



# Proposed Policy Resolutions and Platform Changes

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National Association of Counties (NACo)

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1                   **AGRICULTURE AND RURAL AFFAIRS STEERING COMMITTEE**

2  
3                   **PROPOSED PLATFORM CHANGE**

4  
5                   **Food Safety**

6  
7 Add the following statement to the Food Safety section of NACo’s Agriculture and Rural Affairs  
8 platform:

9  
10 “NACo supports local food producers that sell direct to consumers and calls on USDA and FDA  
11 to provide increased outreach and technical assistance to these producers to ensure that they are  
12 implementing best practices in food safety.”

13  
14 **Sponsor:** Keith Langenhahn, Field Representative, Wisconsin Counties Association

15  
16                   **PROPOSED RESOLUTIONS**

17  
18           **Proposed Resolution on the Grain Inspection, Packers and Stockyards Administration**

19  
20 **Issue:** Large corporate influence on agriculture policy.

21  
22 **Proposed Policy:** NACo supports a GIPSA ruling that ensures a fair, competitive market for all  
23 grain and livestock producers.

24  
25 **Background:** The Packers and Stockyards Act is the primary law governing livestock and  
26 poultry markets. The goal of the Packers and Stockyards Act — which became law way back in  
27 1921 — is to make livestock and poultry markets open, transparent, and competitive and to  
28 protect farmers and ranchers from fraudulent, deceptive and abusive practices in their dealings  
29 with the meat industry.

30  
31 USDA issued the proposed rules in 2010. To date, however, only a very few of those proposed  
32 rules have been finalized. The delay, in large part, has been due to the riders attached to the  
33 annual appropriations bills ever since the proposed rules came out. In essence, the big meat and  
34 poultry companies have used the backdoor approach of annual riders on the appropriations bills  
35 to reverse the decision made in the 2008 Farm Bill.

36  
37 The Appropriations Committees do not have jurisdiction over policy, but only over spending.  
38 Hence, their job is to determine the annual funding level for GIPSA and its Packers and  
39 Stockyards Program, but not to determine what the policies are. The policy job is the  
40 responsibility of the Agriculture Committees.

41  
42 **Fiscal/Urban/Rural Impact:** Without a fair market in which to work, rural livestock producers  
43 could lose or go into bankruptcy. Also the price of meat at the grocery counter could be dictated  
44 by a few large meat companies.

45  
46 **Sponsored:** Melvyn Houser, Supervisor, Pottawattamie County, IA

47  
48           **Proposed Resolution Opposing More Stringent Regulation of Particulate Matter**

49  
50 **Issue:** Particulate matter regulation

1 **Proposed Policy:** NACo opposes any attempts by the U.S. Environmental Protection Agency  
2 (EPA) to impose regulation of Particulate Matter (PM or dust) at levels more stringent than  
3 current standards.  
4

5 **Background:** In the latest step in its review of the National Ambient Air Quality Standards  
6 (NAAQS), the U.S. Environmental Protection Agency (EPA) established the foundation for  
7 regulation of dust. The EPA is looking to tighten current standards, which would have a negative  
8 impact, especially on rural, agricultural-based counties.  
9

10 Because of the high dust levels found in arid climates, many critical Western industries have a  
11 difficult time meeting the current standard of 150 µg/m<sup>3</sup>. In some of these areas, “no-till” days  
12 have already been proposed for agriculture, severely hindering farmers’ ability to maintain  
13 productive operations.  
14

15 Farmers could be fined for everyday activities like driving a tractor down a dirt road or tilling a  
16 field. It would effectively bring economic growth and development to a halt in many areas of the  
17 country.  
18

19 If EPA enforced tighter standards, areas across the country would be classified as  
20 “nonattainment,” forcing states to impose extreme control requirements on businesses and  
21 counties across the board.  
22

23 The current PM standard was set conservatively low. EPA itself acknowledges the current  
24 standard was based on a desire to be cautious, and not on clear evidence that this very stringent  
25 level was necessary to protect against adverse public health effects. This is especially true for the  
26 type of rural dust predominantly found in agricultural and other resource-based operations.  
27

28 The policy assessment is the latest step in EPA’s ongoing review of the PM NAAQS, as required  
29 every five years under the Clean Air Act. The document will serve as the basis of EPA’s Clean  
30 Air Scientific Advisory Committee’s (CASAC) consideration about whether to revise the current  
31 PM standard.  
32

33 **Fiscal/Urban/Rural Impact:** More stringent regulation of particulate matter levels will increase  
34 costs for dust suppression for both urban and rural counties.  
35

36 **Sponsored:** Bob Fox, Commissioner, Renville County, MN  
37

### 38 **Proposed Resolution Supporting Local Food Systems in the Farm Bill**

39

40 **Issue:** Supporting Local Food Systems  
41

42 **Proposed Policy:** Support county development and expansion of local food systems by  
43 incorporating into the Farm Bill preference for locally grown and produced foods.  
44

45 **Background:** Access to affordable, healthy food is a prerequisite for a healthy life. The state of  
46 public health nationally and locally is heavily influenced by food and agriculture policy at the  
47 federal, state, and local levels. From the rates of chronic disease to the rise of childhood obesity  
48 and weight gain, the increasing healthcare and societal costs of diet-related health issues are well  
49 documented.  
50

1 The next Farm Bill should be a comprehensive multi-year food, farm and jobs bill that impacts  
2 the safety net for producers in times of need, promotes the bio-based economy, conserves natural  
3 resources, strengthens rural communities, promotes job growth in rural America, and provides  
4 much needed food assistance to low-income families.  
5

6 In addition to the impact nationally, the policies, programs, and funding included in the next  
7 Farm Bill will affect how successful counties can be in achieving the goal of improving local  
8 food systems to supports the health of people, the environment, and the economy. According to  
9 Agriculture Secretary Tom Vilsack, “local food production is one of the fastest growing  
10 segments of agriculture...making connections so that a farmer can sell at a local school or  
11 hospital, or even a neighbor down the road, creates good-paying jobs in our rural communities  
12 and keeps the wealth created from the ground close to home.”  
13

14 Local government has an important role to play in creating a healthy food system, but federal  
15 policies and actions significantly impact the ability of counties to fully realize these goals. In  
16 particular, counties would benefit from the following changes to the next Farm Bill:  
17

- 18 **1. Support the incorporation of locally grown products into USDA Food (formerly known**  
19 **as commodities) programs for school meals.** Establishing an avenue for schools to use  
20 federal commodities funds to purchase and/or process locally grown food products would  
21 support small and mid-scale farmers who participate in these programs and strengthen local  
22 economies. It is further recommended that schools be allowed to preference food from a  
23 particular geographic region when purchasing for school lunch meals in order to support  
24 local farmers and food producers.  
25
- 26 **2. Support the infrastructure necessary for local and regional food systems to thrive.**  
27 Infrastructure such as on-farm processing equipment and aggregation, distribution, and  
28 processing facilities would strengthen regional food hubs, Farm to School, value-added  
29 production, and other rural development programs. USDA could be directed to promote  
30 multi-use public facilities through existing programs. Support would also include training  
31 and technical assistance for farmers, food service directors, and other key players in local and  
32 regional food systems.  
33

34 **Fiscal/Urban/Rural Impacts:** The cost of these reforms is negligible to the federal government.  
35 At the local level, these reforms could produce significant cost savings, provide stimulus for  
36 local agriculture production, and provide increased access to healthy foods for school children  
37 throughout the nation.  
38

39 **Sponsor:** Sonoma County, CA  
40





1 take the necessary steps to preserve local communities' stock of affordable housing by  
2 adopting tax policies that encourage the transfer of properties outside of CDBG, HOME, and  
3 other HUD programs.  
4

5 NACo urges Congress to pass legislation amending the Housing Choice Voucher Program to  
6 improve its use in the development and preservation of housing for low- and moderate-  
7 income families. Specifically, NACo calls on Congress to:  
8

- 9 • Expand the limit for project-based vouchers from twenty to 35 percent of a locality's  
10 allocation;
- 11 • Consistent with current performance standards, require HUD to reallocate unused  
12 vouchers to other jurisdictions in a specified time period annually;
- 13 • Modify the targeting requirements to allow sixty percent of the vouchers to be made  
14 available for households at or below thirty percent of median income and up to forty to  
15 fifty percent of median income, with households below or at thirty percent being given  
16 preference; and;
- 17 • Restore the fifty percentile of the fair market rent standard to promote the de-  
18 concentration of families in poverty;
- 19 • Provide more flexibility in initial and annual inspection of units to be occupied by  
20 voucher holders. Accept inspections from other agencies and reduce the frequency of  
21 annual inspections for projects with good track records;
- 22 • Remove disincentives to forming consortia to administer voucher programs. In  
23 addition, NACo does not support block-granting of the Section 8 program because it  
24 will result in a reduction of funding sold on the basis of more flexibility;
- 25 • Insure that program administrators have a system of reserves in order to deal with  
26 unforeseen changes in market conditions, family incomes, appropriations,  
27 administration and additional authorized vouchers.  
28

29 **6. Use of Tax Code for Multifamily Rental Housing:** NACo supports incentives in the tax  
30 code to stimulate investment in affordable housing, including continuing the ability of  
31 counties to issue tax-exempt single and multifamily housing bonds and allocate Low-Income  
32 Housing Tax Credits. NACo supports legislation amending Section 149(b) of the Internal  
33 Revenue Code to permanently add Federal Home Loan Banks to the list of entities permitted  
34 to credit and/or enhance tax exempt bonds.  
35

36 **10. Government Sponsored Enterprises (GSEs):** NACo strongly supports the continuation  
37 of ~~Fannie and Freddie Mae's~~ a government role in the secondary market for the nation's  
38 mortgage system. ~~Fannie and Freddie Mae are chartered by Congress as~~ GSEs are chartered  
39 by Congress to provide stability in the secondary market for residential mortgages, respond  
40 appropriately to the capital markets, and promote access to mortgage credit throughout the  
41 nation. In that role, they provide liquidity to the market by buying and packaging mortgages  
42 into mortgage-backed securities that are sold to investors. This process is essential to  
43 maintaining a flow of capital to the mortgage market. ~~Fannie and Freddie Mae~~ GSEs are  
44 key partners with county governments in expanding affordable housing opportunities for  
45 first-time and other homebuyers.  
46

47 ~~Fannie and Freddie Mae~~ Government-Sponsored Enterprises have been leaders in the  
48 creation of innovative lending programs to finance affordable housing. The GSEs' mission  
49 assures that mortgage capital will be focused on the development of tools that create  
50 mainstream products and services tailored to the affordable housing marketplace. The GSEs

1 work through national and local lenders and county governments to innovate and take  
2 prudent risks in providing mortgage capital to develop and sustain strong communities. The  
3 GSEs also have been essential investors in tax-exempt single family and multifamily housing  
4 bonds and Low-Income Housing Tax Credits, essential tools used by counties to expand  
5 affordable housing opportunities.

6  
7 *NACo supports a federal role in the secondary market for the nation’s mortgage system to*  
8 *provide stability for residential mortgages and to help expand access to mortgage credit*  
9 *and affordable housing opportunities for first time homebuyers and other homebuyers and*  
10 *renters. In any reform of the housing finance system Congress should provide for a*  
11 *continuation of the 30-year mortgage, support for affordable rental housing including the*  
12 *provision of credit enhancement and insurance products in support of county affordable*  
13 *housing programs and permitting county lending programs to cover some or all of the*  
14 *down payment for first-time homebuyers who are adequately counseled in the*  
15 *responsibilities of homeownership.*

16  
17 **13. Special Needs Housing:**

18  
19 **b. Housing Opportunities for Persons with AIDS:** There is an urgent need for  
20 communities to provide appropriate and affordable housing for persons and families  
21 living with the acquired immunodeficiency syndrome and human immunodeficiency  
22 virus (AIDS) who are at greater risk of illness and possible homelessness.

23  
24 In order to better coordinate the delivery of health care and housing services, counties as  
25 well as cities should become eligible to be allocating agencies for metropolitan areas  
26 under the Housing Opportunities for People with AIDS (HOPWA) program. Counties  
27 and cities throughout the country have demonstrated that they will develop fair allocation  
28 and implementation procedures that meet the needs of entire communities.

29  
30 **14. Refining the Mortgage Revenue Bond Program:** NACo supports the Mortgage  
31 Revenue Bond program and the increased purchase price limits due to the recent economic  
32 downturn. NACo ~~urges Congress to pass legislation to~~ supports preservation of the Qualified  
33 Veterans Mortgage Bonds (QVMB), bonding authority for states, ~~and remove lending~~  
34 ~~prohibitions the prohibition of lending monies to Post 76 Veterans.~~

35  
36 **Sponsor:** Welton Cadwell, Commissioner, Lake County, FL

37  
38 **County Role in Housing**

39  
40 **Under A. Planning:**

41  
42 NACo supports county planning and land use policies that contemplate growth and development  
43 patterns occurring within a county and the surrounding region. Recognizing that land use  
44 decisions are inherently local in nature, NACo strongly supports county government decision-  
45 making that appropriately reflects the county’s needs in accommodating growth, as well as the  
46 will of county residents.

47  
48 **Under C. Local Land Use Policies and Procedures, 2. Permitting Processes:**

49  
50 NACo commends the Department on its commitment to reducing regulatory barriers. However,  
51 it must be noted that zoning and land use decision making is an inherently local process, subject

1 to a range of influences including market forces, citizen input and political realities. Moreover,  
2 there is a concern that some communities without the capacity to undertake technical or  
3 personnel changes necessary to implement practices that streamline permitting and zoning  
4 processes may lose important federal resources. Regardless, local governments are deeply  
5 committed to increasing the supply of affordable housing, and agree that steps can be taken to  
6 reduce regulatory barriers.

7  
8 **Sponsor:** Welton Cadwell, Commissioner, Lake County, FL  
9

## 10 **Economic Development**

11  
12 **A. County Role in Economic Development:** County officials should exercise strong  
13 leadership in creating a supportive environment for business investment by: promoting  
14 diversified economies; creating, rehabilitating and maintaining support infrastructure; providing  
15 quality education and training; and involving the non-profit and private sectors. Economic  
16 development efforts benefit counties through the retention and creation of jobs, the broadening of  
17 county tax bases, and the improvement of the overall quality of life. States governments should  
18 develop policies supporting new business development, business retention and business  
19 expansion. They should implement coordinated processes that involve county governments in  
20 providing the infrastructure and financial incentives to promoting economic development and  
21 ~~both business retention and initial business relocation decisions that promote positive county~~  
22 competition among counties and within regions ~~in~~ for attracting firms.

23  
24 **1. Economic Development Planning and Resource Development:** County governments  
25 should adopt economic development as a high priority. These efforts should: support public  
26 education and vocational and on-the-job training; ~~develop programs that focus on welfare~~  
27 government assistance recipients, displaced workers, ~~the~~ unemployed and underemployed  
28 individuals, disadvantaged youth, persons with disabilities, women and minority  
29 populations and veterans; and appropriately involve neighborhood community groups and  
30 other special purpose organizations.

31  
32 Counties should design and implement comprehensive economic development plans that  
33 include short range and long range goals in ~~are~~ response ~~to~~ local and regional needs.  
34 These ~~long-range~~ plans should guide county growth, development and redevelopment.  
35 Counties should encourage the participation of city governments, public agencies, utilities  
36 and the private sector in the formulation of economic development plans. County economic  
37 development plans should generate innovative financial strategies that leverage private  
38 investment through public-private partnerships.

39  
40 **2. Land Use:** Locally adopted land use plans and zoning ~~plans~~ ordinances should serve as  
41 the basis for determining the best locations for economic development and redevelopment  
42 activities. These policies and plans should be sensitive to the needs for balanced growth.  
43 Plans and policies should strive to maintain the variety and quality of residential,  
44 commercial, and industrial uses, and preserve the environment and areas of historic and  
45 cultural significance.

46  
47 **3. Small and Medium Business Development:** Counties must work with the Small  
48 Business Administration (SBA) and state and local financial institutions to develop and  
49 provide other sources of capital—i.e., grants and loans—to assure the availability of funds for  
50 small- and medium-sized businesses entrepreneurs. Whether the need be legal, financial or  
51 marketing expertise, counties should disseminate information, and aggressively market

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

5  
6 To encourage the commercialization of technologies developed by small businesses, county  
7 governments should work closely with universities, community colleges, business groups,  
8 chambers of commerce and the federal, state and city municipal governments. Counties  
9 should strive to identify firms which that export products and services to national and/or  
10 international markets, and those that have the potential to export to national and  
11 international markets.

12  
13 **4. Commemorative Projects:** NACo supports county projects such as the National  
14 Underground Railroad Freedom Center, which will foster an open, continuous dialogue on  
15 the subject of freedom and commemorate the cooperation, courage and extraordinary  
16 heroism of enslaved Americans who fought for freedom, and those who assisted them  
17 during in the pursuit of that goal. NACo encourages counties to recognize and  
18 commemorate the commitment of individuals whose acts exemplify the American spirit of  
19 liberty and justice for all.

20  
21 **5. New and Small Business Development:** New and Small Business Development:  
22 Counties should work with entrepreneurs and small businesses to foster innovation and take  
23 advantage of new and untapped business opportunities in their local and regional  
24 communities. This support would include: hosting and participating in local and regional  
25 conferences; working with other entities to provide access to business planning resources,  
26 mentors and advisory networks, and financing opportunities.

## 27 28 Under **B. The Federal Role in Economic Development:**

29  
30 **1. Clean Up and Redevelopment of Brownfields:** The federal government should ~~remove~~  
31 ~~barriers~~ provide incentives for counties to identify and remediate contaminated, abandoned or  
32 substantially underutilized industrial and commercial land—i.e., brownfields—as a catalyst  
33 for redevelopment of economically distressed areas. NACo supports legislation to authorize  
34 a federal brownfields program that includes enhanced funding for counties.

35  
36 NACo urges that a portion of EPA funds be used for revolving loans for cleanup activities, as  
37 well as for site assessments. ~~Funds out of~~ HUD and EDA funds should be used for planning  
38 projected uses and redevelopment of sites. ~~However,~~ Local governments should be given  
39 flexibility in determining appropriate uses. HUD ~~money~~ funds for brownfields should be  
40 freestanding, ~~and not~~ as opposed to a set-aside out of CDBG funding. NACo supports the  
41 use of Superfund Trust Fund monies by EPA, with funds—preferably grants rather than loans—  
42 directly allocated ~~directly~~ to local governments for site assessments and ~~cleanups of~~  
43 brownfield site cleanups.

44  
45 NACo supports ~~voluntary~~ cleanup programs operated by ~~the~~ states for brownfield sites, ~~but~~  
46 yet urges that state programs be required to operate in conformity with existing minimum  
47 federal standards and guidelines. Counties should have the authority to request that EPA list  
48 a brownfield site on the Superfund national priorities list if, in the process of assessing a site,  
49 the county determines that it is more toxic than originally ~~believed~~-estimated.

1 Brownfields are abandoned or underutilized commercial and industrial sites that ~~often~~ have  
2 environmental contamination issues related to their previous uses, ~~but~~ yet are potential  
3 resources for community economic revitalization. Counties must be protected from liability  
4 for potential future environmental problems related to inadequately cleaned-up brownfields.  
5 ~~Redevelopment of these sites, in rural as well as urban counties, is one component of county~~  
6 ~~government's broader interest in achieving sustainable development on a regional basis and~~  
7 ~~reducing urban sprawl.~~

8  
9 Many brownfield sites remain underutilized because no funds are available ~~neither~~ to assess  
10 the presence and extent of contamination, or to clean up environmental hazards. Federal  
11 resources are essential for assessment and remediation, as well as to provide incentives for  
12 private investment. Flexibility in the types of federal assistance is critical because  
13 brownfield sites vary in their marketability, the magnitude of redevelopment activities  
14 necessary to attract investors, the type of private investment, and the projected rate of return  
15 to the investor.

16  
17 Brownfields exist in rural as well as ~~and~~ urban and suburban counties. Redevelopment is one  
18 component of a broader interest by counties in achieving sustainable development on a  
19 regional basis and for reducing urban sprawl. Redevelopment of these abandoned or  
20 underutilized sites can stimulate economic revitalization in the surrounding areas, and  
21 preserve green space by providing an alternative to unchecked urban sprawl.

22  
23 **2. Superfund Program:** NACo opposes the reduction of funding to the Superfund  
24 program, which provides for the assessment and cleanup of hazardous waste at contaminated  
25 and abandoned industrial sites. NACo supports full funding of federal programs that provide  
26 for the assessment, cleanup and redevelopment of brownfields sites. The adaptive reuse of  
27 brownfield sites will help revitalize distressed areas in communities, and NACo opposes any  
28 reduction of funding for the Superfund program that would limit or diminish the  
29 effectiveness of federal, state or local efforts towards the revitalization of brownfields sites.

30  
31 **3. Sustainable Communities:** NACo supports legislation that ~~would~~ will encourage  
32 agencies at the federal and regional levels to integrate housing, transit ~~portation~~, energy and  
33 environmental planning to support sustainable development that makes the most efficient use  
34 of existing transportation and other infrastructure. NACo ~~It~~ promotes future transportation  
35 and infrastructure—including water, sewer, and broadband ~~housing development~~—to  
36 maximize economic growth and the quality of life in a region while minimizing traffic  
37 congestion, environmental impacts, and energy use in urban, suburban, exurban and rural  
38 areas.

39  
40 **4. Emerging Markets:** Congress has passed emerging new markets and renewal  
41 communities legislation. NACo supports efforts to open new markets in economically-  
42 underserved areas, where the economic boom has not reached and supports promoting  
43 private sector investment in untapped markets. Investments should ~~especially~~ be focused  
44 especially on emerging minority-owned and operated businesses in order to address real  
45 growth in both the geographic and commercial potentials of underserved markets and their  
46 communities ~~businesses serving those markets.~~

47  
48 Certain sectors have not been targeted in promoting increased marketing and availability for  
49 business expansion despite having the necessary population and skilled workforce.  
50 Improving access to capital for low-~~income~~ wealth households, ~~including~~ minorities

1 populations and traditionally underserved borrowers, by bringing private enterprise into  
2 underserved neighborhoods and communities, should be encouraged.

3  
4 **5. Infrastructure and Public Works:** Counties must provide and support sufficient  
5 infrastructure and support services to generate increased economic activity. To sustain and  
6 increase economic activity in counties, federal, state and municipality governments must  
7 assist in the rehabilitation and expansion of physical infrastructure and support services,  
8 including multimodal transportation, power utilities, broadband, water treatment and waste  
9 management systems, ~~and other essential services~~. Changes in federal regulations have  
10 significantly affected the cost of providing infrastructure capacity significantly, and  
11 Counties must work to ensure balanced regulations that protect the environment, ~~but do not~~  
12 without unreasonably increased costs. NACo strongly supports:

- 14 • a national commitment, shared by all levels of government and the private sector, to  
15 increase capital spending;
- 16 • more flexible administration of federal and state mandates to allow cost-effective  
17 methods of compliance;
- 18 • accelerated spending of the federal highway, transit, aviation and waterways trust  
19 funds;
- 20 • prioritization of rehabilitation and improvement of aging infrastructure that ~~has a~~  
21 ~~disproportionate~~ negatively effects on business retention and attraction in older  
22 regions and communities;
- 23 • removal of unwarranted limits on the ability of state and local governments to help  
24 themselves through tax-exempt financing and incentives, such as empowerment  
25 zones; and
- 26 • ~~a rational capital budgeting process at all levels of government; and funding the~~  
27 Resource Conservation and Development Program (RC&D). ~~within the Agriculture~~  
28 ~~Appropriations bill at \$54 million.~~

29  
30 **6. The New Homestead Economic Opportunity Act:** NACo urges Congress to pass the  
31 New Homestead Act to strengthen rural counties suffering from high rates of outmigration.

32  
33 **7. Middle Market Companies:** NACo supports sound policies that enhance access to  
34 capital and reduce redundant regulations to allow middle market companies to thrive and  
35 support economic recovery across the United States.

36  
37 **8. Challenges and Local Impacts of Base Closure:** The adverse economic impacts of  
38 military base closures and realignments are devastating for small or rural communities and  
39 metropolitan areas. Immediate effects include a loss of civilian and military jobs, an erosion  
40 of the tax base, increased local government costs in providing services to the base, the  
41 presence of substandard buildings and infrastructure that may ~~not~~ fail to meet local codes, a  
42 decline in real estate values which can trigger a drop in property tax revenue, and adverse  
43 impacts on banks when homeowners are unable to pay their mortgages.

- 44  
45 **a. Federal Oversight of Base Closures:** Efficient conversion of closed bases to  
46 productive civilian uses requires the coordinated effort of several departments of the  
47 federal government. Conflicting missions within the Department of Defense (DoD) and  
48 among other federal departments and agencies have slowed the base reuse process and  
49 added to the difficulties communities face.

- 1 • Congress and DoD have made unrealistic estimates of the profits that the federal  
2 government will receive from reuse of closed installations. As a result, the  
3 conversion process is delayed, because base commanders often are forced to make  
4 economically unrealistic demands in the sale or lease of base facilities, or  
5 commanders do not fail to exercise their interim leasing authority, ~~but~~ and instead  
6 ~~turn this over to the disposal of~~ relinquish their authority to leasing agencies.
- 7 • An Assistant Secretary of Defense should be appointed whose primary  
8 responsibilities are to ensure rapid conversion of facilities and economic  
9 development. This senior official must have the authority and responsibility to  
10 administer base closure activities for the three branches of the military and  
11 coordinate actions taken by federal departments and agencies that impact  
12 conversions. This official should engage in continuing dialogue with affected  
13 communities and provide a forum for communities to bring grievances, resolve  
14 disputes, and assure consistency in the interpretation and implementation of the  
15 same law. This office also would serve as a vital clearinghouse of best practices  
16 in the event that ~~more~~ additional base closures are authorized in the future.
- 17 • The Secretary of Defense should provide clear orders through the service  
18 secretaries to all commanders of installations designated for closure that their  
19 primary mission is to facilitate swift civilian reuse of the installation while  
20 minimizing adverse impacts on the community. Base commanders should be  
21 encouraged to enter into leases as they are authorized to do.

22  
23 **b. Economic Adjustment Assistance:** To maximize the fiscal benefit of base closure,  
24 the federal government must assist in the rehabilitation of substandard base facilities and  
25 provide creative financing terms to purchasers or developers of closed bases. Economic  
26 Adjustment Assistance, from the Office of Economic Adjustment or the President's  
27 Economic Adjustment Committee, is absolutely necessary. Such funding should ~~not~~ be  
28 ~~limited to~~ available for reuse planning, ~~but should also be available~~ as well as for special  
29 projects on a discretionary basis and for preparing strategic marketing plans including  
30 development, printing and distribution of marketing materials.

31  
32 "Bridge funding," to enable communities to assume responsibility for large airfields and  
33 other military facilities with civilian uses, should continue for several years after closure  
34 until the facilities can begin to generate revenue. To preserve taxpayer investment in  
35 these assets, facilities should be maintained, and equipment that is essential for their  
36 functioning should remain intact for long-term economic development following  
37 conversion. To assist with economic stimulus, the federal government, ~~and~~ along with  
38 state governments, should enter into joint marketing agreements with local governments  
39 to promote development of these properties.

40  
41 Continued support for projects related to base closure through EDA remains important.  
42 Affected local governments should be eligible for federal dollars ~~which~~ that can be used  
43 for local priorities, including making loans or grants to businesses that utilize former  
44 bases. Any loan repayments should go into a revolving loan fund for use by local  
45 governments in financing additional conversion activities.

46  
47 DoD must explore alternative methods to finance the transfer of bases out of federal  
48 ownership and the development of new, productive uses on the property. Financing often  
49 can be provided without expense to the federal government by extending the time period  
50 during which an installment purchase of a facility must be paid. Coordinating the



1 disposition and reuse plans with funding available through other federal departments,  
2 such as Labor and Transportation, will allow the federal government to obtain a greater  
3 overall, long-term value for closed bases while mitigating adverse local impacts.  
4

5 The introduction of Economic Development Conveyances (EDCs) in recent years has  
6 been an innovative and important step in facilitating ~~quicker~~ **more expedient**  
7 redevelopment. No-cost EDCs have been of particular importance to rural communities  
8 that ~~do not have~~ **lack** the resources to buy base property for redevelopment. The further  
9 step in 1999 to both expand no-cost EDCs to all communities and to allow communities  
10 experiencing changed economic circumstances to renegotiate earlier EDC agreements has  
11 been integral in many reuse projects moving forward. DoD must continue to develop  
12 creative strategies such as this to help communities cope with base closure.  
13

14 **NACo urges the following:**  
15

- 16 • Allow local reuse authorities to issue tax-exempt industrial development bonds, to  
17 serve as business incentives and provide financial support to local closure  
18 authorities during the conversion phase.
- 19 • Closing military bases should be made foreign trade zones and federal  
20 empowerment zones with the associated tax advantages and investment credits to  
21 enable them to attract private investment.
- 22 • Any national infrastructure finance program, such as the GROW AMERICA  
23 ACT, should set aside funds for infrastructure improvements on former military  
24 installations.  
25

26 **c. Property Transfer:** ~~It is imperative to~~ The design and implementation of a review  
27 and transfer process that is consistent among the operating branches within DoD **are**  
28 **imperative**. This **process** needs to be responsive to community reuse objectives and  
29 provide prompt transfer of property to accomplish early economic recovery.  
30

- 31 • Interim leases should be longer than one year so that the local governing entity is  
32 better positioned to recruit private businesses and should be processed within  
33 sixty **[60]** days as the law requires.
- 34 • DoD should act swiftly to implement P.L. 102-426. This law requires prompt  
35 identification, parcelization, and transfer of uncontaminated parcels of base  
36 property.
- 37 • Negotiated sales of base property should require Congressional review only if  
38 valued at **a fair market value of** \$1 million or more. Current law requires  
39 Congressional review for sales worth \$100,000 or more.
- 40 • In developing reuse plans, communities should take into consideration the needs  
41 of all citizens, including the homeless ~~residing~~ living in the vicinity, in deciding  
42 the most appropriate use of the property. ~~However, initiation of planning should~~  
43 ~~not be delayed by a Federal preference for use of the base by homeless providers,~~  
44 **however, should in no way delay the planning process.** Instead, local  
45 redevelopment authorities should assist interested groups in evaluating property at  
46 the base, consult with representatives of homeless people, and take their proposed  
47 uses into account in developing a reuse plan.
- 48 • ~~Key “personal property” items such as machinery, equipment and rolling stock~~  
49 ~~should also be made available to assist in local economic recovery.~~

- DoD should reexamine the policy ~~which~~ 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 ~~not only~~ protects human health, ~~but~~ **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, parcelization 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 Investment Act (WIA) currently serves displaced workers including those displaced due to defense downsizing. WIA 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.

**9. Trade Agreements:** ~~NACo is a strong supporter~~ supports free trade activities that enhance the economic base of local governments and promote county participation in the global economy. ~~However,~~ 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 US 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 US manufacturing industries, workers and agriculture, and to send the report back to NACo as soon as possible.

**10. State Role in Economic Growth:** ~~The s~~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

1 Credits in order to achieve equitable distribution of these tools throughout the state. States  
2 should consider appropriate legislation ~~which~~ *that* would provide a sound method for  
3 acquiring land for future public urban, suburban, exurban and rural development uses.  
4

5 **11. Regional Economic Development Commissions:** NACo supports the concept of  
6 regional economic development commissions, which would facilitate comprehensive *and*  
7 *cooperative* approaches to economic and infrastructure development in severely distressed  
8 counties, provided that funding for such commissions is not at the expense of funding for  
9 traditional economic development programs, such as Economic Development Districts.  
10

11 **12. Trade Assistance:** NACo supports the concept of trade adjustment assistance for local  
12 governments. Many communities may experience a negative change in the local economy as  
13 the US marketplace becomes ~~more~~ increasingly global. NACo believes that federal  
14 resources should be allocated to help alleviate the negative impacts of expanded trade  
15 practices, and help communities devise strategies for future economic viability.  
16

17 *13. International Economic Development and Offshore Manufacturing: Economic*  
18 *development is a key issue for many counties across the nation, and with high*  
19 *unemployment still in existence, jobs are a priority. Too many companies however are*  
20 *moving from one state to another without a net increase to the overall US economy. NACo*  
21 *continues to urge the federal government to encourage businesses to move manufacturing*  
22 *back to the states from offshore. This can be done through a variety of incentives. NACo is*  
23 *open to working with the federal and county governments to find the right way to*  
24 *incentivize this initiative.*  
25

26 **Sponsor:** Welton Cadwell, Commissioner, Lake County, FL  
27

### 28 **Statement of Basic Philosophy (Workforce)** 29

30 The National Association of Counties (NACo) believes that county governments have a critical  
31 role to play in the planning, management and implementation of ~~labor and employment laws,~~  
32 ~~programs that govern county workplaces,~~ and *employment* programs designed to prepare people  
33 for the world of work *and to help ensure employers have a skilled workforce.* Therefore, NACo  
34 supports the following principles.  
35

- 36 • **Local Authority:** The federal government should not usurp or undermine the authorities,  
37 responsibilities and obligations that are generally reserved to states and localities with respect  
38 to ~~labor and employment law~~ *workforce programs.*
- 39 • **Workforce Development:** The federal, state, and local governments must work together to  
40 maintain an effective national workforce development system ~~that~~ *which* addresses the  
41 workforce needs of job seekers *including youth,* incumbent workers, and employers; *aligns*  
42 ~~the appropriate alignment of resources;~~ and is designed, governed, and implemented by a  
43 public-private partnership made up of local elected officials and business leaders.
- 44 • **Labor-Management Relations:** County governments should continue to pursue positive  
45 labor-management relations in order to ensure that counties provide their workers with safe  
46 and meaningful employment and county workers contribute to the overall goals and  
47 objectives of the county for which they work.
- 48 • ~~**Employee Benefits:** County elected officials should strive to develop employee benefit~~  
49 ~~plans that are affordable, responsive to the needs and desires of county employees and reflect~~  
50 ~~the values of the community, such as enhanced health care programs, adequate pension and~~

1 retirement systems, long-term health care insurance, employee assistance programs, and  
2 other services that meet individual employee needs. *Moves to FIGA.*

3  
4 **Sponsor:** Welton Cadwell, Commissioner, Lake County, FL

## 5 6 **Workforce Development**

7  
8 *A skilled workforce is essential for the economic success of the nation's employers. Thus,*  
9 NACo strongly supports efforts to enhance the effectiveness and efficiency of the national  
10 workforce development system. NACo believes that workforce programs can be strengthened  
11 and better aligned to improve access and service delivery for both workers and employers  
12 through a consolidated *streamlined* national workforce development system that is funded by the  
13 federal government through a single block grants to states and localities that *which* provides  
14 flexibility to local governments to permit adaptation to local needs. The alignment of these  
15 resources should be decided by state and local officials and business leaders working through  
16 *Workforce Investment Boards (WIBs)*, a public-private partnership. ~~A skilled workforce is~~  
17 ~~essential for the economic success of the nation's employers.~~

18  
19 *Goals: The principal goals of the national workforce development system should be to*  
20 *enhance business and economic development, reduce local unemployment rates, increase local*  
21 *workforce participation rates, enhance incomes, work with youth on career awareness and*  
22 *ensure that all individuals obtain appropriate wages.* (All but youth wording moved from  
23 another section.)

24  
25 *Access and Flexibility:* Access to workforce development programs should be universal without  
26 respect to economic circumstance, gender, race, ethnicity, or national origin. Local governments  
27 should have the authority to implement these programs and to determine the range of services  
28 provided and the priority populations that should receive these services. Particularly during  
29 times of rapidly changing economic conditions, local elected officials must have the authority  
30 and flexibility to bring resources together at the local *grassroots* level to ~~increase the efficiency~~  
31 ~~and effectiveness of the workforce system.~~ *best serve citizen and employer needs.* NACo  
32 believes this alignment can only effectively occur with local elected officials at city and county  
33 levels.

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

37  
38 Local workforce development areas and states should be granted broad waiver authority to  
39 creatively respond to the employment, *education and training*, economic development and  
40 welfare issues confronting states and localities. Requests for waivers should be developed  
41 jointly by local elected officials and workforce development boards *WIBs*, ~~should be limited to~~  
42 ~~the delivery of program services and the allocation of funds to different activities and must~~  
43 receive the approval of *state agencies and /or* governors ~~and state workforce boards~~ before they  
44 can be enacted.

45  
46 The federal government should not grant new waiver requests or approve state Workforce  
47 Investment Act (WIA) plans that do not include the proper input or the process of consultation  
48 with local elected officials and local workforce investment boards *WIBs* as required under law.  
49 Furthermore, the Department of Labor should not approve any state WIA plan submitted by a  
50 governor that circumvents federal laws and *or* consolidates or eliminates any local workforce  
51 areas without *demonstrated rationale (e.g. fraud, or lack of performance )*. *Additionally, in*

1 **both examples** meaningful input and support from **a majority of** local elected officials **should be**  
2 **required.** NACo further urges the federal government to uphold a state's current WIA plan in  
3 the event a state governor subsequently submits a plan ~~that~~ **which** is contrary to the intent, policy  
4 and procedures of the Workforce Investment Act of 1998 **or future workforce reauthorization**  
5 **legislation.**

6  
7 ~~The principal goals of the national workforce development system should be to enhance business~~  
8 ~~and economic development, reduce local unemployment rates, increase local workforce~~  
9 ~~participation rates, enhance incomes, and ensure that all individuals obtain a livable wage.~~  
10 *(Moved higher in this document.)*

11  
12 **Administration:** Workforce development programs should be developed, implemented, and  
13 overseen at the city, county or multi-county levels by city or county elected officials and local  
14 ~~workforce investment boards~~ **WIBs.** The latter should be appointed by the chief local elected  
15 official or officials for the local workforce investment area based upon recommendations from  
16 representatives of the business community, and should be comprised mainly of business  
17 community representatives. Regardless of population, counties and cities or consortia of  
18 counties and cities with histories of effective workforce development activities should be eligible  
19 for automatic designation.

20 County governments should have the flexibility, through their local planning process and in  
21 cooperation with local ~~workforce investment boards~~ **WIBs,** to merge Temporary Assistance for  
22 Needy Families (TANF) programs and local WIA programs into a single entity.

23  
24 The national workforce development system should integrate and ~~consolidate~~ **streamline** the  
25 disparate federal, ~~state and local~~ training and employment programs into a single **more aligned**  
26 **and reduced set of funding streams** whose services are delivered through a locally established  
27 and governed one-stop delivery system. **Mandatory partners within the one stop delivery**  
28 **system should be required to contribute to infrastructure and other costs related operations of**  
29 **the one-stops. These contributions can be direct and also can included local, state and federal**  
30 **resources** ~~Workforce development programs and programs included in the one stop delivery~~  
31 ~~system should contribute to the development and implementation of the national workforce~~  
32 ~~development system through direct contribution, state collected and allocated resources, or direct~~  
33 ~~congressional funding.~~

34  
35 **Federal Government Role:**

- 36 • **The federal and state governments should not operate training and employment**  
37 **programs or provide direct client services that are duplicative of those offered under**  
38 **the Wagner-Peyser Act.**
- 39 • **The federal government should interpret federal law through regulations and when**  
40 **necessary arbitrate disagreements between state and local officials.**
- 41 • **It should supply sufficient resources to ensure that states and localities are able to**  
42 **achieve the goals and objectives of the law.**
- 43 • **Funding across the states and workforce development programs should be equitable**  
44 **and based upon a formula that reflects state and local fiscal needs.**
- 45 • **The Department of Labor should allocate as much funding as possible to local**  
46 **workforce service areas.**
- 47 • **New federal training and employment programs, additional funding or additional**  
48 **program guidance should be done as part of the block grant program, and should**  
49 **retain and utilize existing governance structures to avoid program duplication and**  
50 **confusion.**

- Take a reasonable and uniform approach to performance standard negotiations.

The federal and state governments should not operate training and employment programs or provide direct client services, such as those offered under the Wagner-Peyser Act. The federal government should interpret federal law through regulations and when necessary arbitrate disagreements between state and local officials. It should also supply sufficient resources to ensure that states and localities are able to achieve the goals and objectives of the law. Funding across the states and workforce development programs should be equitable and based upon a formula that reflects state and local fiscal needs. The Department of Labor should allocate as much funding as possible to local workforce service areas (including states with strict guidelines for re-allocating funds from states who are under spending. New federal training and employment programs, additional funding or additional program guidance should be done as part of the block grant program, and should retain and utilize existing governance structures to avoid program duplication and confusion.

#### State Government Role:

State governments in partnership with local workforce investment boards WIBs, 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, but 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 workforce areas should be given the authority to develop programs that meet the needs of job seekers including youth, employers and employees alike. This should include the flexibility to develop sector-based, incumbent worker, and other specialized training services that respond to local economic development policies and business needs.
- Local workforce programs should assist structurally and cyclically unemployed individuals acquire marketable job skills that lead to employment and economic self-sufficiency; young people obtain those skills necessary to make the transition to work; and business and industry meet their needs for qualified and skilled workers.
- Local workforce programs should be permitted to provide public sector employment during periods of high unemployment or long-term unemployment.
- Local workforce development programs should 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 adequately and effectively served.
- Local elected officials and local WIBs should be given the authorities needed to ensure that these programs maintain high standards of accountability and responsibility.

