Life Cycle of Said Gear**

**Issue:** The service life of firefighting personal protective equipment, which includes helmets, boots, coats and pants (“turnout gear” or “bunker gear”) is governed by a National Fire Protection Association standard that mandates retirement of the gear based on manufacture date and not consideration of integrity, meeting applicable specifications or safe use.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to direct the National Institute for Occupational Safety and Health (“NIOSH”) to expedite its research on firefighter turnout gear. NIOSH proposes to evaluate the functionality, safety and integrity of turnout gear by assessing its performance and effectiveness while being used in a number of varied conditions. This scientific data will be reviewed by the National Fire Protection Association (NFPA) and could assist the NFPA with determining the safe service life or use of turnout gear by identifying objective technical specifications to be evaluated and correlated with the capacity of the equipment to protect firefighters during its intended use. Such data could also be used to inform amendments of NFPA Standard 1851 (“NFPA 1851”); Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting.

**Adopted | July 16, 2018**

## INTERIM POLICY RESOLUTIONS

### Resolution on Pretrial Bail Reform

**Issue:** Reforming bail to reduce disparities in the pretrial justice system.

**Adopted Policy:** The National Association of Counties (NACo) urges support for a nationwide effort to make communities safer and ensure better outcomes for all by applying common sense solutions to widespread pretrial justice challenges. The goals are to: 1) help counties reduce unnecessary arrests by expanding the use of alternatives such as citations or summons, 2) replace money bail with non-financial, less restrictive conditions, and restrict detention to only the most serious offenses in which, after a rigorous process, a court determines that no condition or combination of condition can reasonably assure appearance in court and public safety, and 3) reduce disparities within the pretrial justice system. NACo urges the federal government to support county efforts to explore disparity reduction in the pre-trial justice system through funding and technical assistance, including data collection and studies to identify successful reform solutions.

**Adopted | March 4, 2019**

### Resolution Urging the Federal Emergency Management Agency (FEMA) to Conduct an Assessment and Develop an Improvement Plan on FEMA Individual Assistance Programs

**Issue:** Citizens, businesses and governments impacted by disasters should be afforded a simple process, clear guidelines and timely assistance to recover from a disaster.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to direct the Federal Emergency Management Agency (FEMA) to conduct a study on FEMA's Individual Assistance programs to measure the simplicity, clarity and expediency of applying for assistance and take appropriate actions to refine the programs based on results.

**Adopted | March 4, 2019**

### Resolution Urging the Federal Emergency Management Agency (FEMA) to Clarify FEMA Debris Removal Guidelines for Private Roadways and Gated Communities

**Issue:** Citizens, businesses and governments that are located on private roads or within private gated communities and are impacted by disasters and should be provided a simple process, clear guidelines and timely reimbursement assistance to recover from a disaster.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to direct the Federal Emergency Management Agency (FEMA) to clarify FEMA's debris removal reimbursement guidelines for private roadways and gated communities to simplify and expedite the process.

**Adopted | March 4, 2019**

### Resolution Urging the Federal Emergency Management Agency (FEMA) to Coordinate with Local Government Stakeholders on FEMA After-Action Reports

**Issue:** Citizens, businesses and governments that are impacted by disasters should be provided a simple process, clear guidelines and timely reimbursement assistance to recover from a disaster.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to direct the Federal Emergency Management Agency (FEMA) to coordinate with local government stakeholders and residents on FEMA After-Action Reports.

**Adopted | March 4, 2019**

# PUBLIC LANDS

## STATEMENT OF BASIC PHILOSOPHY

NACo, its Western Interstate Region, state associations of counties, and individual county governments have a critical role in policy development, planning, and management of federal land.

The federal government has long recognized and accepted that federal land holdings are a burden on local governments, and that funding is necessary for local governments to provide the types of services needed to access and use those lands.

NACo believes that environmental and socioeconomic values must be balanced and supports a philosophy of management that allows diversity of activities on public lands and local economies. Federal agencies must coordinate their management of public lands consistent with local land use plans or management policies.

## FEDERAL LAND MANAGEMENT

- A. Transfer of Public Lands:** NACo believes all fifty states are equal and that every state should receive everything that was promised to them in their enabling acts, including land transfers, if requested by an individual state and in consultation with the affected counties.
- B. Federal Land Ownership:** Federal real property holdings should be appropriately managed. Congress should provide adequate and appropriate funding to support staffing, maintenance, research, and operational needs of the federal land management agencies. Acquisition of new land by any federal agency should be subject to consultation with the county in which the land is located. Extension of jurisdiction outside established management area boundaries such as integral vistas or buffer zones should meet the same criteria.

Counties should be fully involved as affected partners in any process to consider the disposal, transfer or purchase of public lands or acquisition of private lands to become public within a county's jurisdiction. Counties should be given the opportunity to participate in the development of terms and conditions of any such proposal before it is carried out. Criteria for the transfer, sale or acquisition of public lands shall include consideration of fair market value, consultation with appropriate counties and jurisdictions, and public values. Additionally, NACo requests that federal land management agencies adopt policies that provide real and substantial consideration of historic uses in project plans and environmental documentation, and commit project developers to providing mitigation for their loss.

- C. Federal Land Transaction Facilitation Act:** NACo supports the long-term reauthorization of the Federal Land Transaction Facilitation Act, a balanced approach to western lands that facilitates the sale of Bureau of Land Management (BLM) lands identified for disposal, which generates revenue for high-priority conservation.
- D. Special Use Designations:** Congress, the President in the case of proposed national monuments, and federal agencies shall coordinate, consult and confer with affected counties as early as possible when considering special land use designations that impact the use and status of public lands. County approval should first be sought, and if given then counties should be fully involved in the drafting and development of any legislation pertaining to wilderness designation and proposed national monument designations within any affected county's jurisdiction. NACo strongly encourages congressional delegations to only consider future wilderness legislation or a proposed national monument designation that has demonstrated considerable support from affected counties. Public hearings must be held in the counties affected by the proposed designation. There must be compliance with the requirements of the National Environmental Policy Act (NEPA).

NACo opposes legislative efforts to require inventoried roadless areas to be managed in accordance with the Roadless Area Rule issued in January of 2001. NACo opposes federal land management actions that limit

access and multiple use of lands that otherwise would be available to the public such as designations commonly referred to as “de facto wilderness”. Unless approved by Congress, NACo opposes de facto wilderness, and federal land use restrictions on the use of public or private lands in the proximity to a designated wilderness or a Wilderness Study Area.

NACo supports amending the Antiquities Act to require state and local government approval to provide transparency and accountability in the designation of national monuments. In cases where such state and local government approvals have been obtained, continued federal coordination and consultation with state, county, and tribal governments and consistency with their master management plans should be required prior to the development and designation of any national monument.

NACo supports special use designations of federal lands that are proposed by local residents and businesses, are consistent with existing land use policies, and are strongly supported by the affected stakeholders and counties in the area within which designations are proposed.

- E. Access:** NACo supports maintaining and enhancing public access to public lands and opposes road closures, road decommissioning, moratoria against road building and other limiting policies and practices without coordination and consistency with county land use plans or management policies.

NACo recognizes the importance of the system of roads and rights-of-way across federal lands established under R.S. 2477. The Administration does not have authority to make binding administrative determinations about county R.S. 2477 rights. Instead, the Administration should work cooperatively with local officials to obtain Judicial or Congressional recognition of county R.S. 2477 rights-of-way claims on federal land. The road recognition process should be clear and consistent and give high priority to public safety, private property and public access. NACo opposes any federal action designed to change or diminish the scope of these rights. NACo supports legislation to create an administrative process for confirming historic rights of way on federal lands for qualifying roads, including but not limited to a waiver of the statute of limitations regarding timely filing of such applications where qualifying roads cross “reserved” land.

- F. Water:** NACo believes in state primacy in water resources administration, management and allocation. Before any decision is made to continue drawdowns, removal or breaching of dams, a full review of all the relevant scientific and socioeconomic implications of such actions should be made and affected counties consulted.

NACo supports changes in current federal policy to provide the option to use mechanized equipment for maintenance of dams within designated Wilderness areas and Wilderness Study Areas (WSA).

NACo urges the U.S. government to acknowledge the importance of adopting definitive Arctic policies in order to protect national security and to further U.S. commerce.

- G. Domestic Livestock Grazing:** NACo supports the enhancement of a viable rangeland livestock industry as an essential component of our country’s economy and as vital to affected communities. Good grazing practices are beneficial to maintaining rangeland health and assist in reducing potential fire danger by keeping fuel loading to a manageable level.

NACo supports the development and implementation of alternative grazing allotment management procedures, including categorical exclusions for “no change of use permit” renewals on transfers, to streamline the process and reduce costs to the taxpayer associated with rangeland management decisions.

NACo expresses disapproval of certain civil actions brought against the livestock industry and federal land management agencies that are intended solely to prevent livestock grazing on public lands when final decisions

are made by the appropriate federal agency regarding grazing allotments after cooperative efforts to determine best land-use practices have been made.

NACo opposes legislative efforts to allow for the permanent retirement of grazing permits through the buyout of grazing permits by non-ranching third parties. If a permit is vacated, NACo supports reissuing the permit to an active grazer only.

**H. Wild Horse and Burro Management:** NACo urges support for the Bureau of Land Management (BLM) in its management of wild horse and burro populations to achieve appropriate management levels (AML) as authorized by the Wild Free-Roaming Horses and Burros Act of 1971 (as amended) (the Act). NACo supports restoring congressional funding for the Act's sale-without-restrictions provisions. Further, NACo supports the sale, adoption or humane slaughter of excess animals and the funding and utilization of sterilization technology and methods that are proven to be effective in controlling herd sizes as viable options to achieve populations consistent with established appropriate management levels. NACo supports Congressional legislation to give individual states exclusive authority to manage wild horses and burros on federal lands, including exclusive authority to determine appropriate AMLs and authority to dispose of animals that exceed AMLs.

**I. Energy and Mineral Resource Development:** NACo supports comprehensive mineral, gas, and oil development laws and policies, including an expedited oil shale and oil sands leasing program, such as in the Green River formation, that address the needs of the extraction industries, the affected counties and the environment. NACo recognizes that U.S. independence from foreign oil also requires expanded alternative and renewable resources. Federal agencies shall issue permits for mineral, oil, gas and alternative/renewable energy development on federal land in a timely fashion.

NACo supports the development and implementation of a comprehensive national energy policy, which includes conservation, efficiency, exploration, and research and provides for the domestic production of traditional and alternative/renewable energy sources. Every effort shall be made by land management agencies to reduce road blocks that require years to get an application to drill, mine or extract minerals from federal land.

When mitigation is required as a condition of mineral or energy development, NACo encourages federal agencies to adopt procedures that provide for mitigation other than through land transfer from private to public ownership, unless supported by the affected counties. When such transfers are deemed the only appropriate mitigation and offsetting Payments in Lieu of Taxes (PILT) will not be received, agencies must ensure that project developers will continue to pay the property tax on the transferred land, or fees in lieu of taxes, in perpetuity, until the land is restored to private ownership.

**J. Forest and Rangeland Health:** NACo supports forest health initiatives, as well as the broader use of categorical exclusions under NEPA in cases of imminent threats to community watersheds, to timely and effectively address the threat of catastrophic events to our public forest and rangeland resources. Federal land management agencies shall utilize an appropriate mix of management practices including categorical exclusions and increased private, local and state contracts and partnerships for pre-fire management, effective fire suppression, and restoration of federal forest and rangelands. As a goal, NACo supports legislation to direct and enable federal forest management agencies to reduce Fire Regime Condition Class (FRCC 3) to a standard of FRCC 1 in all federal forests, except in designated Wilderness Areas, by the year 2030, and to reduce FRCC 2 to the standard of FRCC 1 in all federal forests by the year 2050, through means of active landscape scale management, fuels reduction and immediate post-fire restoration.

**K. Noxious Weeds & Invasive Species:**

**a.** NACo calls for a well-funded, coordinated and integrated weed management approach to noxious weed control. NACo supports an early detection and rapid response approach by all agencies and an accelerated



completion of all required environmental documentation to allow the use of all the tools needed to accomplish integrated weed management, i.e. chemical, mechanical, biological, and cultural or prevention.

- b.** NACo calls all counties to action to better protect counties from the devastating impacts of invasive species and to do so in a coordinated manner among multiple levels of government. NACo finds that the environmental resources of each county are exceptionally valuable to all citizens, including hydroelectric power, agriculture, forests, water supplies, commercial and recreational fisheries, aquaculture and outdoor recreation opportunities. NACo supports state and federal legislation that prohibits the transportation of any state or federally-listed invasive species, as well as efficient and effective agency action that stops other pathways of spread.
- L. Military Installations:** Recognizing the value counties and military installations bring to each other and their complex and sometimes competing needs, NACo supports establishment of open, consistent and long-term joint planning processes to help both communities co-exist and continue to thrive together. Early engagement, close cooperation, and joint coordination of community and military development plans are essential to minimize potential impacts. Affected counties shall be entitled to cooperating agency status for military initiatives under NEPA, while counties shall seek similar input from military installations.
- M. Federal Lands Recreational Enhancement Act (FLREA):** NACo supports the Federal Lands Recreational Enhancement Act to allow the Forest Service and other agencies to retain revenues from specific fee areas to pay for upgrades, management and maintenance of Forest Service recreational areas. NACo further requests FLREA be amended to allow a portion of revenues from ski area leases be retained by the U.S. Forest Service to help pay for increased workload of managing ski area leases generated by recently passed ‘Summer Use’ legislation.
- N. Funding for Our Public Lands Infrastructure:** NACo calls on Congress to adequately fund infrastructure in its national parks, national forests, and other public lands. This includes funding to support roads, bridges, trails, campgrounds, visitor centers, interpretive projects, and related facilities. NACo supports at a minimum, maintaining adequate funding, and preferably increasing funding, for overdue capital and deferred maintenance projects for the National Park Service, US Forest Service, Bureau of Land Management, and other public lands agencies. NACo reminds the Congress these public lands agencies provide recreation and tourism opportunities for millions of visitors that make a substantial economic impact on our county and gateway communities. The significant federal investment in public lands infrastructure over the years is at risk due to the lack of funding for needed repair and replacement projects.

## **FEDERAL LANDS PAYMENTS**

- A. Payments in Lieu of Taxes (PILT):** NACo supports the full funding of the PILT program at its authorized level and supports legislative and/or administrative efforts to modify the program to make payments to counties on a basis equitable to both the federal and local taxpayer that are non-discriminatory in nature.

Because this program does not compensate counties for military lands that are also exempt from local taxes, a new and separate system of payments-in-lieu-of-taxes should be created for such facilities to compensate the affected counties.

- B. Resource Revenue Sharing Payments:** Counties must share in the benefits of economic activity on public lands through statutory formulas, which guarantee a percentage of all gross receipts to be returned to the counties in which the activity occurs (Federal Revenue Sharing). NACo opposes any attempts to lessen revenue sharing receipts including sequestration. Federal Revenue Sharing(s) are contracts based on resource use revenue received by the United States Treasury and are only funded by the resource from which it was extracted or used.

NACo supports amending the Federal Mineral Leasing Act so that an additional five percent from the federal portion (50 percent) of mineral lease revenue is returned to the county in which the mineral was extracted and the historic balance of the 50/50 split is restored. NACo opposes the application of “sequestration” to Mineral Lease Act (MLA) revenues and calls for the immediate disbursement of previously sequestered MLA revenues.

NACo supports the sharing of federal leasing and rights-of-way revenues from renewable energy development (wind, solar, and geothermal) and federal stewardship contracts on federal lands with county governments where those developments and contracts occur. Any revenue sharing program should not negatively impact the PILT program.

The U.S. Forest Service and Bureau of Land Management have permanent authority to enter into stewardship contracts for management of federal forests and rangelands. This authority does not include, however, traditional sharing with counties of revenues generated from these projects. NACo supports stewardship end-results contracting projects as a tool to manage federal forests and rangelands, but only if they retain the historical receipts sharing with counties. Receipts sharing should be based on the total merchantable value of the products, rather than merely the net in excess of the contract amount.

- C. Secure Rural Schools and Community Self-Determination Act:** NACo supports the reauthorization and enhancement of the Secure Rural Schools program (PL 110-343). Reauthorization should maintain coupling between payments to counties and active natural resource management, and the connection between sustainable natural resource management and the stability and well-being of forest counties and communities.

NACo supports amending Title III of the Secure Rural Schools Act (SRS) to include reimbursement to counties for training and equipment of first responders, patrol expenditures and other emergency services on eligible federal Forest Service and BLM lands.

NACo urges Congress and federal agencies to restore responsible, multiple use and sustained-yield industries on public land. These industries are necessary to provide economic, social, educational, and cultural stability for resource communities. NACo supports robust bridge funding to arrest catastrophic declines in resource production and county revenue sharing and a restoration of active public land management. Federal agencies should coordinate with local and state officials to provide the greatest improvements in those areas of greatest importance.

- D. Compensation to Counties by Concessionaires Operating on Federal Lands:** NACo supports federal policies that direct federal land management agencies to provide that all concessionaires, or enhanced-use-lessees who operate businesses on federally owned land, compensate local taxing jurisdictions equal to the property taxes that are otherwise paid by any other commercial business in the county.

## **FEDERAL LAND USE PLANNING**

- A. Community-Based Land Management:** NACo supports community-based conservation initiatives and calls on the agencies to implement such initiatives. Federal land management agencies should use broad-based vegetation management practices, in conjunction with community-based partnerships for ecosystem management, to enhance the health of the public lands.
- B. Endangered Species Act:** NACo recognizes the importance of the Endangered Species Act (ESA) as an essential safeguard for America’s fish, wildlife and plants and therefore supports updating and improving it to better achieve its goals.

NACo supports reforming the ESA to mandate that the federal government treat state and county governments as cooperating agencies with full rights of coordination, cooperation, consultation and consistency to decide jointly with appropriate federal agencies when and how to list species, designate habitat and plan and manage for species recovery and de-listing.

NACo supports reforms that would require the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to perform cumulative and quantitative economic analyses, before the designation of Critical Habitat, that would measure the effects of such a designation on all affected stakeholders – not just on federal agencies – and would include the effects on possible uses of land, property values, employment and revenues available for state and local governments. This information shall be considered as a part of their decision-making process.

- C. National Environmental Policy Act (NEPA) Improvement:** NACo supports the revision of NEPA to strengthen the involvement of local government in the federal decision-making process, increase public involvement for local communities, expedite project analysis and make those decisions in a timely but effective manner. NACo supports requiring federal agencies to coordinate with and offer cooperating agency status to local governments, and negotiate mutually agreeable MOUs.
- D. Gateway Communities:** NACo recognizes counties as gateway communities to our nation’s federal lands and that the economies and ecologies of county, state, and federal governments in gateway regions are interwoven. NACo believes that diverse recreation and tourism opportunities are critical to counties and their communities. Furthermore, NACo recognizes that federal policies frequently drive significant impacts to gateway communities and the services they provide to visitors to ensure their pleasure, safety and comfort.
- E. Current and Future Federal Land Management Agency Land Management Plan Revisions:** Federal Land Management Agencies should coordinate with local government officials and maintain maximum consistency with local plans and policies when conducting current and future revisions of Resource Management Plans (RMPs) and Forest Management Plans. Counties should be full cooperating agencies in such processes and be provided meaningful opportunity for involvement in the revision process from start to finish. Once land management agency plans become approved management practices or policies, new agency actions should not contradict those plans.
- Plans should provide for economic and social sustainability, emphasize multiple use management and commodity production and require that federal decisions be made at the most local level of the federal agency.
- F. Landscape Conservation Cooperatives (LCC):** NACo supports the expansion of LCC Steering Committees to include at least one elected county official or approved regional official representing local governmental interests on each Steering Committee, and preferably one from each state in those eco-regions which are multi-state.

## PUBLIC LANDS RESOLUTIONS

### **Resolution Supporting a Coordinated Effort Between Federal, State and County Officials to Eradicate the Spotted Lanternfly (*Lycorma delicatula*), an Invasive Species Plaguing the Mid-Atlantic States**

**Issue:** The spotted lanternfly was accidentally introduced to Berks County, Pennsylvania in September 2014 through an international shipment from Asia. Since then, the invasive species has caused significant agricultural, environmental and economic damage, especially harming the grape industry and other businesses in the Mid-Atlantic United States. Because the spotted lanternfly is attracted to and takes nourishment from the “Tree of Heaven” (*Ailanthus*) in order to procreate—an invasive plant found in nearly 90 percent of the United States—most of the nation is threatened by this invasive insect.