- 1 • Develop the local workforce development plan and programs.
- 2 • Establish and oversee the one-stop career center system within their workforce
- 3 development area.

4

5 **Structurally, at a minimum, local WIBs should:**

6

- 7 • Be comprised of a majority of representatives of the private sector;
  - 8 • Be chaired by a representative of the private sector;
  - 9 • Involve public partners
- 10

11 ~~Local workforce areas should be given the authority to develop programs that meet the needs of~~

12 ~~employers and employees alike. This should include the flexibility to develop sector based,~~

13 ~~incumbent worker, and other specialized training services that respond to local economic~~

14 ~~development policies and business needs. Local workforce programs should assist structurally~~

15 ~~and cyclically unemployed individuals acquire marketable job skills that lead to employment and~~

16 ~~economic self-sufficiency; young people obtain those skills necessary to make the transition to~~

17 ~~work; and business and industry meet their needs for qualified and skilled workers. Local~~

18 ~~workforce programs should be permitted to provide public sector employment during periods of~~

19 ~~high unemployment or long-term unemployment.~~

20

21 ~~Local workforce development programs should maintain high standards of accountability and~~

22 ~~responsibility and rely on “return on investment” and “customer satisfaction” strategies as well~~

23 ~~as appropriate regression models to determine program benefits and ensure that special~~

24 ~~populations are adequately served. Local elected officials and local workforce boards should be~~

25 ~~given the authorities needed to ensure that these programs maintain high standards of~~

26 ~~accountability and responsibility.~~

27

28 **Local Elected Official Roles:**

29 **Each local workforce development area should be under the direction of one or more local**

30 **elected officials and a local workforce development board appointed by local elected officials.**

31 **At a minimum, local elected officials should:**

32

- 33 • Appoint and certify local workforce development boards;
  - 34 • Participate in the development and approval of local workforce development plans and
  - 35 programs in partnership with local WIBS;
  - 36 • Approve all grant recipients including those designated to provide one-stop system
  - 37 services;
  - 38 • Oversee and evaluate all workforce development and one-stop system programs in
  - 39 partnership with the local WIBs; and
  - 40 • Manage fiscal resources, in cooperation with the local WIB.
- 41

42 ~~Each local workforce development area should be under the direction of one or more local~~

43 ~~elected officials and a local workforce development board appointed by local elected officials.~~

44 ~~At a minimum, local elected officials should:~~

45

- 46 ~~• Appoint and certify local workforce development boards;~~
- 47 ~~• Participate in the development and approval of local workforce development plans and~~
- 48 ~~programs in partnership with local workforce development boards;~~
- 49 ~~• 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 their workforce development boards; and~~
- ~~• Manage fiscal resources, in cooperation with local workforce development boards.~~

At a minimum, local workforce development boards should:

- ~~• Be comprised primarily of representatives of the private sector and labor;~~
- ~~• Be chaired by a representative of the private sector;~~
- ~~• Involve public partners in an advisory capacity;~~
- ~~• Develop, with elected officials, fiscal management procedures;~~
- ~~• Develop the local workforce development plan and programs in partnership with local elected officials;~~
- ~~• Establish and oversee the one-stop career center system within their workforce development area; and~~
- ~~• Perform oversight, evaluation, and return on investment studies.~~

States should have a limited, but 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.~~

**Sponsor:** Welton Cadwell, Commissioner, Lake County, FL

## Employment Standards

**A. Collective Bargaining:** NACo ~~opposes~~ does not support 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~~ recommends 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;
- Prohibit strikes but provides for reasonable means to resolve disputes; and



- 1 • Grant localities the right to pass appropriate ordinances in the absence of state laws.  
2

3 **B. Equal Employment Opportunity:** NACo believes that county governments have a vital  
4 and continuing interest in the development, maintenance, and extension of vigorous and effective  
5 civil rights policies within the workplace. Therefore, counties are:  
6

- 7 • Enforcing and applying all laws that prohibit discrimination on the basis of race, gender,  
8 sexual orientation, disability and age;  
9 • Removing all barriers to the recruitment, selection, hiring, compensation, provision of  
10 pensions and benefits, promotion, transfer, or discharge of employees that have no  
11 relationship to job requirements;  
12 • Developing and carrying out affirmative action programs for minority groups, disabled  
13 persons and women; and  
14 • Establishing employment programs that benefit disadvantaged county residents.  
15

16 NACo supports equal pay for equal work and urges all counties to undertake a thorough review  
17 of their various job classifications and pay scales to ensure that they are equitable, justifiable,  
18 and fairly account for positions historically dominated by women.  
19

20 **C. Occupational Safety and Health:** NACo supports efforts to establish state and local  
21 occupational safety and health standards. However, states should retain the ability to set their  
22 own occupational health and safety standards tailored to the needs of their jurisdiction.  
23

24 **D. Fair Labor Standards Act:** NACo supports future amendments to the Fair Labor Standards  
25 Act that would recognize the unique working conditions of all public safety employees,  
26 including dual function employees such as firefighter/paramedics employed by a public agency  
27 but not connected to a fire department.  
28

29 **E. Davis-Bacon:** The Davis-Bacon Act was designed to ensure that workers on federally-  
30 subsidized construction projects receive the prevailing wage for a specific construction job  
31 whether they are part of a union or not. NACo believes that federal implementation of the  
32 Davis-Bacon Act has been problematic at the local level, specifically with respect to reporting  
33 requirements for sub-contractors working on a federally funded, local construction project.  
34

35 Therefore, NACo ~~urges~~ recommends to Congress to make the following reforms to the Davis-  
36 Bacon Act:  
37

- 38 • Determination of the prevailing wage should be based upon a 50 percent or majority rule,  
39 rather than the current 30 percent rule;  
40 • Allow state and local governments to employ “helpers” in the same ratio used in non-Davis-  
41 Bacon Act construction;  
42 • Utilize county boundaries or MSA, generally, when determining local wage rates, and  
43 prohibit the use of urban wage data in rural areas, and vice versa;  
44 • Raise the \$2,000 threshold to \$500,000, and index this threshold based upon the consumer  
45 price index; and  
46 • Waive Davis-Bacon regulations in states where there are state established labor rates for  
47 public construction projects.  
48

49 **Sponsor:** Welton Cadwell, Commissioner, Lake County FL  
50

## Employee Benefits

[Note: the language below will be moved to the Finance and Intergovernmental Affairs Steering Committee's section of the platform]

### ~~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~~

1 ~~county and other elected officials so that they may attend to their elected official duties without~~  
2 ~~fear of termination, deductions from existing leave accounts, poor performance ratings or loss of~~  
3 ~~other benefits.~~

4  
5 **Sponsor:** Welton Cadwell, Commissioner, Lake County, FL

6  
7 **PROPOSED RESOLUTIONS**

8  
9 **Proposed Resolution to Increase Accessibility to Veterans' Services**

10  
11 **Issue:** County Veteran Service Officers (CVSOs) need to be embedded in every county in the  
12 U.S. to serve a critical role to assist veterans' and families' access their earned benefits and  
13 services nationally and locally.

14  
15 **Proposed Policy:** NACo urges the Administration and Congress to include and designate VA  
16 funding for future federal fiscal years to counties to support CVSO offices throughout the  
17 nation's local county governments.

18  
19 **Background:** There are 22 million veterans in the U.S. It is estimated that only half of returning  
20 veterans are receiving their entitled benefits. CVSOs are the connecting link for veterans to their  
21 federal resources and entitled benefits. CVSOs are the first point of contact for our Country's  
22 veteran population in accessing the Department of Veteran Affairs (VA) benefits and services.

23  
24 The VA has made great efforts to reduce the backlog and wait time for claims by installing an  
25 electronic filing option. CVSOs play a critical role in assisting the high proportion of veterans  
26 and military families who may not have access to computers or may otherwise be unable to take  
27 advantage of the electronic filing opportunity.

28  
29 **Fiscal Impact:** Redirects federal funds for VA outreach and services to support CVSOs based in  
30 the community.

31  
32 **Sponsor:** Stan Batemon, Chairman, St. Clair County

33  
34 **Proposed Resolution on FY 2015 Appropriations for the U.S. Department of Housing and**  
35 **Urban Development**

36  
37 **Issue:** Support FY 2015 Appropriations for the U.S. Department of Housing and Urban  
38 Development (HUD).

39  
40 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to support the  
41 following levels of funding for core U.S. Department of Housing and Urban Development  
42 programs in the FY 2015 Transportation and Housing and Urban Development appropriations  
43 bill: no less than \$3.3 billion in Community Development Block Grant (CDBG) formula  
44 funding; no less than \$1.2 billion in formula funding for the HOME Investment Partnerships  
45 Program (HOME); \$2.1 billion for Homeless Housing Assistance grants, including at least \$250  
46 million for the Emergency Solutions Grant program plus an amount to fully fund expiring  
47 supportive housing and Shelter Plus Care rent subsidy contracts; full funding for existing Section  
48 8 project-based and tenant-based contracts and \$275 million in Section 108 Loan Guarantee  
49 authority.

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

5  
6 **Background:** The CDBG and HOME programs have been model federal block grant programs  
7 for expanding affordable housing opportunities and undertaking neighborhood revitalization.

8  
9 It is important for the federal government to restore funding levels for community development,  
10 affordable housing and economic development in FY 2015. Local governments have used CDBG  
11 funds for thousands of activities such as expanding homeownership opportunities; eliminating  
12 slum and blight; infrastructure improvements such as roads, water and sewer systems; services at  
13 libraries, community centers, adult day care and child and after school care facilities; homeless  
14 housing assistance; employment training; transportation services; crime awareness; and business  
15 and job creation. HOME has an impressive track record, too, in expanding the supply of  
16 ownership and rental housing. In 2011 HOME reached the completion of one million affordable  
17 housing units.

18  
19 The national median monthly rent cost is \$1,231 and the median value for an owner-occupied  
20 housing unit is \$181,400. The federal government uses a cost analysis for determining housing  
21 needs based upon 30 percent of household income. The current national median household  
22 income is \$53,046 or roughly \$25.50 per hour based upon a 40 hour work week.

23  
24 This median household income level is precisely 30 percent of the monthly rent cost. Monthly  
25 principal, interest, taxes, insurance and normal expenses for an owner-occupied housing unit will  
26 exceed the 30 percent threshold. Therefore, NACo urges Congress to support increased CDBG  
27 funding for affordable housing.

28  
29 According to the Center on Budget and Policy Priorities, Congress has already enacted 70  
30 percent of the discretionary spending cuts called for under the Bowles-Simpson Deficit  
31 Reduction Commission since FY 2010.

32  
33 In January 2014 Congress passed H.R. 3547, the FY 2014 Omnibus Appropriations Act. It  
34 funded the CDBG program at \$3.03 billion, \$150 million in Section 108 loan guarantee  
35 authority, HOME at \$1 billion, Section 8 tenant-based rent subsidy contract renewals at \$17.36  
36 billion, Section 8 project-based rent subsidy contract renewals at \$9.92 billion and homeless  
37 housing assistance at \$2.10 billion, including at \$250 million for the Emergency Solutions Grants  
38 (ESG) and full funding of Shelter Plus Care and Supportive Housing rent subsidies.

39  
40 The Administration’s FY 2014 proposed budget included provisions to amend the Community  
41 Development Block Grant statute to include a funding threshold of approximately \$350,000 for  
42 communities to receive formula funding directly from HUD and it would eliminate the  
43 “grandfathering” of metropolitan cities and urban counties who fall below the population level at  
44 which they initially qualified. HUD has indicated that approximately 340 cities would lose direct  
45 funding under the threshold. It is believed that some counties would be eliminated from  
46 entitlement status if the grandfathering provisions were eliminated from the statute.

47  
48 For FY2015, the Administration again proposed reforms for CDBG and included \$2.8 billion for  
49 CDBG and \$950 million for the HOME program. The House passed FY2015 T-HUD Spending  
50 bill includes \$3 billion for CDBG and \$750 million for HOME. The Senate Appropriations  
51 Subcommittee passed bill includes \$3.2 billion for CDBG and \$950 million for HOME.

1  
2 **Fiscal/Urban/Rural Impact:** Funding of HUD's core programs is crucial to state and local  
3 governments that provide services to communities at the grassroots level.  
4

5 **Sponsor:** Welton Cadwell, Commissioner, Lake County, FL  
6

7 **Proposed Resolution Supporting Reauthorization and Appropriations for the U.S.**  
8 **Department of Commerce's Economic Development Administration**  
9

10 **Issue:** Appropriations and reauthorization legislation for the U.S. Department of Commerce's  
11 Economic Development Administration (EDA)  
12

13 **Proposed Policy:** NACo urges Congress to support reauthorization and appropriations for the  
14 Department of Commerce's EDA to keep communities strong and economically viable at a time  
15 when our nation needs it the most.  
16

17 **Background:** The EDA provides direct resources to counties to support economic development  
18 efforts through planning grants to regional Economic Development Districts to support  
19 comprehensive economic development strategy planning and implementation as well as  
20 financing for Public Works and Technical Assistance projects. It is focused solely on private  
21 sector job creation.  
22

23 With its modest budget, EDA has developed an impressive track record of making strategic  
24 investments and building partnerships that help regions and communities respond to shifts in  
25 international markets, address severe unemployment challenges and recover from plant closures,  
26 major natural disasters, and other chronic, sudden and severe economic hardships.  
27

28 Despite its solid performance and traditional bipartisan support, EDA's regular budget has  
29 declined by nearly 36 percent since FY 2001. NACo supports at least maintaining EDA's  
30 FY2012 funding level of \$257 million and FY2012 level for the public works program in  
31 FY2015.  
32

33 EDA is funded at \$247 million in the FY2014 Omnibus Spending bill. This is \$10.5 million  
34 below the FY2012 level of \$257.5 million. The Obama Administration's FY2015 request for  
35 EDA is \$248.2 million. On May 30, the House passed FY2015 Commerce, Justice and Science  
36 (CJS) spending bill includes \$247.5 million for EDA. On June 5, the Senate Appropriations  
37 Committee approved the FY2015 CJS spending bill with \$235 million for EDA, a \$12 million  
38 cut from the current level.  
39

40 At a time when the nation must make the regional and local investments necessary to compete in  
41 the modern global economy, the flexibility, partnership structure and accountability of EDA's  
42 programs should be at the forefront of the federal toolbox. EDA's portfolio of economic  
43 development infrastructure, business development finance, regional innovation strategies and  
44 public-private partnerships are tailored to support the unique needs of each region.  
45

- 46 • EDA is unique among federal development programs. While other federal programs  
47 support broader community development activities, EDA is the only federal agency  
48 focused solely on economic development and job creation/retention. EDA investments  
49 do not go to private companies. Instead, EDA invests in local governments, nonprofits  
50 and communities.  
51

- 1 • By federal law, EDA projects typically require a local cost share and significant private  
2 sector investment, ensuring that local leaders and businesses are committed to the  
3 project’s success. EDA investments are focused on high quality jobs, especially in  
4 advanced manufacturing, science and technology, and emerging knowledge-based  
5 industries and sectors.  
6
- 7 • By federal law, EDA project investments must be tied into a regional Comprehensive  
8 Economic Development Strategy developed and vetted by local officials and their  
9 communities—this helps ensure projects have significant local support and are part of a  
10 broader regional plan, rather than just isolated, uncoordinated local projects.  
11
- 12 • EDA’s grants are awarded on a competitive basis by the agency’s six regional offices.  
13 EDA and its local partners focus on the fundamental building blocks for economic  
14 development. EDA’s infrastructure investments are targeted at essential facilities and  
15 assets like water and wastewater systems, middle mile broadband networks, workforce  
16 training centers, business incubators, intermodal facilities and science and research parks.  
17 These assets are often lacking in the nation’s most distressed areas, yet they are a  
18 prerequisite for private industry to remain or locate in these areas. As we have witnessed  
19 in recent years, private companies will relocate to places with these basic yet vital public  
20 infrastructure assets, including outside of the United States.  
21
- 22 • Two major independent studies conducted within the past ten years have concluded that  
23 EDA projects have a significant impact on employment levels in communities where  
24 EDA investments are made. The most recent analysis released by Grant Thornton and  
25 ASR Analytics in September 2008 found that EDA’s public works program generates  
26 “between 2.2 and 5.0 jobs per \$10,000 in incremental EDA funding, at a cost per job of  
27 between \$2,001 and \$4,611.” These results mirror an exhaustive study of EDA’s public  
28 works and economic adjustment assistance programs by Rutgers University and a  
29 consortium of researchers in 1998. EDA’s job creation and private sector leveraging  
30 ratios are highly cost effective and rank at the very top of any public economic  
31 development agency.  
32

33 EDA is a highly effective agency that serves as an invaluable partner for public and private  
34 sector leaders who are working diligently each and every day to enhance their regions’ economic  
35 vitality and competitiveness in today’s rapidly expanding global marketplace. The keys to  
36 EDA’s repeated successes remain its flexible program tools, its long-standing partnerships with  
37 regional and local economic development organizations, and its focus on investing in locally-  
38 and regionally-driven strategies and infrastructure projects that are tied to leveraging private  
39 sector job creation and retention activities.  
40

41 **Fiscal Urban/Rural Benefit:** EDA’s programs provide critical funding for economic and  
42 community development strategies, initiatives, infrastructure, and key projects important for  
43 creating and retaining jobs.  
44

45 **Sponsors:** Tony Hyde, Commissioner, Columbia County, OR  
46

47 **Proposed Resolution Supporting Permanent Authorization for the EB-5 Regional Center**  
48 **Program**  
49

1 **Issue:** The EB-5 Regional Center Program (the “Program”) authorization expires on September  
2 30, 2015.

3  
4 **Proposed Policy:** The National Association of Counties (NACo) supports federal legislation to  
5 permanently authorize the EB-5 Regional Center Program and to maximize its capacity for  
6 economic impact and job creation.

7  
8 **Background:** Congress created the fifth employment-based preference (EB-5) immigrant visa  
9 category in 1990 for qualified foreigners seeking to invest in a business that will benefit the U.S.  
10 economy and create or save at least 10 full-time jobs for U.S. workers. It is Section 203(b)(5) of  
11 the Immigration and Nationality Act. The basic amount required to invest is \$1 million, although  
12 that amount is reduced to \$500,000 if the investment is made in a rural or high unemployment  
13 area (*i.e.* "Targeted Employment Area (TEA)"). Because of market forces, virtually all EB-5  
14 investments are in rural areas or TEAs at the \$500,000 level. Of the 10,000 EB-5 green cards  
15 available each year over 95 percent go to foreign nationals who invest through a Regional  
16 Center.

17  
18 A Regional Center is a private enterprise/corporation or a regional governmental agency with a  
19 targeted investment program within a defined geographic region. The Regional Center  
20 Investment Program allocates 3,000 green cards each year for people who invest in designated  
21 Regional Centers. The 3,000 is not a limit, just the amount reserved specifically for Regional  
22 Center based investments. The program has been renewed several times, and is currently due to  
23 expire September 30, 2015.

24  
25 Recent authorizations have been for three-year terms. This is not sufficient time for a project  
26 developer to secure the required project approvals from United States Citizenship and  
27 Immigration Services (USCIS), secure the financing and build the project. Permanent  
28 authorization will improve predictability and increase utilization of the program to support  
29 economic development projects in TEAs in counties all over the country.

30  
31 **Fiscal/Urban/Rural Impact:** According to a peer-reviewed economic impact study, in 2010-  
32 2011 the EB-5 program contributed over \$2.6 billion to gross domestic product (GDP),  
33 supported over 33,000 jobs, and generated over \$346 million in federal and over \$218 million in  
34 state/local taxes. In 2012, another peer-reviewed study found that the program contributed over  
35 \$3.3 billion to GDP, supported over 42,000 American jobs, and generated over \$447 million in  
36 federal and over \$265 in state/local taxes. Industries benefiting the most included construction,  
37 food service, wholesale trade, real estate, financial services, legal services,  
38 architecture/engineering, and healthcare.

39  
40 **Sponsor:** Tom Freeman, EDA Commissioner, Riverside County, CA

#### 41 42 **Proposed Resolution Supporting the Transatlantic Trade and Investment Partnership**

43  
44 **Issue:** The Transatlantic Trade and Investment Partnership is currently being negotiated by the  
45 European Union and the United States of America.

46  
47 **Proposed Policy:** The National Association of Counties (NACo) supports the approval of the  
48 Transatlantic Trade and Investment Partnership (TTIP) by the Administration and ratification by  
49 the U.S. Senate.

1 **Background:** The Gross Domestic Product of the United States of America and the 28 member  
2 nations of the European Union represent exactly half of the entire world's Gross Domestic  
3 Product, with the United States' share at 22 percent of Global GDP and the European Union at  
4 25 percent of Global Gross Domestic Product.

5  
6 Trade between the United States and the European Union is \$623 billion annually. The economic  
7 impact of goods and services is a combined \$675 billion, and this trade relationship generated  
8 tens of thousands of jobs in the United States and in the European Union.

9  
10 The United States number one trading partner is the European Union and the 28 nations that  
11 comprise the European Union and economists agree that this partnership will result in a  
12 minimum one percent of Gross Domestic Product for the United States and the European Union.

13  
14 The Transatlantic Trade Partnership (TTIP) is good for United States companies exporting to the  
15 European Union membership because it reduces or eliminates most tariffs and slashes red tape,  
16 making U.S. goods more affordable to international buyers.

17  
18 **Fiscal/Urban/Rural Impact:** Creates jobs for local workforce, preserves jobs for local workers  
19 and increases exports to the European Union by opening new world markets.

20  
21 **Sponsor:** Tom Freeman, EDA Commissioner, Riverside County, CA

## 22 23 **Proposed Resolution on Reauthorization of Federal Workforce Legislation**

24  
25 **Issue:** Reauthorization of Federal Workforce Legislation

26  
27 **Proposed Policy:** NACo supports federal reauthorization workforce legislation which promotes  
28 innovation and flexibility at the state and local level, is responsive to local emerging economic  
29 realities and business needs, and ensures U.S. workers and businesses have the skills and training  
30 needed to compete in the 21st century economy. The Workforce Innovation and Opportunity Act  
31 (WIOA) embraces these goals.

32  
33 **Background:** In 1998, Congress established a framework for the nation's workforce  
34 development system under the Workforce Investment Act (WIA). The law replaced multiple  
35 existing training programs with state formula grants, and created a nationwide network of locally  
36 administered "one stop" centers where both workers and employers could access training,  
37 employment and support programs administered through the U.S. Department of Labor (DOL)  
38 and other agencies, such as the U.S. Departments of Education and Health and Human Services.

39  
40 Administered at the federal level by DOL's Employment and Training Administration (ETA),  
41 WIA is the largest single source of federal funding for workforce development activities. The  
42 law authorizing WIA expired in 2003.

43  
44 Last year Democrats and Republicans on the House Committee on Education and the Workforce  
45 have introduced separate legislative proposals to reform and reauthorize the Workforce  
46 Investment Act – HR 798 and HR 803 respectively. On March 15, 2013 the House passed by a  
47 vote of 215-202, the Supporting Knowledge and Investing in Lifelong Learning (SKILLS) Act  
48 (H.R. 803). The Senate Committee on Health, Education, Labor & Pensions (HELP) passed their  
49 Workforce Investment Act (WIA) reauthorization bill in July 2013.

50  
51 Finally, in May, 2014 WIOA was introduced and has bi-partisan, bi-cameral support.



1 To maximize impacts and effectiveness of workforce development efforts at the state and local  
2 levels, NACo believes the following principles should be adhered to during the authorization  
3 process of any new federal workforce legislation.  
4

- 5 1. The local public-private partnership as established under WIA should be maintained.  
6 Decisions about how the partnership should be implemented at the local level should be  
7 left to local elected officials and local workforce boards in consultation with states.  
8
- 9 2. The federal-state-local relationship currently established by WIA should be maintained  
10 to ensure the appropriate levels of planning authority and accountability.  
11
- 12 3. Appointment of the local workforce investment boards should remain the province of  
13 chief local elected officials. Governors should continue to certify local workforce  
14 investment boards, but only after local elected officials, working with representatives of  
15 the business community, identify the appropriate individuals to serve on the board.  
16
- 17 4. Local one-stop centers should remain under the guidance and jurisdiction of local chief  
18 elected officials and local workforce investment boards. These one-stop centers should  
19 be accountable to the local chief elected official for all monies spent to prevent the  
20 misuse of public funds.  
21
- 22 5. The vast majority of funds allotted to states should be allocated by formula to local  
23 workforce investment areas. Where appropriate, the Congress should make  
24 adjustments to the formulae in order to achieve a more balanced and equitable  
25 distribution of funds.  
26
- 27 6. The percentage of private sector representatives on the local workforce investment  
28 boards should be increased and the number and percentage of public sector  
29 representatives, especially the mandatory partners, should be reduced substantially or  
30 eliminated, though they may serve ex-officio, at the discretion of the local chief elected  
31 official. Representatives from these public agencies may be asked to participate in  
32 meetings when issues relevant to them arise; however, the decision-making authority  
33 on the local workforce investment boards should rest with the private sector. NACo  
34 believes the public-private partnership is represented by the partnership that is forged  
35 between the local chief elected official and his or her local workforce investment board.  
36 Decisions made by these two entities represent the public-private partnership at work.  
37
- 38 7. Local workforce investment area plans should be developed jointly by the local chief  
39 elected official and the local workforce investment board within broad policy and  
40 programmatic guidelines developed by the governor and the state workforce investment  
41 boards. Local workforce investment areas and states should be granted broad waiver  
42 authority to creatively respond to the employment, economic development and welfare  
43 issues confronting states and localities. Requests for waivers should be developed  
44 jointly by local elected officials and workforce investment boards, should be limited to  
45 the delivery of program services and the allocation of funds to different activities and  
46 must receive the approval of governors and state boards before they can be enacted.  
47
- 48 8. Separate and distinct funding for the local one-stop system should be provided at the  
49 national level or from each of the mandatory partners. Where the state collected the  
50 latter, these funds should be collected by the states and all of these funds should be  
51 distributed to local areas based upon the formulae used to distribute program funds.

- 1  
2 9. Youth programs for in- and out-of school youth should continue to be developed and  
3 funded and allocated to local areas. Funds should be used in part to address the needs  
4 of students making the transition from school to work and to assist those students no  
5 longer in school to develop the skills they need to enter the world of work; and provide  
6 career awareness information to K-12 students.  
7  
8 10. The performance standards and measures should be modified substantially and should  
9 focus on program outcomes and customer satisfaction. They should also include a  
10 regression analysis.  
11

12 **Fiscal/Urban/Rural Impact:** Federal workforce legislation should be guided by the local  
13 private sector led Workforce Investment Boards. These boards - whether rural, urban, suburban  
14 or exurban best know the needs of employers, employees and job seekers in the area.  
15 Additionally, they can best develop and implement strategies and innovations to make a positive  
16 difference for their regions.  
17

18 **Sponsor:** Denise Winfrey, Commissioner, Will County, IL  
19

20 **Proposed Resolution to Amend Existing Workforce Investment Act Regarding Local Areas**  
21 **Providing Incumbent Worker Training Programs**  
22

23 **Issue:** WIA does not allow local workforce investment boards to use local WIA funds for  
24 incumbent worker training  
25

26 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to adopt  
27 legislation adding a new section to the Workforce Investment Act (WIA) Local Employment and  
28 Training Activities section to include “implementation of innovative incumbent worker training  
29 programs, which may include the establishment and implementation of an employer loan  
30 program to assist in skills upgrading.”  
31

32 **Background:** The Workforce Investment Act (WIA) was signed into law in 1998 with an  
33 original life of five years. Since 2003, a number of unsuccessful attempts have been made to  
34 reauthorize WIA. Short of reauthorization, an amendment to existing language is needed  
35 regarding provision of incumbent worker training programs for local areas.  
36

37 A provision in WIA currently provides states with the authority to implement Incumbent Worker  
38 Training programs. (Chapter 5, Section 134(a)(3)(A)(iv)(I)) There is no legislative direction or  
39 limitation provided in WIA as to purpose for use of funds outside of general workforce  
40 development activities. There is no provision in existing legislation providing such authority to  
41 local areas.  
42

43 In 2005, the Department of Labor issued a policy letter providing states with the opportunity to  
44 request a waiver to enable local areas to use adult and dislocated worker funds for incumbent  
45 worker training programs for general economic development purposes. In 2009, under the new  
46 Obama Administration, the Department of Labor issued a new policy letter requiring local areas  
47 to only use adult and dislocated funds for incumbent worker training programs to avert layoffs.  
48

49 **Fiscal/Urban/Rural Impact:** Allow local areas to better utilize WIA federal incumbent worker  
50 training funds, saving local area funding for other local priority needs.  
51

1 **Sponsor:** Commissioner Mary Ross Cunningham, Lake County, IL

2  
3 **Proposed Resolution Supporting Infrastructure Funding for Local One-Stop Career**  
4 **Centers**

5  
6 **Issue:** Dedicated infrastructure funding for local One-Stop Career Centers.

7  
8 **Proposed Policy:** NACo supports providing dedicated infrastructure funding for the facilities  
9 and operations of Local One-Stop Career Centers.

10  
11 **Background:** The primary way for one-stops to pay for infrastructure costs is by taking  
12 allocations of programs and negotiating with local partners. While current proposed legislation  
13 provides a mechanism for partners to negotiate how these costs will be paid, the reality of this  
14 remains that it takes funding away from intended program recipients. Additionally, the  
15 allocation approach can create disincentives for partnerships.

16  
17 **Fiscal/Urban/Rural Impact:** All areas would benefit from the dedicated funding.

18  
19 **Sponsor:** Denise Winfrey, Commissioner, Will County, IL

20  
21 **Proposed Resolution Urging Congress to Increase the Minimum Wage and to Tie Future**  
22 **Increases to the Cost of Living Standard**

23  
24 **Issue:** The federal minimum wage standard has not increased while the cost of living has gone  
25 up resulting in financial distress on members of our communities.

26  
27 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to adopt  
28 legislation increasing the minimum wage in all sectors of the economy. NACo further urges  
29 Congress to adopt legislation tying future increases in the minimum wage to increases in the cost  
30 of living.

31  
32 **Background:** The national economy continues to struggle to rebound from the recession of  
33 2007-2009. It has been shown that an increase in the minimum wage results in increased  
34 consumer spending. That increased consumer spending will result in immediate increases in the  
35 national as well as local economies. Increases in economic activity will benefit both consumers  
36 and governments.

37  
38 The federal minimum wage has not kept up with the rate of inflation. The result is that the  
39 earning power of workers in low wage jobs is falling behind their cost to live productive and  
40 useful lives. Many of the jobs created since the recession of 2007-2009 have been low wage jobs.  
41 Two-thirds of low wage employees work for businesses with over 100 employees. The value of  
42 publicly traded businesses has risen significantly since 2009. Executive compensation has  
43 likewise risen significantly. A large portion of the pay gap between low-income workers and  
44 middle-income workers exists because of the discrepancy between the increase in inflation and  
45 the lack of increase in the minimum wage.

46  
47 The states have traditionally been considered the laboratories of our society. Twenty-one states  
48 have adopted laws increasing the minimum wage beyond the federal standard. The laboratories  
49 of our society are sending a clear message to our national leadership that the federal minimum  
50 wage should be increased.

- 1 **Fiscal/Urban/Rural Impact:** Low-income workers pose significant burdens for local
- 2 communities and governments. Raising the federal minimum wage will mitigate those burdens.
- 3
- 4 **Sponsor:** Kenneth Epperson, Commissioner, Caddo Parish, LA

1 ENVIRONMENT, ENERGY AND LAND USE STEERING COMMITTEE

2  
3 PROPOSED PLATFORM CHANGES

4  
5 Clean Water Act Section 404 Permitting

6  
7 Under WATER QUALITY

8  
9 **D. Wetlands Permitting and Navigable Waters:** NACo supports the national policy goal of  
10 net gain/no net loss of wetlands and encourages a management approach that avoids wetlands,  
11 minimizes wetland loss, and mitigates as the final alternative. NACo supports additional federal  
12 funding for local governments to implement the national policy goal.

13  
14 NACo supports a requirement to offset unavoidable wetland loss by mitigating, restoring through  
15 enhancement of existing wetlands, or creating new wetlands, when public need requires that  
16 public facilities, utilities, or improvements be developed over sensitive ecological areas.

17  
18 NACo supports clarification of federal law to permit the proper maintenance of drainage systems  
19 according to the original intent and design of the law and to federal and state regulations  
20 established prior to 1985. Land designated as agricultural land prior to 1985 should not require  
21 restoration to conditions prior to agricultural use.

22  
23 NACo supports keeping the terms navigable and/or navigable waters in the Clean Water Act to  
24 protect intrastate waters, including wetland habitats, rivers, and streams within the United States  
25 and to protect the basic, fundamental principles of local land use control in accordance with the  
26 goals of the CWA. NACo will oppose any effort to remove the term “navigable” from the  
27 CWA.

28  
29 NACo calls on the federal government to clarify that local streets, gutters, and human-made  
30 ditches are excluded from the definition of "waters of the United States." Further, NACo urges  
31 the federal government to recognize that the flow volume of stormwater from development and  
32 regulation of impervious surfaces are local land use issues, and are not subject to federal  
33 regulation.

34  
35 NACo urges the federal government to improve the CWA §404 permit process by the U.S. Army  
36 Corps of Engineers (Corps); remove routine maintenance of human-made public flood protection  
37 facilities from the §404 permit process when no endangered species habitat are present; and  
38 extend the (CWA) general permit term for routine maintenance from five to ten years.

39  
40 NACo supports using pesticides in accordance with the instructions on the label, and supports  
41 strong penalties for those who misuse pesticides in the Federal Insecticide, Fungicide, and  
42 Rodenticide Act (FIFRA). NACo opposes any legislation that expands the Environmental  
43 Protection Agency’s (EPA) jurisdiction in regard to pesticide use in (and around) county-owned  
44 and operated streets, gutters, and ditches.

45  
46 **Sponsor:** California State Association of Counties and Orange County, CA

47  
48 Clean-Up of Marine Debris

49 Under WATER QUALITY

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

3  
4 NACo supports focused dialogue and collaboration between counties and the U.S. military to  
5 continue to improve maritime practices and to mitigate sonar impacts to marine mammals,  
6 fisheries, local economies, and natural resources.

7  
8 NACo supports federal efforts to address the increasing problem of marine debris. This includes,  
9 but is not limited to: support for continued reauthorization of the Marine Debris Research,  
10 Prevention, and Reduction Act (MDRPRA) and/or similar legislation and increased funding to  
11 the National Oceanic and Atmospheric Administration (NOAA) to provide additional resources  
12 for grants to coastal counties for beach cleanup efforts, derelict fishing gear removal; research on  
13 the effectiveness of off-shore clean-up methods; and federal policies that encourage states and  
14 localities to educate small business communities and consumers about the significant  
15 environmental harm of single-use plastic bags/bottles and the benefits of associated county-wide  
16 bans and additionally encouraging reuse/recycle policies at the local level.

17  
18 **Sponsors:** Dave Somers, Councilman, Snohomish County, WA; Salud Carbajal, Supervisor,  
19 Santa Barbara, CA; Michael Victorino, Council Member, Maui County, Hawaii

## 20 21 **Issuance of Oil and Gas Permits**

### 22 23 **Under ENERGY**

24  
25 **A. National Energy Policy:** NACo seeks a comprehensive and integrated approach to a  
26 national energy policy that:

- 27
- 28 • Balances increased domestic oil and gas production on public and privately-owned lands,  
29 including issuance of oil and gas drilling permits in a timely fashion;
  - 30 • Provides states and counties, which support and encourage oil and gas production off their  
31 shores, with a share of revenues proportionate to the royalties generated;
  - 32 • Accelerates development, research and incentives for alternative and renewable energy, clean  
33 energy, energy efficient programs, and clean coal technologies;
  - 34 • Gives local governments a central role in formulating local environment, energy and land use  
35 policies;
  - 36 • Supports environmental equity issues;
  - 37 • Continues energy conservation programs that reduce consumption, encourage efficient  
38 energy use, and improve end use efficiencies;
  - 39 • Preserves and protects ecologically unique areas;
  - 40 • Provides a comprehensive approach to addressing the problems of communities affected by  
41 new energy resource facility development, and direct participation by local governments in  
42 all strategy development for mitigating any adverse consequences of a new energy resource  
43 facility;
  - 44 • Provides federal funding through grants, payments, low-interest loans, and loan guarantees,  
45 to counties and other local governments to help fund the planning and development of public  
46 facilities, and services, required as the result of new or expanded energy resource and facility  
47 development; and
  - 48 • Provides funding for Native American energy resource development.
- 49

1 **Sponsor:** Mike McKee, Commissioner, Uintah County, UT; Loren Grosskopf, Commissioner,  
2 Park County, WY

## 3 4 **PROPOSED RESOLUTIONS**

### 5 6 **Proposed Resolution on Improving Water Quality Planning through Regional** 7 **Watershed(s) Protection**

8  
9 **Issue:** Effective water quality management efforts can be accomplished through regional  
10 watershed(s) protection.

11  
12 **Proposed Policy:** NACo recommends increased funding for water quality and wastewater  
13 management projects at the regional watershed(s) planning level as dictated through Section 208  
14 of the Clean Water Act of 1972 through the U.S. Environmental Protection Agency (EPA)  
15 Revolving Loan Fund (RLF) and grants.

16  
17 **Background:** As a county/regional comparison, the majority of watersheds in Barnstable County  
18 (Cape Cod), Massachusetts receive wastewater with excessive nitrogen that flows through  
19 groundwater into the coastal waters, and that amount of nitrogen is ruining the ecology of those  
20 coastal areas. As the population of Cape Cod has increased over the last several decades, so has  
21 the volume of nutrients entering the coastal waters and freshwater ponds, leading to diminishing  
22 shellfisheries, ponds choked with algae and decreasing dissolved-oxygen concentrations, fish  
23 kills, and violation of water quality standards.

24  
25 Many of the issues common to municipal wastewater planning initiatives are further complicated  
26 by the fact that 32 of the 57 watersheds to coastal embayments are shared by two or more towns.  
27 To date, a fragmented approach has characterized the response to this challenge. Each of the 15  
28 Cape Cod towns has engaged in the existing regulatory process and approached the problem on  
29 its own turf, with its own resources, for its own benefit – in some cases, to the collective  
30 detriment. It is inherently more expensive to solve the wastewater management problem on a  
31 town-by-town basis. A regional solution approach to the watershed-by-watershed basis is  
32 needed.

33  
34 In addition, changes to the existing federal, state, regional, and local regulatory environment and  
35 more creative financing options will be necessary to implement plans and solutions more  
36 effectively.

37  
38 **Fiscal/Urban/Rural Impact:** The impact of this Policy Resolution specific to water quality  
39 planning through regional watershed(s) protection would provide additional federal funds to  
40 counties, municipalities, and regional planning/regulatory entities. At this time, the Cape Cod  
41 Commission is preparing a Water Quality Plan Update consistent with requirements from  
42 Section 208 of the Clean Water Act of 1972.

43  
44 **Sponsor:** William Doherty, Commissioner, Barnstable County, MA

### 45 46 **Proposed Resolution on Environmental Fine Settlement Agreement for the Deepwater** 47 **Horizon Oil Spill**

48  
49 **Issue:** Ensuring financial parity for *Deepwater Horizon* spill with the *Exxon Valdez* spill

1 **Proposed Policy:** NACo supports the Department of Justice’s (DOJ) and the five Gulf State  
2 attorneys general’s efforts to finalize an oil spill consent decree between BP (and/or responsible  
3 parties), the United States and the five Gulf States for all environmental fines due from the  
4 *Deepwater Horizon* spill. NACo supports a negotiated settlement between \$15.8 billion to \$28.1  
5 billion, to ensure that an environmental fine settlement is in parity with the dollar per barrel fine  
6 precedent set by the *Exxon Valdez* settlement between the United States and the State of Alaska.

7  
8 **Background:** The *Deepwater Horizon* Oil Spill (BP oil spill) was a massive and unforeseen oil  
9 spill in 2010 in the Gulf of Mexico that spewed copious amounts of oil for three months, leaving  
10 Gulf Coast communities vulnerable to economic and environmental devastation. Four years later,  
11 state and local Gulf communities still struggle to recover from the spill’s impacts. The Clean  
12 Water Act trial for *Deepwater Horizon* is on-going and has yet to be resolved. An out of court  
13 consent decree settlement for Clean Water Act penalties and other environmental fines is an  
14 avenue to bring about a timely and comprehensive resolution to this matter.

15  
16 There are many parallels between the *Deepwater Horizon* and the *Exxon Valdez* oil spills. With  
17 all factors being equal, the *Exxon Valdez* consent decree can be a useful precedent for the BP  
18 spill, and other, oil spills.

19  
20 In October 1991, the Exxon Corporation agreed to pay \$1 billion over ten years for the 11  
21 million gallons spilled in the 1989 *Exxon Valdez* oil spill. In the case of the *Deepwater Horizon*  
22 oil spill, it is estimated the volume of oil spilled equals nine to sixteen times more than the *Exxon*  
23 *Valdez* oil spill.

24  
25 If inflation is taken into account and the *Deepwater Horizon* oil spill is determined to be nine  
26 times larger than the *Exxon Valdez* oil spill, the adjusted consent decree environmental fine for  
27 BP (and/or responsible parties) would be \$15.8 billion. But, if the *Deepwater Horizon* oil spill is  
28 determined to be sixteen times larger than the *Exxon Valdez* spill, the adjusted inflation  
29 environmental fine amount would be \$28.1 billion.