**Adopted Policy:** The National Association of Counties (NACo) supports a coordinated effort between the federal, state and local governments to eradicate the spotted lanternfly, an invasive species that targets important agricultural and forest commodities as well as quality of life issues. NACo also calls on the federal government to provide significant financial resources to assist state and county governments in combating the spread of this invasive species.

**Adopted | July 16, 2018**

### **Resolution to Repair and Maintain the Public Land Survey System**

**Issue:** The Public Land Survey System (PLSS) is in a varying degree of deterioration nationwide due to the lack of resources provided to counties.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to provide additional funding to counties to support the existing Public Land Survey System. NACo further urges the federal government to enforce existing guidelines and rules for the PLSS.

**Adopted | July 16, 2018**

### **Resolution on Amending the Recreation and Public Purposes Act**

**Issue:** Support congressional action to amend the Recreation and Public Purposes Act to require the U.S. Department of the Interior to establish a pilot program that authorizes commercial recreation concessions on land patented or leased under the act.

**Adopted Policy:** The National Association of Counties (NACo) supports legislation that would allow counties which have federal lands within their park system the opportunity to offer concessions operated by third party vendors. This would increase public recreational opportunities and enjoyment of these lands operated by counties.

**Adopted | July 16, 2018**

## **Resolution on the Removal of Salt Cedar**

**Issue:** Support congressional action to address the permitting process and funding for the removal of invasive species from many of the rivers throughout the southwest.

**Adopted Policy:** The National Association of Counties (NACo) supports federal legislation and/or regulatory policies that would allow county governments to comprehensively remove salt cedar from rivers within their jurisdictions.

**Adopted | July 16, 2018**

## **Resolution Opposing Federal Regulations and Policies Requiring Landscape-Scale Mitigation, Net Conservation Gain and the Prioritization of Compensatory Mitigation on Federal Lands and Supporting a Federal Lands Mitigation Policy that Follows the Mitigation Hierarchy of Avoid, Minimize and Compensate**

**Issue:** Federal agencies, including the U.S. Department of the Interior (DOI), the Bureau of Land Management (BLM), the U.S. Fish and Wildlife Service (FWS), and the U.S. Forest Service (USFS), have issued regulations, policies and guidance imposing certain mitigation requirements, including landscape-scale mitigation, net conservation gain objectives and the prioritization of compensatory mitigation, that are without necessary authority.

**Adopted Policy:** The National Association of Counties (NACo) supports the immediate revocation, rescission and revision of the U.S. Department of the Interior's, U.S. Fish and Wildlife Service's and U.S. Forest Service's proposed mitigation policies on federal lands to the extent not authorized by Congress. NACo believes that federal law supports a mitigation policy that follows the mitigation hierarchy of avoid, minimize and compensate, and that any mitigation requirements should be based on best practices and proportional to impacts on federal lands.

**Adopted | July 16, 2018**

## **Resolution Urging Congress to Amend and Update the Endangered Species Act of 1973**

**Issue:** The Endangered Species Act (ESA) of 1973 has not been significantly modified in 40 years.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to amend the ESA to reflect its intended purpose "to protect endangered species and the ecosystems which they depend" and to ensure that the rights of people are also protected.

The ESA needs to be amended in the following manner:

1. Favor decisions to list plant or animal species as threatened or endangered (T&E listing decisions) that are made through best available science with increased transparency and timelines for decisions.
2. In states where the proposed federal land use plan amendment and the state species management plan are inconsistent, postpone T&E listing decisions for a period of at least six years or until the plans become consistent.
3. Encourage or direct the U.S. Secretary of Interior (Secretary) to share critical data, research and scientific information to assist such states and counties in their conservation efforts.
4. Direct federal land management agencies to amend their land use plans to comply with state and county-based conservation efforts.

5. Strengthen the influence of local participation so that local coordination processes and recommended species management policies are not overridden.
6. Authorize the ESA to recognize and allow consideration of the predation of threatened or endangered species by natural events (such as predator impacts, weather-related events and physical health threats) as well as human activities.
7. Revise “taking” definition to protect private property rights in conformance with the United States Constitution.
8. Provide full compensation to individuals for current and long-term takings. Require mandatory cost-benefit analyses for all adverse socio-economic and cultural impacts on the affected human population.
9. Require that the science used to make any determination be subject to independent and objective third party review.
10. Mandate that a listing of endangered species be reviewed every seven years to determine if a listing is still warranted.
11. Require all parties pay their own attorney’s fees involving any legal action associated with the ESA.
12. Transfer critical habitat designations and recovery planning to the states.
13. Require Congress to approve a listing within one year, and if such approval is not timely given, the species shall be removed from the list.
14. Empower and support local management solutions at the state and county level for intrastate species.
15. Prohibit ESA listings of candidate species found residing exclusively within a single state.
16. Postpone the listing and/or federal protection of a species that has recently been determined by U.S. Fish and Wildlife Service (USFWS) to be threatened or endangered, and which are located in states or counties that have developed and/or implemented a good faith conservation management plan for said species.

**Adopted | July 16, 2018**

**Resolution Urging Congress to Support the Return of 40 Percent of Federal Mineral Lease Revenue to the County in which it was Generated**

**Issue:** The right for a reasonable share of federal mineral lease and mineral lease bonus revenues to be returned to the counties who are socially or economically impacted by mineral development.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to amend the Federal Mineral Lease Act to clarify that the current percentage of a state’s share of federal mineral lease and mineral lease bonus revenue, or 40 percent of such share, whichever is greater, shall be returned to the county of origin.

**Adopted | July 16, 2018**

## **Resolution Supporting a Requirement for Private Entities that Sell or Donate Property to the Federal Government to Pay a Fee in Lieu of Taxes**

**Issue:** Private lands either sold or donated to the federal government for conservation purposes result in such property becoming exempt from local property taxation; thereby, reducing overall taxable market value of affected counties.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to enact federal legislation to require private entities that sell or donate private land to the federal government for conservation purposes to pay an annual fee in lieu of property taxes (FILT) to affected counties. NACo recommends that the FILT be based upon the actual property taxes paid on the land at the time that it was removed from the tax rolls.

**Adopted | July 16, 2018**

## **Resolution on Amendments to PILT Population Caps**

**Issue:** Counties, boroughs, townships, and parishes with populations of under 5,000 have monetary caps within the Payment in Lieu of Taxes (PILT) formula that place them in an unfavorable position in relation to counties with populations greater than 5,000.

**Adopted Policy:** The National Association of Counties (NACo) supports amending the Payment in Lieu of Taxes (PILT) formula to extend the population multipliers to include additional multipliers for local governments with populations in the range of 4,000, 3,000, 2,000, and 1,000. The increase in the 4,000 multiplier would have the same ratios as the difference in 50,000 and 40,000 population when compared to 5,000 population. The increase in the 3,000 multiplier would have the same ratios as the difference in 40,000 and 30,000 population when compared to 4,000 population. This will continue on for counties with 1,000 and less population. All local governments would have a minimum payment no less than the population cap of local governments of 1,000 population.

**Adopted | July 16, 2018**

## **Resolution to Prohibit Wilderness Characteristics Cataloging and Inventory by Federal Land Management Agencies**

**Issue:** Wilderness characteristics cataloging and inventory without legal authority under the Federal Land Policy Management Act (FLPMA) since 1992

**Adopted Policy:** The National Association of Counties (NACo) opposes any continuing wilderness characteristics inventory and cataloging by federal land management agencies.

**Adopted | July 16, 2018**

## **Resolution to Cease Wilderness Characteristic Inventory in Alaska**

**Issue:** The Federal Land Policy Management Act of 1976 still allows wilderness characteristic inventory in Alaska that is not allowed in the lower 48 and Hawaii.

**Adopted Policy:** The National Association of Counties (NACo) supports striking Section 603, 43 U.S.C. 1784 Lands in Alaska; Bureau of Land Management Land Reviews [P.L. 96-487, title XIII, §1320, 1980] of the Federal Land Policy Management Act of 1976.

**Adopted | July 16, 2018**

**Resolution Supporting Robust Remediation of Abandoned Uranium Mines as a Critical Priority for the United States.**

**Issue:** Throughout numerous counties across the nation, for example the Navajo Nation within the Four Corners area, abandoned uranium mines continue to jeopardize public safety and the environment. Uranium mining has resulted in elevated uranium and radon radiation levels at over 400 locations on the Navajo Nation.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to enact legislation for the aggressive treatment of abandoned uranium mines across the United States to protect public health and the environment.

**Adopted | July 16, 2018**

**Resolution Supporting the Use of FEMA Pre-Disaster Mitigation Grant Funding to Engage in Forest Thinning and Restoration Activities, Including Using FEMA Flood Mitigation Assistance for Forest Restoration to Reduce the Threat of Catastrophic Fire and Post Wildfire Flooding and Debris Flows**

**Issue:** The need for adequate, robust, and timely forest restoration to mitigate the threat of future catastrophic crown fires and reduce the risk associated from post wildfire flooding and debris flow events is critical to reducing the threat to public safety that many western forested counties confront.

**Adopted Policy:** The National Association of Counties (NACo) calls on Congress to pass legislation increasing appropriations for and allowing for the use of FEMA pre-disaster mitigation grant funding for forest thinning and restoration activities, including using FEMA flood mitigation assistance for forest restoration to reduce the threat of catastrophic fire, post wildfire flooding and debris flows.

**Adopted | July 16, 2018**

**Resolution Supporting Federal Funding to Promote and Expedite Building of Wood Products Industry in Regions with Low to No-Value Trees to Allow Consumption of Forest Products as a Pathway to Forest Restoration and Reduction of the Risk of Catastrophic Wildfire**

**Issue:** The wood products industry is a valued partner in restoring our forests and reducing the threat of catastrophic wildfire. Without a viable wood products industry that can consume the forest products that are removed from the forest through various restoration activities, communities will continue to face an elevated threat of catastrophic wildfire.

**Adopted Policy:** The National Association of Counties (NACo) supports federal funding to promote and expedite the building of the wood products industry in regions with low to no-value trees to allow consumption of forest products as a pathway to forest restoration and reduction of the risk of catastrophic wildfire.

**Adopted | July 16, 2018**



## **Resolution Supporting Federal Public Lands Agencies Tourism and Recreation**

**Issue:** Federal public land agency operating budgets have a substantial impact on county recreation-based economies through their tourism and visitation programs. Future decreases in spending for these agencies will restrict the continued growth and health of counties heavily dependent on tourism and recreation.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to maintain current funding levels, and if possible provide additional funding, for federal public lands agencies' operating budgets. These agencies, including the National Park Service, the U.S. Forest Service, the U.S. Fish and Wildlife Service and the Bureau of Land Management, have a positive impact on counties with economies heavily dependent on tourism and recreation.

**Adopted | July 16, 2018**

## **Resolution Urging that U.S. Fish and Wildlife Service Policies Include Counts of Utah Prairie Dogs and Other Threatened and Endangered Species on Private and State Trust Lands as well as Federal Lands for the Purpose of Measuring the Success of Species Recovery Efforts**

**Issue:** Inventory counts of recovering Utah Prairie Dogs and other recovering Threatened and Endangered Species

**Adopted Policy:** The National Association of Counties (NACo) urges the U.S. Fish and Wildlife Service (USFWS) to modify its policies to include the counting of Utah Prairie Dogs and other recovering threatened and endangered wildlife on private lands and state trust lands as well as federal public lands for the purpose of measuring the success of species recovery efforts.

**Adopted | July 16, 2018**

## **Resolution Urging the U.S. Forest Service and the BLM to Allow Permitless Gathering of Wood Products from Areas Where Those Products are Already Planned for Controlled Burn, Slashing, Chipping and Other Treatments**

**Issue:** Permitless gathering of wood products by the public off of Forest Service and BLM lands, before the agencies destroy those wood products in a planned treatment project

**Adopted Policy:** The National Association of Counties (NACo) urges the U.S. Forest Service and the BLM to give members of the public notice and opportunity for permitless gathering and private or commercial use of wood products from areas where the agencies are planning controlled burn, slashing, chipping, bull hogging and similar destructive treatments. This permitless gathering of wood products by members of the public would occur during an announced window of time after agency final approval of the treatment project but before the project is actually carried out.

**Adopted | July 16, 2018**

**Resolution Urging the BLM to Follow FLPMA and Place Maximum Feasible Reliance on the Local County Sheriff for all the BLM’s Law Enforcement Needs, Before Deploying BLM Law Enforcement Officers, or in the Alternative Urging Congress to Abolish the BLM’s Law Enforcement Program if the BLM will not Follow FLPMA’s Direction**

**Issue:** The BLM has not followed the direction of the Federal Land Policy Management Act (FLPMA) to place maximum feasible reliance on available local law enforcement including county sheriffs and their officers for all the BLM’s law enforcement needs, before the BLM deploys its own law enforcement officers.

**Adopted Policy:** The National Association of Counties (NACo) urges all BLM field offices, district offices and state offices to follow FLPMA’s direction in 43 U.S.C. 1733(c)(1) to achieve maximum feasible reliance upon willing and available local law enforcement officials in enforcing federal land management laws and regulations, and paying fair amounts for available sheriff services pursuant to contracts entered into for those services, before the BLM deploys its own law enforcement officers. If the BLM refuses to follow FLPMA’s direction in this regard, then NACo urges Congress to amend 43 U.S.C. 1733(c)(1) to abolish the BLM law enforcement program altogether and require the BLM to turn to county sheriffs for all law enforcement assistance pursuant to fair contracts to pay for sheriff services.

**Adopted | July 16, 2018**

**Resolution Urging Congress to Prevent the Establishment of a National Monument in a State Without that Affected State’s and County’s Approvals**

**Issue:** The growing abuse of the Antiquities Act of 1906 to enable huge national monuments, amounting to one-sided presidential lockups of public lands with no input from Congress or the affected states and counties.

**Adopted Policy:** The National Association of Counties (NACo) supports congressional legislation modifying the Antiquities Act to prevent designating a national monument without the affected state’s and county’s approvals.

**Adopted | July 16, 2018**

**Resolution Supporting Presidential Proclamations 9681 and 9682 Dated December 4, 2017 that Modified and Reduced the Boundaries and Size of the Bears Ears National Monument and the Grand Staircase-Escalante National Monument Under the Authority of the Antiquities Act**

**Issue:** The President’s authority to act on December 4, 2017 under the Antiquities Act to modify and reduce the boundaries and size of two national monuments in southern Utah, each over a million acres in size, and to order a new management plan for the reduced monuments, done at the behest of the state and counties wherein the national monuments are located.

**Adopted Policy:** The National Association of Counties (NACo) supports the actions and proclamations of the President on December 4, 2017 to modify and reduce the boundaries and size of the Bears Ears National Monument, designated in 2016, and of the Grand Staircase-Escalante National Monument, designated in 1996, under the authority of the Antiquities Act that requires any reservation of land as part of a national monument be confined to the smallest area compatible with the proper care and management of the objects of historic or scientific interest to be protected, and to order the issuance of a new management plan for the reduced monuments.

**Adopted | July 16, 2018**

## **Resolution on the Designation of White Sands National Monument as a National Park**

**Issue:** Legislation was recently introduced to designate White Sands National Monument as a national park without the affected county's approval.

**Adopted Policy:** The National Association of Counties (NACo) calls on Congress to consult with and seek the approval of the affected county before designating White Sands National Monument as a national park. If the affected county's approval is given, then the affected county should be fully involved in the drafting and development of any legislation to designate White Sands National Monument as a national park, as well as any future management plan.

**Adopted | July 16, 2018**

## **INTERIM POLICY RESOLUTIONS**

### **Resolution Supporting the Utilization of Domestic Livestock Grazing as a Cost-Effective and Viable Method for Hazardous Fuels Reduction Goals in Executive Order 13855, *Promoting Active Management of America's Forests, Rangelands and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk***

**Issue:** Allowing grazing as an acceptable form of active forest and vegetation management to reduce hazardous fuel loads.

**Adopted Policy:** To protect communities and critical infrastructure, the National Association of Counties (NACo) urges the Trump Administration to instruct federal land management agencies to utilize domestic livestock grazing as a cost-effective and viable method of hazardous fuels reduction on public lands in the West. In accordance with Executive Order 13855, counties urge the administration to require agencies to reactivate all suspended non-use Animal Unit Months (AUMs) when requested by permittees, unless the agencies can produce peer-reviewed, irrefutable scientific evidence that doing so would be detrimental to the range. Additionally, counties recommend that all grazing permits be treated as outcome-based in order to grant federal agencies greater flexibility to respond to conditions on the ground.

**Adopted | March 4, 2019**

### **Resolution on the Council of Environmental Quality's Revisions to the National Environmental Policy Act Implementing Regulations**

**Issue:** The Council of Environmental Quality (CEQ) is in the process of updating its National Environmental Policy Act (NEPA) implementing regulations.

**Adopted Policy:** The National Association of Counties (NACo) supports revising NEPA implementing regulations to require federal agencies to regularly provide meaningful opportunities for states and counties to be involved in the NEPA process for planning and projects on federal lands that may affect the economy, society and culture of constituents. NACo asks that the CEQ work closely with state and local governments to revise the NEPA regulations.

**Adopted | March 4, 2019**

## **Resolution Regarding Wildland Fire Regulations and Policies**

**Issue:** Federal regulations, policies and guidelines that allow lightning-caused fires to burn on federal lands at all times and that permit the use of prescribed fires, regardless of ignition source, on federal lands at all times.

**Adopted Policy:** NACo supports greater coordination between federal land management agencies and local governments in implementing wildland fire suppression policies and strategies, with the understanding that a blanket, one-size-fits-all policy is untenable on diverse landscapes. Federal agencies must work with local governments to accomplish their land management goals, including wildfire suppression and risk reduction, and ensure such efforts do not jeopardize the health, safety and welfare of local residents.

**Adopted | March 4, 2019**

# TELECOMMUNICATIONS AND TECHNOLOGY

## STATEMENT OF BASIC PHILOSOPHY

Counties play a major role in the nation's communications system as regulators, service providers, and consumers of communications services. County officials have a responsibility to ensure that the public interest is being served by communications providers, regardless of the delivery platform. The social goals and public good expected from our citizens must be ensured. This includes public educational government access, public and homeland security matters, and protecting the interests of special needs citizens.

Expanding communication has become a critical component of a successful economic development policy as counties work to attract and retain skilled jobs and industries, and counties labor as first responders to homeland security threats and events. Homeland security has required a much wider role for counties in securing the Nation. Adequate communications systems and information access are vital to meet this growing responsibility. It is therefore imperative that county officials play an increasing role in the future of communications policy.

Technology has changed the future of county governance, and the evolving opportunities for counties to utilize technology to provide timely and effective service are immense.

Faster computer networks, wireless internet access, enhanced broadband services, new public safety systems, geospatial information applications and technologies not yet deployed, will make the county of the future more responsive and meaningful to county residents. County officials must be prepared to adapt to this changing environment.

## POLICIES AND PRACTICES

- A. Encouraging Competition and Development of New Technologies:** It is in the counties' interest to encourage competition among communications and technology providers and to support the development of new technologies for government and public use.
- B. Preemption of Local Authority:** Counties need to be concerned about retaining authority as trustees of public property and as protectors of public safety and welfare. The 1996 Telecommunications Act acknowledges the balance among federal, primarily through the Federal Communications Commission (FCC), and state and local authority.

NACo opposes any actions that would undermine this shared responsibility and any federal or state preemption of counties' traditional powers in these areas. NACo opposes efforts to restrict or prohibit, at state and federal levels, county or municipal ownership of communications facilities.

- C. Financial Assistance for Enhanced Communications Capacity:** Communications play an important role in county government operations and the delivery of services. Counties use advanced telecommunication systems for a full range of public and law enforcement services. Nothing in federal policy should undermine the ability of counties to develop such infrastructure through partnerships with network providers.