30  
31 Under the RESTORE Act Congress directed 80% of the Clean Water Act fines to be paid by  
32 responsible parties for the *Deepwater Horizon* spill to the five Gulf Coast states to restore their  
33 coastal environments and economies as compensation for the *Deepwater Horizon* oil spill, and  
34 for having borne the burden of decades of environmental damage to said counties and parishes  
35 resulting from these areas having supplied 90% of the nation’s off shore energy production.

36  
37 **Fiscal/Urban/Rural Impact:** A timely and fair settlement of *Deepwater Horizon* environmental  
38 fines would enable Gulf Coast state counties and parishes the ability to seek restoration funds in  
39 the near term to invest in coastal environmental and economic sustainability as intended by  
40 Congress. A timely consent decree settlement for all *Deepwater Horizon* environmental fines  
41 would also provide BP and/or responsible parties with a predictable and fair closure to their  
42 financial exposures from *Deepwater Horizon*.

43  
44 **Sponsor:** Jeff Branick, Judge, Jefferson County, Texas

### 45 46 **Proposed Resolution Supporting Affordable and Reliable Energy**

47  
48 **Issue:** Adequate analysis of the cost/benefit of regulations and legislation related to the use of  
49 coal as an electricity source is continually necessary.



1 **Proposed Policy:** NACo urges Congress and the Administration to re-evaluate restrictions on  
2 the mining, transportation and burning of coal. NACo believes the U.S. Environmental  
3 Protection Agency’s existing and proposed rules, regulations and standards should be further  
4 studied to fully understand the costs and benefits on electric utility operations, electricity  
5 availability and capacity, electric rates; the economic impacts to manufacturers, the economic  
6 and health impacts to communities and consumers.

7  
8 **Background:** To meet the growing energy needs of the United States and the world, every  
9 source of energy must be responsibly developed. NACo supports the development of all  
10 domestic sources of energy. However, the most robust efforts to promote the increased use of  
11 any source of energy other than coal will not result in adequate supply to meet domestic or  
12 global demand. Coal is the most reliable, affordable and abundant energy supply in the United  
13 States. Currently coal provides approximately 40% of the nation’s energy needs. According the  
14 Energy Information Agency (EIA), coal will remain the top source of electricity generation in  
15 the United States until at least 2030. At the same time, emissions from coal generation are down  
16 significantly and carbon emissions are also on the decline in the United States.

17  
18 Global use of coal continues to rise in both developed and developing countries. The  
19 International Energy Agency estimates that while coal currently accounts for 40% of global  
20 energy needs, total coal use globally is expected to continue to be the fastest growing source of  
21 electricity.

22  
23 Despite the strong domestic and global demand for coal and proven reduced emissions without  
24 added regulation, the United States Environmental Protection Agency (EPA) has promulgated  
25 several new rules related to the use of coal. These regulations and others have been specifically  
26 cited as the cause for the premature closure of 338 coal-fired units, resulting in a loss of over  
27 51,000 megawatts of electric generating capacity and numerous jobs in local communities. The  
28 loss of electric capacity cannot be replaced with significant increases in cost and land use. For  
29 example, the largest wind farm in North America is nearing construction in Wyoming. With  
30 1,000 turbines stretched across 220,000 acres, the project will generate only 3,000 megawatts.

31  
32 **Fiscal/Urban/Rural Impact:** The continued effort to shutter coal plants without robust study of  
33 the cumulative effects has a significant fiscal, urban and rural impact. EIA information shows  
34 that states with higher coal use enjoy lower utility rates per kilowatt hour. This has a ripple  
35 effect not only on consumers but also on the manufacturing sector that is a critical part of the  
36 economic well-being of counties across the country. Additionally, numerous academic studies  
37 have indicated that fuel switching raises electricity prices. Increased energy prices fall  
38 disproportionately hard on low income Americans. Finally, the majority of coal mines are  
39 located in rural counties. The continued reduction in coal demand as a result of regulation is a  
40 direct hit on the economic viability of rural counties with coal production.

41  
42 **Sponsors:** Robert Cole, Commissioner, Santa Rosa County, Florida; Wyoming County  
43 Commissioners Association, Wyoming; Moffat County Board of Commissioners, Moffat  
44 County, Colorado; Tim Corrigan, Doug Monger and Steve Ivancie, Commissioners, Routt  
45 County, Colorado; Gordon Topham, Chairman, Sevier County, Utah; Casey Hopes,  
46 Commissioner, Carbon County, Utah; John Jones, Commissioner, Carbon County, Utah; John  
47 Prinkki, Commissioner, Carbon County, Montana

48  
49 **Proposed Resolution Promoting a Level Playing Field for Certified Forest Products in**  
50 **Green Buildings**  
51

1 **Issue:** Green building policies that only reward the use of forest products certified by the Forest  
2 Stewardship Council (FSC), in effect favor foreign timber over domestic timber certified by  
3 credible organizations such as the American Tree Farm System (ATFS) and Sustainable Forestry  
4 Initiative (SFI).

5  
6 **Proposed Policy:** NACo urges neutral green building policies that do not discriminate against  
7 forest products certified by American Tree Farm System (ATFS), Forest Stewardship Council  
8 (FSC), and Sustainable Forestry Initiative (SFI).

9  
10 **Background:** Under the U.S. Green Building Council’s (UGSBC) Leadership in Energy and  
11 Environmental Design (LEED) rating system, only timber certified by the Forest Stewardship  
12 Council (FSC) is eligible for “sourcing of raw materials” and “ongoing consumables” credits.

13  
14 While ATFS and SFI are domestic and North American programs, FSC is an international  
15 system, and 90 percent of its certifications are abroad. Additionally, while ATFS and SFI adopt  
16 uniform standards, FSC enforces dozens of standards across the world and more easily grants  
17 certification in nations lacking adequate environmental oversight. Such a framework allows  
18 timber certified under questionable conditions in South American and Asian nations, for  
19 example, to enter local, state, and national green markets in America while timber harvested in  
20 the U.S. gets blocked.

21  
22 By artificially denying American businesses access to domestic building projects, projects  
23 mandating LEED standards depress economic activity in timber markets and therefore limit  
24 revenues in many rural communities throughout the U.S.

25  
26 If more neutral green building standards were enacted, more American businesses would  
27 participate, and a larger amount of domestic materials would be used to build homes, offices, and  
28 other public and private complexes.

29  
30 The LEED rating system fails to recognize the contributions to sustainability of timber in  
31 general, and that of the ATFS and SFI certification programs specifically. An FSC-only  
32 framework fails to benefit the economy and the environment. Other rating systems, such as  
33 Green Globes, take an inclusive approach to certification and treat ATFS, FSC, and SFI wood  
34 equally. Counties should take the initiative and only use rating systems for building projects that  
35 recognize all credible certification programs.

36  
37 **Fiscal/Urban/Rural Impact:** The employment and broader economic impact of the forest  
38 products industry would be jeopardized if the forest certification market was monopolized by  
39 FSC.

40  
41 **Sponsor:** Tony Hyde, Commissioner, Columbia County, OR

### 42 43 **Proposed Resolution on Utility Distribution Generation Policies and Regulations**

44  
45 **Issue:** Distributed generation (DG) can offer economic, reliability, and environmental benefits  
46 to consumers and utilities. Policymakers are engaging in discussions of costs and benefits that  
47 will affect all utility consumers, those who choose to utilize DG sources and those who utilize  
48 traditional electric utility energy.

49  
50 **Proposed Policy:** NACo encourages State commissions and policymakers to continue to  
51 participate in collaborative discussions regarding distributed generation (DG) so that state

1 commissions, states, and counties have the benefit of key stakeholder input and are better  
2 prepared to:

- 3 • Evaluate the system-wide benefits and costs of DG (including costs and benefits relating  
4 to the investment in and operation of generation and the transmission and distribution  
5 grid) so that those costs and benefits relating to DG can be appropriately allocated and  
6 make transparent to regulators and consumers;
- 7 • Ensure that all necessary consumer protections are maintained and assist consumers as  
8 they consider or invest in DG technologies and services;
- 9 • Facilitate the continued provision of safe, reliable, resilient, secure, cost-effective, and  
10 environmentally sound energy services at fair and affordable electric rates as new and  
11 innovative technologies are added to the energy mix; and
- 12 • Engage fully and effectively at both the state and federal levels on DG-related policy  
13 considerations.

14  
15 **Background:** Distributed generation (DG) may be defined as non-centralized sources of  
16 electricity generation generally interconnected to the distribution system and located at or near  
17 customers' homes or businesses. Examples of DG include solar panels, energy storage devices,  
18 fuel cells, microturbines, reciprocating engines, small wind turbines, backup generators, and  
19 combined heat and power systems.

20  
21 Many states, recognizing the value of DG, have implemented policies, taken regulatory actions,  
22 and offered tax and other incentives to encourage the development of such DG technologies.  
23 One such policy, adopted in 43 States, the District of Columbia, and four United States  
24 Territories, is net metering that credits DG customers for the excess electricity generated and  
25 exported to the electric grid.

26  
27 Federal and State policymakers and regulators, consumer advocates, trade associations, utility  
28 representatives, and other stakeholder groups are examining DG deployment and its related  
29 issues. There have been many collaborative efforts involving regulators and various  
30 stakeholders addressing the multitude of regulatory and other issues relating to the potential and  
31 challenges of DG in providing safe, reliable, affordable, cost-effective, and environmentally  
32 sound energy supply.

33  
34 The issues related to DG merit continued discussion among stakeholders to develop options for  
35 further consideration by policymakers and regulators, and counties should have the benefit of  
36 input to ensure protection for all consumers.

37  
38 **Fiscal Urban/Rural Impact:** Unknown.

39  
40 **Sponsor:** Thomas W. Walley, Supervisor, Perry County, Mississippi

### 41 42 **Proposed Resolution in Support of the Keystone XL Pipeline**

43  
44 **Issue:** Allowing construction of the Keystone XL Pipeline

45  
46 **Proposed Policy:** NACo urges the Department of State and the Administration to expedite the  
47 comprehensive review and submission for the approval process, the Presidential Permit for the  
48 Keystone XL Pipeline and other petroleum pipeline projects.

49  
50 **Background:** A pipeline project that could create thousands of American construction jobs and

1 lessen the country's dependence on foreign oil is essential to ensure a strong U.S. economy. The  
2 Keystone XL Pipeline project has this potential. By green-lighting the project, counties become  
3 winners through job growth and an increased property tax base where the pipeline runs.  
4

5 The Keystone XL pipeline would transport 830,000 barrels of crude oil day from the oil sands  
6 region of Alberta, Canada to refineries in the U.S. TransCanada, a Canadian pipeline company,  
7 filed an application with the U.S. Department of State to build the pipeline. The proposed  
8 pipeline would bring oil sands from Canada, and an on-ramp at Baker Montana will allow  
9 100,000 barrels of Bakken Oil to be transported all of the way to Gulf Coast refineries.  
10

11 The United States and Canada are major trading partners. The development of Northern  
12 American energy, like Canadian oil sands will create and preserve thousands of jobs and strongly  
13 benefit US energy security and our nation's economy. It is likely that if the U.S. declines the  
14 project, Canada will look to export the oil to other less environmentally conscious countries.  
15

16 **Fiscal Urban/Rural Impact:** Approving this pipeline would be a boon for counties, leading to  
17 increased jobs and a stronger tax base, in these tight fiscal times.  
18

19 The 20,000 American jobs Keystone XL would create include 13,000 construction jobs-work for  
20 pipefitters, welders, electricians, heavy equipment operators and more. And 7,000 manufacturing  
21 jobs – from the pipe being manufactured in Arkansas, pump motors made in Ohio and  
22 transformers built in Pennsylvania, workers in almost every state in the US would benefit from  
23 Keystone.  
24

25 **Sponsor:** Richard Dunbar, Commissioner, Phillips County, MT  
26

1           **FINANCE AND INTERGOVERNMENTAL AFFAIRS STEERING COMMITTEE**

2  
3                           **PROPOSED PLATFORM CHANGE**

4  
5                           **Partnership and the Need for Strong County Government**

6  
7   Add to existing section:

8  
9   Sovereign Indian Tribes are more than wards of the federal government (contrary to sentiments  
10 expressed in United States v. Kagama, 118 U.S. 375). They are governments in their own right,  
11 possessing inherent powers of a limited sovereignty which has never been extinguished. Tribes  
12 are often the government closest to the people. All tribes occupy a geographic area which is also  
13 part of a county or of multiple counties. NACo recognizes the role of tribal government and  
14 supports resolving the contradictory condition of sovereign tribal authority within the same  
15 geopolitical jurisdiction as sovereign counties. Greater sovereignty is desirable for both tribes  
16 and counties enabling them to act decisively within their respective jurisdictions.

17  
18 **Sponsor:** Phil Lyman, Commissioner, San Juan County, UT

19  
20                           **PROPOSED RESOLUTIONS**

21  
22                           **Proposed Resolution on the Marketplace Fairness Act**

23  
24 **Issue:** Marketplace Fairness Act

25  
26 **Proposed Policy:** The National Association of Counties (NACo) encourages and supports efforts  
27 to permit the collection of sales and use taxes from remote sellers and endorses the Marketplace  
28 Fairness Act to provide states with the ability to enforce their existing state and local sales and  
29 use tax laws.

30  
31 **Background:** For over a decade, NACo has worked with other state and local government  
32 representatives to champion for the collection of remote sales taxes, emphasizing that the taxes  
33 are not new and that the same rules should apply to all retailers, whether they conduct business  
34 completely online or in a brick-and-mortar setting. The Marketplace Fairness Act seeks to  
35 provide state and local governments with the necessary authority. On May 6, 2013, the Senate  
36 passed the Marketplace Fairness Act (S.743) in bipartisan fashion, 69-27. The bill currently  
37 awaits House action.

38  
39 As part of advocacy efforts calling for remote sales tax collection authority, NACo has  
40 continuously supported the Streamlined Sales and Use Tax Agreement. The goal of the  
41 Agreement is to convince Congress to overturn the Supreme Court decision in Quill v. North  
42 Dakota, which denies states and localities the authority to collect sales and use taxes from remote  
43 sellers that have no physical presence in the taxing state. States and local governments are losing  
44 billions of dollars in uncollected sales tax revenue every year. Accordingly, NACo is  
45 appreciative that the Marketplace Fairness Act acknowledges the work and support put into the  
46 Agreement by various stakeholders over the years.

47  
48 However, NACo will continue to be vigilant and urge Congress to refrain from using tax  
49 simplification as a vehicle to preempt local taxing authority and revenue streams.

1 **Fiscal/Urban/Rural Impact:** A 2009 study from the University of Tennessee estimates that  
2 annual national state and local sales tax losses on e-commerce will grow to approximately \$11.4  
3 billion in 2012 and will total \$52 billion over the six-year period from 2006-2012.  
4

5 **Sponsor:** Toni Preckwinkle, President, Cook County, IL  
6

7 **Proposed Resolution Supporting the Exemption of Non-Sales Tax States Within the**  
8 **Marketplace Fairness Act**  
9

10 **Issue:** Exemption from collection requirements for non-sales tax states in the Marketplace  
11 Fairness Act  
12

13 **Proposed Policy:** The National Association of Counties (NACo) supports an exemption within  
14 the Marketplace Fairness Act that would exclude businesses within non-sales tax states from  
15 collection requirements.  
16

17 **Background:** NACo is currently promoting and supporting the Marketplace Fairness Act  
18 pending in the United States House of Representatives. The State of New Hampshire is a 100%  
19 membership state within NACo and the tax policy of the State does not impose any retail sales or  
20 use taxes on any customers. New Hampshire is one of five such non-sales tax states.  
21

22 The Marketplace Fairness Act (MFA) would *mandate* the collection of sales taxes by New  
23 Hampshire based businesses on retail internet purchases by out-of-state customers based on their  
24 home state sales tax. Furthermore, MFA would require New Hampshire businesses as remote  
25 sellers with no presence in the customer's home state to collect new taxes not currently collected  
26 by New Hampshire businesses and to pay the taxes over to the customer's home state.  
27

28 The National Association of Counties traditionally supports the authority of states and local  
29 governments and has opposed federal mandates on states and local governments. Support for an  
30 exemption for New Hampshire and the other non-sales tax states within the Marketplace Fairness  
31 Act corresponds with the traditional policy position espoused by the National Association of  
32 Counties to support local policy in place at the state and local government level.  
33

34 **Fiscal Urban/Rural Impact:** The Marketplace Fairness Act imposes an unfair and costly  
35 federal mandate on the State of New Hampshire and its local businesses. An exemption would  
36 eliminate this specific federal burden on non-sales tax states.  
37

38 **Sponsors:** Carol Holden, Commissioner, Hillsborough County, NH, Bronwyn Asplund-Walsh,  
39 Commissioner, Merrimack County, NH, Alan Angel, Commissioner, Kent County, DE, Hal  
40 Smalley, Assembly Member, Kenai Peninsula Borough, AK  
41

42 **Proposed Resolution Supporting Enactment of H.R. 2716**  
43

44 **Issue:** NACo urges Congress to enact H.R. 2716 to allow counties and other localities to collect  
45 past-due taxes through the Federal Offset Program.  
46

47 **Proposed Policy:** NACo supports the passage of H.R. 2716 to amend section 6402 of the  
48 Internal Revenue Code to allow for the offset of local government tax obligations against Federal  
49 income tax refunds.  
50

1 **Background:** As stated in the *American County Platform*, NACo has long supported “federal  
2 legislation to permit the offset of federal tax refunds for state and local tax debts and outstanding  
3 court-ordered obligations in criminal and juvenile justice proceedings.” H.R. 2716, currently  
4 pending in the 113<sup>th</sup> Congress, provides for the offset of local government tax obligations against  
5 Federal income tax refunds.

6  
7 The Federal Offset Program was created in the 1980s after enactment of legislation to allow  
8 States to submit child support arrearages to the Treasury Department to offset the Federal income  
9 tax refunds of child support debtors. In 2000, legislation enabled States to submit delinquent  
10 State income tax debt to the Federal Offset Program. Today, 42 states and the District of  
11 Columbia participate in the Federal Offset Program and, through it, collected over \$561,000,000  
12 in delinquent state income tax obligations in 2012. Apart from the Federal Offset Program,  
13 many States currently permit local governments to submit their delinquent accounts to the State  
14 for offset against any State income tax refund issued. Prior to issuing the taxpayer a refund, the  
15 State checks to see if there are any claims submitted by a local government. If there are any such  
16 claims, the State holds up the refund pending notice to the taxpayer, and pays the refund or the  
17 applicable portion thereof to the locality to resolve the local tax obligation.

18  
19 Pursuant to the legislation, State taxing authorities act as the clearinghouse for the local  
20 governments: localities submit their delinquent tax information to the State, which forwards the  
21 information to the Treasury, just as participating States do now for State income tax debts to be  
22 offset under the existing Federal Offset Program. It is important to note that the bill would  
23 impose no cost on the Federal government. The State government and Federal government will  
24 be compensated by the local government for administrative costs.

25  
26 **Fiscal/Urban/Rural Impact:** H.R. 2716 would provide local governments with an effective,  
27 powerful collections tool (potentially as much as 2-3 billion dollars in additional collections) at  
28 no cost to the Federal government or to participating State governments. In a time of increased  
29 budget deficits, falling revenues and spending cuts, it is incumbent that local governments collect  
30 the taxes they are due. If H.R. 2716 is passed, local governments would realize a significant  
31 increase in revenue.

32  
33 **Sponsors:** Francis X. O’Leary, Treasurer, Arlington County, Virginia and Christopher J.  
34 Sadowski, Deputy Treasurer for Litigation, Arlington County, Virginia

### 35 36 **Proposed Resolution Opposing New Taxes on Health Care Benefits**

37  
38 **Issue:** The possible application of the excise tax provided in the Affordable Health Care Act  
39 (ACA) to health insurance for county employees as well as the expansion of taxation on  
40 employer-provided health benefits

41  
42 **Proposed policy:** The National Association of Counties (NACo) opposes the taxation of health  
43 insurance benefits to county employees through the application of the ACA excise tax on health  
44 insurance benefits for county employees, the capping of the tax exclusion for employer-based  
45 defined contributions made by counties and any new taxes which would apply to the health  
46 benefits that counties provide to their employees.

47  
48 **Background:** The Affordable Care Act (ACA) includes a 40 percent excise tax on the cost of  
49 health insurance that exceeds \$10,200 for individual coverage and \$27,500 for family coverage,  
50 beginning in 2018. These thresholds are indexed to CPI, which has increased less rapidly than  
51 the cost of medical care, thereby insuring additional plans will be subject to the tax each year.

1  
2 According to the Center for Medicare and Medicaid Services (CMS) Actuary, 12 percent of  
3 insured workers will be in plans affected by the excise tax in 2019, and this percentage will  
4 “increase rapidly” after 2019. Many county employees will be in plans affected by the excise tax,  
5 forcing public officials to pass the costs on to their employees or to reduce the scope of benefits  
6 included in their plan’s coverage – such as reducing covered services or increasing cost-sharing  
7 requirements. Such decisions will unquestionably make it more difficult for counties to hire and  
8 retain good workers, many of whom were attracted to public service because of its health  
9 insurance package.

10  
11 Other proposals to tax employee health benefits are also circulating in Washington, DC. The  
12 House budget for fiscal year 2014 proposes capping the tax exclusion for employer-based health  
13 insurance through defined contributions made by employers. A recent Center for American  
14 Progress proposal would limit the health coverage tax exclusion for families with incomes above  
15 \$250,000 to the value of the Silver Level of coverage that will be subsidized in the health  
16 insurance marketplaces (exchanges) established by the ACA. The Simpson-Bowles illustrative  
17 plan caps the tax exclusion for workplace coverage at the 75<sup>th</sup> percentile in 2014 (about \$20,000  
18 for family coverage), freezes the cap until 2018, and then phases out the exclusion over 20 years.  
19 This proposal would tax more and more benefits each year until all benefits are taxed in 2038.

20  
21 Limiting the health care tax exclusion would lead to more cost-sharing (deductibles, copays,  
22 coinsurance). The economic theory behind taxing benefits is that health care cost inflation is  
23 driven by “excess insurance,” which leads to excess demand, utilization, and spending. Taxing  
24 health benefits is intended to reduce this “excess insurance” by leading to more cost-sharing and  
25 reduced coverage. However, the enormous waste and expense of the U.S. health care system is  
26 not driven by consumers. Access to health care is unlike other market places. Health consumers  
27 rely on providers to tell them what to consume, and providers have market power and the ability  
28 to steer consumers towards higher-cost care.

29  
30 About 80 percent of U.S. health care spending is for 20 percent of the population, so whether the  
31 remaining 80 percent of the population has low or high cost sharing has little to do with this key  
32 cost driver. Research has found that overall costs can increase, especially for people with chronic  
33 conditions, when cost-sharing forces people to self-ration their care. Forcing county tax payers to  
34 cover increased costs or asking county employees to pay more out-of-pocket for reduced  
35 coverage is not the answer to escalating costs of health care. All of these proposals result in the  
36 shifting of costs to public employees, rather than any real cost reduction.

37  
38 **Fiscal/Urban/Rural Impact:** The ability of counties, especially in rural areas, to recruit and  
39 retain good employees is based in large measure on the access to quality health insurance  
40 coverage for the employees and their families. The impact of these potential tax measures would  
41 be amplified in rural American where the county’s inability to offer attractive health insurance  
42 coverage will directly influence the quality of the workforce and the county’s ability to deliver  
43 quality services to the citizens.

44  
45 **Sponsor:** Association of County Commissions of Alabama  
46



1 **HEALTH STEERING COMMITTEE**

2  
3 **PROPOSED PLATFORM CHANGES**

4  
5 **Behavioral Health**

6  
7 ~~Counties plan, operate and finance community-based services for persons with mental illness,~~  
8 ~~substance abuse disorders and/or developmental disabilities (behavioral health). NACo supports:~~  
9

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

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

26  
27 **NACo Supports:**

28 **Services Development**

- 29  
30 • Improved community-based care and services enabling individuals to live in the least  
31 restrictive environment;  
32 • Implementation of evidence-based prevention and health promotion services;  
33 • Efforts to increase the number of public sector behavioral health professionals and  
34 paraprofessionals;  
35 • Efforts to reduce health disparities in behavioral health services with health literacy,  
36 language services, and cultural competency training;  
37

38 **Financing of Services**

- 39  
40 • Extension of Medicaid to persons detained in county jails, pending disposition of charges;  
41 • Medicaid waivers for essential behavioral health innovations;  
42 • States' managed care waiver requests which offer sole source provisions for providing  
43 behavioral health services  
44

45 **Insurance Reform**

- 46  
47 • Private and public insurance coverage of behavioral health services, including non-medical  
48 interventions;  
49 • Parity in coverage and availability of behavioral health services with other health services,  
50 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.
- ~~Behavioral health parity within Medicare, including eliminating the fifty percent co-pay for mental health services;~~
- 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;
- ~~Private and public insurance coverage of behavioral health services, including non-medical interventions;~~
- ~~Evidence-based prevention services;~~
- ~~Medicaid waivers for behavioral health carve-outs;~~
- ~~States' managed care waiver requests which offer sole source provisions for providing behavioral health services;~~
- Full funding and reauthorization for the Substance Abuse and Mental Health Services Administration (SAMHSA);
- ~~Federal funding and legislation to divert non-violent persons with mental illness from county jails and into appropriate care;~~
- Increased federal funding for school-based behavioral health services targeted to at-risk youth;
- ~~State flexibility in determining the length of participation in mental health or substance abuse treatment that would count toward Temporary Assistance for Needy Families (TANF) work requirements;~~
- ~~Amending Medicaid's Institutions for Mental Disease (IMD) exclusion to promote better access to services;~~
- ~~Efforts to increase the number of public sector behavioral health professionals and paraprofessionals;~~

### **Regulatory Reform**

- State and local flexibility in using substance abuse 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; ~~and~~
- 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 illnesses, substance abuse disorders use and/or intellectual/developmental disability conditions.

**Sponsor:** National Association of County Behavioral Health and Developmental Disability Directors

## **Health System Reform**

~~**A. Health Care Delivery Systems:** Prevention and access to health care services are the cornerstones of an effective health delivery system. The National Association of Counties (NACo) supports:~~

- ~~• One hundred percent access to necessary health services and zero disparities;~~
- ~~• Collaboration among local, state and federal governments and private businesses and organizations;~~
- ~~• Coordination of services by primary health care providers to ensure efficient, accessible and cost-effective care;~~
- ~~• Enhanced access to preventive health and emergency care for underserved populations;~~
- ~~• Universal access to basic care that is not dependent upon the resources generated by the local economy;~~
- ~~• Universal health insurance coverage;~~
- ~~• A comprehensive system of care including physical, oral, and behavioral health services; and~~
- ~~• Efforts that address the shortage of nurses and other health care professionals in the country.~~

**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 and eliminating 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

1 delivery systems should coordinate services to ensure efficient and cost-effective access to care,  
2 including primary and preventive care, behavioral health and oral health, for underserved  
3 populations. County governments are uniquely qualified to convene the appropriate public and  
4 private partners to build these local delivery systems in a way that will respect the unique needs  
5 of individuals and their communities and should be offered financial incentives and regulatory  
6 flexibility to do so.

7  
8 **C. Public Health and Wellness:** NACo supports an ongoing enhanced focus on disease and  
9 injury prevention and health promotion is a way to improve the health of our communities and to  
10 reduce health care costs. The public health response to emergencies should be fully integrated  
11 into each county's emergency management plan. Local public health considerations likewise  
12 should be systematically integrated into land use planning and community design processes to  
13 help prevent injuries and chronic disease. Policies are also needed to address health inequity, the  
14 systemic, avoidable, unfair and unjust differences in health status and mortality rates, as well as  
15 the distribution of disease and illness across population groups. Investing in wellness and  
16 prevention across all communities will result in better health outcomes, increased productivity  
17 and reduce costs associated with chronic diseases.

18  
19 **D. Expanding Coverage:** NACo supports universal health insurance coverage. Existing public  
20 health insurance systems should be strengthened and expanded, including Medicare, Medicaid  
21 and the Children's Health Insurance Program (CHIP). As states and counties attempt to  
22 shoulder their legislatively mandated responsibilities to provide care for the indigent and  
23 uninsured, federal regulatory barriers should be removed to allow flexibility and innovation at  
24 the local level. Restrictions on the expansion of County Organized Health Systems should be  
25 lifted and they should be authorized to serve as a public plan option in their service areas.

26  
27 **E. Maintaining a Safety Net:** NACo believes that the intergovernmental partnership envisioned  
28 in the Medicaid statute should be strengthened. NACo supports the enhanced Medicaid  
29 reimbursement rate for the ACA expansion population and the provision requiring the federal  
30 medical assistance percentage (FMAP) to be passed through to counties contributing to the  
31 nonfederal share. Local safety nets, supported by Medicaid and disproportionate share hospital  
32 (DSH) payments, should not be dismantled to "pay for" universal coverage. DSH payments  
33 should not be phased out or down until health insurance coverage expansion and other delivery  
34 system reforms are fully implemented and the effects on DSH payments can be accurately  
35 assessed. Assumptions should not be made that DSH can be cut by any arbitrary amount on  
36 some arbitrary timeline during the implementation of health care reform.

37  
38 **F. Health Workforce:** NACo believes that the health professional and paraprofessional  
39 workforce must be supported and enhanced. It is important that we sustain training programs  
40 and sites of service that enable us to develop a complement of health professionals that can  
41 address the needs of a changing, growing and aging population.  
42 Because public hospitals have often been teaching hospitals, NACo supports reasonable medical  
43 education funding as an integral part of the business model of these institutions.

44  
45 NACo supports initiatives and programs to recruit, train, license and retain health professionals,  
46 and allied professionals and paraprofessionals, on an expedited basis. Funding for existing  
47 education and training programs – in secondary, post-secondary and vocational educational  
48 settings – should be increased and targeted towards initiatives to expand and diversify the health  
49 workforce. Partnerships between local economic developers and workforce development  
50 professionals should be encouraged to meet growing health care sector demand. Targeted  
51 incentives including scholarships, loan forgiveness and low-interest loan repayment programs

1 should be developed to encourage more providers to enter and remain in primary care and public  
2 health careers. Primary care providers should be empowered to – and compensated for – case  
3 management services.

4  
5 **G. Health IT:** NACo believes the federal government should support the integration of health  
6 information technologies into the local health care delivery system, including the behavioral  
7 health and substance use treatment systems and county jail health systems. NACo supports  
8 efforts to promote the use of a range of information technologies to facilitate appropriate access  
9 to health records and improve the standard of care available to patients, while protecting privacy.  
10 This includes deployment of broadband technologies to the widest possible geographic footprint.  
11 Other tools facilitate evidence-based decision making and e-prescribing. Using broadband  
12 technologies, telemedicine applications enable real-time clinical care for geographically distant  
13 patients and providers.

14  
15 **H. Long-Term Care:** Federal policies should encourage the elderly and disabled to receive the  
16 services they need in the least restrictive environment. Since counties provide and otherwise  
17 support long term care and other community based services for the elderly and disabled, state  
18 and federal regulations and funding programs should give them the flexibility to support the full  
19 continuum of home, community-based or institutional care for persons needing assistance with  
20 activities of daily living. Nursing home regulatory oversight should be reformed in order to  
21 foster more person-centered care environments.

22  
23 **I. Jail Health:** NACo believes the federal government should provide health care coverage for  
24 otherwise eligible county detainees, pending disposition of charges. Furthermore, a true national  
25 partnership is needed to divert the non-violent mentally ill from jail and into appropriate  
26 evidence-based treatment in community settings, if possible. Finally, resources should be made  
27 available to counties to implement timely, comprehensive pre-trial and re-entry programs so that  
28 justice involved individuals will have access to all needed health and social services, including  
29 behavioral health and substance abuse treatment, to avoid recidivism and become fully integrated  
30 into the community.

31  
32 **Sponsor:** Susan Adams, Supervisor, Marin County, CA

## 33 34 **PROPOSED RESOLUTIONS**

### 35 36 **Proposed Resolution Supporting Ongoing Federal Support for Local Safety Net Providers**

37  
38 **Issue:** Need to maintain strong health care safety net system as the Affordable Care Act (ACA)  
39 is implemented

40  
41 **Proposed Policy:** NACo urges the federal government to ensure the availability of adequate and  
42 sustainable funding for safety net providers as they continue to care for the uninsured.

43  
44 **Background:** NACo supports maintaining a strong safety net for the uninsured residual and  
45 vulnerable populations as the ACA is implemented. The ACA will increase access to health care  
46 coverage through expansion of the Medicaid program, the creation of health insurance  
47 exchanges, insurance market reforms, and the provision of subsidies and tax credits to make  
48 private coverage more affordable. Since 2010, the number of insured has grown from 46 million  
49 to 50 million. While the ACA is projected to provide health coverage to approximately 32  
50 million residents nationally, over 18 million individuals are projected to remain without access to

1 health coverage, mostly the undocumented who are ineligible for financial assistance and  
2 expanded Medicaid coverage.

3  
4 Traditional safety net providers including health centers, clinics, behavioral health organizations,  
5 and hospitals that currently serve a high share of uninsured patients will continue to play a  
6 critical role in the health care delivery system, by serving those who will remain uninsured as the  
7 ACA is implemented. This points to the need of increasing the efficiency of federal funds  
8 reimbursement, preserving federal block grant funding and other revenue for County mental  
9 health and substance use disorder services.

10  
11 Critical to carrying out this role will be efforts around community outreach, enrollment, retention  
12 and advocacy in order to keep individuals, children, and families connected to a prevention-  
13 focused, quality Health home and integrated system of care. In addition homeless outreach  
14 services, mobile response programs, services to children and youth in specialized foster care,  
15 Veterans, support for housing stability, recovery maintenance homes, and field-based services  
16 will be crucial services. These services are key to addressing social determinants of health and  
17 are an integral component of specialty mental health and substance use disorder systems.

18  
19 Steps need to be taken to ensure adequate funding for the safety-net system post reform and the  
20 continued delivery of high quality health care services to vulnerable populations. The federal  
21 government must align reductions in funding such as Disproportionate Share Hospitals payment  
22 to hospitals, comport with reductions in uncompensated care costs. Minimum benefit packages  
23 offered through state run exchanges must be sufficient to ensure that cost shifts to safety net  
24 providers do not occur.

25  
26 **Fiscal/Urban/Rural Impact:** The need for an adequate and sustainable funding source for safety  
27 net provides occurs in rural, suburban and urban counties. Without this support and  
28 infrastructure, a significant cost could fall to local governments.

29  
30 **Sponsor:** Sonoma County, Calif.

31  
32 **Proposed Resolution Supporting Development and Expansion of Parity for Mental Health  
33 and Substance Use Disorders Under the Affordable Care Act**

34  
35 **Issue:** Parity for mental health medical coverage for newly ensured populations under the  
36 Affordable Care Act (ACA)

37  
38 **Proposed Policy:** NACo supports implementation of the ACA so as to ensure access to the  
39 highest quality mental health and substance use disorder services for newly insured populations.

40  
41 **Background:** On March 23, 2010, President Obama signed the ACA, comprehensive health care  
42 reform legislation promising to extend coverage to 33 million Americans. Of note to the  
43 behavioral health community, the ACA explicitly includes mental health and substance use  
44 disorder services, including behavioral health treatment, as one of ten categories of service that  
45 must be covered as essential health benefits. Furthermore, the ACA also mandates that mental  
46 health and substance use disorder benchmark coverage must be provided at parity, compliant  
47 with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act  
48 (2008). Individuals with mental illness and substance use disorders have the opportunity to  
49 significantly benefit from the health care law, as insufficient insurance health care coverage for  
50 these conditions has traditionally prevented countless people from obtaining needed treatment.  
51 With the passage of ACA many adults with mental health needs will become eligible for health

1 insurance coverage in 2014 and for the first time qualified individuals will have access to mental  
2 health and substance use disorder services through Medicaid expansion or subsidized insurance.

3  
4 Mental health and substance use disorder systems must be equal partners with physical health  
5 care systems. Given the low rate of service utilization among uninsured adults with mental health  
6 and substance use disorder needs, the expansion of health insurance coverage through health care  
7 reform will increase access to and utilization of mental health and substance use disorder  
8 services for many uninsured adults. The aim of the ACA is to ultimately reduce the cost of  
9 healthcare delivery to the entire population. In order to more effectively care for the whole  
10 person, there must be more seamless coordination between system partners and that all health  
11 plans cover an adequate level of service for behavioral health care intervention and treatment.  
12 Coordination of mental health, substance use and primary care is essential to ensuring quality  
13 care and realizing cost savings and to reduce barriers to the exchange of information necessary to  
14 appropriately coordinate care, improve quality, and address confidentiality.

15  
16 In addition, community based interventions are essential to realize the ultimate goals of a more  
17 integrated and equitable system of care. Counties are providing services during a historic change  
18 to the structure and function of federal, state and local government. Local programs are leading  
19 the development and implementation of services resulting from healthcare reform; realignment  
20 of federal, state and local funding; and other economic restructuring. Counties are in the best  
21 position to recognize and teach new proactive models that are emerging in integrated healthcare,  
22 collaborations between child welfare and mental health, and local criminal justice and substance  
23 use co-occurring populations.

24  
25 Counties are piloting and building the evidence-base for a system of care for prevention, early  
26 intervention, treatment and recovery services. Coordinated outreach programs between county  
27 behavioral health professionals and local schools and community colleges intervene with  
28 adolescents and young adults experiencing first psychotic breaks, depression, and other  
29 behavioral health needs in order to not only assess, but link youth directly to mental health  
30 services and treatment. Field based programs that partner behavioral health professionals with  
31 law enforcement in the field through mobile support teams and other primary intervention  
32 strategies should be part of core and essential services. Funding approaches must support  
33 comprehensive approaches that coordinate prevention and early intervention strategies with  
34 ongoing treatment and recovery.

35  
36 **Fiscal/Urban/Rural Impact:** Benchmark coverage at parity in compliance with the Wellstone-  
37 Domenici Parity and Equity Act, as required under the ACA, will create additional fiscal needs.  
38 Additional costs need to be determined as the Act is implemented.

39  
40 **Sponsor:** Sonoma County, Calif.

## 41 42 **Proposed Resolution on the National Conversation on Mental Health**

43  
44 **Issue:** County role in the National Conversation on Mental Health.

45  
46 **Proposed Policy:** NACo supports the goals of the Administration's ongoing effort to encourage  
47 a national conversation to increase understanding and awareness about mental health and to  
48 identify ways to reduce stigma and to expand coverage and improve access to mental health  
49 services, especially for young people and veterans. NACo calls on the Administration to  
50 continue to recognize counties as essential partners these efforts and to engage county officials as  
51 additional national and local conversations are planned and implemented.

1  
2 **Background:** In 2013, the Administration called for a National Conversation on Mental Health.  
3 The effort was kicked off with a White House Conference on Mental Health and followed by  
4 regional conversations across the country and ongoing opportunities at the local level. Given that  
5 750 county-based behavioral health authorities administer public mental health and substance  
6 abuse systems at the local level, and that counties also administer local youth and child welfare  
7 services and run local criminal justice and public safety systems, counties should be engaged at  
8 the local level in planning and conducting these conversations. Likewise, state associations of  
9 counties should be engaged at the state level and NACo should be engaged at the national level.

10  
11 **Fiscal/Urban/Rural Impact:** Improved coverage and access to needed behavioral health care  
12 services will reduce pressure on county systems, especially costly emergency room care and jail  
13 services.

14  
15 **Sponsor:** Linda Langston, Supervisor, Linn County, Iowa

16  
17 **Proposed Resolution Supporting Provisions of the Affordable Care Act That May Help**  
18 **County Safety Net and Behavioral Health Programs**

19  
20 **Issue:** Essential need to implement key features of the Patient Protection and Affordable Care  
21 Act of 2010 (ACA)

22  
23 **Proposed Policy:** NACo supports full funding for, and implementation of, the provisions of the  
24 ACA that help counties meet the service needs of low income and disabled populations.  
25 Specifically, NACo supports maintaining and expanding affordable health coverage and benefits  
26 to uninsured and underinsured residents who rely on county health care delivery systems –  
27 including the Medicaid expansion. NACo also supports the ACA’s provisions to improve care  
28 coordination to ensure that everyone has a medical/health home for efficient, accessible and cost-  
29 effective care; to improve access to preventive care and health promotion for underserved  
30 populations; and to promote the use of peer supports and counselors, together with effective care  
31 coordination that spans health and social support services.

32  
33 **Background:** Key features of the ACA are fully compatible with and supportive of the  
34 operations of county safety net agencies including local behavioral health and developmental  
35 disability authorities, and promote the coordination and integration of behavioral health and  
36 primary care, with the goal of demonstrating the best care and recovery of consumers served by  
37 these systems; they support the stability and expansion of the Medicaid program in a manner that  
38 does not place a financial burden on state, county and local authorities; they promote care  
39 coordination across federal programs that serve persons with disabilities; and they extend mental  
40 health and substance use care parity legislation to all private and public health plans.