NACo believes state and federal governments should provide financial assistance for these initiatives and should encourage efforts to improve coordination across jurisdictions and systems, especially for public safety and homeland security issues. Access charges for completion of calls on the local public switched telephone network need to continue in some form to assure rural counties retain adequate communications services.

- D. Interoperability:** Communications interoperability, for both voice and data, is critical to coordinate the response to disasters and joint law enforcement efforts. This is important among agencies of local government, as well as, the various local, state, and federal agencies. A broad interpretation should be made as to which

entities should be included in an interoperability plan. NACo supports efforts to improve interoperability for public safety purposes, and believes the state and federal governments should assist counties with the costs associated with migrating to viable interoperability standards. Congress should provide funding to local governments, as part of a comprehensive strategy, to improve public safety and emergency management interoperability.

- E. Wireless Communications Facilities Siting:** Counties have a regulatory role regarding the siting of tower and antenna facilities. With the exception of decisions based on the health effects of radio frequency (RF) emissions, local authority is preserved with minimal limitations supporting nondiscriminatory, timely action. Even in the case of RF emissions, the law clearly requires that the facilities operate in compliance with RF emission standards.

NACo believes any disputes between counties and the industry should continue to be resolved in the courts on a case-by-case basis. No federal actions should undermine local government's zoning authority.

Counties have an obligation to their constituents to ensure that, to the extent possible, the public health, safety and welfare are not endangered or otherwise compromised by the construction, modification or installation of broadcast towers. NACo believes nothing should preempt local government authority to reject new tower applications upon finding of adequate existing facilities.

NACo supports policy and/or legislation giving more consideration to public health and safety needs when locating cell towers on public lands in rural areas with little or no service.

- F. Emergency Services Communications, Cross Ownership and Local Services:** Counties' ability to communicate with citizens during a public safety emergency, whether natural or man-caused, is critical. Media consolidation, particularly in the radio sector, has raised serious concerns about the ability of local stations to meet their public safety obligations. The FCC should review the requirements on broadcasters to ensure the needs of local government to contact their citizens are met.

Along with concerns raised by media consolidation for public safety, county officials are concerned about the loss of local content, civic discourse, and advertising opportunities for local business. As a matter of economic development, local media outlets are important vehicles for promoting local opportunities and business. Local media outlets are an important component of the community and as so, should participate in the civic aspects of the community. County officials should work with media outlets to assure ample opportunity for public debate. Congress and the FCC should review limiting media diversity through cross ownership of media outlets including newspapers and their online offerings.

- G. Rights-of-Way:** Counties own substantial amounts of public rights-of-way, which many communication providers use extensively to construct their own communications networks. These are valuable local government real estate assets worth billions of dollars that are held in trust by local governments to benefit the local community.

Federal and state governments must recognize the authority of local governments to protect the public investment, to balance competing demands on this public resource and to require fair and reasonable compensation from communications providers for use of the public rights-of-way on a nondiscriminatory (but not necessarily identical) basis. Rights-of-way disputes between communications companies and local governments should be resolved in local jurisdictions.

In order to use the right-of-way, private communications companies should be required to enter into an agreement with local government that sets the terms and conditions of such use/access. Local governments

must be able to require universal services that include nondiscriminatory pricing and equal access to all its citizens as a requirement. Like services should be treated alike.

Because disruption to streets and businesses can have a negative impact on public safety and industry, local governments should have control over allocation of the rights-of-way and be able to ensure that there is neither disruption to other “tenants” or transportation nor any diminution of the useful life of the right-of-way. Local governments must have the right to analyze the legal, financial, and technical qualifications of any communications provider wanting to use the public right-of-way and shall have the right not to issue a franchise to an unqualified applicant.

**H. Video Services:** Counties have come to rely on video services as a vital communication link to constituents. This includes cable, fiber to the home, IPTV and internet services.

Under existing federal law, it is clear that counties may, through the franchising process, monitor the performance of existing cable television operators to ensure that the operators provide quality service to consumers in all sections of a franchise area. The ability of local franchising authorities should be enhanced through action by the Congress and Administration to protect the interest of consumers in quality, yet affordable, video services, and to enact laws which encourage greater competition for the video franchises and in the cable industry, and which encourage the availability of other technologies as rapidly and as widespread as possible.

Video franchising authorities must continue to have the ability to require through the franchise process the following components:

- Explicit approval to transfer a franchise.
- The ability to deny a renewal application for cause, i.e., renewals cannot be considered automatic.
- The right to solicit competitive bids from other video service providers.
- Immunities from monetary damages when local government actions are consistent with the Cable Act of 1984.
- The ability to terminate a video service provider for cause to ensure that it is not more profitable for an operator to violate a franchise agreement than to follow it.
- The ability to require cable operators to carry all local broadcast signals.
- The ability to define reasonable notice to subscribers of rate and service changes.
- The ability to regulate the equipment or any transmission technology such as system capacity, extent of use of fiber optic cable, homes per node, bandwidth for digital carriage, or amplifiers per cascade. While the FCC retains the authority to develop technical standards, Congress retained for local franchise authorities the ability to enforce these standards. Retaining this authority will go a long way to ensure uniform customer service and signal reliability in rural and suburban areas.
- Video service providers must lease cable to whomever wants to offer competitive programming.
- All programming that is available on cable must be available to other technologies such as IPTV, fiber to the home, and satellite.
- The ability to require PEG (Public, Education, and Government) channels as part of the franchise agreement.
- The ability to require universal cable video service. This is particularly important to rural and low-income residents who traditionally have been denied service.

Franchise fees are, in part, the rent cable operators pay for the use of public rights-of-way. Operators should not pass through to basic subscribers those rental expenses associated with non-subscriber services. NACo also strongly opposes the pass through to cable video customers of “non-subscriber” revenue, such as advertising and other commissions, and opposes the itemization of franchise fees stemming from such actions.

- I. Consumer Protection:** Counties have a major role to play in protecting consumer interests, including a strong consumer protection process. Congress should protect consumers from monopoly pricing power in the absence of effective competition. Every effort should be made to promote competition between providers to ensure consumers are receiving an appropriate range of services at the lowest possible cost. Companies wishing to provide communications or video services, including traditional telephone companies or cable operators, must be subject to safeguards to protect consumers against cross subsidies. NACo believes counties have the right to review mergers and acquisitions when such activity might result in the reduction of competition in the local marketplace.
- J. Broadband Deployment and Adoption:** NACo strongly supports legislation and administrative policies that help counties rapidly expand public-private partnerships and to attract affordable, abundant, redundant and reliable high-speed broadband services that meet or exceed federal broadband speed definitions regardless of population or technology used. NACo supports legislation and/or policy that achieves any of the following: streamlined federal ROW and permitting processes for structures on lands controlled by any federal agency; access to federally owned dark fiber for use by government or quasi-governmental organizations; location maps and open access to broadband infrastructure that deployed with public funds; creation of fair refusal of service process where the incumbent has the option to provide service at the same level as a new deployment serving a high cost or underserved area within 180 days or must get out of the way; development of fiber optic broadband infrastructure where public funds are used; and a minimum broadband speed requirement of 25Mbps down and 3Mbps up. This also includes supporting legislation that provides tax credits to telecommunications providers that develop broadband in rural and underserved communities, and provides for broadened eligibility and additional federal agency loan authority or extension of credit to telecommunications providers that deploy broadband in rural communities.

In supporting expanded broadband service, where minimum broadband speeds are achieved, NACo shall maintain a neutral position on the differing technologies and policy initiatives promoted by the various elements of the communications industry that are seeking to obtain a competitive advantage in retaining or expanding market share. NACo believes all levels of government should work cooperatively with the private sector, nonprofits, and academia to develop robust awareness, adoption, and use programs for broadband.

- K. Universal Service:** NACo supports the current principles, six of which were originally codified in the Telecommunications Act and two later adopted by the FCC. At the heart of these principles lie the affordability, accessibility, reliability, competitiveness, and non-discriminatory access to communication related services to all American regardless of any circumstance. NACo opposes any federal actions to preempt state universal service programs and any efforts to redefine, modify, and/or expand technological services of any type that does not include local government input and guidance.

Given recent technological advances in both the quality and delivery of communication related services, these fundamental principles should continue to survive both now and in the future by shifting the focus of current program support mechanisms toward the expansion of advanced technological services that a good majority of Americans are afforded today.

In general, NACo supports efforts that continue to promote these principles such as:

- Updating and modernizing the “Schools and Libraries” program to provide funds in the form of discounts, grants, and/or reimbursements to local governments that ensure schools and libraries have access to the technology services of today in an affordable manner;
- Expansion of the “Schools and Libraries” program to allow for flexibility of local governments to collaborate and create partnerships with schools, libraries, non-profit organizations, and the private sector through innovative efforts to provide infrastructure such as fiber and outside cable plants that will assist in extending access throughout rural areas. These efforts should not be limited to the thinking of the past as



many students and citizens alike need access to these services from their homes;

- Stronger support and equal funding methodology expected from service providers of all types is strongly encouraged as the federal government looks to expand broadband access through the “Connect America Fund”;
- Focused and concerted efforts among all governing bodies and agencies must continue to be streamlined to ensure that broadband expansion and adoption efforts are carried out in the most timely and efficient manner as possible with specific emphasis on rural underserved areas.

**L. Online Privacy and Security:** As counties expand their “e-governance” initiatives, more personal information will be collected, stored, and potentially, made available to the public. Consumers are becoming more aware of the potential uses of personal information for purposes other than those intended, and are becoming more concerned about how counties are going to respond. Because of security compromises in the private sector, constituents expect counties to protect their private information. County privacy policies should be reflective of community values, and should follow best available practices to meet those values.

NACo also supports initiatives and systems to secure personal and county information from “hackers” or other illegitimate uses. While every effort should be made to protect private information, NACo supports reasonable liability limits for counties if information that counties control is compromised. If information is compromised, counties should have procedures and policies for notifying affected individuals.

Third party vendors should be expected to conform to county privacy policies and practices to maximize the security of private information. Franchise and other agreements should allow for contractual requirements for maintaining privacy. At the same time, counties should consider policies that protect the public’s private information from the misuse by public employees. Counties should also consider adopting “Freedom of Information Act” policies that provide for public disclosure without compromising private information.

**M. Taxation:** The Telecommunications Act of 1996 did not change or impair any state or local government authority to tax telecommunications providers. NACo needs to ensure:

- No actions are taken by Congress, the FCC, or the courts to preempt local authority on either fees or taxes or land use authority.
- Any federal action that affects communications fees or taxes must be revenue neutral to the locality generally, between providers, and allow for a growth in tax revenue as the service or industry grows.
- County tax policy should be technology neutral for like services.
- Tax policy must recognize the cost to local government of the use of public property or facilities.
- Use of advanced communications services should not be a means of escaping local taxation.
- There must be recognition of local diversity in the taxation of communications services.
- Tax simplification should not be a vehicle used by the federal government to undermine county government’s ability to retain taxing authority and revenue streams.
- Fees for specific uses, such as 911 centers and rights-of-way should not be considered taxes when considering modifications to tax structures.

**N. Geospatial Information Systems:** Geospatial Information Systems (GIS) are critical tools for county officials to make appropriate land use decisions, manage existing infrastructure, and maintain adequate linkages between the county’s land base and its government and maximize the use of resources as first responders to homeland security threats and events. NACo encourages member counties, other local governments, states, tribal entities, and the private sector to engage in a coordinated effort that will lead to standardized best practices and land record modernization as well as a solid digital infrastructure, in particular cadastral data.

NACo supports the effort of the federal government to coordinate the collection and dissemination of GIS data (based on common interoperable data standards) by the federal, state, local, and tribal governments through programs. The common data standards should be designed to:

- maximize the degree to which unclassified GIS data from various sources can be made electronically available; and
- promote the use of GIS for better governance due to increased data sources and sharing of geographic data by all levels of government. Congress should provide funding to facilitate this effort.

**O. CyberSecurity:** NACo recognizes the ever increasing cyber threats that our nation faces from multiple sources on a daily basis. The threats are continuing to increase in sophistication and in turn requiring costly proactive measures to mitigate the potential loss of data and/or damage to our nation’s critical infrastructure.

Understanding this, local governments carry a huge burden of responsibility in ensuring that our citizens’ personal information, priceless historical records, and critical infrastructure are adequately protected, recoverable, and secured in the event of any potential breach. In efforts to ensure that local governments provide the stability, integrity, and security expected of protecting such critical infrastructure and digital assets, NACo supports the following:

- Funding assistance in any form deemed necessary to provide for the information technology resources required to adequately provide security at all levels;
- Funding assistance for basic security awareness training of employees and advanced security training for information technology professionals within local government including assistance in the completion of advance certification and degree programs;
- Cooperative efforts in information sharing among all federal, state, and local governments in addition to private sector organizations regarding breaches, potential threats, threat levels, and any techniques that would assist in the prevention or mitigation of cyber related threats;
- Collaborative efforts in the form of committees or task forces that are inclusive of local government membership with federal agencies such as the Department of Homeland Security and subprograms such as NCC, US-CERT, and ICS-CERT;
- Creation of programs and initiatives that designate local government Cybersecurity liaisons and/or representatives that serve in conjunction with federal agencies such as the Department of Homeland Security.

## **TELECOMMUNICATIONS AND TECHNOLOGY RESOLUTIONS**

### **Resolution in Support of Empowering Counties to be Active in the Deployment and Operations of High Speed Internet**

**Issue:** High Speed Internet is an essential element to modern commerce but local governments in many states are prohibited from being an active participant in the deployment of these services.

**Adopted Policy:** The National Association of Counties (NACo) supports the removal of barriers to counties supplying infrastructure to the private sector, partnering with the private sector or operating Internet services as a public utility when no commercial service is available.

**Adopted | July 16, 2018**

## **Resolution of Support of the Recommendations of the Broadband Opportunity Council**

**Issue:** The Broadband Opportunity Council studied ways to reduce barriers to broadband deployment created by Federal Regulations and is now in the implementation phase of the effort. It is important to America's counties that this implementation effort continue under the current administration.

**Adopted Policy:** The National Association of Counties (NACo) supports the implementation of the report generated by the Broadband Opportunity Council (BOC). This report outlines ways to reduce federal regulatory barriers to the ongoing deployment of broadband capability throughout the nation. Additionally, we encourage the federal government to facilitate the use of publicly held infrastructure via lease and partnership arrangements with the private sector to increase the deployment of Broadband to underserved areas. This is especially important in relation to any additional federally funded build out required to meet FirstNet's Public Safety requirements.

**Adopted | July 16, 2018**

## **Resolution Encouraging Congress to Undertake a Systemic Rewrite of the Telecommunications Act of 1996**

**Issue:** The Federal Telecommunications Act has not been updated by congress since 1996. Since that time, there have been substantial changes in not only the telecommunications technology in use but the also the manner it is used in daily life. The lack of congressional attention to this matter has placed an inordinate burden on the FCC to set policy that is better suited to our elected representatives.

**Adopted Policy:** NACo believes that the time has come for Congress to engage in a systemic rewrite of the Telecommunications Act of 1996. We believe this action is necessary to realign the telecommunications policies of the United States to match current and developing Technologies. Additionally, we believe that NACo can be a valuable resource during this process due to our unique relationship with this issue. NACo and its members are not only critical users of these telecommunications systems, elected representatives of the consumers of these systems, facilitators of deployment of these systems but also in some states, regulators of these systems.

**Adopted | July 16, 2018**

## **Resolution Encouraging Congress to Pass Legislation that Would Ensure Local 911 Service Fees Are Only Used for Emergency Communications**

**Issue:** Funding for 911 comes for a variety of sources, including monthly fees that are set by the state and paid on consumers' telephone bills. Yet this rate may vary by phone type within a state. As consumers shift their telecommunications preferences from wired to wireless phones, some states have seen a dramatic decrease in dedicated 911 funding as existing statutes have not been updated to account for these shifts. Subsequently, it is not uncommon for the revenue from 911 fees to fall short of the cost of running a 911 call center, also known as a public safety answering point (PSAP). Additionally, many states collect 911 fees and remit the revenues to local governments. However, in 2015 over \$220 million in 911 fees were diverted by states throughout the country for purposes other than maintaining and upgrading PSAPs. As counties receive less in dedicated 911 revenue due to both states withholding funds and shifts in telecommunications preferences they must turn to general fund money.

**Adopted Policy:** The National Association of Counties (NACo) encourages Congress and the Federal Communications Commission (FCC) to adopt legislation or take regulatory action that ensures that fees collected for local 911 services are only used to repair, replace or improve communications and security infrastructure technology at our nation's public safety answering points or 911 call centers.

**Adopted | July 16, 2018**

**Resolution Calling on the Federal Government to Actively Engage Counties Prior to Developing 5G Wireless Infrastructure**

**Issue:** As Congress works on legislation to help grow our nation's wireless broadband infrastructure it is imperative that the Federal Government engage local leaders to ensure that new wireless infrastructure built on locally owned property is done so with the prior approval of the governing jurisdiction, and does not preempt or limit local zoning authority.

**Adopted Policy:** The National Association of Counties (NACo) urges the federal government to work with local officials when drafting legislation that would impact the use of locally owned land, including public rights-of-way, to build new wireless infrastructure including 5G networks. NACo further urges Congress to oppose any legislative or regulatory proposals that would limit, or preempt local zoning authority, or the ability of local governments to charge reasonable fees for the use of locally owned land to build wireless infrastructure.

**Adopted | July 16, 2018**

**INTERIM POLICY RESOLUTIONS**

**Resolution Calling for the Federal Communications Commission to Address the Lack of Cellular Phone Coverage for Unserved and Underserved Areas of the United States**

**Issue:** Many areas of the United States, particularly in rural areas, are either underserved or not served at all by cellular phone carriers, preventing residents and visitors from accessing emergency services through E-911.

**Adopted Policy:** The National Association of Counties (NACo) urges the Federal Communications Commission (FCC) to direct additional funding for the build-out of additional cellular communications capabilities in the unserved and underserved areas of the United States through the High Cost Program administered by the Universal Service Administrative Company (USAC).

**Adopted | March 4, 2019**

**Resolution Supporting Federal Legislation to Implement Next Generation 911**

**Issue:** There is an urgent need to implement Next Generation 911 systems and services nationwide to ensure that members of the public and first responders (i.e., 911, police, fire, EMS) benefit from modern emergency communications services.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to pass legislation that affirms nationwide implementation of Next Generation 911 and provides funding to facilitate implementation across all states, U.S. territories, tribal lands and the District of Columbia.

**Adopted | March 4, 2019**

# TRANSPORTATION

## STATEMENT OF BASIC PHILOSOPHY

The National Association of Counties (NACo) believes that the nation's transportation system is a vital component in building and sustaining communities, moving people and goods, and developing competitive economies at local and regional levels, and on a global scale.

The nation's counties play a critical role in the nation's transportation system. Counties own 45 percent of the nation's roads and 39 percent of the nation's bridges, and are involved with over a third of the transit systems and airports in the United States that connect citizens, communities and businesses. NACo believes that counties should be recognized as major owners of transportation infrastructure and provided levels of funding and authority that adequately reflect their role in the nation's transportation system.

## FUNDING AND FINANCING TOOLS

NACo believes that a user-pay approach should continue to be the cornerstone of federal transportation funding and that federal policy should provide counties the flexibility to use additional financing tools, such as tax-exempt bonds and public-private financing for delivering transportation projects.

**A. Highway Trust Fund:** NACo supports using Highway Trust Fund revenue for a total public transportation program (roadways and transit) and that Congress and the Administration should retain the existing budget treatment of the highway and mass transit accounts within the Highway Trust Fund. In addition, NACo supports increasing and indexing the federal motor fuel user fees to meet current and future highway and transit funding needs, provided all additional revenue resulting from such an increase is dedicated for highway, bridge and transit programs.

NACo supports the long-term solvency of the Highway Trust Fund by considering revenue sources that will better capture all users of the nation's highways and account for all vehicles. Congress should also consider streamlining administrative requirements in order to direct more funding toward highway improvement.