41  
42 **Fiscal/Urban/Rural Impact:** In the short-term, these policies will require additional federal  
43 resources. However, over the longer run, this investment will pay off in better health outcomes  
44 for low-income populations and a greater contribution of persons with disabilities to the  
45 economic recovery and productivity of the United States. Although the impact of these policies  
46 will be great in urban areas, we expect them to be even greater in rural areas, where such services  
47 are currently very sparse.

48  
49 **Sponsor:** National Association of County Behavioral Health and Developmental Disability  
50 Directors





1 programs, particularly affordable housing and job training, should be expanded so that persons  
2 with disabilities can become and remain fully independent in their home communities.

3  
4 **Background:** Close coordination across health and social service programs is essential to assure  
5 the effectiveness of care and supports for persons with disabilities. County behavioral health and  
6 developmental disability authorities are concerned that federal care and support programs should  
7 be available to persons with disabilities, including the newly insured, in the post ACA  
8 environment, and that care coordination should be available to make them operate efficiently.  
9 Health services are less effective and more costly when needed social services are either not  
10 available or are not coordinated well. These tools are also very important so that persons with  
11 disabilities can live independent lives in their own communities.

12  
13 **Fiscal/Urban/Rural Impact:** In the short-term, these policies will require additional federal  
14 resources. However, over the longer run, this investment will pay off in a greater contribution of  
15 persons with disabilities to the economic recovery and productivity of the United States.  
16 Although the impact of these policies will be great in urban areas, we expect them to be even  
17 greater in rural areas, where such services are currently very sparse.

18  
19 **Sponsor:** National Association of County Behavioral Health and Developmental Disability  
20 Directors

21  
22 **Proposed Resolution Supporting Efforts in the Prevention and Treatment of Obesity and**  
23 **Overweight**

24  
25 **Issue:** Reduce obesity and overweight and improve wellness.

26  
27 **Proposed Policy:** NACo recognizes obesity and overweight as conditions that can persist from  
28 childhood to adulthood, that are associated with chronic disease and that cause preventable and  
29 premature deaths in adults, adolescents and children. NACo supports local public health  
30 department leadership in obesity and overweight prevention.

31  
32 **Background:** According to the National Center for Health Statistics, 66 percent of adults 20  
33 years of age and older are overweight and 32 percent are obese. In addition, almost five percent  
34 of adults are extremely obese. From 1980 to 2004, the prevalence of obesity among adults  
35 increased from 15 percent to almost 33 percent. Being either obese or overweight increases an  
36 individual's risk for developing medical conditions including, but not limited to, hypertension,  
37 Type 2 diabetes, coronary heart disease, stroke and some cancers. Approximately 17 percent of  
38 children and adolescents (ages two to 19) are overweight. Furthermore, the percentage of  
39 overweight children two to five years of age increased from seven percent to almost 14 percent  
40 and the percentage of overweight children six to 11 years of age increased from 11 percent to 19  
41 percent between 1994 and 2004. Also during this period, there was an increase in the percentage  
42 of overweight adolescents aged 12 to 19 years of age from 11 percent to 17 percent. Overweight  
43 children and adolescents are at an increased risk for developing risk factors associated with  
44 cardiovascular disease, such as high cholesterol, high blood pressure, asthma, and Type 2  
45 diabetes. In addition, these children and adolescents are at an increased risk for psychosocial  
46 problems, such as low self-esteem, due to social discrimination. Obesity and overweight in  
47 children and adolescents are strongly correlated with obesity and overweight in adulthood. One  
48 study found that approximately 80 percent of children who were overweight at ages 10-15 years  
49 old were obese adults at age 25.3.

1 In 2003 approximately \$75 billion in medical expenditures were attributed to obesity, half of  
2 which were financed by Medicare and Medicaid. Certain races and ethnicities are at an increased  
3 risk for obesity and overweight. Among adults, approximately 45 percent of non-Hispanic blacks  
4 and 37 percent of Mexican-Americans were obese, as compared to 30 percent of non-Hispanic  
5 white adults. Furthermore, in industrialized countries an individual from a low socio-economic  
6 status (SES) group is more likely to be obese than someone from a high-SES group.

7  
8 **Fiscal/Urban/Rural Impact:** Significant long term benefits for quality of life and reduced  
9 chronic disease costs in rural and urban communities.

10  
11 **Sponsor:** National Association of County and City Health Officials

### 12 13 **Proposed Resolution on Pandemic and All-Hazards Preparedness**

14  
15 **Issue:** Local health departments play a vital role in promoting and maintaining the nation's  
16 health and security. They have legal authorities and perform preparedness functions and duties  
17 to ensure the safety and well-being of counties in the face of potential public health emergencies.

18  
19 **Proposed Policy:** To ensure the public's health and safety, NACo urges the Administration and  
20 Congress to provide adequate funding for programs authorized in the Pandemic and All-Hazards  
21 Preparedness Reauthorization Act (P.L. 113-5) which build and sustain local infrastructure for  
22 public health emergency preparedness.

23  
24 **Background:** Local health departments prepare communities for disasters, respond when  
25 emergencies occur, and lend support throughout the recovery process. Local health departments  
26 work with all community sectors – government officials, law enforcement, emergency  
27 management, health care, business, education, and religious groups – to plan, train, and prepare  
28 for emergencies so that when disaster strikes, everyone is prepared. Since all disasters strike  
29 locally, local health departments are a critical part of any community's first response to disease  
30 outbreaks, emergencies and acts of terrorism. Following is the role of local health departments  
31 in preparedness:

- 32
- 33 • **Preparation:** Provide specialized training and exercises of local health and emergency  
34 response personnel to quickly receive, store, stage, distribute, and dispense Strategic National  
35 Stockpile (SNS) assets. Identify populations that may be at higher risk for adverse health  
36 outcomes, address their needs and implement plans that support their ability to be resilient in  
37 the face of emergencies. Prepare risk communication messages for the public to promote  
38 resilience and assure compliance with health protective actions.
  - 39 • **Protection:** Maintain laboratory systems with a capacity for 24/7 receipt of potentially  
40 hazardous specimens and the capability to screen and test for a broad range of public health  
41 threats. Provide immunizations during public health incidents such as influenza pandemics.
  - 42 • **Effective Response:** Prepare for a surge on healthcare facilities through the preparation of  
43 public health and healthcare providers to triage and treat victims of disasters. Recruit, train,  
44 coordinate and mobilize volunteer public health and healthcare professionals.
  - 45 • **Recovery:** Issue interim guidance to the public on risk and protective actions. Prepare for  
46 evacuation, repatriation and receipt of evacuees from sites of incidents.

47  
48 **Fiscal/Urban Rural Impact:** All-hazard preparedness will require a response in all  
49 jurisdictions, whether they are urban or rural. This resolution asks for increased federal funding  
50 for local public health all-hazard preparedness.

1  
2 **Sponsor:** National Association of County and City Health Officials

3  
4 **Proposed Resolution Endorsing the Vision and Goals of the National Prevention Strategy**

5  
6 **Issue:** Support for the National Prevention Strategy

7  
8 **Proposed Policy:** NACo endorses the overarching vision and goal of the National Prevention  
9 Strategy and will support actions and promote policies that support its effective implementation  
10 across all levels of government and in communities.

11  
12 **Background:** Pursuant to the Affordable Care Act (ACA), the President established a National  
13 Prevention, Health Promotion, and Public Health Council, known as the National Prevention  
14 Council, chaired by the U.S. Surgeon General and composed of seventeen federal department  
15 and agency heads charged with promoting prevention and wellness. The National Prevention  
16 Council is responsible for coordinating and leading prevention, wellness, and health promotion  
17 efforts across the federal government and the nation.

18  
19 The President also appointed members of the Advisory Group on Prevention, Health Promotion,  
20 and Integrative and Public Health – including two county officials – to offer a non-federal  
21 perspective on policy and program recommendations to the National Prevention Council and  
22 advise them on effective, science-based prevention and health promotion practices.

23  
24 The National Prevention Council has developed a National Prevention and Health Promotion  
25 Strategy, known as the National Prevention Strategy, to lay out the most effective and achievable  
26 means for improving the health of Americans through prevention and health promotion policies  
27 and programs, to align prevention and health promotion priorities across the federal government  
28 and to recommend the most effective actions the nation can take to accelerate prevention of  
29 leading causes of death and disability in the United States. The National Prevention Strategy  
30 envisions working together to improve the health and quality of life for individuals, families, and  
31 communities by moving the nation from a focus on sickness and disease to one based on  
32 prevention and wellness with a goal of increasing the number of Americans who are healthy at  
33 every stage of life. It identifies four strategic directions that are the foundation for all prevention  
34 efforts and form the basis for a prevention oriented society. The strategic directions are Healthy  
35 and Safe Community Environments; Clinical and Community Preventive Services; Empowered  
36 People and Elimination of Health Disparities which are each needed to fully support Americans  
37 in leading longer and healthier lives. The Strategy’s seven priorities include Tobacco-Free  
38 Living; Preventing Drug Abuse and Excessive Alcohol Use; Healthy Eating; Active Living;  
39 Injury and Violence-Free Living; Reproductive and Sexual Health; and Mental and Emotional  
40 Well-Being.

41  
42 **Fiscal/Urban/Rural Impact:** Implementation of the strategy does not assume significant  
43 additional investments. It will have urban, suburban and rural applications.

44 **Sponsor:** National Association of County and City Health Officials

45  
46 **Proposed Resolution on Changing Nursing Home Oversight to Support and Promote**  
47 **Culture Change**

48  
49 **Issue:** Regulatory barriers to improving nursing home culture

1 **Proposed Policy:** NACo urges the Centers for Medicare and Medicaid Services (CMS) to  
2 remove barriers and regulations that hinder providers from making transformative  
3 environmental, administrative and care practice changes that promote positive outcomes to  
4 resident and family satisfaction and improved quality of care and quality of life.  
5

6 **Background:** The current survey and certification system for nursing homes supports but does  
7 not widely promote transformative change in how services are provided. The philosophy that  
8 drives operational decisions away from institutional practices and toward practices that both  
9 improve quality of care and quality of life is dampened by the current survey, certification and  
10 life safety code processes.  
11

12 In 1991, Dr. Bill Thomas, a Harvard-educated physician founded the Eden Alternative. The Eden  
13 Alternative along with many other organizations and models now work to assist providers to  
14 remake the aging experience in thousands of nursing homes across the country. Over 16 years  
15 later, in a 2007 report, The Commonwealth Fund conducted a national study of nursing homes  
16 and found that 56 percent of nursing homes surveyed still viewed regulation as a major or minor  
17 barrier to change.  
18

19 **Fiscal/Urban/Rural Impact:** Changing Nursing Home culture engages all facility staff in a total  
20 transformation of thinking and practice. The systematic rebuilding of resident-directed  
21 approaches to care, responsive to residents' individual life experiences and needs, leads to many  
22 improved outcomes. Facilities that incorporate some aspects of culture change noted their  
23 initiatives yielded benefits such as improved staff retention, higher occupancy rates, better  
24 competitive position, and improved operational costs. Moreover, the most important positive  
25 outcome may be improved resident and family satisfaction.  
26

27 **Sponsor:** National Association of County Health Facilities  
28

### 29 **Proposed Resolution on Persistent Health Disparities**

30

31 **Issue:** Persistent health disparities  
32

33 **Proposed Policy:** NACo supports legislation to reduce health disparities and address the social  
34 determinants of health, increase the diversity and cultural and linguistic competencies of the  
35 health workforce, and improve environmental justice. This must include significant direct federal  
36 funding for counties to implement programs designed to reduce disparities, by direct service  
37 delivery and in partnership with providers.  
38

39 **Background:** Disparities in health outcomes for vulnerable populations as defined by  
40 race/ethnicity, socio-economic status, geography, gender, age, disability status, risk status related  
41 to sex, gender and sexual orientation, have been well documented and are well understood by  
42 county officials. These vulnerable populations disproportionately experience worse health and  
43 safety outcomes across a broad spectrum of illnesses, injuries, and treatments. These disparities  
44 are likely to be exacerbated during a prolonged recession.  
45

46 **Fiscal/Urban/Rural Impact:** Large federal investments will be required to eliminate health  
47 disparities in urban and rural communities where they tend to be the most acute.  
48

49 **Sponsor:** National Association of County and City Health Officials  
50

1 **Proposed Resolution Supporting Charity Care Requirements for Non-Profit Health Care**  
2 **Facilities**

3  
4 **Issue:** Charity care requirements for non-profit and tax-exempt health care facilities.  
5

6 **Proposed Policy:** NACo supports imposing charity care requirements on non-profit and tax-  
7 exempt health care facilities, including standards that measure facilities’ access to and utilization  
8 of tax-exempt capital, to objectively determine the amount of actual health care providers tender  
9 to those in need against the value of tax exemptions that the facilities receive.  
10

11 **Background:** County governments across the United States of America are the health care  
12 providers of last resort for the most vulnerable indigent and uninsured residents in our  
13 neighborhoods and communities. NACo, in efforts to ensure less cost shifting to county  
14 governments, supports federal policies, such as adequate Medicaid funding, to assist in providing  
15 health care coverage to such residents and reimbursing county health providers for treatment  
16 rendered to our nation’s most critical populations. Stable and adequate Medicaid funding, in  
17 tandem with how other providers assist in caring for uninsured individuals, directly affects  
18 county budgets, local taxpayers who fund government operations and those who rely on public  
19 and non-profit providers for their health care needs.  
20

21 The United States Congress and many states and counties have considered or addressed issues  
22 related to charity care and tax exemptions, seeking to establish fair but objective benchmarks  
23 against which hospitals would be measured to determine the granting or renewing of tax  
24 exemptions for providing actual charity health care to those in need. Without objective standards  
25 to determine the amount of actual charity health care non-profit and tax-exempt health care  
26 facilities provide to members of their neighborhoods and communities, county governments  
27 cannot accurately assess the performance of health care facilities receiving tax exemptions  
28 funded by county government taxpayers. The following issues should be considered in crafting  
29 appropriate charity care standards: definitions of “charity care” for the purposes of tax exemption  
30 qualification and eligibility; guidelines for counties to consider when determining whether a tax  
31 exemption applied for by a non-profit hospital should be granted, rejected, renewed or denied;  
32 the current and unique fiscal situations confronting states and units of local government today  
33 when making recommendations on the appropriate percentage, level or standard of charity care  
34 to qualify for tax exemptions.  
35

36 **Fiscal/Urban/Rural Impact:** Requiring charity care in proportion to tax exemption will  
37 significantly decrease the burden of uncompensated care at county hospitals, both urban and  
38 rural.  
39

40 **Sponsor:** Toni Preckwinkle, President, Cook County, Ill.  
41

42 **Proposed Resolution Encouraging the U.S. Department of Health and Human Services to**  
43 **Require Private Insurance Companies to Pay for Health Costs for their Preadjudicated**  
44 **Clients**

45  
46 **Issue:** Private insurance companies’ “inmate exclusion” shifts health care costs from  
47 preadjudicated inmates to counties.  
48

49 **Proposed Policy:** The National Association of Counties (NACo) urges the Department of Health  
50 and Human Services (HHS) to prohibit insurers from denying reimbursement under health  
51 benefit plans for covered services provided to preadjudicated persons in the custody of local

1 supervisory authorities.

2  
3 **Background:** Local governments are obligated to provide medical care to the people they  
4 incarcerate. Counties hire nurses, doctors, dentists, and mental health staff who have the same  
5 experience, credentials, and ability to improve care as in our county clinics or our hospitals.

6  
7 As a result, counties throughout the United States are shouldering a tremendous cost for inmate  
8 health care. According to the Urban Institute, “Typically 9 to 30 percent of corrections costs go  
9 to inmate health care. This amounts to hundreds of millions of dollars annually, and is an aspect  
10 of corrections which the public and many decision makers are largely unaware. Inmate care costs  
11 are high in both prisons and jails.”

12  
13 According to the State of Oregon Legislative Counsel, “The Affordable Care Act requires all  
14 nonexempt individuals to have health insurance. Preadjudicated inmates are inmates who have  
15 not been convicted and who are being held pending disposition of charges. Such inmates are not  
16 excused from the requirement to have insurance until after they have been convicted and are  
17 incarcerated as a result of a conviction.”

18  
19 Legislative Counsel continues by explaining, “Insurance companies are required to provide  
20 health insurance to anyone who applies for insurance. An inmate may enroll in insurance that is  
21 offered in the private market outside of the exchange. Prior to conviction, an eligible inmate also  
22 may enroll in insurance through the health insurance exchange. Therefore, an insurance company  
23 must provide insurance to preadjudicated inmates and may not deny coverage for any service  
24 that is an essential health benefit.”

25  
26 Though some preadjudicated people who enter jails have private insurance, most insurers have  
27 an “inmate exclusion” and do not pay for health care services provided to their insured while  
28 they are in county jails. For those inmates pending disposition of charges, counties are paying  
29 their health costs despite the fact that their private insurer is collecting a premium. As a result,  
30 taxpayers bear the cost that otherwise would be paid by insurance companies.

31  
32 An example of this issue is illustrated in Oregon. A recent survey of counties found an average  
33 of eight percent of inmates have private health insurance and 61 percent of inmates in jail are  
34 pre-adjudicated. Multnomah County, Oregon, estimates that they could save up to \$1 million  
35 annually by billing private insurers for preadjudicated inmate health costs. Requiring counties to  
36 pay for health care for inmates who have private health care coverage is neither a good use of  
37 taxpayer dollars nor good public policy.

38  
39 **Fiscal/Urban/Rural Impact:** If counties were able to bill private insurers for the health costs of  
40 their preadjudicated, insured clients, counties could shift the burden from taxpayers. Counties  
41 can use these funds for other critical services, including public safety.

42  
43 **Sponsor:** Commissioner Loretta Smith, Multnomah County, Oregon

44  
45 **Proposed Resolution Supporting Funding for Alzheimer’s Disease Research, Community**  
46 **Education and Outreach, and Caregiver Support**

47  
48 **Issue:** Lack of sufficient funding for Alzheimer’s disease research, Alzheimer’s community  
49 education and outreach, and resources for caregivers, family members, and those afflicted with  
50 Alzheimer’s disease.

1 **Proposed Policy:** NACo supports the continuous and increased use of federal funds to support  
2 Alzheimer’s disease research, Alzheimer’s community education and outreach, and resources for  
3 caregivers, family members, and those afflicted with Alzheimer’s disease.  
4

5 **Background:** Alzheimer’s disease is reaching epidemic proportions. According the journal  
6 Health Affairs, an estimated 5 million people suffer from Alzheimer’s disease in the United  
7 States, with the number expected to triple by 2050 as the population ages. Nationally, the  
8 number of Alzheimer’s deaths from 2000 to 2010 increased 68%. The impact that Alzheimer’s  
9 disease has on women in particular is staggering. While one in eleven men over the age of 65  
10 has Alzheimer’s, the number is one in six for women. According to the Alzheimer’s  
11 Association, women in their 60s are about twice as likely to develop Alzheimer’s as they are to  
12 develop breast cancer. There is currently no way to prevent or cure Alzheimer’s disease.  
13

14 In 2014, the direct costs to American society of caring for those with Alzheimer’s will total an  
15 estimated \$214 billion, including \$150 billion in costs to Medicare and Medicaid. Spending for  
16 the average adult Alzheimer’s patient is projected to increase 80 percent by 2040, according to  
17 U.S. Department of Health and Human Services projections.  
18

19 The federal government will spend \$562 million this year on funding for Alzheimer’s research,  
20 education, outreach and caregiver support. The \$562 million on Alzheimer’s, while encouraging,  
21 is one fourth of what will be spent this year researching heart disease; ten times this amount will  
22 be sent on cancer research.  
23

24 Due to the significant and growing impact of Alzheimer’s disease on communities throughout  
25 the nation, NACo calls for additional federal resources to be allocated for Alzheimer’s research,  
26 education, outreach, and caregiver support.  
27

28 **Fiscal/Urban/Rural Impact:** Would provide new federal resources to counties and community  
29 based organizations for Alzheimer’s education, outreach and caregiver support, and support  
30 Alzheimer’s research in counties throughout the nation.  
31

32 **Sponsors:** Dave Roberts, Supervisor, San Diego County, Calif., Nick Macchione, Director,  
33 Health and Human Services Agency, San Diego County, Calif.  
34

### 35 **Proposed Resolution on Improving the VA’s New “eClaims” Initiative**

36

37 **Issue:** The U.S. Department of Veterans Affairs (VA) has developed a new “eClaims” website  
38 that is intended to improve many services for veterans, including the disability claims process;  
39 unfortunately, parts of this “eClaims” initiative may do more harm than good for some of our  
40 veterans.  
41

42 **Proposed Policy:** NACo should help increase accountability for three aspects of the VA’s new  
43 “eClaims” initiative that may harm our veterans’ ability to access benefits. First, NACo urges  
44 Congress to stop implementation of the proposed VA rule that would totally end the use of  
45 standard paper forms for the filing of disability claims. Many veterans simply can’t access the  
46 internet and this would suppress their basic rights to seek benefits that they are otherwise fully  
47 entitled to. Second, NACo urges Congress to determine how many Veteran Service Officers  
48 (VSO’s) throughout United States do not have access to the Stakeholder Enterprise Portal (SEP),  
49 with a particular analysis of how security credentialing limits a VSO’s ability to access a  
50 veteran’s record and to successfully advocate on behalf of a veteran. Third, NACo urges  
51 Congress to investigate how the new “eClaims” initiative will limit the role of VSO’s as



1 advocates for veterans. Without VSO representation, there will likely be an increase in the initial  
2 denial rate for claims, an increase in the number of appeals, an increase in the ultimate number of  
3 unsuccessful claims, and an increase in the length of time for final benefits to be awarded.  
4

5 **Background:** The VA has adopted a well-intentioned “Claims Transformation Plan” that  
6 includes an increased reliance on technology to improve access for benefits via a new “eClaims”  
7 website. While it is important for the VA to embrace technology to better serve veterans, there  
8 are a number of aspects of the current approach that may harm veterans. For example, the  
9 exclusive filing of digital claims could shutout veterans who do not have easy access to the  
10 internet; a paper filing is simply the only practical option for many veterans.  
11

12 Veterans Service Officers play a key role in the filing and ultimate success of individual veterans  
13 claims for benefits. When a VSO is granted a power of attorney by an individual veteran to act  
14 on his/her behalf, this increases the likelihood of successful claim and ultimately the size of the  
15 claims benefits received. Simply put, veterans represented by a VSO fare much better than those  
16 veterans who must navigate the daunting VA process on their own.  
17

18 There is a significant likelihood that the current digital claim approach of the VA will actually  
19 lead to a reduction in the both of the number of successful VA claims filed by veterans and in the  
20 amounts veterans will receive for their claims. NACo should urge Congress to help prevent this  
21 from happening.  
22

23 **Fiscal/Urban/Rural Impact:** In 2013, Department of Veterans Affairs Expenditures across the  
24 nation totaled \$143 billion. These VA expenditures flow into nearly every county in the nation  
25 and included \$63.6 billion in direct payment to veterans (disability/pension compensation) as  
26 well as \$56 billion of healthcare related services.  
27

28 **Sponsor:** Commissioner Diane McKeel, Multnomah County, OR  
29

### 30 **Proposed Resolution on Immigration Health Care**

31  
32 **Issue:** Improving immigrant access to health care coverage  
33

34 **Proposed Policy:** NACo supports extending eligibility to anyone residing in the United States,  
35 regardless of immigration status, to purchase Qualified Health Plan coverage through the Health  
36 Insurance Marketplace exchanges, including access to premium assistance and tax credits. The  
37 federal government should help local health departments fund public health services for  
38 immigrants living and working in our counties.  
39

40 **Background:** While the Affordable Care Act (ACA) has dramatically increased the percentage  
41 of individuals who have access to affordable health insurance coverage, many immigrants,  
42 including temporary workers, Deferred Action for Childhood Arrival (known as DREAMers)  
43 beneficiaries and the undocumented do not qualify for enrollment in the exchanges or premium  
44 coverage.  
45

46 According the Census Bureau, 40 million U.S. residents are immigrants, including over 1 million  
47 temporary workers and 11 million undocumented. Most immigrants live in mixed status  
48 families, including 4.5 million citizen-children, making eligibility for ACA more complicated.  
49 As the providers of last resort, counties often bear the responsibility for paying or providing  
50 health care services to low income uninsured or underinsured individuals. Access to preventive  
51 and primary care is more cost efficient and better health care policy than relying on hospital

1 emergency rooms and inpatient care. Immigrants who have a medical home and the means to  
2 afford such care will have greater access to important primary care including immunizations and  
3 prenatal care. Encouraging and facilitating immigrants to have medical homes and to seek  
4 preventive care also maximizes the ability of counties to respond to public health emergencies,  
5 epidemics, or disasters through the relationship which has already been established between  
6 patients and providers.

7  
8 **Fiscal/Urban/Rural Impact:** Would reduce county indigent care costs.

9  
10 **Sponsors:** Liz Stefanics, Commissioner, Santa Fe County, N.M. and Lenore Laroña Stuart,  
11 Supervisor, Yuma County, Ariz.

12  
13 **Proposed Resolution Calling on the Federal Drug Administration to Finalize Rules Around**  
14 **Electronic Cigarettes and Other Novel Tobacco Products**

15  
16 **Issue:** Federal Drug Administration regulation of electronic cigarettes (e-cigarettes) and novel  
17 products such as nicotine gels and dissolvables.

18  
19 **Proposed Policy:** Urge the Federal Drug Administration to act swiftly and implement rules for  
20 the sale manufacture, distribution, and marketing of electronic cigarettes and novel products.

21  
22 **Background:** In 2009, an overwhelming majority of Congress passed the Family Smoking  
23 Prevention and Tobacco Control Act. The legislation gives the Food and Drug Administration  
24 (FDA) authority to regulate the manufacture, distribution, and marketing of tobacco products to  
25 protect public health.

26  
27 The Act is based on scientific research conducted over the past five decades, including the  
28 following information regarding youth tobacco use:

- 29  
30
- 31 • The Centers for Disease Control has consistently found that nearly 90% of smokers start  
32 by age 18.
  - 33 • Each day in the United States, an estimated 3,200 people younger than 18 smoke their  
34 first cigarette.
  - 35 • Young people are more likely to use tobacco if their peers use it, if they perceive tobacco  
36 use as acceptable among their peers, and are exposed to tobacco advertising.
  - 37 • The use of electronic cigarettes and other tobacco products among that population has  
38 also increased. A CDC report published found that the use of e-cigarettes doubled among  
39 middle and high school students between 2011 and 2012.

40 It has taken almost five years for the FDA to take action on the regulation of additional tobacco  
41 products, including e-cigarettes and novel products. Draft rules were finally issued earlier this  
42 year. During that period of time, millions of young Americans have experimented with tobacco  
43 products. Meanwhile, the public does not know the potential risks of e-cigarettes when used as  
44 intended, or how much nicotine or other potentially harmful chemicals are being inhaled during  
45 use. It is not known whether e-cigarettes may lead young people to try other tobacco products,  
46 including conventional cigarettes.

47  
48 These events have occurred in concert with a dedicated marketing campaign for e-cigarettes,  
49 nicotine gels, and dissolvable tobacco products aimed at young people. For example, some e-  
50 cigarette liquids are named “Scooby Snacks” and Gummy Bears”. We urge the Federal Drug

1 Administration to finalize and publish their rules on these products, and ensure that public health  
2 is protected.

3  
4 **Fiscal/Urban/Rural Impact:** Smoking-related diseases claim over 393,000 American lives each  
5 year. In 2004, smoking cost the United States over \$193 billion, including \$97 billion in lost  
6 productivity and \$96 billion in direct health care expenditures.

7  
8 **Sponsor:** Judy Shiprack, Commissioner, Multnomah County, OR; National Association of  
9 County and City Health Officials

10  
11 **Proposed Resolution Supporting Improved Quality in Nursing Homes through Workforce**  
12 **Development and Creative Staffing Models**

13  
14 **Issue:** Staff turnover is a major obstacle to continuity, quality of care and quality of life in  
15 nursing homes. Medicaid and Medicare funding, which recognizes the cost and importance of  
16 adequate staff; and the ability to hire, train and retain staff of varying skill levels, helps to  
17 provide high quality and person- centered long-term care services.

18  
19 **Proposed Policy:** The National Association of Counties urges Congress to authorize innovative  
20 demonstration projects to test models of care that use direct-care workers (DCWs) in advanced  
21 roles.

22  
23 **Background:** The older population--persons 65 years or older--numbered 39.6 million in 2009  
24 (the latest year for which data is available). They represented 12.9% of the U.S. population,  
25 about one in every eight Americans. By 2030, there will be about 72.1 million older persons,  
26 more than twice their number in 2000. Currently, people 65+ represented 12.4% of the  
27 population and are expected to grow to be 19% of the population by 2030. Overall demand for  
28 direct-care workers is projected to increase by 48 percent over the next decade, adding 1.6  
29 million new positions by 2020. A recent study was published on the website of JAMDA on  
30 February 2014, which analyzes 20 longitudinal studies, published between 1987 and 2013, on the  
31 effects of nursing home staffing. It noted higher nursing assistant staffing levels are linked to  
32 several improvements in quality of care, including fewer pressures ulcers, falls and lower  
33 hospitalization rates.

34  
35 **Fiscal/Urban/Rural Impact:** Exploring innovative staffing models through demonstrations may  
36 improve care coordination; improve positive outcomes for adults with chronic illnesses or at risk  
37 of re-hospitalization and lower care costs for both older Americans and the health care industry.  
38 Facilities that have incorporated other aspects of innovative staffing practices such as those who  
39 embrace culture change including the neighborhood and small house models have noted their  
40 initiatives yielded benefits such as improved staff retention and improved operational costs.  
41 Moreover, the most important positive outcome may be improved resident and family  
42 satisfaction.

43  
44 **Sponsor:** The National Association of County Health Facilities (NACHFa)

45  
46 **Proposed Resolution Supporting Alternate Service Delivery for Veterans and Their**  
47 **Families**

48  
49 **Issue:** Address capacity and efficiency of the Veterans Administration system in provision of  
50 health care and related support services to veterans and their families

1 **Proposed Policy:** NACo supports legislative and administrative action at the federal and state  
2 levels to develop alternate means of providing health care and related support services to  
3 veterans and their families, including partnership with traditional for-profit, non-profit, county-  
4 based and community health care providers.

5  
6 **Background:** While the Veterans Administration health care system generally has the capability  
7 to provide quality care, accessing and navigating the system can prove a barrier to timeliness of  
8 care. Impediments can be related to staffing, management systems, or simply distance from  
9 service centers. Using service delivery models already in use in other public health and human  
10 services disciplines, these impediments to access to care can be overcome.

11  
12 **Fiscal/Urban/Rural Impact:** Costs will be incurred by the Veterans Administration in system  
13 design and in developing relationships with for-profit, non-profit, county-based and community  
14 health care providers. Cost for care may change as well, trading potential increased costs for  
15 service provision against potentially decreased costs based on earlier and more efficient patient  
16 access. Particular benefits accrue to rural constituents, who may not have as easy access to  
17 current care centers.

18  
19 **Sponsors:** Paul Heimel, Commissioner, Potter County, PA; Douglas Hill, Executive Director,  
20 County Commissioners Association of Pennsylvania; Lisa Schaefer, Government Relations  
21 Manager, County Commissioner Association of Pennsylvania.

1 HUMAN SERVICES AND EDUCATION STEERING COMMITTEE

2  
3 PROPOSED PLATFORM CHANGES

4  
5 Statement of Basic Philosophy

6  
7 ~~STATEMENT OF BASIC PHILOSOPHY INTRODUCTION~~

8 The National Association of Counties (NACo) recognizes the responsibility of county  
9 governments to protect and enhance the lives of citizens. Counties have been at the forefront in  
10 the implementation of a comprehensive, integrated children and families system. Every  
11 county in the United States administers and funds part of the cost of strengthening  
12 communities and protecting and enhancing families. The Human Services and Education  
13 Committee of the National Association of Counties (NACo) exists to support counties in this  
14 work. While ~~the~~ role of county governments varies widely among states, ~~from state to~~  
15 state, but almost every county administers and pays part of the cost of some portion of the  
16 federal/state/county network of programs collectively known as welfare and social services.  
17 Human services and health expenditures are among the largest costs to ~~parts of~~ county  
18 governments ~~budgets~~.

19  
20 NACo recognizes the role of the federal and state governments, as well as that of county  
21 government, in strengthening community and family structures. In recognizing and building  
22 upon existing social foundations, state and local governments serve as the links between federal  
23 policies and the delivery of critical services in ways that maintain and foster self-sufficiency in  
24 communities, families, and individuals.

25  
26 NACo supports a *broad*, comprehensive *array* ~~continuum~~ of services for families, and children,  
27 *individuals with disabilities and the elderly*. that facilitates coordination of parent education and  
28 support services, early childhood development, ~~s~~ocial services, public health, preventive  
29 services to *for* children and youth, *early childhood development, parent education and support,*  
30 *childcare, and other programs that encourage and support families also strengthen*  
31 *communities throughout our country.* and correctional services. Federal policy should  
32 promote and facilitate preventive and early intervention services to limit the need for excessive  
33 social and correctional services in the future.

34  
35 Poverty is a national problem *and requires* requiring a national solution. Federal efforts to  
36 reform public assistance must recognize that poverty is influenced by national economic factors  
37 *that are* not within the control of local or state governments. ~~Providing income maintenance~~  
38 ~~benefits in the context of work programs is the way to break the cycle of welfare dependency~~  
39 ~~and to improve welfare programs.~~

40  
41 Employment rather than public assistance should serve as the mainstay for employable  
42 individuals. The goal of work programs should be to provide employment opportunities at  
43 adequate wages. They should be coordinated with economic development activities and should  
44 provide a full range of employment services. They should offer job development and job  
45 creation services, skills training and work experience, and upgrading opportunities.

46  
47 In some areas of the country, such as the inner city and rural communities, there may not be  
48 enough private sector jobs to meet the demands of those individuals who are trying to make  
49 the transition to work. In these cases, government may have to be the employer of last resort.  
50 NACo therefore supports a flexible federal job development program that would allow counties  
51 to provide public sector employment if necessary.

1  
2 To become self-sufficient or to sustain independence, many welfare families need support  
3 services such as **Families in poverty usually need support services to become self-sufficient.**  
4 **E**ducation and **job** training, child development, childcare, Medicaid, mental health and  
5 substance abuse **disorder coverage**.services,**housing**, transportation, and **work programs** ease  
6 management **are supports that often involve counties. Federal requirements in these programs**  
7 **should be flexible and coordinated with local partners to provide a seamless range of services.**  
8 Local governments are uniquely able to respond to the needs of their communities provided they  
9 are given the flexibility and the resources. Work programs, income security, support services  
10 and other social services should be carefully coordinated at the federal, state and local levels in  
11 order to provide a seamless range of services.

12  
13 ~~Any p~~Programs mandated by the federal government should be fully federally funded. **It is**  
14 **important that new programs do not duplicate existing state and local efforts; the federal**  
15 **government also must provide adequate time to implement major changes to prevent**  
16 **disruptions in program delivery.** Counties should have adequate time to implement major  
17 changes to federally assisted programs to prevent disruptions in program delivery.  
18 Administrative changes in federal program policy and practice should be done through the  
19 federal regulatory process and should allow for formal public review and comment with  
20 appropriate and mandatory federal consideration of public comments.

21  
22 New federal programs should be integrated with an appropriate, existing administrative  
23 delivery system. Congress should encourage coordination with state and local governments  
24 when seeking citizen input, such as advisory committees to oversee program development, so  
25 that ~~these groups do not duplicate existing~~ **there is no duplication of** state and local  
26 coordinating efforts.

27  
28 NACo urges the federal government to base decisions about federal laws and regulations  
29 pertaining to human services and education on data and measurable outcomes. **NACo**  
30 **believes decisions on laws and regulations should be made using data and measurable**  
31 **outcomes.** Scrutinizing existing and proposed mandates using these ~~two~~ standards will help all  
32 levels of government reduce unnecessary and unfunded mandates, streamline government, and  
33 use limited resources ~~more efficiently to the~~ **effectively, which will** benefit of clients  
34 and constituents alike. NACo urges the federal government to ask these ~~following~~ key  
35 questions when considering **changes: legislation, rules or regulations:**

- 36  
37
- 38 • Was comprehensive data used to define the problem and desired outcome?
  - 39 • Were experts who administer the affected programs engaged?
  - 40 • Will it streamline or add layers of bureaucracy?
  - 41 • Is it redundant or inefficient?
  - 42 • Are current **local** staffing levels sufficient to comply with additional requirements?
  - 43 • ~~Are there measureable outcomes to be achieved by this change?~~
  - 44 • **Will we be able to measure the outcomes to be achieved by this change?**
  - 45 • Is there adequate federal funding to pay for all direct local costs?
  - 46 • Are there **other** models ~~in existence~~ that may provide better outcomes?
  - 47 • Have local elected officials been consulted?
  - 48 • Has there been collaboration between federal, state, and local agencies?
  - 49 • Does it limit local and state flexibility to be responsive to community needs?

1 As *Counties are* the front-line providers of basic social services; ~~counties we~~ seek to achieve an  
2 appropriate blend of local administrative flexibility and federal and state standards to provide a  
3 basic level of assistance for children and families. ~~Counties must be partners in the design and~~  
4 ~~reform of human service systems. Finding the appropriate balance of basic standards and~~  
5 ~~local flexibility is indeed a daunting task. NACo proposes the following principles:~~  
6

7 ~~The federal government must maintain its responsibility to ensure a level of assistance and~~  
8 ~~support services to children and families and equitable program administration.~~

9 ~~Beyond the basic level of federal protection for children, families, and individuals with~~  
10 ~~physical and mental disabilities, the federal government must provide state and local~~  
11 ~~governments with additional flexibility to tailor programs to meet local needs.~~

12 ~~The federal, state, and county governments, in exercising their mutual responsibility to support~~  
13 ~~children and families, must collaborate in planning and implementing service programs which~~  
14 ~~meet the particular needs of local communities.~~  
15

16 Sponsor: Toni Carter, Commissioner, Ramsey County, MN  
17

## 18 Public Assistance

### 19 ~~Public Assistance Self-Sufficiency Programs~~

20 ~~The original nature and intent of income maintenance programs is to provide adequately for~~  
21 ~~individuals who cannot work and those our society has determined should not be required to~~  
22 ~~work. This intent must be preserved. It is the government's responsibility to assure that all who~~  
23 ~~need social services receive them.~~  
24

25  
26 *Self-sufficiency programs are meant to be a temporary safety net for families and individuals*  
27 *who are experiencing unemployment, underemployment or have other barriers to self-*  
28 *sufficiency.*  
29

30 **A. Block Grants for Entitlement Programs:** NACo believes that the federal government  
31 should be responsible for adequately funding its entitlement programs. NACo opposes  
32 mandatory block grants and funding caps for federal assistance programs such as SNAP,  
33 Medicaid, and Foster Care. Capped block grants in these programs would shift the full cost of  
34 program growth and inflation to states and counties. NACo also opposes reductions in  
35 administrative funding for these programs that would result in unfunded mandates to counties  
36 and states.  
37

38 **B. Block Grants for Categorical Programs:** NACo recognizes strong county government as  
39 an essential component and partner in the effective operation of national-state-local human  
40 services programs. Local governments are often best equipped to administer human services  
41 programs, and therefore must be assured an effective role in the development and  
42 implementation of federal programs.  
43

44 NACo supports consolidating existing categorical grant programs in order to reduce complexity  
45 and improve flexibility and program delivery at the local level. Human services block grants  
46 must follow the following principles:

- 47 • Programs should be controlled by elected county officials responsible directly to the  
48 taxpayers.
- 49 • Federal block grant proposals must be developed in close consultation with county officials.
- 50 • Federal block grant funds for health and social services programs should be allocated  
51 directly to counties where an existing service delivery system is in place.

- 1 • States must be required to plan jointly with county officials and to publish program plans  
2 for review and comments.
- 3 • Where direct funding is not available, states must be required to pass through maximum  
4 dollars to counties.
- 5 • Reasonable transition time should be allowed to move from categorical grants to block  
6 grants, including sufficient time to adjust county and state laws, budgets, and administrative  
7 procedures.
- 8 • There must be an absolute reduction in federal mandates and regulations, and increased  
9 flexibility and simplicity in program administration.
- 10 • No matching funds should be required of local governments.
- 11 • No maintenance of effort should be required. State and local government laws and  
12 procedures governing spending should apply to block grants.

13  
14 **C. Temporary Assistance for Needy Families (TANF):** The success of TANF depends on  
15 counties' flexibility to target local needs and support participants' work activities. Without that  
16 flexibility and the funding to implement it, the working families who are struggling toward self-  
17 sufficiency will lose supportive services and many will fall back on cash assistance. Welfare  
18 reform is an ongoing process of supporting working families in gaining self-sufficiency, not a  
19 one-time removal of families from the welfare rolls.

20  
21 Many TANF participants who find work continue to need assistance with job retention,  
22 transportation, counseling and other support services such as child care and health care.  
23 Additionally, TANF funding must be able to react quickly to economic downturns and other  
24 emerging issues by having unallocated reserves that states can tap quickly.

25  
26 **1. Funding:** TANF should have an annual inflation increase, including the supplemental  
27 grants for high- growth states. The TANF state entitlement block grant structure should be  
28 maintained without carve-outs or set-asides. The funding level for the TANF Contingency  
29 Fund should be increased. NACo supports new funding for research and dissemination of  
30 information on family formation.

31  
32 **2. Flexibility:** States, counties, and Native American tribes should be permitted to spend  
33 carryover funds on any allowable use of TANF. This would include transferring funds to the  
34 CCDBG and SSBG.

35  
36 **3. Participation Requirements and Work Activities:** NACo opposes arbitrary and  
37 counterproductive work and participation requirements and supports a strong county role in  
38 mutually negotiated outcome measures in which states are judged by their progress toward  
39 achieving these goals. NACo supports greater flexibility in the TANF work requirements in  
40 order to allow counties and states to meet the individual needs of their caseloads. These  
41 include, but are not limited to, the following:

- 42
- 43 • A 50 percent work participation rate for two-parent and single parent families;
- 44 • Thirty hours of work a week for two-parent and single parent families;
- 45 • At the very least, the 12 activities included in the original TANF law;
- 46 • Allowing individuals who are participating in substance abuse or mental health  
47 treatment, and domestic violence services to count those activities as work;
- 48 • Continuing to exclude victims of domestic abuse and mothers with young children from  
49 the participation requirement;
- 50 • At least twelve weeks of *thirty hours per week* a year for job search and job readiness



1 activities; Twenty-four months for vocational education to a higher percentage of the  
2 caseload;

- 3 • Allowing more than 10 hours a week of basic skills and education training to count as  
4 work activities and allowing these hours to count toward work participation rates;
- 5 • Removing teen parents from the 20 percent vocational education limit;
- 6 • Exempting relatives who are caring for a child who would otherwise be in foster care  
7 from the work requirements and the time limit;
- 8 • Allowing vocational education and ~~GED education~~ **high school equivalency programs** to  
9 count towards the work participation rates;
- 10 • Exempting adults who are the primary caregivers of a disabled family member  
11 from the work requirements; and
- 12 • Allowing a parent providing child care in a two-parent family to count toward the work  
13 requirement.

14  
15 **4. Time Limits:** For time-limited assistance to be successful, it must be accompanied by  
16 adequate federal and state funding for a wide continuum of supportive services that will help  
17 families move toward self-sufficiency. NACo supports preserving and increasing state  
18 flexibility in administering the federal time limits. This includes allowing states to discount  
19 months in which the recipient participates in work and/or specific work activities, including  
20 substance-abuse ~~use disorder~~ treatment, **behavioral mental**-health and domestic violence  
21 services in compliance with their employability plan; and eliminating child care,  
22 transportation, and housing from the definition of assistance.

23  
24 NACo supports the twenty percent hardship exemption and the family violence exemption from  
25 the ~~TANF five-year~~ time limit. Victims of sexual assault should be added to this exemption.  
26 States should be allowed to lift the lifetime ban on TANF eligibility for individual family  
27 members with drug felony convictions.

28  
29 **5. Maintenance of Effort:** Current law is unclear on the ability of states to supplant existing  
30 funding with federal TANF funds, and under what circumstances a state may use federal funds  
31 to increase existing state-funded programs. Once a state or county spends its Maintenance of  
32 Effort (MoE) for a given fiscal year, it should be able to draw down its full allocation of  
33 federal TANF dollars for that year at any time. Unspent funds should not be applied against  
34 future allocations. Obligated funds should be treated and reported as spent. The  
35 supplantation provisions must be clarified so that replacement of state dollars with federal  
36 dollars is strictly prohibited, but allow using federal dollars to increase the coverage or  
37 availability of a state program above current state spending levels.

38  
39 **6. Teen Parents:** Teen parents in particular are at great risk of long-term welfare dependence.  
40 Teen parents should be required to pursue their high school education or GED. Alternative  
41 education should be provided when needed and waivers should be developed for special  
42 circumstances. The education system should make the necessary provisions to provide needed  
43 child care, counseling and other supportive services for teen parents. NACo supports  
44 alternatives that would encourage teenage parents to live with their parents or other responsible  
45 adults, and fund enhanced case management and independent living arrangements.

46  
47 **7. Program Coordination:** An integrated workforce development system should be  
48 encouraged by giving counties greater flexibility to coordinate programs and blend funds.

1 **8. Family Promotion:** TANF already has the flexibility for states to promote marriage  
2 and family formation. Any new incentive programs aimed at marriage promotion must be  
3 funded with new money, and should not be carved out of TANF. NACo opposes penalties  
4 associated with marriage promotion outcomes. NACo supports funding and disseminating further  
5 research on these subjects.

6  
7 **9. Partial Credit:** *Many families, particularly those with special needs, struggle to meet their*  
8 *work participation requirements. Under current law, no credit is given for these families, even*  
9 *if they fall short by as little as one hour. Counties and states should be allowed to apply*  
10 *partial credit for the hours that these families participate.*

11  
12 **10. Phasing-Out Benefits:** *A single dollar increase in TANF's Income Reporting Threshold*  
13 *can make a family ineligible for benefits and can serve as a disincentive to work. Counties*  
14 *and states should be allowed to gradually phase-out cash benefits as the family's income*  
15 *increases.*

16  
17 **D. Supplemental Nutrition Assistance Program (SNAP):** ~~The 2008 Farm bill made~~  
18 ~~significant improvements to the Food Stamp program (now called the Supplemental Nutrition~~  
19 ~~Assistance Program). These include raising and indexing the minimum standard deduction;~~  
20 ~~indexing asset limits for inflation; increasing the minimum allotment for one and two person~~  
21 ~~families; and lifting the dependent care cap.~~

22 *The SNAP program is critical to struggling families and has proven to be one of the most*  
23 *countercyclical federal programs because benefits can reach families quickly during economic*  
24 *downturns as well as natural disasters. NACo opposes further cuts to SNAP.*

25 *Despite many improvements, the program's day to day management is still cumbersome and*  
26 *needs modernization. At the same time, counties and states are still dealing with administrative*  
27 *reimbursement cuts imposed in 1998 that have reduced the average national reimbursement*  
28 *rate from 50 to 47 percent and needs to be restored.* NACo supports greater state and local  
29 flexibility ~~However, the new law did not change the administratively regarding the~~  
30 cumbersome time limit for able bodied single adults, ~~or~~ the lifetime ban on eligibility for  
31 individual family members with drug felony convictions *and allowing all states to seamlessly*  
32 *enroll*

33 *Supplemental Security Income participants in SNAP* ~~to address these two issues.~~ *The*  
34 *minimum SNAP monthly benefit is \$16 per person and should be increased. Most of the*  
35 *households that receive the minimum payment are elderly.*

36  
37 **E. Supplemental Security Income (SSI):** SSI benefits and resource limits have not kept pace  
38 with inflation. A significant number of persons, including the homeless, who are potentially  
39 eligible for the program, do not participate. ~~The 1996 welfare reform law removed large~~  
40 ~~numbers of previously eligible individuals, particularly disabled children and individuals with~~  
41 ~~substance abuse problems from SSI. As a result, locally funded General Assistance programs~~  
42 ~~assumed the burden of aiding these individuals. The federal government~~ *Congress and the*  
43 *administration* should:

- 44  
45 • *Consider the impact that changes to SSI will have on county general assistance and*  
46 *indigent health care programs;*  
47 • ~~Provide sufficient income maintenance benefits, including a nutrition supplement,~~  
48 ~~so that state supplementation is unnecessary;~~  
49 • *Provide benefits to individuals disabled, elderly, and indigents who receive care in county-*  
50 *owned mental, medical, and residential facilities, including nursing homes and assisted*  
51 *living facilities;*

- 1 • Reevaluate payment levels to ensure SSI recipients are provided with an adequate standard of
- 2 living;
- 3 • Reevaluate the asset limit to reflect ~~growth or~~ inflation;
- 4 ~~• Extend the interim assistance program indefinitely;~~
- 5 • Determine eligibility within thirty days for aged and within sixty days for blind and disabled
- 6 ***Simplify and expedite the application and eligibility process;***
- 7 ~~• Provide 100 percent of the Medicaid costs of the disabled, blind, and persons over sixty-five;~~
- 8 ~~and~~
- 9 • Establish common application forms for SSI and Medicaid;
- 10 ~~• Create a new category of SSI eligibility called “Specially Disadvantaged Individual.” This~~
- 11 ~~category would include those persons who are unable to qualify for SSI as aged or disabled~~
- 12 ~~but who are unable to work due to a combination of factors including but not limited to age~~
- 13 ~~and work history, functional disabilities, or drug and alcohol abuse;~~
- 14 • Fully fund and expand SSI outreach and advocacy programs; and
- 15 • Make the process easily accessible to all applicants and include ample opportunities for
- 16 applicants to provide additional information.

17

18 **F. Earned Income Tax Credit:** The Earned Income Tax Credit (EITC) has significantly

19 boosted the incomes of low-income working families. According to Census Bureau data, the

20 EITC helps move more children out of poverty than any other program. NACo supports

21 changes to the EITC structure that increase the number of eligible families and provide higher

22 benefit amounts. ~~EITC expansions should be funded through the tax system and should not be~~

23 ~~offset by TANF funds. The Internal Revenue Service public awareness campaign should be~~

24 ~~expanded to ensure that all families that are eligible for the EITC receive the credit. EITC~~

25 ~~eligibility should be extended to non-custodial parents who pay their full share of child support.~~

26 ~~The EITC marriage penalty should be eliminated.~~

27

28 **Sponsor:** Toni Carter, Commissioner, Ramsey County, MN

29

### 30 Children’s Services

31

32 **A. Early Childhood Education and Development:** ~~Research has demonstrated~~ *The*

33 *importance of the early years in child development is well documented.* Quality prenatal

34 services, health care, nutrition, and pre-school education are essential to the healthy

35 development of a child. ~~Numerous advantages have been realized from~~ *Early intervention and*

36 *prevention programs, particularly home visitation programs, produce numerous advantages.*

37 Children who participate in early childhood development programs record outstanding

38 developmental progress and greater success in the future. Other advantages include early

39 detection of health and learning problems, higher educational achievement, preventing juvenile

40 delinquency, lower crime rates, greater parental involvement in school programs, and reduced

41 teen pregnancy rates. ~~Finally~~ *Consequently, best practices demonstrate how* investment

42 *in early childhood development programs can reduce future expenditures the need for in*

43 *chronic health care services, utilization of child welfare programs, the juvenile justice*

44 *measures system, and welfare public assistance.* NACo supports federal initiatives to help

45 counties develop *and expand* these voluntary early childhood and parent education programs.

46 *They include:*

- 47
- 48• ***Head Start/Early Head Start:*** Congress should provide adequate funding for comprehensive
- 49 programs such as Head Start/*Early Head Start*, to ensure that needed educational, nutritional,
- 50 and social services are available to disadvantaged pre-school children, including children with
- 51 disabilities. ~~Emphasis should be given to expanding the~~ *Early Head Start, in particular, deserves*

1 ~~stronger support~~ program for infants and toddlers so that they *infants, toddlers and their*  
2 *caregivers* can take advantage of the program's continuum of services at an earlier age.

3  
4• ***Educational Coordination:*** NACo supports strengthened coordination of *state and federal*  
5 ~~pre-school programs, and other federal and state pre school programs~~ with county agencies  
6 that provide related services to children and their families. NACo further supports coordination  
7 between child care programs and Head Start to allow for full-day, continuous care at a  
8 single location. Better coordination and follow-up with schools are needed to ensure that the  
9 gains made by Head Start are not lost in future years.

10  
11• ***Nutrition and Food Support:*** Adequate nutrition not only prevents serious health problems,  
12 but also helps children improve their ability to learn. The Supplemental *Nutrition Assistance*  
13 *Program (SNAP) and the* Feeding Program for Women, Infants, and Children (WIC) ~~is a~~ *are*  
14 valuable components of the continuum of services needed to ensure children's physical and  
15 mental development. NACo therefore *opposes further cuts to SNAP and* supports continued  
16 expansion of ~~the WIC program~~.

17  
18 **B. Child Welfare Services:** The child's natural family has the primary right and  
19 responsibility to provide each child a safe and nurturing environment. Society must provide  
20 the necessary services and supports to safeguard and enhance the ability of all families to fulfill  
21 this essential role. Failing this, it becomes society's responsibility to provide for expeditious,  
22 alternative arrangements that are permanent and meet the child's physical, mental, and emotional  
23 needs. *The societal response works best when governments at all levels collaborate in their*  
24 *efforts to restore children and families to health and wholeness.*

25  
26 In many states child welfare, substance abuse *use disorder* treatment, ~~and children's mental~~  
27 *behavioral health and* services *to individuals with developmental delays/disabilities* are  
28 *administered by counties* county responsibilities, yet these *the various* systems often *fail to*  
29 operate *collaboratively*. ~~independently of each other.~~ *Consequently, children suffer.* Children  
30 whose parents abuse drugs and alcohol *struggle with chemical dependencies also suffer from*  
31 *are more likely to be abused and neglected than children of parents who are not substance*  
32 *abusers. Many children in the child welfare and juvenile protection systems come from*  
33 *families with substance abuse. Additionally, many of these children have substance abuse*  
34 *disorder* and mental behavioral health problems. Unfortunately, States and counties *often* are  
35 able to provide treatment to only a fraction of these parents and children. *Access to adequate and*  
36 *timely services is even more difficult to obtain for children and youth with co-occurring*  
37 *conditions such as developmental delays and disabilities.* NACo supports funding for new  
38 partnerships among federal, state, and local child welfare and substance abuse *use disorder*  
39 agencies, ~~including funding for mental health programs in schools.~~ *NACo further*  
40 *supports increased federal funding for school and community-*  
41 *based behavioral health, developmental and substance use disorder*  
42 *and services for children and youth.* Counties must be involved in the planning  
43 and implementation process and must be eligible for direct funding.

44  
45 NACo believes that it is possible to construct a system for the protection of abused and neglected  
46 children that retains the categorical eligibility for out-of-home care for children who cannot  
47 remain safely in their homes while at the same time increasing the flexibility of local  
48 governments to design prevention and reunification systems that meet the unique needs of  
49 communities.

1 *NACo believes that systems that protect abused and neglected children should be based on a*  
2 *continuum of care, including a broad array of preventive services. When out-of-home care is*  
3 *necessary, kinship placements must be thoroughly explored before a child is placed into foster*  
4 *care. Counties should be afforded flexibility in designing services that best meet the needs of*  
5 *their children and communities.*

6  
7 **1. Foster Care, Kinship Care, Guardianship and Adoption Assistance:** A variety of  
8 foster care situations should be available and sufficiently funded to provide for the differing  
9 needs of children. NACo strongly opposes block grants and/or funding caps in the federal  
10 Foster Care program. NACo strongly supports the following:

11  
12 • ***Modernizing the eligibility determination system by*** ~~de~~-linking federal foster care eligibility  
13 from the 1996 Aid to Families with Dependent Children (AFDC) income eligibility standards  
14 and developing a financing system that responds to a child's imminent risk of abuse or neglect;

- 15 • Enhancing state flexibility to provide supportive services for children and their  
16 families, including preventing unnecessary removal from the home and enhancing  
17 outcomes for children;
- 18 • Using Title IV-E funds for subsidized kinship guardianship and kinship post-  
19 guardianship services both prospectively and retroactively;
- 20 • Allowing Medicaid to cover more than life threatening care for dependent,  
21 abused, and neglected undocumented children in state custody. At a minimum,  
22 rehabilitation ***and targeted case management*** associated with abused or neglected  
23 children; and medical care required by federal policy pertaining to foster children  
24 should be covered;
- 25 • Allowing states to include reunification services within the definition of IV-E Foster  
26 Care maintenance payments;
- 27 • Allowing IV-E Adoption Assistance funds to be used for post-adoption services for  
28 adopted children as well as subsidies;
- 29 • Government owned/operated residential treatment programs of more than 25 beds in  
30 size should be treated on an equal basis as similar not-for-profit and for-profit facilities,  
31 and should be eligible for Title IV-E reimbursement;
- 32 • Allowing states and counties to use IV-E funds to provide services for children  
33 placed in non-IV-E  
34 settings that prevent children from being placed in foster care;
- 35 • Allowing states and counties to use IV-E funds to provide prevention, pre-  
36 placement and early intervention services for children who are determined to be  
37 candidates for foster care;
- 38 ~~• Allowing states and counties to apply specially designed standards and/or procedures~~  
39 ~~for related foster parents who meet the state's criteria for basic health and safety;~~
- 40 ~~• Clarifying the law to permit the use of TANF funds to provide support services,~~  
41 ~~including child care, to kinship caregivers of TANF eligible children, without regard to~~  
42 ~~income; and~~
- 43 ~~• Allowing states to provide child care funds and Medicaid to relative caregivers up to~~  
44 ~~200 percent of the federal poverty level.~~
- 45 ~~• Save administrative funds by allowing child welfare agencies to send Indian Child~~  
46 ~~Welfare Act notices via certified mail instead of registered mail with receipt requested.~~

47  
48 NACo strongly opposes block grants and/or funding caps in the federal Foster Care program  
49 because they would undermine counties' ability to ensure the health and safety of our most

1 vulnerable children. If Congress adopts a capped allocation rather than continue to operate under  
2 an open-ended entitlement, NACo recommends the following basic principles:

- 3
- 4 • There must be adequate funding available through the duration of the grant;
- 5 • Training and welfare information systems must remain separate from the flexibility  
6 proposal;
- 7 • States should be required to maintain their current level of effort in child welfare;
- 8 • Emergency funds should be flexible and broad enough to allow access by sub-state  
9 regions with sudden caseload increases;
- 10 • Foster care children must remain categorically eligible for Medicaid;
- 11 • States that opt to receive the capped allocation must be allowed to opt back into  
12 the open-ended entitlement at any time;
- 13 • States should be able to negotiate the funding baseline for a block grant with the federal  
14 government;
- 15 • States should be allowed to retain the current flexibility to negotiate waivers for localities;  
16 and
- 17 • State associations of counties, in states where counties operate child welfare systems,  
18 must be consulted and state legislatures must have the right to approve a state's  
19 request to opt into the capped allocation system.
- 20

21 **2. Foster Youth:** Research shows that children aging out of foster care generally have  
22 poor outcomes. NACo ~~calls for~~ **urges** a national “call to action” to raise awareness ~~to~~ **of** the  
23 issues faced by children aging out of the foster care system. Additionally, NACo supports the  
24 following measures to improve outcomes for ~~children~~ **youth** aging out of foster care:

- 25 • ~~Change federal law to~~ **E**nable disabled youth receiving federal foster care  
26 payments to immediately receive SSI benefits when leaving the foster care system;
- 27 • Enhance federal funding for workforce development, housing, health care, independent  
28 living programs, mental health, substance abuse services, and transitional services; and
- 29 • Coordinate and align resources between human services and workforce development to  
30 ensure completion of secondary education, gainful sustainable employment and/or post-  
31 secondary occupational training.
- 32

33 **3. Training and Administration of Foster Care, Kinship Care, Guardianship**

34 **and Adoption Assistance:** Proper administrative support for these programs is essential to  
35 ensure children’s continued well- being. NACo opposes any attempt to cap the Title IV-E  
36 administrative reimbursement for foster homes and social worker case management costs as **an**  
37 unwarranted cost shift to counties and states. States and counties also need to be given  
38 adequate time and resources to implement new requirements such as more frequent case  
39 reviews and ~~computerization~~ **automation of records and systems**.

40  
41 Staff training should be reimbursed at 75 percent regardless of the proportion of children in a  
42 state who are eligible for federal IV-E Foster Care maintenance and Adoption Assistance  
43 program payments. Additionally, states should have the flexibility to use IV-E funds for cross-  
44 agency training of child welfare staff and other public and private agencies that work with  
45 these children, including substance abuse, mental health, education, juvenile justice,  
46 probation, and welfare agencies. Training funds should also be provided for foster parents,  
47 kinship care and guardianship care providers, and adoptive parents.

48  
49 ~~Court Appointed Special Advocates (CASA) are trained community volunteers appointed~~  
50 ~~by courts to advocate for the best interests of children who are involved in the juvenile and~~

1 family court system. ~~CASA advocacy is cost-effective, because it is an organization of~~  
2 ~~volunteers. NACo supports annual appropriations increases until the program reaches its fully-~~  
3 ~~authorized level.~~

4  
5 **4. Child Protective Services:** Federal policy ~~and local program design~~ must ensure *local*  
6 capacity *and flexibility* for immediate response to reports of child abuse and *must provide* a  
7 coordinated, comprehensive services systems *that are* designed to protect children and restore  
8 family functioning. NACo supports the development of an outcomes-based child protection  
9 system through a series of benchmarks developed at the local level that will monitor  
10 a community's progress based on its socio-economic needs and priorities.

11  
12 ~~**5. Mental Health and Substance Abuse Services for Children:** Most children in need of~~  
13 ~~mental health or substance abuse services do not have access to adequate services. Children in~~  
14 ~~the child welfare and juvenile justice systems have a disproportionately high need for mental~~  
15 ~~health and substance abuse services. Inpatient and children's health treatment beds are scarce,~~  
16 ~~resulting in worsening problems, including violence. NACo supports increased federal~~  
17 ~~funding for school-based mental health services and for mental health and substance abuse~~  
18 ~~services targeted at at-risk children, especially children who are in the child welfare or~~  
19 ~~juvenile justice system.~~

20  
21 **C. Child Care:** Adequate, *High-quality*, and age-appropriate child care services are needed to  
22 ensure that we meet the developmental needs of children. Child care policies must recognize  
23 that the majority of mothers with young children are employed at least during a portion of the  
24 child's early years. Federal support for child care should be available to all *welfare public*  
25 *assistance* recipients who need it while participating in employment, education, or training.  
26 Funding for the Child Care and Development Block Grant must be increased to meet the needs  
27 of eligible families, while maintaining the funding and flexibility in TANF.

28  
29 Federally funded day *childcare* should be available to working parents as they leave public  
30 assistance and should continue to be available on a fee scale based on their ability to pay.  
31 ~~States should be allowed to offer 12 months of transitional child care coverage for families~~  
32 ~~leaving TANF. At~~ *In* the very least there should be enough federal child care funds to ensure  
33 that quality services are available to families with incomes of up to 225 percent of the federal  
34 poverty level and for families that leave TANF. Financial support should be made available  
35 for infant care, child care for children with special needs, children in foster care, and child care  
36 during non-traditional hours when needed.

37  
38 Public child care resources such as licensing and monitoring of providers, information and  
39 referral, and assistance in selecting appropriate care, should be available to all, without regard  
40 to income or resources. State and local licensing laws should be carefully monitored to ensure  
41 adequacy of facilities and caretakers.

42  
43 Employers should be given increased financial incentives to provide child care for their  
44 employees on site or as a benefit. The Dependent and Child Care Tax Credit should be made  
45 refundable.

46  
47 **D. Child Support:** It is the right of every child to be supported by his or her parents.  
48 NACo supports the federal Title IV-D Child Support Enforcement program as a cost-effective  
49 means of ensuring that right. ~~and of reducing welfare costs.~~ NACo supports providing *federal*  
50 *financial* incentives to states *that opt* to pass-through a higher percentage of child support  
51 collections to families on *welfare public assistance*. ~~by reimbursing the state child support~~

1 enforcement program dollar for dollar. Any pass through program must be optional and  
2 not carved out of existing funding. NACo urges Congress to permanently restore the ability  
3 *of counties and states* to draw *additional* federal match dollars from the reinvestment of child  
4 support incentive payments. County-administered child support programs should be allowed to  
5 retain the full application fee for cases where the custodial parent is not receiving cash assistance  
6 by identifying it as an administrative cost rather than as program income.

7  
8 *NACo supports removing* ~~The cap on the Child Support Incentive Fund must be removed~~ *and*  
9 *supports maintaining* ~~The 66 percent reimbursement rate for administrative costs and the 90~~  
10 ~~percent rate for genetic testing must be maintained.~~ NACo supports programs that assist non-  
11 custodial parents to be appropriately involved in the lives of their children financially and  
12 emotionally. Any new child support enforcement mandates must be accompanied by enhanced  
13 federal reimbursement.

14  
15 ~~Support payments should be allowed to be made and distributed locally, with local~~  
16 ~~accountability; and with the option to encourage electronic funds transfer to provide a “single-~~  
17 ~~payment plan” for employers and other payers. NACo is concerned about ensuring privacy;~~  
18 ~~therefore NACo~~ opposes private sector access to child support data and enforcement  
19 tools.

20  
21 NACo supports legislation that creates a corrective action plan for states that have been unable to  
22 implement federal child support requirements; restricts penalties to corrective action plan non-  
23 compliance; and allows alternative systems configurations that ~~allow~~ *provide* expanded local  
24 flexibility for automated child support payments.

25  
26 *NACo supports legislation to streamline the international enforcement of child support*  
27 *obligations of parents who live outside the United States.*

28  
29 **Sponsor:** Toni Carter, Commissioner, Ramsey County, MN

### 30 31 **Services to Older Americans**

32  
33 Between 2011 and 2030 the 78 million individuals who were born between 1946 and 1964 will  
34 reach the age of 65. This means that the number of older adults in the U.S. will more than  
35 double. Not only will there be significantly higher numbers of the elderly, they will also be  
36 living longer. Individuals over the age of 85 are already the fastest growing sector of the  
37 population. At the same time, the number of working age people is only increasing by 20  
38 percent and there will be fewer workers to support the retired population.

39  
40 NACo supports a continuum of care for the elderly that provides supportive services to  
41 assist older persons remain active, productive and independent. These services would include  
42 adult day care, transportation, respite care, housing alternatives, caregiver training, support  
43 groups, in-home support services, family counseling, daily money management, public  
44 conservatorship and guardianship services, as well as chore services, personal care, skilled  
45 nursing care, and long-term care.

46  
47 NACo supports federal policies that recognize the role and responsibilities of county government  
48 in assuring necessary and effective services for the elderly, including community-based and  
49 long-term care services. Federal policy should recognize that these costs have increased, and  
50 should support, facilitate and provide adequate federal funding for county implementation of  
51 these ever increasing costs and responsibilities.



1  
2 **A. Older Americans Act:** NACo supports the Older Americans Act’s goal of developing  
3 a coordinated program of services and opportunities for our older citizens. The Act should  
4 provide maximum flexibility for county governments to target resources to address the needs of  
5 the elderly in their community. Congress should fully fund the programs authorized under this  
6 legislation. Congress should expand and improve access to daily nutrition and meal services,  
7 respite care, home care services, adult day care, services to family caregivers, information and  
8 referral services, and research.  
9

10 The changes in the aging population require better planning and targeting of health and human  
11 services programs. NACo urges the federal government to assist states and counties by funding  
12 in-depth needs assessments to determine the real needs of the elderly in their community and the  
13 adequacy of existing services and gaps in delivery.  
14

15 **B. Long-Term Care:** County government has a long, established role as a provider,  
16 purchaser, administrator and/or contractor for long-term health care. Services should be  
17 provided in the least restrictive environment meeting the individual’s needs.  
18

19 Additional flexibility should be provided in Medicare, Medicaid, Veterans’ Services, and other  
20 federal programs to encourage and enable the expansion of community-based care and assisted  
21 living facilities as a means of avoiding unnecessary institutional care.  
22

23 Informal caregivers should be given support and provided incentives to encourage them to  
24 continue to provide support for those in need of services. ~~The continuity of care between formal  
25 and informal settings should be met through periodic assessments that can be measured by those  
26 who are providing necessary long-term care services.~~  
27

28 Rural counties have a higher percentage of senior citizens than urban counties, but they are less  
29 likely than their urban counterparts to have access to in-home and community-based services.  
30 ~~Inter-disciplinary models such as the Programs for All inclusive Care for the Elderly (PACE)  
31 are designed to provide services at home and in the community and maximize senior citizen’s  
32 independence.~~ NACo supports efforts to expand these programs in rural areas.  
33

34 **C. Adult Protective Services:** *Adult Protective Services (APS) vary widely among states and  
35 generally cover neglect, self-neglect and fiduciary and physical abuse of the elderly and  
36 disabled adults. In many states, counties have the responsibility for APS. Unfortunately,  
37 there are no clear data on the incidence of elder abuse and neglect  
38 nationwide although some studies suggest* ~~A National Institute of Justice study  
39 estimates that almost 11 percent of people ages 60 and older (5.7 million) faced some form of  
40 elder abuse in the past year. Additionally, and a 2009 report by the MetLife Mature Market  
41 Institute and the National Committee for the Prevention of Elder Abuse estimates that seniors  
42 lose at least a minimum of \$2.5 billion each year to financial abuse. There is insufficient  
43 national information on the victims and perpetrators of abuse or evidence-based best  
44 practices.~~ The Elder Justice Act (EJA) is the first federal program designed to combat abuse,  
45 neglect and exploitation of older adults. The program was authorized at \$777 million over four  
46 years but has yet to be funded. Counties in many states are responsible for adult protective  
47 services. NACo therefore supports full funding for the EJA *and a federal research strategy.*  
48

49 **D. Social Security:** As the providers of last resort for health and social services, counties  
50 have an interest in preserving the benefits received by the nation’s most vulnerable  
51 populations. Social Security benefits prevent poverty for people of all ages. NACo urges

1 Congress, as it reforms Social Security, to protect the financial security of current and future  
2 Social Security beneficiaries, especially low-income individuals, the disabled and surviving  
3 spouses and children.

4  
5 **Sponsor:** Toni Carter, Commissioner, Ramsey County, MN

## 6 7 **Social Services**

8  
9 There must be a human services program designed to achieve the full objectives of encouraging  
10 self-support, self-reliance, strengthening of family life, and the protection of children and  
11 adults. The broad range of supportive social services needed to strengthen the community and  
12 family structure should emerge at the local level from a federal-state-county partnership that  
13 provides for maximum flexibility at the county level.

14  
15 These services should be administered at the local level and adequately funded at the federal and  
16 state levels. ~~For programs established and funded by the federal government and operated by~~  
17 ~~counties,~~ States should be required to pass through to counties the majority of the state's  
18 share of federal funds. To ensure this pass-through, a limit should be placed on the amount  
19 states can retain for administrative or other purposes. ~~Further, to assure equitable distribution of~~  
20 ~~funds among the counties within the states, the federal government should monitor the fiscal~~  
21 ~~formulas by which states distribute federal social services funds to counties.~~

22  
23 **A. Social Services Block Grant (Title XX) (SSBG):** ~~SSBG Title XX~~ is used by many  
24 counties for a variety of programs, such as adult protection, child care for children with special  
25 needs, child welfare, and child abuse prevention. In some cases, such as adult protection, this is  
26 the only source of fund for ~~this type of~~ *these* services.

27  
28 *SSBG statutory funding has dwindled over the years from a level above \$3.1 billion to its*  
29 *current level of \$1.7 billion, which in reality is lower because it is affected by sequester cuts.*  
30 *NACo supports restoring the program to the highest level possible.* ~~NACo supports restoration of~~  
31 ~~Title XX Social Services Block Grant funding to a minimum statutory level of \$3.1 billion prior~~  
32 ~~to the 1981 block grant reductions, and opposes consolidation of other programs into the block~~  
33 ~~grant. Further consolidation of programs within the block grant would not result in savings~~  
34 ~~but would shift costs to county social services budgets in addition to those caused by the federal~~  
35 ~~block grant funding reductions.~~ Additionally, NACo strongly supports continued flexibility in the  
36 ~~SSBG Title XX~~ program and maintaining the authority to transfer up to ten percent of TANF  
37 funds to ~~SSBG Title XX~~. This flexibility enables states and counties to use the program to  
38 meet their specific local needs and goals.

39  
40 **B. Services to Individuals with Disabilities:** Counties recognize that the objectives of  
41 encouraging self- support, self-reliance, strengthening of family life, and protective services  
42 apply equally to the physically, mentally, and developmentally disabled. NACo supports federal  
43 action that will promote these objectives by removing categorical restrictions that inhibit  
44 comprehensive planning and delivery of services to the disabled.

45  
46 NACo supports federal action that increases incentives for deinstitutionalization and  
47 encourages and funds the expansion of community-based services, including the necessary  
48 individual and program financial support, to prevent reinstitutionalization. NACo supports equal  
49 opportunity*ies* for individuals with disabilities in all aspects of American life. Federal funding  
50 is necessary to supplement local efforts to achieve program and facility accessibility and equal  
51 employment opportunity*ies*.

1  
2 **C. Community Action Agencies:** Through its boards involving the public sector, the  
3 private sector, and the community, the Community Services Block Grant (CSBG) represents a  
4 unique and effective partnership with counties, states, federal government, and community  
5 organizations. NACo strongly supports full funding for CSBG.  
6

7 **D. Domestic Violence:** Domestic violence is a major social problem not only because of its  
8 high incidence, but also because of its pervasive and self-perpetuating nature. The problem  
9 affects *not only spouses, but also* individuals in a wide range of living arrangements,  
10 including children, senior citizens, and those with developmental problems, ~~as well as spouses.~~  
11

12 Children living in violent homes, whether victims or witnesses, frequently become abusive  
13 parents and/or mates themselves. Domestic violence is often associated with the development of  
14 other social and emotional problems. Treatment of the problem often involves temporary  
15 respite and permanent community resources to shelter victims. However, federal funding is  
16 insufficient.  
17

18 The federal government should fund domestic violence programs that permit counties and  
19 communities to develop resources and services to protect family members and prevent family  
20 violence, improve staff training, and link programs in the health, ~~behavioral mental health,~~  
21 ~~welfare, self-sufficiency, child welfare,~~ criminal justice, law enforcement, and social service  
22 systems for effective treatment and prevention of domestic violence.  
23

24 **E. Energy Assistance for Low Income Persons:** NACo recognizes the need for a  
25 comprehensive energy assistance, weatherization, and conservation program with sufficient  
26 federal funding and incentives so that the cost burden does not fall on county government.  
27 ~~Assistance to pay energy costs should not be a separate, additional category or welfare program,~~  
28 ~~but should be integrated with an appropriate existing administrative delivery system.~~  
29

30 Eligibility criteria should include renters. It should not discriminate against single-person  
31 households and should not be limited to persons eligible for other federal programs. *At the same*  
32 *time, every effort should be made to coordinate with other programs in order to simplify the*  
33 *application and eligibility program.*  
34

35 *Congress has not always appropriated emergency or contingency funds for the Low Income*  
36 *Home Energy Assistance Program (LIHEAP). There needs to be a fund that addresses*  
37 *sudden situations such as fluctuations in energy costs, natural disasters and extreme weather*  
38 *conditions.*  
39

40 **F. Assistance for the Homeless:** NACo recognizes the need for a comprehensive national  
41 policy to end homelessness and poverty. A significant federal commitment is necessary to meet  
42 the growing need for services, including housing, mental health services, and substance abuse  
43 treatment to ensure that the burden for providing care and assistance to the homeless does not  
44 fall disproportionately upon counties. NACo endorses the federal strategic plan to prevent and  
45 end homelessness; especially the commitment for greater cooperation among federal agencies  
46 and the special attention being paid to veterans, families, and youth. ~~NACo endorses the~~  
47 ~~targeting of federal resources to housing first, and rapid re-housing strategies and other~~  
48 ~~innovations in ten-year plans that have demonstrated results towards reducing and ending~~  
49 ~~homelessness. NACo supports additional federal funding for ten-year plans without unfunded~~  
50 ~~mandates.~~  
51

1 **G. Veterans' Services:** NACo strongly supports full funding to qualified veterans for  
2 educational, housing, and medical costs. NACo endorses increased investments in solutions to  
3 veteran homelessness, and encourages both the Administration and Congress to continue to  
4 increase the resources targeted to end homelessness among veterans. NACo supports a process  
5 that is responsive to the needs of veterans and their families, provides appropriate information,  
6 and facilitates administrative services.

7  
8 **H. National and Community Service:** ~~Community service instills in young people a sense~~  
9 ~~of responsibility. NACo supports full funding for~~ *The Corporation for National and*  
10 *Community Service (CNCS) and the programs it funds such as VISTA, Foster Grandparents,*  
11 *AmeriCorps and Senior Corps help youth and senior citizens become involved in the*  
12 *community and provide volunteer services to millions of Americans. NACo supports full*  
13 *funding for CNCS.* ~~which operates programs in more than 350 separate locations, with more~~  
14 ~~than 20,000 participants~~

15  
16 ~~**H. Substance Abuse:** NACo strongly supports enhancing and expanding prenatal and~~  
17 ~~treatment programs, education, prevention programs and funding solutions to eliminate~~  
18 ~~crack cocaine, and its devastating consequences on the well-being of America's families.~~

19  
20 **Sponsor:** Toni Carter, Commissioner, Ramsey County, MN

## 21 22 **Legal Immigrants, Migrants, Refugees and Undocumented Individuals**

23  
24 Legal immigrants, refugees, undocumented individuals, and others enter and remain in this  
25 country as a result of federal action or inaction. The heavy fiscal burden that is placed upon  
26 local governments is the direct result of national immigration policies or the lack of  
27 enforcement of immigration policies. ~~Congress and the administration~~ *It is imperative that*  
28 *there should establish* ~~be~~ an on-going consultation process on immigration issues with NACo  
29 and other national organizations representing state and local governments.

30  
31 **A. Services:** Counties traditionally provide health, welfare, ~~welfare,~~ *self-sufficiency programs* and  
32 social services to persons residing within their boundaries, regardless of their legal status. Since  
33 immigration is a federal responsibility, ~~NACo believes that~~ the full cost, including administrative  
34 costs, of any services or assistance to non-citizens should be paid by the federal government  
35 rather than by county and state governments.

36  
37 The 1996 welfare reform law limited access to federal means tested programs such as Medicaid  
38 and TANF by prohibiting newly arrived legal immigrants from receiving benefits for the first  
39 five years in the country. ~~NACo supports legislation that would permit states to provide these~~  
40 ~~federal programs to legal immigrant children and pregnant women from their date of entry.~~  
41 ~~Additionally, the law limited~~ refugee eligibility for SSI to seven years. NACo strongly supports  
42 restoring full SSI eligibility to refugees.

43 In addition to reimbursing county governments for costs incurred in assisting legal immigrants,  
44 refugees, undocumented individuals, and others, the federal government should strengthen its  
45 enforcement efforts to control illegal immigration. ~~However, we~~ ~~NACo opposes the creation of~~  
46 ~~a national worker identification system, which could be a potential threat to civil liberties.~~

47  
48 **B. Refugee Program:** Refugees should be resettled in a manner that minimizes their  
49 concentration into a few counties. When making decisions to admit new refugees into the  
50 country, the U.S. State Department should give advance notice of those decisions to the states  
51 and counties that are most likely to be affected by the refugee resettlement.

1  
2 There should be a permanent federal refugee program with uniform policies for all refugee  
3 groups and with sufficient federal funds to provide assistance during *resettlement*. ~~the first 36~~  
4 ~~months that a refugee is in the U.S.~~ ***Refugee resettlement funding has deteriorated over***  
5 ***the years from 36 months to eight months of assistance.*** Federal funding should continue at  
6 the 100 percent reimbursement level for financial assistance, medical care, social services,  
7 employment services, and education until refugees reach a reasonable level of self-sufficiency.

8  
9 ~~Funding should follow refugees.~~ It is ~~therefore~~ critical that funding formulas respond not just  
10 to the challenges that state and local governments face at the point of initial resettlement. ~~The~~  
11 ~~new normal~~ of Secondary migration needs to be addressed through accurate data and funding that  
12 follows the refugee.

13  
14 The federal government should develop contingency plans, in consultation with state and local  
15 elected officials, for ~~handling~~ mass asylum situations in which the U.S. is a ***the*** country of first  
16 asylum. The legal status and rights of applicants for asylum and their eligibility for federal  
17 assistance must be ~~clarified~~ **clear and consistent.**

18  
19 The federal government ~~must needs to~~ increase its dialogue with and accountability to state  
20 and local governments. NACo opposes any proposal that would transfer funds needed by  
21 states and counties for refugee assistance to resettlement agencies without proper state and  
22 county consultation and agreement. States and counties should ~~be allowed~~ ***have the***  
23 ***flexibility*** to use refugee employment services ~~and~~ for ***hard to serve populations***  
24 ~~refugees on public assistance~~ who have been in the U.S. more than five years.

25  
26 **Sponsor:** Toni Carter, Commissioner, Ramsey County, MN

## 27 28 **Education**

29  
30 ~~Education is key to the health~~ ***the success*** of our economy and ***our ability to attract businesses***  
31 ***to our communities. Furthermore,*** ~~the our~~ quality of life in our communities is directly related  
32 to the caliber ***a quality*** of education in our schools.

33  
34 Local education systems affect all segments of the community and are critical to the success of  
35 many programs operated by counties. Regardless of the specific funding arrangements  
36 between counties and school districts, they share a common tax base and are both faced with  
37 limited resources. ~~In the interest of educational quality and protection of the tax dollar, county~~  
38 ~~governments and school districts are encouraged to work closely together to minimize~~  
39 ~~duplication of services and promote maximum coordination in the use of facilities and the~~  
40 ~~delivery of services.~~

41  
42 ~~Although the primary responsibility for education is with the states, quality of education and~~  
43 ~~equal access for all children to excellence in education are appropriate national concerns.~~ NACo  
44 believes that the long term prospects for initiatives such as welfare reform hinge upon our ability  
45 to create conditions whereby every child has an opportunity to achieve productive citizenship.  
46 Education is the key to that success.