- B. Harbor Maintenance Trust Fund:** NACo supports the full expenditure of harbor maintenance trust fund collections on dredging and harbor maintenance, and providing equity for deep draft ports that contribute collections to the fund but do not have significant dredging needs by allowing them to utilize trust fund dollars for limited port-related uses other than dredging.
- C. Airport and Airway Trust Fund:** NACo supports funding the airports and airway trust fund at levels that will meet current and future infrastructure needs and allow for the steady flow of authorized funds without cuts or delays. NACo also supports retaining the existing budget treatment of the trust fund, which requires mandatory spending of its funds and ensures that the taxes collected from users of the aviation system are spent on their designated purposes.
- D. Passenger Facility Charge (PFC):** NACo supports the continued collection of PFC fees for every boarded passenger by public agencies that control commercial airports.
- E. Airport Rates and Charges:** NACo supports local governments and airport operators having the full authority to impose and enforce fees, rates and charges that dedicate all airport revenue to airport development, capital financing and operations.
- F. Off-Airport User Fees:** NACo supports the continued authority of local governments and other public airports to set fees, rates, and charges for the use of airport facilities by off-airport business, with the proceeds being dedicated to airport development, capital financing and operations.

**G. Innovative Financing:** NACo supports innovative financing mechanisms including, but not limited to, qualified tax credit bonds; infrastructure banks; the Transportation Infrastructure Finance and Innovation Act (TIFIA); and public-private partnerships that would allow local governments and transportation authorities, such as counties, to leverage federal financing for capital projects.

**H. Municipal Bonds:** NACo believes the tax free status of bonds used for transportation infrastructure development should be continued with no imposition of additional restrictions on arbitrage and advanced refunding of bonds.

## **COORDINATION AND CONNECTIVITY**

NACo believes that an ideal transportation system is balanced, coordinated and encompasses all modes of transportation, including land (roadways, rail and transit), aviation (airports), and marine transport (ports). NACo also believes that continuous, cooperative, and comprehensive planning is an essential part of a coordinated and balanced transportation system.

**A. Intergovernmental Coordination:** NACo believes a coordinated and balanced transportation system supports the interrelationship and connectivity of transportation infrastructure and services across all levels of government, including county/municipal, state, and federal transportation assets.

**B. County Role in Transportation Planning:** NACo supports opportunities for counties to participate in local/regional and statewide transportation planning processes and believes local/regional transportation planning organizations (such as Metropolitan Planning Organizations) should be made up of a majority of local elected officials and that local elected officials should be able to re-designate their local/regional transportation planning organization, in consultation with the state, if their organization is not adequately comprised of local elected officials.

**C. Funding for Transportation Planning:** NACo believes funds devoted to comprehensive planning should be reasonably related to identifiable beneficial results through a benefit-cost analysis.

**D. Funding for Multimodal Transportation Projects:** NACo supports federal funding for multi-modal transportation projects through discretionary programs and believes local governments should be eligible as sole applicants for these programs.

**E. County Role in Unmanned Aerial Systems (UAS) Regulations:** Counties shall have the authority to regulate certain aspects of Unmanned Aerial System (UAS) operations to ensure public safety and privacy. These aspects would include, but not be limited to: certain lower levels of altitude, time-and-day of operation restrictions and enforcement capabilities.

NACo urges the Federal Aviation Administration (FAA) and Congress to allow for local governments to be able to govern certain UAS capabilities and work in collaboration with local governments to ensure the safety of the national airspace as UAS technology is further integrated.

## **HIGHWAYS**

While counties own more road miles in the United States than any other form of government, NACo recognizes that the nation's transportation system depends on roads and bridges owned by all levels of government and that the role counties play within a state varies greatly state-by-state. Therefore, NACo supports a federal highway program that supports investments on both state and locally owned roads and bridges.

**A. Requirements for Local Projects:** NACo believes counties should be permitted to make a distinction between projects that are statewide and local in character, with requirements for local projects being much less complex.

- B. Regional Planning:** NACo believes that regional planning organizations, in cooperation with state and local governments, should be limited to planning for services and facilities of regional significance.
- C. Statewide Planning:** NACo supports states, with local governmental review and approval, developing multiyear plans and programs for highway improvements and believes that the federal government should review and approve these annual state plans and programs.
- D. Increased Funding for Local Infrastructure:** NACo believes Congress should increase funding for highways and bridges owned by local governments by redirecting amounts authorized strictly for state-owned highways and bridges.
- E. Off-System Investments:** NACo supports federal investments for certain projects that are off the federal-aid system, including:
- Programs that target the rehabilitation of critical elements of the transportation system in our aging regions and communities, including high-risk rural roads;
  - Funding for the replacement or rehabilitation of critically deficient bridges which may not be on the federal-aid system, particularly those off-system bridges under county control;
  - Funding to eliminate or grade-separate the most serious hazards among the 165,000 rail-highway grade crossings not on the federal-aid or state-aid systems.
- F. Trucks and Vehicle Size and Weights:** NACo believes adequate federal funding should be provided to compensate state and local governments for any infrastructure upgrades necessary to accommodate the vehicle size, weight, and configurations mandated by Congress. NACo also supports the continued requirement that all trucks have underride protection devices and believes that the National Highway Traffic Safety Administration should periodically review the adequacy of such regulations.
- G. Standards for Center and Edge Line Markings:** NACo opposes mandated standards for center and edge line markings and believes local governments should be allowed to implement their own policies and procedures.
- H. Intelligent Transportation Systems (ITS):** NACo believes counties should be provided flexibility and federal funding to adopt ITS technologies and related infrastructure.
- I. Highway Safety Plans:** NACo supports the requirement that states develop and update State Strategic Highway Safety Plans in an effort to reduce accidents and fatalities on our nation's roads and believes states should be required to, at a minimum, cooperate with local government officials in the development their statewide safety plans.
- J. Metropolitan Congestion:** NACo supports increasing, and expanding local control over, funding to urban and suburban counties to address congestion.

## **PUBLIC TRANSPORTATION**

NACo believes Congress should provide funds, in partnership with state and local governments, to improve existing public transportation systems and to establish new transit systems where needs and benefits have been determined by local elected officials. In addition, NACo believes the federal government should more fully recognize the appropriateness of counties as a basic area-wide government for planning and operating public transportation services and coordinating specialized transportation.

- A. Interlocal Cooperation:** NACo supports providing flexibility to counties and municipalities in metropolitan areas to join together and establish area-wide public transit authorities.

- B. Formula Funding for Urban Transit Systems:** NACo supports full funding of the urbanized area formula grant program at historic levels for both capital and operating assistance.
- C. Funding for Rural Public Transportation:** NACo supports increased funding to the small urban and rural public transportation program. NACo requests funding be maintained or increased for the Highly Rural Transportation Grants (HRTG) program through the U.S. Department of Veterans Affairs.
- D. Discretionary Funding for Transit:** NACo supports federal funding for transit projects through discretionary programs that support rail modernization, new start and small start system investments and extraordinary bus capital needs, and believes projects should be evaluated based on its cost effectiveness, responsiveness to community transportation needs, and state and/or local financial support of the operations and/or maintenance of such projects and facilities.
- E. Commuter Benefits:** NACo supports increasing the monthly amount that commuters may set aside pre-tax for mass transit to a level that exceeds the allowable pre-tax amount for parking.

## **AIRPORTS**

NACo believes the federal government should more fully recognize the ability of counties, as area-wide governments, to plan and coordinate aviation with other modes of transportation and to control land use for future airport development.

- A. Airport Improvement Program (AIP) and PFC Funds:** NACo supports flexibility for airport sponsors to invest AIP and PFC funds, and local fees, rates and charges, for the financing of intermodal transportation facilities, including but not limited to roads, interchanges, public transit, and safety projects that are an integral component to the growth and sustainability of the airport.
- B. Small Community Air Service Program:** NACo supports continued, sufficient and guaranteed funding to meet the needs of small communities to retain, expand and attract air service.
- C. Essential Air Service (EAS):** NACo believes the federal government should continue subsidies for assisting airlines serving small communities and fully fund the EAS program.
- D. Federal Share of Airport Development Projects:** NACo supports an increased federal share on airport development projects to help local governments with inadequate local revenue sources.
- E. Local Control over Airport Investments:** NACo supports increased flexibility for public airport sponsors in dedicating available airport grant funds to finance projects determined to be of highest priority by the sponsoring county/community.
- F. Military Airports:** NACo believes the federal government should work cooperatively with counties in establishing the joint use of existing military airports for the purpose of achieving considerable public savings.
- G. Air and Noise Pollution Control:** NACo believes the federal government should continue research of air and noise pollution caused by civilian and military aircraft, and enforce existing standards, rules, and regulations.
- H. Airport Security:** NACo supports providing sufficient federal funding to both commercial and general aviation airports to guarantee adequate security and to ensure that no financial burdens or federal security requirements are imposed on local governments or public authorities that operate these facilities.



## RAILROADS

NACo believes there should be a coordinated federal-state-local effort to return rail service to its appropriate place in a balanced national transportation system. In this effort, NACo supports expanding and improving long-distance passenger service, and providing needed regulatory reform at the federal level.

- A. Freight Rail Assistance:** NACo believes Congress should provide assistance to local governments, states, and railroads for the rehabilitation, preservation, and improvement of rail lines with the goal of maintaining and improving needed freight service.
- B. Amtrak:** NACo believes Congress should continue to provide subsidies to Amtrak at a level consistent with maintaining a reasonable level of service and to provide necessary capital improvements with appropriate accountability controls. However, NACo opposes using any transportation trust fund dollars to address Amtrak's financial problems.
- C. Short Line Railroads:** NACo believes Congress should enact legislation that would preserve and restore short line railroads in urban and rural communities.
- B. High-Speed Rail:** NACo supports efforts to improve and expand regional and national high-speed rail service to serve those counties and regions that would benefit from such service. However, NACo opposes the use of funds from the Highway Trust Fund for high-speed rail and believes there should be no preemption of state and local taxing authority and no negative impact on any current commuter rail funding.
- C. Railroad Safety:** Rail safety is a critical issue for our communities. NACo urges Congress to support improved rail safety through the following measures:
  - a. Grade Separations:** NACo urges Congress to provide additional funding to local governments, states and railroads to improve grade crossings and separations allowing for safer interactions between road and rail traffic (23 U.S.C § 130).
  - b. Routing Risk Assessments:** NACo supports the Rail Routing Risk Assessment required and audited annually by the FRA. NACo urges Congress to further require local and state government review of and input into the risk model (49 CFR § 172.820).
  - c. Oversight Staff:** NACo urges the FRA to fill and maintain full staffing in its rail safety office.
  - d. Rail Line Relocation:** NACo supports appropriations for this critical program that would provide communities options to relocate rail lines as needed.
  - e. Rulemaking on Enhanced Tank Car and Braking Standards:** NACo supports rigorous tank car standards, including enhanced thermal protection for tank cars and eliminating the usage of older tank cars that are considered unsafe for moving hazardous materials. NACo further supports the expeditious study and implementation of enhanced braking systems based on safety findings.
  - f. Credit Assistance for Safety:** NACo supports allowing federal appropriations to pay for the credit risk premium for loans that support safety improvements through the Railroad Rehabilitation and Improvement Financing Program.

## PORTS AND WATERWAYS

NACo believes that a vibrant waterway transportation system is vital to our economy and provides our nation with the ability to meet the needs of the shipping public. NACo supports legislation that provides increased funding and regulatory relief to facilitate the revitalization, modernization, and maintenance of port facilities, including legislation that ties the expenditure of harbor maintenance trust fund revenues to their intended purpose – harbor maintenance projects. NACo also believes that federal policy should ensure that state and local officials responsible for administration and security at U.S. ports are consulted before the sale of port facilities in their jurisdiction to foreign state-owned entities.

## **RESEARCH AND DEVELOPMENT**

NACo believes the federal government, in cooperation with states, local governments and industry, should continue and expand research, development, and deployment programs that focus on new and existing modes of transportation, including but not limited to the development of reasonable, safe and cost effective low volume roads.

## **TRANSPORTATION RESOLUTIONS**

### **Resolution in Support of Direct Funding to Local Governments for the Improvement and Maintenance of Local Roads in America within any Proposed Infrastructure Spending Bill**

**Issue:** Include direct funding for roads owned and operated by local governments to address America's rapidly deteriorating transportation network and create jobs

**Adopted Policy:** The National Association of Counties (NACo) urges the president and Congress, through any proposed infrastructure spending bill, to create dedicated funding allocated directly to local governments for the improvement and maintenance of local road and bridge infrastructure in America.

**Adopted | July 16, 2018**

### **Resolution to Establish NACo's Legislative Position for United States Department of Transportation's Budget Appropriation for FY 2019**

**Issue:** The nation's counties rely on a strong federal-state-local partnership to successfully meet the transportation and infrastructure needs of their constituents. This partnership has included the federal government providing, through the annual appropriations process, funding to assist the needs of local government.

**Adopted Policy:** U.S. Department of Transportation (DOT) annual appropriations for FY 2019 shall be maintained, at minimum, at the authorized FY 2018 level, and whenever possible, be increased to assist projects that support the economic output, mobility and safety of the American people.

**Adopted | July 16, 2018**

### **Resolution on FAA Reauthorization or Extension**

**Issue:** As counties own 34 percent of the nation's publicly-owned airports and spend \$4.5 billion annually on air transportation, Federal Aviation Administration (FAA) reauthorization could have significant impacts on county governments, their budgets and the economic well-being of their communities.

**Adopted Policy:** As Congress considers legislation to reauthorize the FAA, the National Association of Counties (NACo) calls for provisions that would:

- Modernize the Passenger Facility Charge (PFC) program by: increasing the cap to \$8.50 and indexing it to inflation so it can be automatically adjusted going forward; streamlining the application process; and eliminating program requirements that are applicable only to medium and large hub airports.
- Reauthorize the Airport Improvement Program (AIP) at the current funding levels. In exchange for raising the PFC cap to \$8.50, eliminate program entitlements (apportionments) for large hub airports and redirect the resulting savings to fund projects at small airports (airports designated as small hubs and smaller).

- Reauthorize the Federal Contract Tower and ensure that FAA does not change the requirements for participating in the program in a way that would close existing towers, prevent new towers or force local communities to pay onerous portions of the required program costs.
- Re-establish congressional intent and 30 years of federal interpretation that state and local sales tax measures of general application are not the same as aviation fuel excise tax and the states and localities should be able to use those revenues as they have determined based on state and local statute.
- NACo urges Congress to continue to fully fund the Essential Air Service (EAS) program that provides dollars to airlines that serve small communities. NACo also urges Congress to continue guaranteed funding of the Small Community Air Service Development Program (SCASDP) that helps small communities address air service and airfare issues.
- NACo urges Congress to establish in the next Federal Aviation Administration (FAA) reauthorization or extension of the current FAA authorization law, a pilot program within the FAA that, in consultation with airline operators and general aviation users, oversees the installation and operation of remote air traffic control towers.

**Adopted | July 16, 2018**

### **Resolution Urging Federal Policy Makers to Include Support for Transit Options in any Upcoming Infrastructure Package and/or List of Expanded Legislative Principles**

**Issue:** Counties and local jurisdictions desire transit options to reduce traffic congestion, spur economic development and job growth, and enhance regional connectivity and mobility.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress and the U.S. Department of Transportation (DOT) to provide funding mechanisms in its upcoming infrastructure package, including incentives for private investment such as public-private partnerships, to state and local governments for purposes of expanding, installing, and maintaining transit systems; including but not limited to Bus Rapid Transit (BRT), Heavy Rail, and Light Rail systems.

**Adopted | July 16, 2018**

### **Resolution in Support of Eliminating Regulatory Impediments for Effective Delivery of Federal Aid Projects**

**Issue:** Elimination of regulatory impediments to the effective delivery of federal aid projects

**Adopted Policy:** The National Association of Counties (NACo) urges the president and Congress to implement measures that would eliminate regulatory impediments on local and state sponsored federal aid projects to achieve our shared goals of strengthening transportation networks, improving public safety and advancing our economic competitiveness.

**Adopted | July 16, 2018**

## **Resolution Supporting Increased Consideration of Alternative Congestion Mitigation Measures**

**Issue:** Federal funding for automated technologies has been focused mostly on the development of driverless cars and shuttles which can enhance mobility and improve first/last-mile accessibility, but have limited ability to reduce road congestion, and may increase vehicle miles traveled before mitigation measures can be implemented.

**Adopted Policy:** The National Association of Counties (NACo) urges U.S. Department of Transportation (DOT) to make road congestion mitigation a top priority by exploring, implementing and funding automated shuttles and transit network systems for congestion mitigation that reduces the impact of driverless vehicles on road congestion and increases usage of Automated Transit Networks (ATN) to relieve travel demand on roads.

**Adopted | July 16, 2018**

## **Resolution Urging Congress to Amend the Electronic Logging Device (ELD) and Hours of Service Final Rule to Provide an Agricultural Exemption**

**Issue:** Federal regulation mandating the use of an electronic logging device for agricultural transportation drivers does not take into account delays drivers will encounter in the process of loading, unloading and transporting livestock, which could result in inhumane animal treatment, devalued livestock pricing, and further economic hardship to rural counties across the United States.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to amend the Federal Motor Carrier Safety Administration Electronic Logging Devices and Hours of Service final rule to exempt agricultural trucking activity from this regulation.

**Adopted | July 16, 2018**

## **Resolution in Support of Fully Funding Federally Mandated Local Airport Security**

**Issue:** Pursuant to 49 U.S.C. § 44903(c) and 49 C.F.R. Part 1542, Airport operators are required to establish an air transportation security program that provides a law enforcement presence and capability at the airport that is adequate to ensure the safety of air passengers. This program is part of the cooperative effort between Transportation Security Administration (TSA) and airports to support deployment of sufficient law enforcement officers, by airports, to ensure passenger safety and counter risks to transportation security. Local Airport Authorities are receiving insufficient funding from the TSA to cover the cost of locally employed law enforcement officers for airport security.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to increase the federal funding allocated for the TSA Law Enforcement Reimbursement Program so that the maximum reimbursement rate may be increased to cover the local airport's actual cost of (non-TSA) law enforcement officers employed by the local airport to fulfill federally mandated airport security requirements.

**Adopted | July 16, 2018**

## **Resolution on Indian School Bus Routes**

**Issue:** Poor maintenance of dirt school bus routes on Indian reservations prevents students from getting to school and contributes to the Native American absentee rate that is four times that of non-Native students.

**Adopted Policy:** The National Association Counties (NACo) urges the improvement of dirt school bus routes on Indian reservations through three key measures: 1) increasing annual funding for the Bureau of Indian Affairs (BIA) Road Maintenance Program (RMP); 2) prioritizing additional RMP funds for dirt school bus routes on Indian reservations that are persistently impassable; and 3) including counties in tribal roads meetings hosted by the BIA and Office of Federal Lands Highway.

**Adopted | July 16, 2018**

## **INTERIM POLICY RESOLUTIONS**

### **Resolution on Regulating Air Ambulances Under the Airline Deregulation Act (ADA)**

**Issue:** Air ambulance regulation under the Airline Deregulation Act (ADA).

**Adopted Policy:** The National Association of Counties (NACo) supports policies to remove air ambulances from the definition of “Air Carrier” in the Airline Deregulation Act (ADA) and ensure other federal laws do not prevent states from regulating air ambulance billing rates to protect consumers from price-gouging and/or balance billing conducted by some air ambulance providers. NACo encourages Congress to direct a thorough and complete study of Air Ambulance operations to be conducted.

**Adopted | March 4, 2019**

### **Resolution in Support of Funding the Assistance to Local Emergency Response Training (ALERT) Grant**

**Issue:** Funding support for the Assistance to Local Emergency Response Training (ALERT) grants.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to designate \$6 million in dedicated funds for the ALERT grant, administered by the Pipeline and Hazardous Materials Safety Administration (PHMSA).

**Adopted | March 4, 2019**

### **Resolution Supporting National Voluntary Registry of Persons with Invisible Disabilities When Applying for a Government Issued Identification Document**

**Issue:** Persons with invisible disabilities drive, work and play in our society and the recognition of such disabilities by law enforcement is paramount to everyone’s safety.

**Adopted Policy:** NACo urges the federal government to support a nationwide, individual state driven model which allows persons with hidden disabilities to voluntarily register that they have such a disability when applying for a government issued identification card and/or driver’s license.

**Adopted | March 4, 2019**