47  
48 **A. Elementary and Secondary Education:** ***Although states have the primary responsibility***  
49 ***for elementary and secondary education, it is in the national interest and merits continued***  
50 ***federal financial support.*** NACo urges Congress to substantially amend the ~~No Child Left~~  
51 ~~Behind Act~~ ***Elementary and Secondary Education Act*** to grant greater local flexibility

1 in the use of student achievement measures, the design of interventions for schools not making  
2 Adequate Yearly Progress; and to address the individual needs of students with disabilities  
3 and students of English as a Second Language. NACo strongly urges Congress to fully fund  
4 the law so that states and local education *agencies (LEAs)* ~~districts~~ can implement all aspects  
5 of the law. Congress should provide increased funding to assist local communities in meeting  
6 regulations designed to eliminate discrimination.

7  
8 NACo supports the current method of disbursement of funds to local ~~Boards of Education,~~  
9 *LEAs* and does not support the use of vouchers and policies such as tuition tax credits that  
10 would provide an unfair competitive advantage to private schools; and erode support for public  
11 schools.

12  
13 Bullying and harassment interfere with students' ability to achieve higher academic standards  
14 and can lead to even greater school safety problems. NACo urges the federal government  
15 provide school districts with the tools and resources they need to ensure that all students feel safe  
16 within their schools.

17  
18 **1. Health Services in Schools:** ~~The Medicaid program~~ should reimburse states, local  
19 governments, and ~~school districts~~ *LEAs* for health, *and behavioral* ~~mental~~ health *services,*  
20 ~~and health related activities~~ provided in schools. This reimbursement should include  
21 direct services such as medical appointments and therapies and administrative services such as  
22 outreach and care coordination activities.

23 **2. Impacted Areas:** ~~NACo urges Congress to continue to~~ *must* recognize the additional  
24 burdens placed on local communities *that have* ~~having~~ a large number of federal employees and  
25 facilities, ~~and to~~ *must* continue to provide federal aid to ~~impacted areas~~ to meet these extra costs  
26 involved in educating *the* children of federal employees.

27  
28 **3. Education for Children with Disabilities:** NACo supports the goal of available free public  
29 education to *all children with disabilities*. ~~The federal government~~ *Congress must should*  
30 ~~keep it's~~ the federal commitment to ensure full funding *for the Individuals with*  
31 *Disabilities Education Act* ~~to local governments so that states and LEAs~~ they can meet the  
32 *law's* requirements. ~~of the law. Timetables and other regulations should be~~ coordinated with  
33 ~~state and federal fiscal policy in order that children with disabilities receive optimal benefits~~  
34 ~~from expanded educational opportunities.~~

35  
36 **4. After-School Programs:** County governments run a variety of programs such as after  
37 school day care, mentoring/tutoring, and recreational programs. Programs such as the 21<sup>st</sup>  
38 Century Community Learning Centers should be available directly to counties.

39  
40 **5. School Construction:** NACo supports efforts to establish federal incentives that will help  
41 state and local governments finance school repair, renovation, modernization, and construction  
42 projects and facilitate the development of community services for children and families in school  
43 buildings.

44  
45 **B. Vocational, Adult, Career and Technical and Adult Education:** The federal government  
46 should place increased emphasis on the promotion of ~~vocational and~~ *career* technical  
47 programs across the secondary and post-secondary educational spectrum. ~~Vocational~~ *These*  
48 programs should ~~be responsive to the growth industries of the~~ *respond to* the needs of the local  
49 economy and should be coordinated with local ~~welfare reform~~ *self-sufficiency* and job training

1 programs. Congress should provide adequate funding ~~of~~ *for* adult education, including English  
2 as a Second Language programs.

3  
4 **C. Higher Education and Financial Aid: ~~Federal Aid to College Students:~~**  
5 *According to the American Association of Community Colleges, there are 986*  
6 *public community colleges nationwide and local funds provide 17 percent of their*  
7 *revenues. Additionally, several local governments fund four-year colleges. Pell*  
8 *Grants play a significant role in community college financial aid due to their*  
9 *lower tuition and higher percentage of low-income students. NACo ~~deems the~~*  
10 *continuation of NACo therefore believes that Pell Grants and the federally backed student*  
11 *loan programs to be a ~~are~~ vital necessity if this nation is to preserve equal educational*  
12 *opportunity and receive the benefit of the fully developed talents of the younger generation.*  
13 *Loans and grants should be based on economic need and require reasonable levels of self-help.*  
14

15 **D. Science, Technology, Engineering and Mathematics (STEM) Education: STEM-related**  
16 *jobs are expected to grow by 17 percent over the next decade, with 60 percent of those jobs*  
17 *requiring college degrees or higher, yet the U.S. is not attracting enough students into those*  
18 *fields. NACo strongly supports efforts to improve STEM education, including health sciences,*  
19 *at all levels of the educational continuum. These efforts should include attracting more*  
20 *STEM teachers to rural elementary and secondary schools and encouraging groups that are*  
21 *underrepresented in the field to pursue STEM education, particularly women, African*  
22 *Americans and Latinos.*  
23

24 **~~D. Education Research and Data:~~** ~~The Department of Education should provide information~~  
25 ~~and research data to the states, including appropriate student performance data which can assist~~  
26 ~~school boards, local governments and other agencies in the monitoring and evaluation of~~  
27 ~~programs.~~  
28

29 **Sponsor:** Toni Carter, Commissioner, Ramsey County, MN  
30

## 31 PROPOSED RESOLUTIONS

### 32 Proposed Resolution on the Reauthorization of the Child Care and Development Block 33 Grant

34 **Issue:** The Child Care and Development Block Grant expires at the end of the fiscal year.  
35

36 **Proposed Policy:** NACo supports reauthorization of the Child Care and Development Block  
37 Grant (CCDBG), which includes enhanced program flexibility, and s increased access to quality  
38 and safe child care.  
39

40 **Background:** The Senate passed the Child Care and Development Block Grant (CCDBG)  
41 Reauthorization Act of 2013 (S. 1086) March 13. There is no House companion to S. 1086, but  
42 House leadership has given indications that they will take up the Senate bill. NACo supports the  
43 provisions requiring criminal background checks of child care workers and the flexibility  
44 provided to state and county programs to charge service providers a fee. Without this flexibility,  
45 states and counties would not be able to absorb the costs of the background checks  
46 NACo also supports the provision extending the time to change state plan requirement from  
47 every two years to every three years. This provision will give states and counties time to  
48 implement program changes and will simplify program administration.  
49  
50  
51

1 NACo supports enhanced quality improvements, but is concerned that the level of the set-asides  
2 included in the legislation coupled with sequestration and other fiscal limitations will reduce the  
3 amount of funds available for child care slots. As written, the bill requires a set-aside of no less  
4 than six percent in FY2014, eight percent in FY2016, and no less than 10 percent in FY2018 and  
5 future years. There would also be another set-aside of three percent every fiscal year for quality  
6 improvements for infant and toddler child care, for a total of nine to 13 percent.

7  
8 **Fiscal/Urban Rural Impact:** Will increase administrative flexibility and preserve funds for  
9 direct services.

10  
11 **Sponsor:** National Association of County Human Services Administrators

### 12 13 **Proposed Resolution on the International Collection of Child Support Obligations**

14  
15 **Issue:** Congress is considering legislation to streamline and make more uniform the process for  
16 collecting child support obligations from non-custodial parents living outside the United States.

17  
18 **Proposed Policy:** NACo urges Congress to enact legislation implementing the 2007 Hague  
19 Treaty Convention, which contains procedures that ratifying countries must follow to process  
20 international child support cases in a uniform, simple, efficient, and accessible manner that is  
21 cost-free to U.S. citizens seeking support in other countries.

22  
23 **Background:** On June 18, 2013, the U.S. House of Representatives adopted, 394-27, the  
24 International Child Support Recovery Act (H.R. 1896). The measure would codify the provisions  
25 to streamline and make uniform the collection processes in international cases once the states  
26 pass enacting legislation.

27  
28 The bill will assist state and county child support staff who encounter challenging and time-  
29 consuming international cases. Presently, there are no agreed upon standards of proof, forms or  
30 methods of communication. As more parents cross international borders leaving children behind,  
31 international child support enforcement is more important than ever. Ratification of the  
32 Convention by the United States will mean that more children will receive financial support from  
33 their parents residing in countries that are also signatories to the Convention.

34  
35 The Senate Finance Committee passed a similar bill in December, 2013, the Child Support  
36 Improvement and Work Promotion Act (S. 1877). Hague Treaty language is also included in a  
37 larger Committee bill, the Supporting At-Risk Children Act (S.1870).

38  
39 **Fiscal/Urban Rural Impact:** Will enhance the ability of child support staff to pursue  
40 international cases, and ultimately provide additional financial assistance to children from  
41 parents living abroad.

42  
43 **Sponsor:** National Association of County Human Services Administrators

### 44 45 **Proposed Resolution on the Community Services Block Grant**

46  
47 **Issue:** The Community Services Block Grant (CSBG) has been targeted for serious cuts and  
48 program changes.

49  
50 **Proposed Policy:** NACo supports full funding for CSBG as well as the program's formula grant  
51 structure.



1  
2 **Background:** The President’s FY2015 budget proposed to cut CSBG in half. Additionally, the  
3 President’s budget has included language in the past that would “introduce competitiveness” into  
4 CSBG, which could have moved the program from formula grants to competitive grants.  
5 Congress has consistently rejected the President’s proposal and provided \$657 million for the  
6 formula grants.

7  
8 CSBG operates in ninety percent of the nation’s counties through a network of more than 1,100  
9 eligible public or private entities, many of which are community action agencies. CSBG grants  
10 go to the states, but they are mandated to pass through 95 percent of the funds to the eligible  
11 entities. Many of these anti-poverty agencies also serve as the local Head Start agency and the  
12 local energy assistance agency. After Hurricane Katrina, many CSBG agencies played a key role  
13 in helping individuals who were displaced. CSBG agency boards are composed of local elected  
14 officials and community representatives.

15  
16 Turning CSBG into competitive grants would disadvantage smaller communities that do not  
17 have the wherewithal to hire grant writers. It should be noted that CSBG already has a  
18 competitive component. States are allowed to use a percentage of their allocation for  
19 discretionary grants.

20  
21 **Fiscal/Urban/Rural Impact:** Would preserve funding to county community action agencies

22  
23 **Sponsors:** Human Services and Education Steering Committee Leadership

### 24 25 **Proposed Resolution on the DREAM Act**

26  
27 **Issue:** Support for the Development, Relief, and Education for Alien Minors (DREAM) Act

28  
29 **Proposed Policy:** NACo calls upon Congress and the President to promptly enact the DREAM  
30 Act.

31  
32 **Background:** Under the 1982 Supreme Court decision Plyler v. Doe, state and local education  
33 districts are required to provide children with a free primary and secondary education regardless  
34 of their legal status. NACo believes that it is in the best interest of counties to ensure that all  
35 children maximize their potential, which would include higher education opportunities.

36  
37 The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (P.L. 104-208)  
38 preempts state laws regarding postsecondary education benefits (“in-state tuition”) for immigrant  
39 students, even when the child has successfully graduated from the state’s K-12 system and has  
40 lived in the country since before his or her 16<sup>th</sup> birthday. The federal law prohibits states from  
41 providing in-state tuition benefits to those not lawfully present unless all students, regardless of  
42 state residence, are eligible for such benefits. NACo believes that this prohibition is a  
43 preemption of states’ ability to determine who is and who is not eligible for in-state tuition and  
44 that it should be repealed.

45  
46 The DREAM Act would restore the flexibility that states had prior to 1996 to determine who  
47 should receive in-state tuition. The bill would apply to students who have been in the country  
48 prior to their 16th year of age, have been in the country for at least five consecutive years, have  
49 graduated from high school or have a high school equivalent diploma, have been accepted to an  
50 institution of higher education, are not subject to an order of deportation, and are of good moral  
51 character.

1  
2 **Fiscal/Urban/Rural Impact:** None

3  
4 **Sponsors:** Human Services and Education Steering Committee Leadership. Immigration Reform  
5 Task Force

6  
7 **Proposed Resolution on Early Childhood Development**

8  
9 **Issue:** Increased funding for early childhood development

10  
11 **Proposed Policy:** The National Association of Counties supports legislation to increase  
12 investments in early childhood development, including greater coordination among pre-school  
13 programs in schools and county run programs such as home visitation, child wellness, Head  
14 Start, Early Head Start and quality childcare.

15  
16 **Background:** New attention is being given to the need for pre-school programs, including  
17 greater funding for Head Start and Early Head Start in the 2014 Omnibus Appropriations and the  
18 introduction of the Strong Start for America’s Children Act, which is based on the President’s  
19 proposal to fund universal pre-K. While the legislation focuses on serving all 4-year-old  
20 children under 200 percent of poverty, it also encourages coordination among different  
21 programs, allows 15 percent of funds to serve infants and toddlers and expands coverage to 3-  
22 year old children in areas that are already covering 4-year olds.

23  
24 Research has demonstrated the importance of the early years in child development. Additionally,  
25 investment in early childhood development programs can reduce future expenditures in chronic  
26 health care services, child welfare, the juvenile justice system, and welfare.

27  
28 **Fiscal/Urban/Rural Impact:** Would provide additional funds for county early childhood  
29 development efforts, which would in turn reduce long-term costs in juvenile justice, public  
30 assistance and other programs.

31  
32 **Sponsors:** Human Services and Education Steering Committee Leadership

33  
34 **Proposed Resolution on the Elder Justice Initiative**

35  
36 **Issue:** The need for data on adult protective services

37  
38 **Proposed Policy:** NACo supports the President's FY 2015 budget request of \$25 million for the  
39 Elder Justice Initiative.

40  
41 **Background:** The President’s proposal would provide \$5 million to states to interface with the  
42 Adult Protective Services (APS) National Data System, \$11.2 million to advance a coordinated  
43 federal research strategy on elder abuse, including researching characteristics of abusers and  
44 victims, and the balance to enhancing data collection at the national level.

45  
46 The Elder Justice Act, which was enacted in 2010, is the first federal law that authorizes funds  
47 for APS. However, since its passage, no funding has been appropriated. As a result, state and  
48 county APS programs operate with inadequate funding and lack reliable information and  
49 guidance on managing APS programs. In addition, there is a dearth in the area of elder abuse  
50 research with virtually no information about victims or perpetrators, as well as no evidence-  
51 based practices. As the proportion of elderly and disabled adults continues to grow

1 exponentially across the country, APS is faced with greater demand to protect and serve this  
2 vulnerable population. The Elder Justice Initiative would establish the necessary infrastructure  
3 for data collection and practice and improve the quality and consistency our APS programs, and  
4 is a critical investment to enable APS agencies to meet federal goals for serving abused and  
5 neglected elders and disabled adults.

6  
7 **Fiscal/Urban/Rural/Impact:** No direct fiscal impact, but the data generated will help guide  
8 county APS programs

9  
10 **Sponsor:** National Association of County Aging Programs

### 11 **Proposed Resolution on Reauthorizing the Elementary and Secondary Education Act**

12  
13  
14 **Issue:** The Elementary and Secondary Education Act has not been reauthorized in over 12 years.

15  
16 **Proposed Policy:** NACo calls on Congress to reach a compromise on the reauthorization of the  
17 Elementary and Secondary Education Act and enact legislation this year.

18  
19 **Background:** State governments, localities and schools need a long-term resolution for the  
20 issues raised by the current federal Elementary and Secondary Education (ESEA) Act, also  
21 known by its most recent version of No Child Left Behind (NCLB). More than 12 years after  
22 NCLB was enacted, it is time to rewrite the law.

23  
24 In the absence of ESEA reauthorization, many states have sought flexibility through waivers  
25 offered by the U.S. Department of Education. However, waivers will only work for some states.  
26 Moreover, waivers only provide temporary relief from specific provisions of the law and often  
27 impose new criteria on states, school districts and schools not formally authorized in NCLB or  
28 by Congress. Only a full reauthorization of ESEA can support state and local innovation so that  
29 every student will be prepared for college or careers.

30  
31 **Fiscal/Urban/Rural Impact:** N/A

32  
33 **Sponsor:** Linda Morrow, School Superintendent, Navajo County, Arizona

### 34 **Proposed Resolution on Comprehensive Immigration Reform**

35  
36  
37 **Issue:** Congressional action needed to fix our broken immigration system

38  
39 **Proposed Policy:** NACo urges Congress and the President to enact comprehensive immigration  
40 reform this year that:

- 41
- 42 • Provides for uniform enforcement of all existing laws;
  - 43 • Secures our borders;
  - 44 • Includes a national strategy for coordination among federal, state, local and tribal  
45 authorities;
  - 46 • Establishes a sensible and orderly guest worker program;
  - 47 • Imposes no unfunded mandates on state and local governments;
  - 48 • 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.

**Background:** Our current immigration system is confusing and complicated. Individuals often have to wait years to enter the United States as permanent residents. At the same time, over 11 million individuals have been living in the shadows for years. The most recent attempts by Congress to fix the system failed. In the meantime, several state and local governments, frustrated with the lack of federal action, have passed legislation dealing with immigration and unauthorized individuals, which has led to lawsuits and more confusion.

There is bipartisan agreement that immigration reform must occur soon. While immigration is a federal responsibility, counties are directly affected by immigration. Counties provide health, education, and community protection to our residents regardless of immigration status. Immigrants, regardless of their status are our neighbors and contribute to our local economy.

**Fiscal/Urban/Rural Impact:** A sustainable funding stream would provide new funds to counties and states.

**Sponsors:** Human Services and Education Steering Committee Leadership, Immigration Reform Task Force, Sonoma County, California

### **Proposed Resolution on the Reauthorization of the Older American Act**

**Issue:** Aging population growth is increasing demand for services to older Americans.

**Proposed Policy:** NACo urges the strengthening, through additional funding, of the Older Americans Act (OAA) in these key areas: home delivered nutrition services, case management, information and assistance service, Senior Community Service Employment Program (SCSEP), Supportive Services (including Long-Term Care), Ombudsman Program, and Health Promotion and Disease Prevention. NACo further urges Congress to reauthorize the OAA, expand program flexibility to distribute funds between nutrition programs (Title III C), as well as between Title III C and Supportive Services (Title III B). NACo further supports the local service delivery structure for OAA programs.

**Background:** Today, nearly 39 million Americans, or 13 percent of the population, are over the age of 65. This number will swell to 21 percent by 2050. As the population ages, there is greater demand for supportive services that keep seniors active, productive, and independent while living in the least restrictive environment possible.

NACo supports the OAA and calls for additional funding to strengthen programs that encourage and enable the expansion of in-home case management, community-based care and assisted living facilities as a means of avoiding unnecessary institutional care. This should include Medicare or Medicaid paying for the unfunded portion of OAA services such as adult day programs, home delivered meals, case management and medication management.

1  
2 NACo urges Congress to expand and improve access to daily nutrition and meal services, respite  
3 care, home care services, adult daycare, services to family caregivers, information and referral  
4 services, and research. Under current law, states and area agencies on aging have limited ability  
5 to transfer funds within nutrition programs (Titles III C1 and C2) and between support services  
6 (Title III B) and nutrition and vice versa.

7  
8 **Fiscal/Urban/Rural Impact:** Would provide new federal funds to counties and community-  
9 based organizations.

10  
11 **Sponsor:** National Association of County Aging Programs

## 12 **Proposed Resolution on Reducing Poverty by Half in Ten Years**

13  
14  
15 **Issue:** Despite War on Poverty and gains made over the past 50 years, poverty still affects  
16 millions of individuals and families in the United States.

17  
18 **Proposed Policy:** The National Association of Counties (NACo) supports the establishment of a  
19 Federal Interagency Working Group on Reducing Poverty which will create and carry out a  
20 national plan to cut poverty in half in ten years.

21  
22 **Background:** NACo applauds the introduction of the Half in Ten Act (H.R. 2182). The measure  
23 describes the scope of poverty in the United States and provides an administrative method at the  
24 federal level for a federal working group to tackle the issue comprehensively.

25  
26 The poverty level for a family of four in 2014 is \$23,850. The most recent data reveal in 2012  
27 that the official poverty rate was 15.0 percent. There were 46.5 million people in poverty. That  
28 rate was 2.5 percentage points higher than in 2007, the year before the most recent  
29 recession.

30  
31 Children continue to be disproportionately affected by poverty. The poverty rate in 2012 for  
32 children under age 18 was 21.8 percent. The poverty rate for people aged 18 to 64 was 13.7  
33 percent, while the rate for people aged 65 and older was 9.1 percent.

34  
35 Persons of color also remain disproportionately affected as well. The poverty rate for non-  
36 Hispanic, Whites was 9.7 percent in 2012, lower than the poverty rates for other racial groups.  
37 Non-Hispanic Whites accounted for 62.8 percent of the total population and 40.7 percent of the  
38 people in poverty. For Blacks, the 2012 poverty rate was 27.2 percent and there were 10.9  
39 million people in poverty.

40  
41 Additionally, more than half (56.0 percent) of related children under age 6 in families with a  
42 female householder were in poverty. This was four-and-a-half times the rate for children in  
43 married couple families (12.5 percent).

44  
45 Poverty carries with it increased societal costs. Children who live in families who fall into  
46 poverty for even short periods of time are at greater risk of a lifetime of lower earning, lower  
47 education attainment and increased reliance on public services and increased rates of  
48 incarceration. As providers of health and human services and justice programs, counties are also  
49 affected financially in supporting impoverished families and/or responding to the consequences  
50 of poverty.

1 **Fiscal/Urban Rural Impact:** Reduction of poverty will reduce health, human services and  
2 justice costs incurred by counties.

3  
4 **Sponsor:** National Association of County Human Services Administrators

5  
6 **Proposed Resolution on Victims of Human Sex Trafficking, Particularly Children And**  
7 **Youth**

8  
9 **Issue:** Addressing the needs of human and sex trafficking victims.

10  
11 **Proposed Policy:** NACo urges state and local governments to change their approach to dealing  
12 with juveniles who are engaged in prostitution, by shifting focus away from treating them as  
13 offenders to instead recognizing them as children in need of protective services. NACo urges  
14 Congress to provide grants to states and counties to support these important protective, trauma-  
15 informed services and prevent trafficking, including:

- 16  
17 • Improved training for state and local child welfare workers, medical professionals, law  
18 enforcement and other criminal justice system personnel who come in contact with the  
19 victims and perpetrators of human and sex trafficking;  
20 • Assistance to states and local governments in providing victim-centered services to  
21 address their physical, mental health, housing, education and training needs, particularly  
22 for the underage victims of sex trafficking; and  
23 • Improved federal outreach, consultation, and coordination to states and local  
24 governments on prevention, enforcement and services.

25 Finally, the federal government must provide effective prosecution of perpetrators of human and  
26 sex trafficking, including those who bring foreign-born individuals into the country via  
27 trafficking, smuggling and false pretenses.

28  
29 **Background:** Human trafficking is defined as the illegal trading of human beings for  
30 commercial sexual exploitation or forced labor. While the numbers of human trafficking victims  
31 is unknown, some estimate that there are as many as 27 million worldwide. It is estimated that  
32 as many as 325,000 minors in the United States, Canada and Mexico are at risk of becoming  
33 victims of sexual exploitation every year. Street youth are particularly vulnerable, with 70  
34 percent at risk of sexual exploitation. For victims who were sold for sex as children, the average  
35 age of first entry into exploitation is 12 to 14 years of age.

36 NACo recently released the results of a phone survey which showed that sex trafficking affects  
37 counties of all sizes. The survey also showed that sex trafficking is of particular concern to  
38 counties with populations greater than 250,000. Forty percent of these counties said that sex  
39 trafficking of minors has increased in the last two years.

40  
41 Sixty-two percent of counties surveyed identified funding for safe shelters where victims can  
42 receive comprehensive support and rehabilitation services as the most urgent need. Safe harbor  
43 laws were also identified, with thirty-six percent of the counties saying that their states don't  
44 have such laws. An example of such a law is Minnesota's Safe Harbor for Sexually Exploited  
45 Youth Act, which defines victims of sexual exploitation under age 18 as children in need of  
46 protection, not delinquents. Counties also identified stronger penalties for sellers and purchasers  
47 of child sex as necessary. There is legislation pending in Congress to address and prevent the  
48 incidence of sex trafficking.

1 **Fiscal/Urban/Rural Impact:** Providing social services, including child protective services, to  
2 sexually exploited juveniles decreases juvenile corrections costs and downstream adult  
3 correctional costs and helps these victimized individuals pursue more productive, stable lives.  
4 Children from urban, rural and suburban communities are sold for sex; therefore, all  
5 communities can benefit from this approach to sexually exploited youth.

6  
7 **Sponsor:** Hon. Toni Carter, Commissioner, Ramsey County, Minnesota, Chair, Human Services  
8 and Education Steering Committee  
9

### 10 **Proposed Resolution on the Social Services Block Grant**

11  
12 **Issue:** The Social Services Block Grant (SSBG) remains vulnerable to cuts in the context of  
13 entitlement reform and deficit reduction.

14  
15 **Proposed Policy:** NACo strongly supports SSBG, opposes any efforts to eliminate or reduce its  
16 funding and calls on Congress to restore sequestration cuts to the program  
17 .

18 **Background:** The House Budget Reconciliation has repeatedly-proposed to eliminate SSBG,  
19 which is currently funded at \$1.7 billion, claiming that it is duplicative funding. SSBG is an  
20 entitlement to states. Several states in turn pass the funds to counties.  
21 SSBG funding is used for a variety of services, but the most common include adult protective  
22 services and child welfare. SSBG is currently the only federal source of funding for adult  
23 protective services. Child welfare services funded by SSBG make up for insufficient funds in  
24 other federal programs, and may also cover children and families who are not eligible for federal  
25 foster care.

26  
27 Under current law, states are allowed to transfer part of their Temporary Assistance to Needy  
28 Families Block Grant to SSBG, which is a more flexible funding source. In the past, SSBG has  
29 also served as a conduit for disaster relief funding because of its flexibility  
30

31 **Fiscal/Urban/Rural Impact:** Would preserve and restore county funding.  
32

33 **Sponsor:** National Association of County Human Services Administrators  
34

### 35 **Proposed Resolution on Reauthorizing the Temporary Assistance for Needy Families Block** 36 **Grant**

37  
38 **Issue:** The Temporary Assistance for Needy Families Block Grant (TANF) program expires at  
39 the end of the fiscal year.  
40

41 **Proposed Policy:** NACo urges Congress to revise the current TANF program to provide greater  
42 state and county flexibility to create and provide services that support families and help move  
43 them off welfare. NACo supports allowing more state flexibility in TANF program design such  
44 as allowing higher education to count as work; realistic time limits on education; and allowing  
45 states to use TANF funds to support post-secondary educational expenses. NACo urges Congress  
46 to, at a minimum, retain and enhance state flexibility to use TANF funds for subsidized  
47 employment. Given the demonstrated success of TANF subsidized employment programs,  
48 NACo urges Congress to increase funding for those programs. NACo urges Congress to  
49 reauthorize all programs within TANF and restore the TANF Supplemental Grants. NACo urges  
50 Congress to ensure that reauthorization includes the provision that the TANF block grant is  
51 increased annually in an amount commensurate with the rate of inflation.

1  
2 **Background:** TANF expires at the end of the year. The TANF supplemental grants expired in  
3 2011. TANF regulations limit the hours of education that count as work. After the first 12  
4 months, the participant must do some other type of work for 20 hours a week, and then pursue  
5 higher education while caring for minor children in the home. Removal of these restrictions  
6 would enable states to make choices about what will best benefit their citizens.

7  
8 Many TANF families struggle with multiple barriers to self-sufficiency such as disabilities,  
9 mental health issues, domestic violence and substance abuse. As a result, they may not always  
10 be able to meet the full participation requirements. States and counties should be given the  
11 flexibility to provide partial credit to these families with special needs. A number of states have  
12 chosen to give a reduced grant to children whose parents reach their time limits on aid but still  
13 meet income eligibility criteria. The U.S. Department of Health and Human Services (HHS)  
14 regulations include these parents in the state's work participation rate. Given the current  
15 economic situation, this rule puts states and counties in the untenable position of having to  
16 decide whether to eliminate assistance for these vulnerable children.

17  
18 An inflation adjustment was not included in the 1996 statute. As a result, TANF funding has  
19 been at a fixed level since 1997. Reauthorization should include automatic annual increases so  
20 the TANF block grant reflects state and county spending needs. In the absence of long-term  
21 reauthorization, NACo urges HHS to review the current TANF regulations to determine which  
22 changes could be made administratively.

23  
24 **Fiscal/Urban/Rural Impacts:** Long-term impacts on intergenerational poverty and child well-  
25 being.

26  
27 **Sponsors:** Human Services and Education Steering Committee Leadership

### 28 29 **Proposed Resolution on Unaccompanied Children Crossing the Border**

30  
31 **Issue:** Addressing the growing number of unaccompanied children from Central America  
32 crossing the Southern United States border.

33  
34 **Proposed Policy:** NACo calls on the Administration and Congress to address the growing  
35 number of unaccompanied children crossing the border from Central America by ensuring that  
36 they are housed in safe and adequate facilities and receive the necessary level of care and by  
37 working with the countries of origin to address the conditions that have led to this crisis.

38  
39 **Background:** The number of children making the 1,000 mile trip from Central America through  
40 Mexico and into the United States has risen exponentially over the last few years, from a level of  
41 12,000 in 2011 to over 60,000 in 2013. It is estimated that the number will rise to 130,000 in  
42 2015. The majority of these children are from El Salvador, Guatemala and Honduras. In addition  
43 to the overall increase in numbers, the children are getting younger and there are more girls  
44 involved, which makes the group far more vulnerable to physical abuse and sex trafficking.

45  
46 The situation has become so precarious that the Secretary for Homeland Security (DHS) recently  
47 declared a state of emergency along the border. Additionally, the Office of Management and  
48 Budget wrote the leadership of the House and Senate Appropriations Committees stating that the  
49 \$860 million requested for the Office of Refugee Resettlement within the Administration for  
50 Children and Families at the Department of Health and Human Services (HHS) would need to  
51 increase to almost \$2.3 billion to accommodate the estimated new arrivals.



1  
2 DHS takes initial custody of the children and is having trouble processing them and finding  
3 adequate facilities to house them. They are supposed to be in DHS custody for only 72 hours, at  
4 which point HHS takes over. HHS works with voluntary groups to find family members or other  
5 suitable arrangements while they undergo deportation proceedings if necessary.

6 The reasons for the crisis are very complex, but one of them is the growing violence, particularly  
7 gang violence in their home countries. The State Department needs to work with these countries  
8 to prevent the problem in the first place.  
9

10 **Fiscal/Urban/Rural Impact:** Impact to counties is unknown at this time, but NACo is  
11 monitoring the situation.  
12

13 **Sponsor:** Hon. Lenore Stuart, Supervisor, Yuma County, Ariz., Chair, NACo's Immigration  
14 Reform Task Force  
15

### 16 **Proposed Resolution on Strengthening the Elder Justice Act**

17

18 **Issue:** Fully Funding the Elder Justice Act  
19

20 **Proposed Policy:** Support federal funding for the Elder Justice Act specifically for local Adult  
21 Protective Services and the Long Term Care Ombudsman.

22 **Background:** After years of advocacy efforts, the Elder Justice Act (EJA), the nation's first  
23 comprehensive national legislation addressing elder abuse, was signed into law in March 2010.  
24 Unfortunately appropriations have not been authorized which leaves the provisions of this law  
25 unfunded. The EJA has the promise of establishing federal standards for adult protective services  
26 and providing a dedicated federal funding stream for services to protect seniors and vulnerable  
27 adults from abuse. The EJA also authorizes additional funding for the Long Term Care  
28 Ombudsman to investigate abuse and neglect in skilled nursing facilities. The law also provides  
29 for the establishment of Forensic Centers on Elder Abuse and training in abuse investigation  
30 standards. The only dedicated and funded federal program for Long Term Care Ombudsman  
31 services is Title VII of the Older Americans Act, which is currently appropriated at \$20.6  
32 million.  
33

34 **Fiscal/Urban/Rural Impacts:** Counties in several states are mandated to provide adult  
35 protective services. Full federal funding would decrease costs to local governments.  
36

37 **Sponsor:** Sonoma County, Calif.  
38

1 JUSTICE AND PUBLIC SAFETY STEERING COMMITTEE

2  
3 PROPOSED PLATFORM CHANGES

4  
5 National Domestic Preparedness Consortium

6  
7 Under COMPREHENSIVE EMERGENCY MANAGEMENT, add:

8  
9 **R. National Domestic Preparedness Consortium:** NACo urges Congress to provide  
10 maximum funding for the National Domestic Preparedness Consortium (NDPC). The NDPC is a  
11 partnership of several nationally recognized organizations whose membership is based on the  
12 urgent need to address the counter-terrorism preparedness needs of the nation’s emergency first  
13 responders within the context of all hazards including chemical, biological, radiological, and  
14 explosive Weapons of Mass Destruction (WMD).

15  
16 **Sponsor:** James Gray, Council Member, Orleans Parish, LA

17  
18 PROPOSED RESOLUTIONS

19  
20 Resolution Proposing Alternative Restructuring for Homeland Security Grants

21  
22 **Issue:** NACo has opposed, and continues to oppose, the Homeland Security Grant Vision put  
23 forward by Secretary of Homeland Security in 2012 and 2013. NACo supports and suggests  
24 fiscally sound adjustments to these programs which will continue to enhance the nation's  
25 capabilities to meet the challenges posed to counties by emergencies and disasters of all types.

26  
27 **Proposed Policy:** NACo applauds the efforts of the Secretary to streamline the grant system and  
28 build a more fiscally responsible and sustainable program. NACo proposes an alternative that  
29 will better address the needs of all levels of government, and that does not discard the advances  
30 created by the past grants. We propose consolidation of the current homeland security grants into  
31 two programs:

32  
33 National Preparedness Program - A compilation of all current homeland security grants from  
34 DHS and HHS (except as below), based on realistic risk to each state from all hazards including  
35 but not limited to terrorism, grants would be made to each state in order to sustain and enhance  
36 resilience and the ability to help other jurisdictions. Prioritization and allocation decisions to be  
37 made by the State Administrative Agency in transparent consultation and consent of local  
38 governments, and continuing to require that no less than 80% of these funds be passed to local  
39 government based on their realistic risk.

40  
41 Urban Area Security Initiative - Specific additional funding to the 25 urban areas at greatest risk  
42 of disastrous event (of all hazards including terrorism) in light of the significant populations and  
43 economic drives located in these areas. Again, the program would be jointly administered by the  
44 State Administrative Agency and the existing UASI organizational units and continuing to  
45 require that no less than 80 percent of these funds be passed through to the Urban Areas.

46  
47 NACo will work with Congress and the other stakeholders to prepare updated legislative  
48 language to accomplish these goals.

49  
50 **Background:** The future of homeland security funding tin America is vague at best. The  
51 purposes of the funding, the number of grants, duplication of effort, and failure to spend down

1 allocated funds, has called into question the wisdom of continuing the programs. The purpose of  
2 the grants are to provide federal funding to assist state and local governments in support of the  
3 National Preparedness Goal. Following adoption of the 9/11 Act, DHS implemented a series of  
4 grant programs aimed primarily and reflexively at terrorism issues. There are some 16 separate  
5 grants currently. The complexity of these funding streams has led to an appearance of waste,  
6 and delays – both avoidable and unavoidable – in use of the money.

7  
8 The FY 13 Vision released by the Secretary would have consolidated the 16 HSGP programs  
9 into one new “Funding Opportunity Announcement” to be called the National Preparedness  
10 Grant Program (NPGP) which would also have rolled in the specialized Urban Areas Security  
11 Initiative (UASI) grants. The block grant format of the NPGP was slated to mandate that a state  
12 administrator would make all determinations as to the use of the NPGP and ending any  
13 requirement to pass any funding through to local government.

14 Further, the Secretary proposes changing the definition of "local government" to include private  
15 companies, NGO's, transit hubs and more. NACo lead the opposition to these ill-considered  
16 changes, and was successful in deterring the Secretary from this course in 2012. However, the  
17 Secretary continues to propose these changes, and Congress is still seeking alternatives and  
18 enhancements to the current grant system.

19  
20 NACo continues to oppose handing the guidance for these grants solely to the individual states  
21 and territories. For FY 2014, the grants should continue at the same amounts, guidance, and  
22 instructions as in FY 2013, so as to allow time for planning and transition. For FY 2015, NACo  
23 supports a system that would consist of two primary homeland security grant structures:

24  
25 National Preparedness Program (NPP) - The catastrophes of Hurricanes Katrina, Irene, and  
26 Sandy, as well as the tornadoes and floods in the Midwest over the past five years, have  
27 demonstrated that no local government or state government can hope to respond and recover  
28 from major emergencies on their own. Congress has established the Emergency Management  
29 Assistance Compact in recognition of this fact, enabling the rapid sending of assistance across  
30 the nation. However, this assistance consists almost wholly of local government equipment and  
31 personnel - maintained, trained and used at the local level on a day-to-day basis so as to make  
32 each jurisdiction more individually resilient and ready to respond.

33  
34 The homeland security grants have enabled local government to build the capacity needed to  
35 respond to afflicted regions by securing education, training, and equipment, and through the  
36 conduct of exercises and creation of interoperable systems. NACo recognizes that 16 separate  
37 DHS programs and a number of HHS security grants, each with constantly changing guidance  
38 and accounting has diminished the ability for Congress to measure progress, and therefore  
39 consolidation will be necessary. However, by mandating that the state become the sole  
40 administrator of funds intended to build local capacity, the Vision put forth by the Secretary will  
41 result in the states funding their own personnel cadre under the pretense that this is somehow a  
42 direct benefit to the counties and therefore meets the intent of the law.

43  
44 NACo continues to oppose the assignment of final authority of the grants to the state  
45 administrator. NACo requests that Congress require the Secretary to ensure that commissions  
46 consisting of county Emergency Managers be established in each state to vet requests for funding  
47 and ensure that the overall needs of the local communities are met. These grants to the states  
48 should be passed through at no less than 80 percent to the Counties.

49  
50 Since event impact and response are primarily local in nature, grant funding should primarily  
51 support local prevention and preparedness efforts, as is the case under the current program

1 structure. It is important that the vast majority of federal homeland security grants continue to  
2 fund local prevention and response activities, including local emergency managers and first  
3 responders, and activities that support their preparedness efforts.  
4

5 The Urban Area Security Initiative (UASI) program - The UASI grant was specifically designed  
6 by Congress to assist large urban areas, including large urban counties, in meeting national  
7 preparedness needs against terrorism and catastrophic disasters. NACo requests that Congress  
8 fully fund the UASI program and assure that no less than 80% of funds are passed through to the  
9 large urban areas. Further, NACO requests that Congress fully consider the risk of disaster to  
10 such areas, and not limit the UASI program solely to the specific terrorism risks. As recent  
11 events have demonstrated, the capacity to react to terrorist events is the same as we need for  
12 disasters of other cause. UASI grants would continue to fund projects in large urban areas  
13 determined to be at highest risk and which provide assistance to other areas under the Emergency  
14 Management Assistance Compact.  
15

16 **Fiscal/Urban/Rural Impact:** The impact and response to disaster are first and primarily local in  
17 nature. The nation has learned that no matter how large or populous a jurisdiction may be, major  
18 emergencies and disasters will always require assistance from other - un affected - jurisdictions.  
19 Grant funding should primarily support local prevention and preparedness efforts, as is the case  
20 under the current program structure, so as to enhance local resilience by lessening the likelihood  
21 and impact of disaster through development of local capabilities. Local government cannot be  
22 expected to fund and support this national role on their own. These capabilities must be a  
23 collaborative effort with the federal government. Capabilities funded through federal grants must  
24 also be able to be deployed to other areas of the nation in time of need.  
25

26 **Sponsor:** Judson Freed, Director, Ramsey County Homeland Security and Emergency  
27 Management.  
28

### 29 **Proposed Resolution on Prevention Efforts Related to Community Violence**

30

31 **Issue:** Support prevention efforts related to community violence  
32

33 **Proposed Policy:** The federal government should expand on the recent Presidential  
34 Memorandum to engage in public health research on the causes and prevention of gun violence,  
35 and fully address the many forms of violence that impact community well-being. The federal  
36 government must continue to provide funding to local jurisdictions so those funds are directed  
37 most appropriately to meet the range of our community's need. Further, the federal should  
38 amend funding streams typically associated with public safety to require the inclusion of  
39 community health partners in planning and implementation with particular emphasis on  
40 including mental health approaches, substance use prevention approaches, school based  
41 approaches, gang and crime prevention, among others.  
42

43 **Background:** Community violence and gun safety is a complex issue. It is not a mental health  
44 issue alone, a police and public safety issue alone, a schools or education issue alone, or a  
45 personal responsibility issue alone. However, together, efforts to prevent violence are critical to  
46 creating a thriving, healthy community. Local health jurisdictions are ideally situated to create  
47 and implement violence prevention programs, with particular recognition of the health impacts  
48 associated with community violence.  
49

50 Violence is clearly recognized as a public health problem, and preventing injuries and violence is  
51 a leading health indicator identified in Healthy People 2020. Violence takes many forms:

1 between intimate partners, physical and emotional abuse of children and elders, youth violence,  
2 violence between strangers, violence experienced by veterans returning from war, and self  
3 inflicted injuries and suicide. Each type of violence provides specific opportunities and  
4 strategies for prevention. Many people who survive violence are left with permanent physical  
5 and emotional scars potentially resulting in mental and physical health issues. Violence also  
6 erodes communities by reducing productivity, decreasing property values, and disrupting social  
7 services.

8  
9 Prevention and early intervention strategies are essential for individual and community well-  
10 being. Evidence-based practices need to continue to expand with integrated health approaches to  
11 address the mental health needs of veterans returning from Iraq and Afghanistan, better  
12 understanding and applying public health approaches to prevent violence, and engaging in other  
13 primary prevention efforts to address the social and health issues impacted by violence. Local  
14 health jurisdictions can develop community based strategies and programs to train community  
15 members, teachers, students, public safety, faith-based and other culturally identified community  
16 leaders and others in recognizing and preventing violence.

17  
18 **Fiscal/Urban/Rural Impacts:** The cost of these reforms is negligible to the Federal government.  
19 At the local level, these reforms could produce significant savings in crime and preventative  
20 health costs, and provide stimulus for local community partners.

21  
22 **Sponsor:** The County of Sonoma

### 23 24 **Proposed Resolution Supporting the Emergency Management Performance Grant**

25  
26 **Issue:** During each of the past two years, the Secretary of Homeland Security has proposed  
27 weakening the Emergency Management Performance Grant (EMPG) and including it with  
28 terrorism grants. EMPG is the sole all-hazards grant currently extant, and the most demonstrably  
29 successful DHS grant program. At the same time, in light of state funding shortfalls, state  
30 Emergency Management agencies have reduced the amounts of EMPG funding passed through  
31 to local government.

32  
33 **Proposed Policy:** NACo requests that Congress guarantee that the Emergency Management  
34 Performance Grant (EMPG) remain a separate program, separately funded from all other grants  
35 that specifically address terrorism or other specific issues (remaining, then, a truly all-hazards  
36 program), and requiring a minimum of 70% of EMPG funds be passed through to local  
37 government with a 50-50 match requirement.

38  
39 **Background:** The express purpose of the Emergency Management Performance Grant (EMPG)  
40 program is to assist local governments in building and maintaining local emergency management  
41 programs that meet the basic national, state, and local needs for creating overall resiliency - thus  
42 enabling county agencies to assist other parts of the nation in times of crisis. This program has  
43 been demonstrably successful for decades, despite being underfunded. Counties are required to  
44 meet minimum of federal requirements and numerous state requirements for their Emergency  
45 Management programs, in addition to the individual local government needs. Thus, these  
46 federal funds assist the counties in achieving a higher level of national resilience.

47  
48 Counties match no less than 50-50 with local funds in addition to meeting the many  
49 requirements, but Congress has never fully funded the EMPG program - meaning that in  
50 virtually 100% of cases, the counties are required to overmatch the grant. Additionally, each  
51 state is free to decide whether or not to pass through any or all funding. In many cases, states use

1 the money to cover the costs of their own programs, and note that the services such programs  
2 offer “assist” the local counties, thus “meeting the spirit” of the law.

3  
4 In FY 2012 Secretary Napolitano chose to increase eligibility for EMPG to include private sector  
5 and non-governmental organization (NGO) agencies who claim some level of participation in the  
6 emergency management process. In essence, this decreases the amounts available to counties  
7 even further by increasing the number of potential recipients. NACo lead opposition to that  
8 action. In 2013, the Secretary again proposed weakening the EMPG program. State agencies  
9 have resisted any and all requests to guarantee and pass through - and in many cases have  
10 decreased the amounts passed through to as little as 30%.

11  
12 NACo continues to urge Congress to require the Secretary to adhere to the intent of the EMPG  
13 funding and ensure that the funding is passed to the counties. NACo again requests that Congress  
14 ensure that the EMPG is maintained as a separate grant from the rest of those discussed as  
15 "homeland security grants" and maintain the grant guidance and eligibility as it is structured in  
16 the FY12. Further, NACo asks Congress to fund this grant at the highest possible levels, no less  
17 than the FY12 levels, and require states to pass no less than 70% of EMPG funds through to  
18 local government so that counties can work toward meeting the basic standards for local  
19 Emergency Management. The EMPG should continue to be a matching grant as is currently the  
20 case.

21  
22 **Fiscal/Urban/Rural Impact:** The impact and response to disaster are first, last, and primarily  
23 local in nature. The nation has learned that no matter how large or populous a jurisdiction may  
24 be, major emergencies and disasters will always require assistance from other - un affected -  
25 jurisdictions. Grant funding should primarily support local prevention and preparedness efforts,  
26 as is the case under the current program structure, so as to enhance local resilience by lessening  
27 the likelihood and impact of disaster through development of local capabilities. Local  
28 government cannot be expected to fund and support this national role on their own. These  
29 capabilities must be a collaborative effort with the federal government. Capabilities funded  
30 through federal grants must also be able to be deployed to other areas of the nation in time of  
31 need.

32  
33 The Emergency Management Performance Grant (EMPG) program - the only all-hazards grant -  
34 has been proven time and again to be measurably effective in building both capacity and  
35 resilience at the local level. In turn, this is the grant that, more than any other, has allowed local  
36 agencies to assist others outside of their jurisdictions. At the same time, this grant still requires  
37 local government to fully match (and in most cases, to significantly over match) the federal  
38 investment. EMPG is an almost uniquely successful program that might serve as a model for the  
39 other homeland security grants.

40  
41 **Sponsor:** Judson Freed, Director, Ramsey County Homeland Security and Emergency  
42 Management.

43  
44 **Proposed Resolution Supporting Legislation Providing Mitigation Funds for Certain Areas**  
45 **Affected by Wildfires**

46  
47 **Issue:** Support for Legislation Providing Mitigation Funds for Certain Areas Affected by  
48 Wildfires

49  
50 **Proposed Policy:** NACo supports legislation that provides dedicated mitigation funds by

1 providing up to 15 percent of the cost of a Fire Mitigation Assistance Grant (FMAG) to support  
2 wildfire mitigation projects.

3  
4 **Background:** Recent mega-fires in the West have illuminated the fact that the Federal  
5 Emergency Management Association (FEMA) programs and policies for disaster and emergency  
6 assistance for wildfires do not work well, primarily because they were developed to address  
7 natural disasters such as hurricanes, floods, and tornadoes. For example, there is a minimal role  
8 for mitigation work, which is critical for communities vulnerable to wildfires.

9  
10 Mitigation is proven to reduce the costs and long-term impacts of wildfires on communities,  
11 property, and water supplies. The long-term savings that mitigation represents are well  
12 documented; for every dollar spent on hazard mitigation, there is an average savings of four  
13 dollars. With conditions such as persistent drought, coupled with a growing wildland urban  
14 interface (WUI), mitigation financial assistance is a low cost, common-sense way to protect life  
15 and property while saving taxpayer dollars.

16  
17 This legislation provides parity for wildfires with other natural disasters by providing up to 15%  
18 of the cost of a Fire Mitigation Assistance Grant (FMAG) to support statewide wildfire  
19 mitigation projects. Based on averages since 1990, this would cost less than 0.01% of the  
20 Disaster Relief Fund (DRF).

21  
22 Counties who have approved FMAG's will be eligible for Hazard Mitigation Assistance Grants  
23 Program (HMAGP) funds to be used for post-fire flooding mitigation and pre-fire mitigation to  
24 help reduce the severity of fire before they happen.

25  
26 FEMA's Stafford Act programs already recognize the importance of mitigation for other natural  
27 disasters such as hurricanes, floods, and tornadoes by providing 15% of the total FEMA disaster  
28 cost to states to support mitigation programs statewide. However, FEMA handles most wildfires  
29 through the Fire Management Assistance Grant (FMAG) program (P.L. 93-288, § 404), which  
30 supports "grants, equipment, supplies and personnel" to assist states and local governments  
31 attempting to control fires on state and private property, and to prevent fires from becoming  
32 major disasters. Unlike disaster declarations for other natural disasters, FMAG currently only  
33 provides assistance while the fire is burning and does not have the authority to assist in post-  
34 disaster mitigation.

35  
36 **Fiscal/Urban/Rural Impact:** Mitigation funds for certain areas affected by wildfires will have a  
37 positive fiscal impact on affected counties. As observed during the NACo Western Interstate  
38 Region (WIR) conference field trip in Coconino County in May 2013 and other counties such as  
39 El Paso County, Colorado; Boulder County; Colorado; and Larimer County, Colorado; the  
40 financial burden from post-fire mitigation for fires such as the Waldo Canyon, High Park, and  
41 Schultz fires is crippling. Legislation providing mitigation funds will help lessen the post-fire  
42 burden on counties and lessen the chances of big catastrophic fires by providing an avenue for  
43 pre-fire mitigation.

44  
45 **Sponsor:** Lynn Padgett, Commissioner, Ouray County, CO

46  
47 **Proposed Resolution on Juvenile Life Sentencing without Opportunity for Parole**

48  
49 **Issue:** Children should never be sentenced to "life without parole" for offenses they committed  
50 at an age that is characteristic of impulsive, immature and risk-taking behavior- things we know  
51 are common for all adolescents.

1  
2 **Proposed Policy:** NACo supports eliminating life without parole as a sentencing option for  
3 children. We support just and age-appropriate accountability measures for children that will  
4 ensure that every child, regardless of offense, is given a meaningful opportunity to obtain release  
5 based on demonstrated maturity and rehabilitation. We therefore, call upon State Legislatures  
6 across the country and the U.S. Congress to enact legislation that abolishes life without parole  
7 for children and provides them with meaningful and periodic sentencing reviews. These  
8 legislative changes should be applied both retroactively and prospectively so that no child is  
9 allowed to have their human rights violated because of when they were sentenced.

10  
11 **Background:** Approximately 2500 people are currently serving life without parole for crimes  
12 committed as juveniles. What often goes unrealized is that most of the children who were  
13 sentenced to life without parole were victims of early childhood traumas, including mental and  
14 physical abuse, sexual assault, extreme poverty and neglect. In addition, the majority of these  
15 youth (59%) are serving life without parole for their very first offense and 40% were  
16 accompanied by an adult co-defendant who played a more dominant role in the offense and often  
17 received a lesser penalty.

18  
19 Adolescent development research shows that children's brains are still developing. In addition,  
20 children do not have the same capacity as adults to avoid dangerous situations, think through the  
21 long-term consequences of their behaviors, or resist pressure from peers and adults. They also  
22 possess a unique capacity for change and rehabilitation- most children age out of criminal  
23 behavior by their mid-20s.

24  
25 The United States Supreme Court, drawing on brain and behavioral development research, has  
26 ruled three times within the last decade that children are constitutionally different from adults  
27 and should not be subject to our nation's harshest penalties. In 2005, the Supreme Court  
28 abolished the death penalty for children. The Court ruled in 2010 that it is unconstitutional to  
29 impose a life-without-parole sentence upon a child for a non-homicide crime.

30  
31 In 2012 the Supreme Court ruled in *Miller v. Alabama* that mandatory life-without- parole  
32 sentences for children violate the Eighth Amendment's prohibition against cruel and unusual  
33 punishment.

34  
35 The Court held that a judge or jury must consider the unique attributes of youth when sentencing  
36 a child who could face life without parole, and must take into account how these differences  
37 counsel against imposing a life-without-parole sentence. In fact, the Court stated that it expects it  
38 to be an inappropriate sentence in most instances. The Court-cited factors included:

- 39
- 40 • The child's age and its features including immaturity, impetuosity, and failure to
  - 41 appreciate risks and consequences;
  - 42 • The child's family and home environment;
  - 43 • The circumstances of the offense, including the extent of the child's participation and
  - 44 the way familial and peer pressures may have affected his or her behavior;
  - 45 • The child's unsophistication in dealing with a criminal justice system that is designed
  - 46 for adults; and
  - 47 • The possibility of rehabilitation.
- 48

49 **Fiscal/Urban/Rural Impact:** It costs approximately \$2.5 million to incarcerate a child for life in  
50 the United States. This diverts money from other public priorities. For example, the monies  
51 spent on incarcerating one child for life could educate approximately 169 students for a year.



1 Taxpayers will spend an estimated \$6.2 billion for the lifetime incarceration of the approximately  
2 2,500 people currently serving this sentence.

3  
4 **Sponsor:** Commissioner Nancy Schouweiler, Dakota County, Minnesota

5  
6 **Proposed Resolution on Limiting Jury Awards against Counties for Federal Law Claims**

7  
8 **Issue:** County governments are largely unprotected from excessive jury awards for  
9 compensatory damages arising from claims made under federal law.

10  
11 **Proposed Policy:** NACo urges Congress to place appropriate restrictions on the amount of  
12 compensatory damages awardable against County governments for claims made under federal  
13 law.

14  
15 **Background:** Despite their status as political subdivisions of sovereign states, Counties do not  
16 enjoy sovereign immunity from many claims made under federal law, and available jury awards  
17 for compensatory damages against Counties for such claims are not capped or otherwise limited  
18 in most circumstances. While public policy certainly requires that Counties and their officials be  
19 held responsible for violations of federal law, some balance between the requirements of justice,  
20 the burdens placed on local taxpayers, and the continued fiscal viability of County governments  
21 is necessary.

22  
23 **Fiscal/Urban/Rural Impact:** All County governments, both urban and rural, face the prospect  
24 of fiscally devastating jury awards for violations of federal law by their officers and employees  
25 and related expenses such as legal fees and insurance premiums. Forrest County, Mississippi,  
26 currently faces federal claims in excess of \$80,000,000 arising from the alleged conduct of  
27 County officials and employees over 30 years ago. Others, such as Boise County, Idaho, have  
28 been forced to seek bankruptcy protection after multi-million dollar jury awards for federal law  
29 claims. Appropriate restrictions on the amount of damages awardable against Counties for claims  
30 made under federal law would contribute directly and indirectly to the continued fiscal viability  
31 of County governments.

32  
33 **Sponsor:** Chris Bowen, Supervisor, Forrest County, Mississippi

34  
35 **Proposed Resolution Supporting the Stopping Tax Offenders and Prosecuting Identity**  
36 **Theft Act (Stop Identity Theft Act) and Similar Legislation**

37  
38 **Issue:** Misuse of taxpayer identity.

39  
40 **Proposed Policy:** Support all related bills in the U.S. House of Representatives and the U.S.  
41 Senate and urge Congress to pass legislation supporting action to reduce tax crimes and identity  
42 theft that would halt the victimization of millions of U.S. taxpayers through losses due to several  
43 billion dollars in fraudulent claims. Legislation would encourage the Department of Justice  
44 (DOJ) to dedicate additional resources, including the use of investigative task forces, to address  
45 tax-return identity theft. The legislation would ask DOJ to focus resources in areas with a high  
46 rate of tax-return identity theft, coordinate investigations with state and local law enforcement  
47 agencies, and protect vulnerable victims, including veterans, seniors and minors. The legislation  
48 would increase penalties to help deter this type of crime and protect victims.

49  
50 **Background:** Tax return identity theft causes financial harm and emotional stress to its victims.  
51 According to the Internal Revenue Service (IRS), more than 938,664 tax returns and \$6.5 billion

1 were associated with fraudulent tax refunds involving identity theft in 2011. Most tax identity  
2 theft victims aren't aware what has happened until they file their taxes, only to learn from the  
3 IRS that someone else has already filed and claimed their hard earned tax return. These  
4 criminals hide behind a veil of technology by stealing Social Security numbers and filing false  
5 electronic returns where the payoffs are almost instantaneous. Right now more thieves and  
6 criminal organizations are turning to this lucrative low-risk, high-reward crime because law  
7 enforcement lacks the kind of stiff criminal penalties afforded many other forms of identity theft.  
8 Technology has outstripped the enforcement tools currently available. This growing national  
9 crime epidemic on identity theft, with over \$6 billion in fraud, touches communities and  
10 constituents nationwide, and legislation is needed to protect all Americans.

11  
12 The STOP Identity Theft Act, a bipartisan bill introduced by Representatives Debbie Wasserman  
13 Schultz and Lamar Smith, will increase criminal penalties for tax-return identity theft. Increased  
14 penalties have been called for by the Bush and Obama Administrations in the last six years and  
15 will toughen sentencing for tax return identity thieves, which will help deter this kind of crime.  
16 The legislation expands the definition of an "identity theft victim" to include businesses and  
17 charitable organizations, which often have their identities stolen and used in "phishing" schemes  
18 to extract sensitive information from unsuspecting taxpayers.

19  
20 Additionally, the STOP Identity Theft Act calls for better coordination between the DOJ and  
21 state and local law enforcement to make the most efficient use of the law and resources and  
22 better protect vulnerable groups such as veterans, seniors, minors and foster children from  
23 becoming victims of this type. The bill calls for DOJ to report back on trends in tax-return  
24 identity theft, progress on prosecuting these crimes, and recommendations for additional legal  
25 tools to combat it.

26  
27 Similar bipartisan legislation, introduced by Representatives Kathy Castor and Richard Nugent,  
28 would require greater cooperation and information-sharing between the IRS and local law  
29 enforcement, to expedite resolution for victimized taxpayers, to increase penalties for identity  
30 theft in connection to tax crimes, institute a pilot program for a unique PIN system, protect the  
31 Social Security Death Master File, and reallocate resources within the IRS to tackle tax refund  
32 fraud.

33  
34 **Fiscal/Urban/Rural Impact:** Potentially positive: expedite refunds to individual victims of  
35 taxpayer ID fraud; assist in deterrent & crime prevention efforts; possible grants for law  
36 enforcement agencies.

37  
38 **Sponsored by:** Sally Heyman, Commissioner, Miami-Dade County, FL

39  
40 **Proposed Resolution Supporting an Affordable and Sustainable Reauthorization of the**  
41 **National Flood Insurance Program**

42  
43 **Issue:** Changes made to the National Flood Insurance Program and the release of inaccurate  
44 flood maps are causing dramatic increases in the cost of flood insurance.

45  
46 **Proposed Policy:** NACo supports a sustainable, fiscally responsible National Flood Insurance  
47 Program (NFIP) that protects the businesses and homeowners who built according to code and  
48 have followed all applicable laws. NACo urges Congress to work with stakeholder groups to  
49 craft a sensible and fiscally responsible renewal of the National Flood Insurance Program that  
50 keeps flood insurance rates affordable while improving the mapping process.

1 **Background:** The National Flood Insurance Program’s current authorization will expire in  
2 2017. Several national groups, such as the Coalition for Sustainable Flood Insurance, have  
3 formed to work with Congress in drafting legislation that would strike a balance between the  
4 affordability of the program with the need for fiscal solvency. NACo is committed to working  
5 with Congress and stakeholders on determining the which elements of the original legislation,  
6 the Biggert-Waters Act, and the Homeowner Flood Insurance Affordability Act should be kept,  
7 amended, or discarded during the reauthorization process. Unless reauthorized properly, the loss  
8 of the NFIP or drastic premium increases will threaten all of coastal and riverine America as new  
9 FEMA flood maps are unveiled in the coming years. The NFIP must be reauthorized such that  
10 the public’s trust and reliance on the program to provide affordable flood insurance protection  
11 for prior investments in their homes and businesses is affirmed. In addition, the implementation  
12 of a transparent and fair process of amending flood maps is vital to the successful  
13 implementation of the program.

14  
15 **Fiscal/Urban/Rural Impact:** Unless reauthorized in a responsible and affordable way, the loss  
16 of the National Flood Insurance Program would severely impact the housing markets throughout  
17 the country, make flood insurance premiums unaffordable, and improperly place properties in  
18 risk categories due to faulty flood risk maps. Without a strong flood insurance program, local tax  
19 revenue could be greatly impacted as home values plummet and markets collapse.

20  
21 **Sponsor:** Buddy Boe, Chief Administrative Officer, St. Charles Parish, LA

22  
23 **Proposed Resolution Supporting Funding and Amending Disaster Program Policies for the**  
24 **Management and Mitigation of Post-Wildfire Flooding and Debris Flow Damage**

25  
26 **Issue:** Funding is either unavailable or inadequate to effectively deal with the newly created or  
27 increased flooding and debris flow risks from post-wildfire events.

28  
29 **Proposed Policy:** NACo urges Congress to amend the Fire Management Assistance Grant  
30 Program (FMAGP) and Stafford Act declaration time period to help states, tribes, and local  
31 governments respond to floods and debris flows that directly result from a declared fire.

32  
33 **Background:** Large wildfires destroy huge areas of vegetation, and burn the soil so badly that it  
34 will no longer absorb water. The direct result is major to catastrophic flash flooding that can  
35 continue for up to 15 years after a fire. While prompt and robust funding is available to help  
36 local governments respond to major wildfires, there is much less support to mitigate and respond  
37 to the floods and debris flows that are directly caused by those fires. Major post-wildfire flooding  
38 and debris flows may take place numerous times per year, threatening lives and causing serious  
39 damage at drastically lower precipitation levels than ever before. The expense of each individual  
40 flood event may fall short of the criteria for a Presidential Disaster Declaration; however, the  
41 cumulative expense of multiple flooding and debris flow events creates a financial disaster for  
42 affected local governments, and may far exceed the cost of the original fire.

43  
44 **Fiscal/Urban/Rural Impact:** Post-fire flooding and debris flows are common after large  
45 wildfires, including wildfires on federal lands. If policies and adequate funding are not provided  
46 for necessary management efforts, the consequence is an inability to mitigate burn areas from  
47 subsequent floods and debris flows. The result is imminent threat to life safety, public and  
48 private property damage, and detrimental economic impact to affected areas that may far exceed  
49 costs from the original event.

50  
51 **Sponsor:** Sallie Clark, Commissioner, El Paso County, CO

1  
2 **Proposed Resolution Supporting Rescinding FEMA Mitigation Policy on Hydraulic**  
3 **Fracturing**  
4

5 **Issue:** FEMA Flood Mitigation Policy Banning Hydraulic Fracturing on Property Purchased  
6 with FEMA Mitigation Funds  
7

8 **Proposed Policy:** The National Association of Counties (NACo) urges FEMA to rescind its  
9 policy banning hydraulic fracturing on any property purchased with FEMA mitigation funds.  
10

11 **Background:** FEMA’s Hazard Mitigation Assistance (HMA) Program provides funding for  
12 property acquisition and buyouts of flood damaged properties, enabling permanent  
13 removal of structures from risk of damage and seeking to conserve natural floodplain  
14 functions. In early May, FEMA issued a mitigation policy (FP 302-405-146-1 “Limits on  
15 Subsurface Uses of Hazard Mitigation Assistance Acquired Lands”) indicating the agency  
16 generally will not approve property acquisition with HMA funds involving properties with  
17 underground oil, gas or other mineral encumbrances that may allow hydraulic fracturing  
18 and horizontal directional drilling to occur.  
19

20 Natural gas development in shale gas reserves typically relies on hydraulic fracturing techniques  
21 where fluids are pumped into the ground under high pressure to initiate a split at the wellbore as  
22 much as a mile under the ground. Horizontal drilling starts with a vertical well that turns  
23 horizontal, with the horizontal arm able to reach a mile or more from the wellbore itself,  
24 allowing access to deposits at some distance from the actual surface activity. This means that  
25 natural gas drilling using these techniques can be accomplished via a well pad far outside the  
26 flood zone, with no surface disturbance to the property being considered for acquisition.  
27 In Pennsylvania, counties have worked with FEMA and the state Emergency Management  
28 Agency to determine the appropriate legal language to handle property acquisitions where gas  
29 leases were involved.  
30

31 The legal deed language previously developed and provided by FEMA logically restricted  
32 surface level activity on properties nominated for HMA acquisition, achieving the objectives of  
33 the HMA program while at the same time enabling counties to acquire and remove structures  
34 that are repetitively flooded, substantially destroyed and demonstrating an imminent safety risk.  
35 FEMA’s new mitigation policy exchanges this carefully thought-out solution for one which was  
36 developed with no opportunity for stakeholder input and puts the future of the HMA program at  
37 risk in shale gas areas.  
38

39 **Fiscal/Urban/Rural Impact:** Funding for other mitigation actions, such as elevation and  
40 relocation, is extremely difficult to obtain and thus property acquisition continues to be  
41 one of the most effective, and most permanent, tools used by local governments to  
42 address the risks to properties in the flood plain. FEMA’s policy will severely hamper  
43 mitigation projects in areas of shale gas drilling, negatively impacting counties’ abilities  
44 to effect permanent solutions to flood-prone properties if continued. This policy will also  
45 be doubly costly to taxpayers – first to those landowners already facing increasing flood  
46 insurance premiums under the Homeowners Flood Insurance Affordability Act of 2014  
47 who will now see the value of their property further deteriorate, and second to  
48 landowners outside the floodplain who must make up the burden of those diminished  
49 property values while also helping to foot the bill to pay for continued damage to  
50 properties that remain in the flood zone. This policy is also detrimental to the ability to

1 develop and implement a comprehensive energy policy around natural gas at the federal,  
2 state or local level.

3  
4 **Sponsor:** Jeff Wheeland, Commissioner, Lycoming County, PA

5  
6 **Proposed Resolution Supporting Prevention of Fraud Against Veterans and their Families**

7  
8 **Issue:** Address fraudulent practices in provision of services to veterans and their families

9  
10 **Proposed Policy:** NACo supports county efforts to work with state and federal agencies in  
11 educating veterans and the public about fraudulent and misleading programs, including  
12 fundraising efforts for illegitimate organizations claiming to provide benefits to veterans, and  
13 vendors who charge a fee to assist veterans in obtaining benefits, and in reviewing statutes for  
14 the purpose of establishing appropriate penalties for such acts.

15  
16 **Background:** The public is broadly supportive of services to veterans, and the scope of services  
17 offered by government and by private and non-profit agencies reflects this public concern.  
18 Unfortunately, because services are offered by so many diverse entities, neither the public nor  
19 the veterans have a common means to differentiate between legitimate programs and those that  
20 are taking advantage of public concerns or veterans' needs.

21  
22 Fraud arises in different ways. For example, only a portion of veterans' services are government-  
23 provided or government-funded, and many services are delivered by private or non-profit  
24 provider groups that rely on donations to support or augment their programs. Some of these  
25 groups may use disproportionate amounts of donations for agency operations and, more  
26 egregiously, donations may be solicited by individuals posing as a plausible-sounding veterans  
27 group.

28  
29 Alternately, while most services provided to veterans are free, as is the assistance provided by  
30 state and local veterans affairs professionals and by most service organizations to obtain those  
31 services, there are individuals and firms which hold themselves out as agents on behalf of  
32 veterans, to provide them assistance on a fee basis to obtain benefits. In these circumstances,  
33 veterans and their families unnecessarily pay scarce resources to obtain assistance or benefits.

34  
35 The resolution proposes two strategies, one to educate the public and veterans on legitimate  
36 services and on the best available means to obtain those services, and second to evaluate whether  
37 federal and state law establish, and appropriately grade, penalties for fraudulent practices relating  
38 to collection of donations on behalf of, and provision of services to, veterans and their families.

39  
40 **Fiscal/Urban/Rural Impact:** Working in collaboration with federal and state veterans agencies,  
41 counties can develop effective media and social media pieces to educate the public, veterans, and  
42 veterans families. NACo and state legislative staff can work in cooperation with federal and state  
43 veterans agencies and legislative bodies to determine adequacy of statutes governing fraudulent  
44 practices.

45  
46 **Sponsors:** Paul Heimel, Commissioner, Potter County, PA; Douglas Hill, Executive Director,  
47 County Commissioner Association of Pennsylvania; Lisa Schaefer, Govt. Relations Manager,  
48 County Commissioner Association of Pennsylvania.

49  
50 **Proposed Resolution on the State Criminal Alien Assistance Program (SCAAP)**

1 **Issue:** The State Criminal Alien Assistance Program (SCAAP) is more vulnerable to funding  
2 cuts as if administered by the Department of Justice (DOJ) than if it were transferred to the  
3 Department of Homeland Security (DHS). Most immigration functions were transferred from  
4 DOJ to DHS under the Homeland Security Act of 2002.

5  
6 **Proposed Policy:** NACo opposes the reprogramming or rescission of SCAAP funds by the  
7 Department of Justice (DOJ), and urges Congress to increase appropriations for SCAAP and to  
8 transfer its administration from DOJ to the Department of Homeland Security DHS.

9  
10 **Background:** NACo has long supported full federal reimbursement of state and local costs of  
11 incarcerating undocumented criminal aliens. While administering our nation's immigration laws  
12 is a federal responsibility, counties incur major costs for incarcerating inmates who are  
13 unlawfully in the country due to the federal government's failure to control illegal immigration.  
14 The 1994 Crime Act amended the Immigration and Nationality Act to authorize the Attorney  
15 General to take custody of undocumented criminal alien inmates or reimburse state and local  
16 governments for the cost of incarcerating them through SCAAP. The Homeland Security Act of  
17 2002, which created the Department of Homeland Security (DHS), transferred most immigration  
18 functions, including the identification and removal of deportable criminal aliens, from DOJ to  
19 DHS, but kept the administration of SCAAP stayed in DOJ.

20  
21 Since 2002, DHS' budget for immigration enforcement (including immigrant-related detention)  
22 has greatly increased while SCAAP funding has dropped sharply from \$565 million in FY 2002  
23 to an all-time low of \$180 million for FY 2014. Even worse, DOJ further reduced SCAAP  
24 funding in FYs 2012 and 2013 by using its administrative authority to reprogram \$24 million  
25 each year (10%) of total SCAAP appropriations to other activities. As a result, SCAAP  
26 reimbursement of counties' jail costs fell from \$196.6 million in FY 2002 to only \$79.1 million  
27 in FY 2013 even though the number of counties receiving SCAAP payments increased from 593  
28 in FY 2002 to 795 in FY 2013. There is a major risk that DOJ will use its administrative  
29 authority to reprogram 10% of FY 2014 SCAAP appropriations and rescind up to \$59 million in  
30 unobligated FY 2014 SCAAP funds, as allowed under the FY 2014 omnibus appropriations act.  
31 The House FY 2015 Commerce-Justice-Science Appropriations Bill (H.R. 4660) would increase  
32 SCAAP funding to \$210 million while the Senate version would reduce its funding to \$150  
33 million in FY 2015.

34  
35 DOJ should not cut SCAAP reimbursement of county jail costs by reprogramming or rescinding  
36 SCAAP appropriations. Congress should increase SCAAP appropriations in FY 2015 and also  
37 transfer SCAAP's administration to DHS' Bureau of Immigration and Customs Enforcement,  
38 which is responsible for the identification and removal of criminal aliens and the detention of  
39 non-citizens subject to removal from the United States. Counties should be reimbursed for more  
40 of their criminal alien incarceration costs if SCAAP were transferred from DOJ to DHS.

41  
42 **Sponsors:** Los Angeles County, CA; California State Association of Counties  
43

1 PUBLIC LANDS STEERING COMMITTEE

2  
3 PROPOSED RESOLUTIONS

4  
5 Proposed Resolution on Wild Horse and Burro Management

6  
7 **Issue:** Wild Horse and Burro Management

8  
9 **Proposed Policy:** NACo supports Congressional legislation to give individual States exclusive  
10 authority to manage wild horses and burros on federal lands, including exclusive authority to  
11 determine appropriate herd management levels (AMLs) and dispose of animals that exceed  
12 AMLs at each State's discretion, just like States do now for other wildlife species.

13  
14 **Background:** Wild horse and burro management on federal lands is in a current state of fiscal  
15 and programmatic distress. Herd populations seriously exceed appropriate management levels  
16 (AMLs) in many horse management areas throughout the West. The result is serious and  
17 potentially irreversible environmental destruction, including degradation of livestock forage,  
18 watershed, and wildlife habitat. Federal efforts to curb excessive population growth are isolated,  
19 delayed and ineffective due to perennially inadequate budgetary allocations as well as  
20 restrictions on how budgeted monies are spent. State wildlife management departments, on the  
21 other hand, are poised to appropriately determine AMLs and effectively bring populations in line  
22 with AMLs.

23  
24 **Fiscal/Urban/Rural Impact:** There will be significant and unwarranted environmental impacts  
25 to grazing forage, watershed, and wildlife species habitat if States are not given authority to  
26 exclusively manage wild horse and burro herds on federal lands.

27  
28 **Sponsor:** Dave Miller, Commissioner, Iron County, UT and Leland Pollock, Commissioner,  
29 Garfield County, UT

30  
31 **Proposed Resolution on Ending the Sequestration of Shared Mineral Lease Act Revenue to**  
32 **the States and Returning All Sequestered Revenue to the States**

33  
34 **Issue:** The sequestration of Mineral Lease Act revenue to the States.

35  
36 **Proposed Policy:** The National Association of Counties (NACo) supports ending the  
37 sequestration of Mineral Lease Act (MLA) revenue to the States and giving back all such  
38 sequestered revenue to the States, consistent with the fact that MLA revenue shared with States  
39 does not constitute federal budgetary expenditures and should not be subject to mandatory  
40 sequestration under the Balanced Budget Emergency Deficit Control Act (BBEDCA) of 1985 as  
41 amended.

42  
43 **Background:** Revenue coming off of MLA and other public land leases is just that, revenue.  
44 The sharing of that revenue with the States is not a budgetary expense item, but rather an  
45 adjustment to revenue. Yet the United States Department of Interior (DOI) improperly treated  
46 that sharing as a “budget expense” and improperly sequestered over \$109 million in revenue  
47 rightfully belonging to the States under the MLA and other statutes in federal FY 2013. FY 2013  
48 sequestered revenue was eventually released to the States at the beginning of federal FY 2014,  
49 but DOI continues to sequester FY 2014 mineral lease revenue to the States with no guarantee it  
50 will ever be released. Whether it will be released or not, that revenue should have never been  
51 sequestered in the first place.

1  
2 **Fiscal/Urban/Rural Impact:** MLA shared revenue to the States is a critical component of  
3 funding for county budgets and other local programs. There have been and will continue to be  
4 significant and unwarranted fiscal impacts to county budgets in States that receive shared MLA  
5 revenue, until DOI ends the sequestration of shared MLA revenues  
6

7 **Sponsors:** Mike McKee, Commissioner, Uintah County, UT and John Jones, Commissioner  
8 Carbon County, UT  
9

10 **Proposed Resolution Supporting the Full and Immediate Implementation of the Transfer**  
11 **of Public Lands**  
12

13 **Issue:** Transfer of Public Lands  
14

15 **Proposed Policy:** NACo believes all fifty states are equal and that every state should receive  
16 everything that was promised to them in their enabling acts, including land transfers, if requested  
17 by an individual state with consultation with the affected counties.  
18

19 **Background:** At statehood, the federal government promised all states, in their enabling acts,  
20 that it would transfer title to the public lands within the newly created states.  
21

22 The U.S. Supreme Court has called these promises "solemn compacts," "bilateral agreements,"  
23 and "trusts" that must be performed "in a timely fashion".  
24

25 States like Illinois, Missouri, Indiana, Florida, Louisiana, Arkansas, Alabama, and Mississippi  
26 were once as much as 90% federally controlled for decades. These "Western States" (as they  
27 called themselves at the time) succeeded in compelling the federal government to transfer their  
28 public lands because they understood the historical duty of the federal government to dispose of  
29 the same, and they banded together and refused to be silent or take "No" for an answer because  
30 federally controlled public lands prevented them from (i) generating tax revenues to educate their  
31 children, (ii) growing their economies, (iii) caring for their lands, and (iv) responsibly utilizing  
32 their abundant natural resources.  
33

34 The current western states are still waiting for the federal government to honor the same promise  
35 it made and kept with all states east of Colorado.  
36

37 Despite the fact that the promise is the same to dispose of the public lands upon being admitted  
38 as states, states east of Colorado have less than 5% federally controlled lands, while the Western  
39 States (excluding Hawaii) have more than 50% federally controlled lands.  
40

41 **Fiscal/Urban/Rural Impacts:** The transfer of federal lands to state ownership will have many  
42 positive effects including, responsible development of natural resources, higher paying jobs, a  
43 growing tax base, and the ability to generate higher revenue for schools and local government.,  
44

45 **Sponsors:** Commissioner Demar Dahl, Elko County, NV , Supervisor David Tenney, Navajo  
46 County, AZ, County Judge Daniel Joyce, Malheur County, OR, Commissioner Alan Gardner,  
47 Washington County, Utah, Commissioner Duane Simons, Mineral County, MT, Commissioner  
48 Ron Walter, Chelan County, WA, Commissioner Ronnie Rardin, Otero County, NM,  
49 Commissioner Dave Radford, Bonneville County, ID, Commissioner Deb Wolfley, Lincoln  
50 County, WY, Commissioner Darius Allen, Alamosa County, CO, Supervisor David Finigan, Del  
51 Norte County CA



1  
2 **Proposed Resolution Supporting Performance Analysis of BLM Master Leasing Plans**  
3

4 **Issue:** Many BLM Regional Management Plans (RMPs) are outdated and do not incorporate  
5 recent county input that takes into consideration changes in landscapes, economics, multiple  
6 uses, populations and local government - community needs. In IM-2010-117, BLM was ordered  
7 to begin using a Master Leasing Plan process under certain conditions, which was controversial.  
8

9 NACo Public Lands Steering Committee in 2013, officially opposed the MLP process.  
10 However, the MLP process has been implemented in some states and it would be helpful to  
11 know if the MLP process is meeting its goals such as more predictability, faster leasing from  
12 fewer protests, and if there have been opportunities for increased transparency and county input  
13 into the leasing process.  
14

15 **Proposed Policy:** NACo supports BLM preparing a performance analysis/status report on the  
16 results from implementing IM-2010-117, including comparing post IM-2010-117 leasing results  
17 with pre-IM-2010-117 leasing results on elements to include but not limited to: number of  
18 parcels leased, public involvement, county government involvement, lease issuance times, post-  
19 lease production rates, protest rates, number of stipulations, length of time for processing Master  
20 Development Plans (MDPs).  
21

22 **Background:** Counties desire increased transparency and opportunities for meaningful county  
23 input into the BLM leasing process. Increased local government participation was a goal of the  
24 Master Leasing Plan process. NACo opposed the IM-2010-117 and in 2013 adopting policy to  
25 support the BLM rescinding IM-2010-117 and related documents. However, the non-MLP  
26 process does not provide adequate transparency or opportunities for meaningful county input into  
27 the BLM leasing process. Many BLM Regional Management Plans (RMPs) are outdated and do  
28 not incorporate recent county input that takes into consideration changes in landscapes,  
29 economics, multiple uses, populations and local government - community needs.  
30 Oil and Gas industry associations were skeptical of the MLP process because environmental  
31 groups could nominate MLPs for the process.  
32

33 Environmental groups were frustrated by the non-MLP process because industry nominated most  
34 of the leasing parcels. Local governments including counties desire meaningful input and  
35 transparency, predictability, and timeliness in leasing process. By supporting implementation of  
36 increased transparency and increased opportunity for County input into current leasing activities  
37 conducted by BLM, counties could benefit where the alternative may be leading to continued  
38 bypass of county input and implementation of 20-30 year-old RMPs.  
39

40 Some analysis on Master Leasing Plan policies compiled by various organizations suggests that  
41 there has been fewer protests since 2011-2012, faster issuing process since 2011-2012, issuance  
42 of leases on a higher percentage of lands nominated by oil and gas industry since 2008.  
43 However other analysis by other organizations suggests that fears of delays and uncertainty exist  
44 in areas considered to have important resources and/or reserves. In contrast, there is concern  
45 from associations such as Western Energy Alliance that the implementation of IM-2010-117  
46 "COULD" result in: imposing a number of impediments to oil and natural gas leasing on federal  
47 lands increasing uncertainty; creating additional onerous analysis and regulatory requirements  
48 above and beyond the normal federal lands leasing process; creating unknown time frames for  
49 lease nomination acceptance; potentially greater interference for MLP areas by external parties;  
50 increased processing and redundant analysis by BLM leading to further delays in obtaining  
51 leases and permits; confusion about the delegation of responsibility among Washington, state,

1 district, and field offices; lack of internal BLM resources to manage the MLP process leading to  
2 further delays; and potential for new MLPs to be established.

3  
4 In BLM Instruction Manual (IM) IM-2010-117, the BLM states 4 goals of the MLP process  
5 summarized by Westlaw: 1) bring “greater certainty and predictability” to the oil and gas leasing  
6 process described as troubled by leasing protests and litigation; 2-3) consideration of multiple  
7 use values, in particular natural and cultural resources, in the lease process; 4) ensure public  
8 involvement.

9  
10 According to IM-2010-117, the preparation of an MLP is required when all four of the following  
11 criteria are met: 1) A substantial portion of the area to be analyzed in the MLP is not currently  
12 leased. 2) There is a majority Federal mineral interest. 3) The oil and gas industry has expressed  
13 a specific interest in leasing, and there is a moderate or high potential for oil and gas confirmed  
14 by the discovery of oil and gas in the general area. 4) Additional analysis or information is  
15 needed to address likely resource or cumulative impacts if oil and gas development were to occur  
16 where there are: a) multiple-use or natural/cultural resource conflicts; b) impacts to air quality; c)  
17 impacts on the resources or values of any unit of the National Park System, national wildlife  
18 refuge, or National Forest wilderness area, as determined after consultation or coordination with  
19 the NPS, the FWS, or the FS; or d) impacts on other specially designated areas.

20  
21 Since several years have passed since 2010, it is time to have an unbiased analysis on the  
22 performance of the MLP process and if it is meeting its stated goals, especially meaningful local  
23 government (county) input.

24  
25 **Fiscal/Urban/Rural Impact:** Ensuring compatible multiple use on public lands in concert with  
26 local government desires and viable natural resource production has positive economic impacts on  
27 counties and residents.

28  
29 **Sponsor:** Lynn Padgett, Commissioner, Ouray County, CO

30  
31 **Proposed Resolution Urging Congress to Address the Growing U.S. Forest Service Trails**  
32 **Maintenance Backlog**

33  
34 **Issue:** To promote solutions to reverse the trail maintenance backlog on U.S. national forests that  
35 currently impedes recreational access, visitation and recreation-related tourism.

36  
37 **Proposed Policy:** NACo should urge Congress to pass legislation to improve and safeguard our  
38 rich treasury of national forest trails, as recommended in the March 2014 letter to Congress from  
39 over 50 regional and national trail- and recreation-focused organizations.

40  
41 **Background:** The U.S. Forest Service manages 158,000 miles of trails that provide a wide array  
42 of recreational opportunities and access to America’s National Forests. These trails serve as  
43 arteries for adventure throughout the nation’s forests and help fuel a \$646 billion recreation  
44 industry supporting 6.1 million jobs nationwide.

45  
46 A June 2013 study by the Government Accountability Office found the National Forest trail  
47 system is squeezed between the demands of growing public use and shrinking budgets.  
48 According to the GAO study, the maintenance backlog for forest trails exceeds \$314 million  
49 dollars and threatens to limit public access, harm natural resources, and increase future  
50 maintenance costs. Only one-quarter of Forest Service trails meet agency standards for public  
51 use, while nearly two-thirds of Forest trails currently receive no maintenance at all.

1  
2 Organizations as diverse as the American Hiking Society, the Wilderness Society, the American  
3 Motorcyclist Association, the Pacific Northwest Trail Association, and the Back Country  
4 Horsemen of America stated in a March 2014 letter to Congress that with no additional funding  
5 on the horizon, Congress must focus on solutions that stretch every dollar further. Specifically,  
6 they said new legislative direction for a national volunteer and partnership strategy will be an  
7 important piece of the solution. They claim that forest trails are too important to let lapse into  
8 ruin and disrepair and that legislation is needed to make it easier for the Forest Service to  
9 facilitate and sustain creative partnerships.

10  
11 Ultimately, additional resources from Congress may be necessary to properly maintain the  
12 nation's assets in our forest trail system. Yet during a time of limited appropriations, there  
13 remain options for improving and streamlining trail maintenance. The following proposals do not  
14 necessarily require additional funding for the agency, but would result in stronger partnerships  
15 and substantial improvements in trail maintenance within the National Forest System:

16  
17 In addition to legislation to form a trails-focused volunteer program for the agency, Congress  
18 should direct the Forest Service to: 1) study expanding the use of offseason forest-fire crews (as  
19 is currently done in some regions); 2) find a permanent solution to workers comp/liability  
20 concerns in the use of volunteers; and 3) create new incentives for professional outfitters and  
21 guides to perform priority trail maintenance.

22  
23 **Fiscal/Urban/Rural Impact:** Likely to result in modest, positive impacts on National Forest  
24 gateway communities and local economies should Congress prod the Forest Service to develop  
25 sustainable solutions to the current crisis, which inhibits trail maintenance and safe and enjoyable  
26 public visitation.

27  
28 **Sponsor:** Mike Murray, Commissioner, Lewis and Clark County, MT

### 29 30 **Proposed Resolution Supporting the Wildfire Disaster Funding Act (S. 1875)**

31  
32 **Issue:** The U.S. Forest Service and Bureau of Land Management have been forced to spend  
33 increasing proportions of their budgets on wildland fire suppression, diverting critical resources  
34 from the very programs designed to prevent fires. To illustrate, the proportion of budgets of the  
35 U.S. Forest Service devoted to wildland fire suppression has increased from 13% in 1991 to 41%  
36 in 2013. S. 1875 would move any spending above 70% of the 10-year rolling average for fire  
37 suppression outside of the agency's baseline budget by making additional costs eligible to be  
38 funded under a separate disaster account.

39  
40 **Proposed Policy:** NACo supports S. 1875, the Wildfire Disaster Funding Act, so that the  
41 budgets of the U.S. Forest Service and Bureau of Land Management will have protection of its  
42 resources appropriately devoted to hazardous fuel treatments through active management of the  
43 federally owned landscape, rather than having those resources drained by wildland fire  
44 suppression.

45  
46 **Background:** Federal fire suppression spending has increased substantially over the past 20  
47 years. Most recent fire seasons have cost upwards of \$1 billion, compared to \$200 million in the  
48 1990s. Spending to fight these infernos drain resources from the very programs designed to  
49 prevent fires and to improve economic, social, and environmental conditions on the federally  
50 owned landscape. One percent of wildland fires represent 30% of costs. Under S. 1875, routine  
51 fire-fighting costs would be funded through the normal budgeting and appropriations process,

1 while freeing as much as \$412 million in discretionary funding for urgently needed active  
2 management projects to improve the condition of federal lands.

3  
4 **Fiscal Urban/Rural Impact:** S. 1875 would protect agency resources that fund on-the-ground  
5 active management of federal lands, increasing employment, social conditions of nearby  
6 communities, and ecological conditions of federal landscapes, all to the benefit of rural and  
7 urban communities alike.

8  
9 **Sponsor:** Commissioner Doug Breidenthal, Jackson County, Oregon; Second Vice President of  
10 the Western Interstate Region

### 11 **Proposed Resolution Supporting Emergency Hazardous Fuels Reduction Projects**

12  
13  
14 **Issue:** Supporting Emergency Hazardous Fuels Reduction Projects

15  
16 **Proposed Policy:** NACo supports specific components of HR 818, the "Healthy Forest  
17 Management and Wildfire Prevention Act," which gives states the authority to identify areas  
18 afflicted by the bark beetle epidemic, drought, deteriorating forest health conditions, and high  
19 risk of wildfires and to put in place emergency hazardous fuels reduction projects.

20  
21 **Background:** HR 818 was previously introduced in 2012 and passed the House Natural  
22 Resources Committee before running out of time during that session. It was reintroduced  
23 February 25, 2013 with bipartisan support from Representatives from several western states.

24  
25 The provisions of HR 818 specifically supported by NACo include: Declaring risk of devastating  
26 wildfires an imminent threat; giving governors the authority to designate high-risk areas within  
27 the National Forest System and lands under the jurisdiction of the Bureau of Land Management;  
28 requiring governors to consult with county commissioners from affected counties and affected  
29 tribes in designating high-risk areas; allowing the Interior and Agriculture Departments'  
30 Secretaries, working in consultation with governors, affected county commissioners and affected  
31 tribes to designate high-risk areas on lands under their jurisdiction and to provide for the  
32 development of proposed emergency hazardous fuels reduction projects for high-risk areas in  
33 consultation with states; giving states the authority to provide for the development of proposed  
34 emergency hazardous fuels reduction projects for high-risk areas; applying expedited procedures  
35 and authorities under the Healthy Forests Restoration Act of 2003 to emergency hazardous fuels  
36 reduction projects in designated high-risk areas; requires consistency with applicable land and  
37 resource management plans or land use plans; permanently authorizes the Secretaries of the  
38 Interior and Agriculture to enter into cooperative agreements with state foresters to authorize the  
39 state forester to provide forest, rangeland, and watershed protection services on applicable  
40 federal lands (Good Neighbor Authority); extending stewardship contracting to 20 years;  
41 excluding Wilderness Areas and National Monuments while protecting all valid and existing  
42 rights on applicable lands; and providing expedited approval procedures for projects carried out  
43 in response to hazardous fuels in close proximity to utility or telephone infrastructure,  
44 campgrounds, road sides, heritage sites, recreation areas, schools and other infrastructure.

45  
46 **Fiscal/Urban/Rural Impact:** Healthy forests and long-term authorization and implementation  
47 of the specific components of HR 818 will have positive fiscal impacts to counties and their  
48 economies.

49  
50 **Sponsor:** Commissioner Lynn Padgett, Ouray County, CO

1  
2 **Proposed Resolution Supporting Increased Funding for Forest Service Road Maintenance**

3  
4 **Issue:** Support increased funding for the maintenance of U.S. Forest Service roads.

5  
6 **Proposed policy:** NACo supports increased funding to address the funding deficits in road  
7 maintenance on U.S. Forest Service roads.

8  
9 **Background:** U.S. Forest Service roads are key to economic livelihood and public safety,  
10 particularly in communities in the Western United States. U.S. Forest Service roads link  
11 communities and provide access to some of our most rural areas. Forest Service roads are also  
12 key to healthy forests and healthy watersheds. Unmaintained roads not only impact the  
13 economic vitality of communities, but also impact wildlife habitat, watersheds and our overall  
14 forest conditions.

15  
16 The U.S. Forest Service continues to have a backlog in deferred maintenance on forest roads.  
17 The level of deferred maintenance varies by state. Since the authorization of the Secure Rural  
18 Schools and Community Self Determination Act, counties, such as Coconino County, have used  
19 their Secure Rural Schools funding to maintain U.S. Forest Service roads through a “Schedule  
20 A” agreement. With the expiration of this funding, counties are either taking on the cost of this  
21 road maintenance or allowing the deterioration of these roads. Unfortunately, with the decrease  
22 in county resources and the expiration of Federal funding, the maintenance levels will  
23 significantly decrease.

24  
25 In addition to the expiration of the Secure Rural Schools and Community Self Determination Act  
26 funding, forest roads will likely see a larger impact with the increase of large-scale forest  
27 thinning projects authorized through Stewardship Contracting authority. Currently, no  
28 mechanism exists to provide funding for maintenance on non-haul routes forest roads or fund  
29 impacts on roads maintained by other jurisdictions.

30  
31 **Fiscal/Urban/Rural Impact:** The resolution would result in increases to the U.S. Forest  
32 Service’s budget for road maintenance, therefore decreasing the burden on counties.

33  
34 **Sponsor:** Supervisor Liz Archuleta and Supervisor Mandy Metzger, Coconino County, Arizona

35  
36 **Proposed Resolution Supporting Traditional Receipt Sharing with Counties of Stewardship**  
37 **End Result Contracting Project Authority**

38  
39 **Issue:** The U.S. Forest Service and Bureau of Land Management have renewed legislative  
40 authority to enter into stewardship contracts for management of federal forests and rangelands.  
41 The reauthorization does not include, however, traditional sharing with counties of revenues  
42 generated from these projects.

43  
44 **Proposed Policy:** NACo supports stewardship end results contracting projects as a tool to  
45 manage federal forests and rangelands, but only if it retains the historical receipts sharing with  
46 counties. In this context, the sharing should be based on the gross appraised value of the  
47 commodity or product harvested or produced under the contract or agreement.

48  
49 **Background:** The reauthorization of stewardship end results contracting projects serves as a tool  
50 to manage areas of federal forest lands that otherwise may not be commercially viable, by  
51 allowing exchange of goods for services. The reauthorization, however, does not include

1 traditional revenue sharing with counties under federal laws related to National Forests and O&C  
2 lands. Those revenues shared with counties are used to provide services such as road access, law  
3 enforcement assistance, and education.  
4

5 Traditional revenue sharing would be based on the gross appraised value of the commercial  
6 product, determined by prescription in the contract or agreement returned to the federal agencies.  
7 That is, the revenue sharing should be based on the total value of the material harvested or  
8 produced, without regard to the contracted goods for services provided in the exchange.  
9 The federal promise that applies to commercial timber or other commodity sales should apply to  
10 all types of contracting on federal forests and rangelands.  
11

12 **Fiscal Urban/Rural Impact:** Revenues produced by stewardship end results contracting  
13 projects will not be as significant as commercial sales, but counties and schools near federal  
14 forests and rangelands badly need the shared revenue to maintain local services that benefit the  
15 federal estate.  
16

17 **Sponsor:** Association of Oregon Counties  
18

### 19 **Proposed Resolution on Utilization of Federal Timber after Domestic Declaration of** 20 **Disaster**

21  
22 **Issue:** Supporting federal law changes to increase the flow of federal timber for domestic  
23 reconstruction purposes (after the declaration of emergency) improves economies and  
24 community sustainability.  
25

26 **Proposed Policy:** The Robert T. Stafford Disaster Relief and Emergency Assistance Act should  
27 be amended, specifically sections 307, 315, 316, 323, 421, and 683, to include provisions to  
28 require that reconstruction materials originate from federal forest lands. When federal dollars are  
29 allocated for disaster relief, changes to these sections would benefit schools, roads, and law  
30 enforcement in counties with federal forest lands.  
31

32 **Background:** Natural and human caused disasters are unavoidable occurrences that bring with  
33 them inordinate amounts of human suffering and the United States Government has established a  
34 framework of laws and assistance designed to assist those most affected. Rebounding from  
35 disasters typically involves new construction activities to house residents and rebuild businesses.  
36 Current law stipulates that efforts should be made to bolster local economies through the unique  
37 market demands that are created around this kind of reconstruction.  
38

39 In that counties benefit from the harvest of federal timber from National Forests that exist within  
40 or sometimes adjacent to their land base, a triggering requirement that value added timber  
41 products necessary for reconstruction of a particular area come from the National Forest system  
42 would provide additional benefit to a great many people.  
43

44 The Stafford Act already provides for an expedited sale of timber from National Forests through  
45 the authority of the Secretary of Agriculture (42 USC 5188), but points to a repealed statute  
46 regarding sale procedures.  
47

48 **Fiscal/Urban/Rural Impact:** In 1908 when the National Forest system replaced the Forest  
49 Reserve system, it was stipulated that counties would receive 25% of the revenue from harvested  
50 timbers, with each state having the authority to distribute those dollars to schools and roads as

1 they deem appropriate. Thus any improvement in timber harvest from this change would benefit  
2 county and school revenue.

3  
4 **Sponsor:** Association of Oregon Counties

5  
6 **Proposed Resolution Supporting Active Federal Forest Management with Bridge Funding**

7  
8 **Issue:** While counties are deeply grateful for the financial lifeline of the Secure Rural Schools &  
9 Community Self-Determination Act (SRS), NACo urges a new direction in management of our  
10 federal forests, for the very health of the forests themselves, and for job opportunities and social  
11 and economic sustainability. While some form of “bridge funding” to maintain solvency in our  
12 counties will be required, particularly given the dominance of federal forest presence in many  
13 counties, it must be in concert with a new direction in federal forest management.

14  
15 **Proposed Policy:** Legislation that provides bridge funding to forested counties and school  
16 districts while economic vitality is restored in these communities is vitally important and  
17 essential. Also, for economic vitality, Congress must mandate active sustainable forest  
18 management to achieve resilient forestlands managed by the United States government.

19  
20 **Background:** SRS, and its subsequent reauthorizations by Congress, have greatly helped county  
21 public services and schools to continue for over a decade despite the sharp drop in active  
22 management of federal forests. Counties are well aware of the fragile nature of the federal  
23 budget, as the decline in revenue provided in the most recent extension of SRS makes clear the  
24 difficult circumstances in passing such legislation. Counties also know that the only sustainable  
25 answer to the health of our federal forests and the vitality of forest-dependent communities is  
26 long-term active management of the forests.

27  
28 **Fiscal/Urban/Rural Impact:** Forested county communities would realize increased employment  
29 and reduction of potentially catastrophic fire threats. Urban areas would benefit from the  
30 enhanced economy and from reduced local taxation intended to support neighboring distressed  
31 rural communities. The nation would benefit from reduced greenhouse gas emissions and  
32 increased revenue to the national treasury from sale of material from the forests and the boosted  
33 economy.

34  
35 **Sponsor:** Association of Oregon Counties

36  
37 **Proposed Resolution on the Endangered Species Act**

38  
39 **Issue:** The Endangered Species Act (ESA).

40  
41 **Proposed Policy:** The National Association of Counties (NACo) supports legislation

- 42  
43 1. Favoring decisions to list plant or animal species as threatened or endangered (T&E  
44 listing decisions) that are made through best available science with increased  
45 transparency and timelines for decisions;
- 46 2. Postponing T&E listing decisions for species in states that have submitted a conservation  
47 management plan, giving such states at least a decade to demonstrate that their plans will  
48 conserve and recover the species;
- 49 3. Encouraging the Secretary of Interior (Secretary) to share critical data, research and  
50 scientific information to assist such states in their conservation efforts;

4. Authorizing federal land management agencies to amend their land use plans to comply with and allow such state based conservation efforts;
5. Strengthening the influence of local participation so that local collaboration and/or coordination processes and recommended species management policies are not overridden.
6. Supporting the inclusion of the consideration of the economic impacts to local economies from any species management decisions.
7. Authorizing the ESA to recognize and allow consideration of the predation of threatened or endangered species by natural events, as well as human activities (such as predator impacts and weather-related events).

**Background:** The present implementation of the ESA has caused expensive delays to public works infrastructure development and maintenance projects across the United States.

To paraphrase the American Public Works Association, “At issue is the need to reform the ESA to build stronger relationships, to reduce delay and uncertainty for states, local governments, private industry, and individuals: and to provide greater administrative flexibility that minimizes disruption and harmful socio-economic effects while continuing to conserve and preserve America’s priceless environmental heritage.”

**Fiscal/Urban/Rural Impact:** Significant savings to counties implementing public works projects.

**Sponsors:** Mike McKee, Commissioner, Uintah County, UT; Mike Murray, Commissioner, Lewis and Clark County, MT

### **Proposed Resolution Supporting Improved Economic Analysis of the Effects of Critical Habitat Designations under the Endangered Species Act**

**Issue:** Need for the U.S. Fish and Wildlife Service (the Service, USFWS) to do an economic analysis that is both cumulative and quantitative when calculating the cost of the declaration of critical habitat pursuant to an Endangered Species Act (ESA) listing.

**Proposed Policy:** The National Association of Counties (NACo) supports legislation that would require the USFWS to perform cumulative and quantitative economic analysis, prior to 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 and property values, employment and revenues available for state and local governments.

**Background:** Pursuant to the ESA an economic analysis must be performed before the declaration of critical habitat in order to measure the cost of the declaration versus the benefit to the listed species. In October of 2013 the USFWS adopted a new rule designating the methodology to be used when performing such an analysis. In short, the methodology primarily focuses on the cost to federal agencies of consulting with one another regarding ESA issues in the critical habitat zone during the life of the critical habitat zone. This methodology results in economic impact estimations that are much too low because it does not measure the impact to local governments, landowners or business owners,

The October 2013 rule was based on the Services choosing between conflicting Circuit Court decisions. The approach is incremental, meaning the only costs that are measured for critical



1 habitat are the incidental costs of the agencies consulting with each other. As an example, if a  
2 cattle rancher is requesting funds or technical assistance from the Natural Resources  
3 Conservation Service (NRSC) and part of his/her property, or water flowing through it, is  
4 designated critical habitat, then NRCS must consult with the Service before the request may be  
5 granted. The assumption is that the rancher will stand by, let the agencies consult, reach a  
6 conclusion and the rancher will do whatever is required to get the funds or the assistance. This is  
7 a very unlikely scenario. Many private sector and public sector entities (states, counties, cities,  
8 irrigation districts, etc.) have spent millions of dollars to make sure their interests are represented  
9 in the consultation. In addition, the designation of critical habitat opens the door to litigation  
10 from environmental non-governmental organizations which generally leads to a “jeopardy  
11 decision” under section nine of the ESA.  
12

13 In the ESA amendments of 1982, Congress made it clear that the “economic analysis applies  
14 only to the Critical Habitat determination.” It required the Secretary of the department being  
15 consulted to make listing decisions “solely” on the basis of biological considerations. The new  
16 rule essentially says there is no economic impact to Critical Habitat designations.  
17

18 The new rule also allows the Services to ignore the Regulatory Flexibility Act passed in the  
19 Reagan administration in 1980. It was pushed hard by National Federation of Independent  
20 Businesses. It requires the Services to carefully consider the economic impacts rules will have on  
21 small entities. In all of the recent economic analysis of the last several years (except the 10<sup>th</sup>  
22 Circuit) the conclusion has been exactly the same. Since the only cost of Critical Habitat is the  
23 incremental cost of the agencies consulting with each other there is no economic impact to the  
24 third party, which does not reflect the actual economic impacts on affected counties and their  
25 citizens’ businesses and properties.  
26

27 For purposes of this resolution, “incremental” analysis means that the listing is the decision and  
28 the designation of Critical Habitat is incidental to the listing. “Cumulative” analysis means that  
29 the listing is a biological determination and designation of Critical Habitat is an economic  
30 decision and both must be considered. “Qualitative” analysis means a comparison based on  
31 quality and that is subjective and would not include economics. “Quantitative” analysis means  
32 capable of being measured and that both biological and economic impacts would be measured.  
33

34 **Fiscal/Urban Impact:** Enactment of such legislation should result in significant savings to both  
35 rural and urban counties.  
36

37 **Sponsors:** Alvin Black, County Judge, Montgomery County, Arkansas  
38

39 **Proposed Resolution Supporting Ongoing Efforts of Western States to Manage and**  
40 **Conserve The Greater Sage Grouse And In Opposition to an ESA Listing of the Greater**  
41 **Sage Grouse At This Time**  
42

43 **Issue:** Whether the U.S. Fish and Wildlife Service (USFWS) should give deference to the efforts  
44 of the western states and local governments to manage and conserve the Greater Sage Grouse  
45 and recognize those state efforts as adequate enough to forego any Endangered Species Act  
46 (ESA) listing of the Greater Sage Grouse as threatened or endangered.  
47

48 **Proposed Policy:** Ongoing Greater Sage Grouse management efforts of state and local  
49 governments, stakeholder, working groups, and Bureau of Land Management (BLM)/U.S. Forest  
50 Service (USFS) Resource Management Plans (RMPs) and Land Use Plans throughout the eleven

1 western states are protecting and restoring Greater Sage Grouse habitats and reviving  
2 populations. Therefore, NACo opposes listing the Greater Sage Grouse as a Threatened and  
3 Endangered (T&E) species at this time. Furthermore, BLM and USFS should give great  
4 deference to adequately crafted state and local sage grouse management plans when adopting  
5 any federal land use plan amendments, pursuant to the consistency and coordination  
6 requirements under federal law.

7  
8 **Background:** As an example of the breadth of this issue, more than 31 million acres in Oregon  
9 (50% of the State's land mass) and 17 counties are within the sage grouse area. The leadership  
10 of seven counties containing the bulk of current sage grouse habitat are taking an active, hands-  
11 on role in working with the BLM. One of the powerful tools county leaders have in hand is the  
12 statewide land use planning system, which provides enforcement of agreements made locally.  
13 Oregon is just one of the states that will be impacted by USFWS's decision. Across the Western  
14 States communities are developing plans that continue to protect the habitat of the sage grouse.  
15 These workgroups understand local issues and can be more responsive to the needs and demands  
16 of the sage grouse and the changing landscape.

17  
18 Robust local input and participation in decision-making results in a stronger, more defensible and  
19 supported work product for the protection of the Sage Grouse. Rather than making a top-down  
20 decision, USFWS should recognize the collaborative efforts of the BLM, county governments,  
21 soil and water conservation districts, affected communities, stakeholders, and impacted  
22 industries, in creating an outcome that will appropriately provide for all three of the overlapping  
23 values – social, ecological, and economic.

24  
25 **Fiscal/Urban/Rural Impact:** The severe limitations of a federal listing on future development  
26 would limit investment in the sage grouse. By preventing a listing rural areas would have an  
27 opportunity to site new development under the locally developed framework. Rural areas would  
28 benefit by having a faster resolution through resolving the issue locally, rather than federally.  
29 Urban communities would benefit through continued access to recreation areas through  
30 clarification of the uses.

31  
32 **Sponsored by:** Association of Oregon Counties

33  
34 **Proposed Resolution Opposing the Listing of the Gunnison Sage Grouse as an Endangered**  
35 **Species, and Opposing the Designation of Critical Habitat without Scientific Basis, such as**  
36 **in Ouray and Hinsdale Counties, Colorado**

37  
38 **Issue:** The proposed USFWS listing of Gunnison Sage Grouse as an endangered species and  
39 designation of critical habitat is premature, unwarranted, and without scientific basis and does  
40 not take into consideration successful ongoing voluntary efforts to protect and enhance Gunnison  
41 Sage Grouse populations and its actual habitat.

42  
43 **Proposed Policy:** The proposed listing of the Gunnison Sage Grouse as an endangered species  
44 and designation of critical habitat is premature, unwarranted, and without scientific basis.  
45 Ongoing voluntary efforts of ten Colorado counties and one Utah county where Gunnison Sage  
46 Grouse critical habitat has been proposed by USFWS, are adequate to manage, stabilize and  
47 restore Gunnison Sage Grouse populations such that a Threatened and Endangered (T&E) listing  
48 of this species is unwarranted.

49  
50 **Background:** While the declining population of the Gunnison Sage Grouse is a matter of  
51 concern and one that reflects upon the health of the local ecosystem, we feel that this listing is

1 the wrong approach to preserve and recover the Gunnison Sage Grouse. Time and time again, we  
2 have seen species get listed as threatened or endangered under the Endangered Species Act  
3 (ESA), which leads to restrictions on land use while doing nothing to preserve the listed species.  
4 This “one size fits all approach” has proven to be a failure but the U.S. Fish and Wildlife Service  
5 (USFWS) seems intent to continue this trend.

6  
7 There are better tools than a listing under the ESA to foster the well-being of the Gunnison Sage-  
8 grouse which will affect all those communities and approximately 1.7 million acres of land. For  
9 instance, there are better tools such as the Dune Lizard model, intergovernmental agreements  
10 between Colorado and Utah, and local, state and federal voluntary coordinated efforts. The  
11 ultimate decision of the USFWS will impact the lives of approximately 296,094 people in 11  
12 counties in two states.

13  
14 Over the past 19 years the communities with populations of Gunnison Sage Grouse have worked  
15 hard to improve the habitat and success rate of the bird. This has been a collaborative effort  
16 between private landowners, local government, land trusts, and the state of Colorado. The  
17 USFWS has been at the table advising the entities with regard to the tremendous efforts that have  
18 been made for the grouse and its survival. The Colorado Department of Parks and Wildlife has  
19 spent \$30 million on easements alone. Landowners have placed 68,465 acres of land into  
20 conservation easements and an additional 22,574 acres are under Candidate Conservation  
21 Agreement with Assurances.

22  
23 The proposed listing is disappointing and a blow to all the entities and individuals that have  
24 worked very hard to help this species. By listing the bird as “endangered” it takes the states of  
25 Colorado and Utah out of the process. It also sends a message that there is little reason to work  
26 together since no matter what efforts are made the USFWS will move forward with their own  
27 plan.

28  
29 The USFW proposal for “Critical Habitat” is for a total of 1,704,227 acres, 48.4 percent is  
30 federal land but 49.3 percent is privately owned land. Current estimates of occupied habitat are  
31 503,245 acres federal land and 397,499 acres private land.

32  
33 The proposed designation of critical habitat is lacking in scientific support, is confusion and  
34 overly vague. Thus, it violates the requirements and protections of the Administrative  
35 Procedures Act, 5 U.S.C. Parts 5, 6 and 7 as well as the requirements of the ESA.

36  
37 The published maps are without sufficient detail to be able to determine exact boundaries or  
38 inclusion areas, and several of the affected counties have been unable to confirm that the  
39 included lands meet the criteria for critical habitat.

40  
41 Substantial disagreement with the draft rules have been expressed by numerous commenting  
42 agencies who maintain that the proposed rules fail to recognize that:

- 43  
44 a) the Gunnison Basin population of Gunnison Sage Grouse is stable, growing, healthy and  
45 likely to persist in the long term;  
46 b) USFWS has failed to establish that the Gunnison Basin population is facing material or  
47 imminent threats;  
48 c) USFWS has failed to analyze accurately the scope of the affected counties' legal  
49 authority to address threats to the Gunnison Sage Grouse and its habitat;  
50 d) USFWS has failed to analyze accurately the scope of the affected counties' regulations,  
51 planning regimes and intergovernmental actions to address threats to the Gunnison Sage

1 Grouse and its habitat;

- 2 e) USFWS has failed to accurately analyze the affected counties' legal authorities,
- 3 regulations, policies and actions in regulating parcels of 35 acres and larger in size;
- 4 f) USFWS has not recognized that there have been significant and successful conservation
- 5 efforts made by several of the affected counties, especially Gunnison County;
- 6 g) USFWS has failed to accurately analyze the actual pace of residential development in
- 7 the Gunnison Basin Population area especially;
- 8 h) USFWS has significantly overstated the magnitude, immediacy and causes of other
- 9 alleged threats to the Gunnison Basin Population especially;
- 10 i) USFWS has failed to capitalize on the extraordinary efforts of the affected communities,
- 11 especially the Gunnison Basin community;
- 12 j) USFWS has made no real analysis of the whether the Gunnison Sage Grouse is
- 13 endangered or threatened in the Gunnison Basin, as a "Significant Portion of the Range";
- 14 k) the USFWS analysis of the satellite populations is not complete or accurate;
- 15 l) the draft rules significantly mis-cite or misinterpret studies;
- 16 m) there has been insufficient peer review;
- 17 n) USFWS did not consider all relevant scientific and commercial information available;
- 18 o) the proposed rules are inconsistent with previous USFWS formal and informal actions
- 19 regarding the Gunnison Sage Grouse;
- 20 p) the USFWS cost analysis is not yet complete;
- 21 q) the USFWS is not providing to the Gunnison Basin and affected counties' communities
- 22 the time afforded by the Endangered Species Act to respond to the proposed rules;
- 23 r) USFWS appears to be ignoring Gunnison County's recommendation of efforts that will
- 24 effectively foster the Gunnison Sage-grouse; and
- 25 s) USFWS appears to be in conflict with its own findings which recognized that the
- 26 Gunnison Basin Population of Gunnison Sage-grouse is stable and growing, healthy and
- 27 likely to persist in the long term: the Gunnison Basin is 88.3 percent of the population
- 28 of the species; actual increase in the Gunnison Basin population of the bird is over 33
- 29 percent since 2002; actual increase of the total population of the species is approximately
- 30 33 percent; with this number of Gunnison Sage-grouse the risk of extinction in 50 years
- 31 is less than .5 percent; "The population target for the Gunnison Basin identified in the
- 32 2005 Gunnison Sage Grouse Rangewide Conservation Plan is set at a long term (10
- 33 year) average of 3,000 birds. The current 10-year average (2003-2012) population
- 34 estimate is 4,147 birds, well above the 3,000 target."

35  
36 The Federal Register notice alludes to changes in grazing practices which will affect ranchers  
37 and federal grazing permits. Documented research shows that the Gunnison Sage Grouse chicks  
38 for the first three weeks of life are dependent on insects that are produced in cattle manure. When  
39 the Gunnison Sage Grouse population was the highest, there were more livestock being grazed  
40 than are currently being grazed today. The listing is far reaching and a listing under the ESA will  
41 have an economic impact to Colorado's farmers and ranchers.

42  
43 The symbiotic relationship between cattle and the Greater Sage Grouse has been clearly  
44 demonstrated by well-controlled studies. As recognized by the Bureau of Land Management in  
45 Instruction Memorandum (IM) No. 2012-043, grazing can be "used as a tool to protect intact  
46 sagebrush habitat and increase habitat extent and continuity which is beneficial to [the] Greater  
47 Sage Grouse and its habitat." The IM continues, "Given the potential financial constraints in  
48 addressing the primary threats identified by the USFWS, enhanced management of livestock  
49 grazing may be the most cost effective opportunity in many instances to improve Greater Sage  
50 Grouse habitat on public lands." The recognition by USFWS that grazing provides a positive  
51 affect for the Greater Sage Grouse habitat can be extended to the Gunnison Sage Grouse.

1 According to Natural Resource Conservation Service (NRCS), grazing “has been responsible for  
2 retaining expansive tracts of sagebrush-dominated rangeland from conversion to cropland” and  
3 can “stimulate growth of grasses and forbs, and thus livestock can be used to manipulate the  
4 plant community toward a desired condition.” Additionally, NRCS studies in Gunnison Sage  
5 Grouse habitat have indicated both an increase in bird population as well as new growth of native  
6 grasses.

7  
8 Livestock grazing contributes positively to the above primary principles, being both compatible  
9 with and beneficial to Gunnison Sage Grouse habitat conservation. Ranchers are the stewards of  
10 the Gunnison Sage Grouse habitat on both the private and public land they use. Without  
11 ranchers, who provide an effective line of defense against fire and noxious weeds, manage forage  
12 for optimum production and are the primary protectors of open space including protection from  
13 urbanization and development in the private lands of the west, large areas of Gunnison Sage  
14 Grouse habitat would be in jeopardy.

15  
16 Substantial disagreement with the draft rules have been expressed by numerous commenting  
17 agencies who maintain that the proposed rules fail to recognize that the Gunnison Basin  
18 population of Gunnison Sage-grouse is stable, growing, healthy and likely to persist in the long  
19 term; USFWS has failed to establish that the Gunnison Basin population is facing material or  
20 imminent threats; USFWS has failed to analyze accurately the scope of the affected counties'  
21 legal authority to address threats to the Gunnison Sage-grouse and its habitat; USFWS has failed  
22 to analyze accurately the scope of the affected counties' regulations, planning regimes and  
23 intergovernmental actions to address threats to the Gunnison Sage-grouse and its habitat.

24  
25 An “endangered” listing for the Gunnison Sage Grouse will be counter-productive to the efforts  
26 that have already occurred and ultimately to the species. The Gunnison Sage Grouse not be listed  
27 as endangered so that current preservation efforts can continue.

28  
29 **Fiscal/Urban/Rural Impact:** In brief, listing the Gunnison Sage Grouse and designating critical  
30 habitat as proposed would be absolutely, completely, and irreversibly totally devastating to  
31 agriculture, recreation/tourism, natural/mineral resources, and all sectors of the local economies  
32 in the affected counties.

33  
34 **Sponsor:** Commissioner Lynn Padgett, Ouray County, CO

### 35 36 **Proposed Resolution Supporting Uranium Activities**

37  
38 **Issue:** On January 9, 2012, the Secretary of the Interior, using faulty information, withdrew one  
39 million acres of the nation’s highest grade uranium ores from mineral entry in Northern Arizona.

40  
41 **Proposed Policy:** NACo believes that the January 12, 2012 withdrawal for Northern Arizona  
42 should be overturned, or revoked, and the lands returned to multiple use status, and under the  
43 terms of the 1984 Arizona Wilderness Act, release of lands not suitable for wilderness (except in  
44 Coconino County), as long as operators continue to abide by existing state and federal  
45 environmental laws, regulations, and standards, including reclamation.

46  
47 **Background:** Under the authority of the 1984 Arizona Wilderness Act, uranium exploration and  
48 mining activities have occurred on BLM land in northwest Arizona known as the Arizona Strip  
49 and on similar U.S. Forest Service lands south of the Grand Canyon. A comprehensive review  
50 as part of the Department of Interior’s recent draft Environmental Impact Statement has assessed

1 impacts to the Grand Canyon Watershed and determined that no significant impacts from mining  
2 exist and that any surface impacts which do exist can be mitigated. Excerpts from internal  
3 e-mails of National Park Service personnel commenting on the draft environmental Impact  
4 Statement on water contamination in the Grand Canyon National Park:

5  
6 “My personal and professional opinion is that the potential impacts stated in the DEIS as (sic)  
7 grossly overestimated and even then they are minor to negligible.”

8  
9 “The DEIS goes to great lengths in an attempt to establish impacts to water resources from  
10 uranium mining. It fails to do so, but instead creates enough confusion and obfuscation of hydro  
11 geologic principles to create the illusion that there could be adverse impacts if uranium mining  
12 occurred.”

13  
14 “There exists no information we could find that would contradict his conclusion, nor any  
15 hypotheses suggested as to how contamination of park waters might physically occur.”

16  
17 “This is obviously a touch case where the hard science doesn’t strongly support a policy position.  
18 Probably the best way to “finesse” this would be fall back on the “precautionary principle” and  
19 take the position that in absence of even more complete certainty that there is no connection  
20 between uranium mines and regional ground water, we need to be cautious (sic)??”

21  
22 The uranium withdrawn from production represents forty percent of our nation’s domestic  
23 uranium resources and the deposits contain the highest-grade existing in the United States.  
24 According to a report conducted by the American Clean Energy Resources Trust, a ban on  
25 mining in this region could impact as many as 1,000 jobs and more than \$29 billion in economic  
26 revenue.

27  
28 On January 9, 2012, the Department of Interior announced that it would impose a twenty-year  
29 ban on uranium development on approximately one million acres of federal land in northern  
30 Arizona. The decision disregarded a negotiated compromise between the mining industry and  
31 environmental groups, which affirmed the compatibility of mining with conservation interest in  
32 areas not locked away by the Wilderness Act. The historic agreement was partially codified in  
33 the Arizona Wilderness Act of 1984. It was done as a “precaution to protect the water.”

34  
35 **Fiscal/Urban/Rural Impact:** Southern Utah counties and Mohave County, AZ are aware of  
36 economic studies which estimate conservatively that some \$29 billion in economic benefits due  
37 to mining will occur. The counties will benefit from sustained economic activity related to the  
38 ongoing uranium mining operations.

39  
40 **Sponsors:** Commission Alan D. Gardner, Washington County, UT; Supervisor Buster Johnson,  
41 Mohave County, AZ; Commissioner Leland Pollock, Garfield County, UT; Commissioner, Dirk  
42 Clayson, Kane County, UT; Commissioner Phil Lyman, San Juan County, UT.

#### 43 44 **Proposed Resolution on the Equal Access to Justice Act**

45  
46 **Issue:** The un-intentioned use of The Equal Access to Justice Act. (EAJA)

#### 47 48 **Proposed Policy:**

- 49  
50 1. Support legislation that Amends the Equal Access to Justice Act and the federal  
51 judicial code to require the Chairman of the Administrative Conference of the United

1 States to report to Congress annually on the amount of fees and other expenses  
2 awarded to prevailing parties other than the United States in certain administrative  
3 proceedings and civil action court cases (excluding tort cases) to which the United  
4 States is a party, including settlement agreements.

- 5 2. Support requirements that such reports: (1) describe the number, nature, and amount  
6 of the awards, the claims involved in the controversy, and any other relevant  
7 information that may aid Congress in evaluating the scope and impact of such  
8 awards; and (2) be made available to the public online
- 9 3. Support legislation that directs the Chairman of the Administrative Conference of the  
10 United States to create and maintain online a searchable database containing specified  
11 information with respect to each award including the name of the agency involved,  
12 the name of each party to whom the award was made, the amount of the award, and  
13 the basis for finding that the position of the agency concerned was not substantially  
14 justified.
- 15 4. Support legislation that requires the head of each federal agency (including, with  
16 respect to court cases, the Attorney General [DOJ] and the Director of the  
17 Administrative Office of the United States Courts) to provide the Chairman all  
18 information requested to produce such reports.
- 19 5. Support raising the EAJA reimbursement level to \$200 per hour reflecting the market  
20 rate, so that those in need (ie. veterans and small business) and that are “directly and  
21 personally harmed” can afford a decent and marketable attorney.
- 22 6. Institute a \$7,000,000 net worth cap regardless of tax exempt status to reduce the  
23 number of lawsuits filed by large nationwide fringe groups that profit from habitual  
24 lawsuits.

25  
26 **Background:** The EAJA is well intentioned and necessary legislation designed to provide  
27 individuals, small businesses, and non-profit organizations the ability to recover both attorney’s  
28 fees and the costs of litigation with going to court with suits filed against the federal government.  
29 Unfortunately, the EAJA has been abused in recent years and a flood of non-substantive claims  
30 have been filed and there is no accounting of the costs to the federal government associated with  
31 EAJA actions.

32  
33 **Fiscal/Urban/Rural Impact:** Immeasurable

34  
35 **Sponsor(s):** Mike Murray, Commissioner, Lewis and Clark County, MT; Lesley Robinson,  
36 Commissioner, Phillips County, MT; Greg Chilcott, Commissioner-Chair, Ravalli County, MT;  
37 Todd Devlin, Commissioner, Prairie County, MT

### 38 39 **Proposed Resolution Supporting the Government Litigation Savings Act**

40  
41 **Issue:** Accountability and transparency regarding payments made under the Equal Access to  
42 Justice Act (EAJA)

43  
44 **Proposed Policy:** NACo supports **the Government Litigation Savings Act** (S.1061/ H.R.1996)  
45 as the passage of these bills would:

- 46  
47 • Continue to provide a mechanism to assure fair and equal access to public funds for  
48 individuals, small businesses and non-profit organizations with limited financial  
49 resources to assure their ability to participate in the justice system of these United States;
- 50 • Help restore accountability and transparency on how federal funds are being spent by  
51 reestablishing a provision for reporting to Congress on expenditures under the EAJA;

- 1 • Restrict the amount of EAJA dollars that can be applied for to reimburse successful  
2 individual and small entities for legal expenses in actions brought against the federal  
3 government;
- 4 • Restrict the eligibility to apply for reimbursement of legal expenses for those individuals  
5 and entities without the assets necessary to bring legal action against the federal  
6 government; and
- 7 • Urge Congress to adopt an asset limit for applicants consistent with the congressional  
8 intent of the EAJA.

9  
10 **Background:** Originally enacted in 1980, EAJA was meant to provide fair access to legal  
11 remedies for individuals, small businesses and non-profits with limited means. The act  
12 accomplishes this by reimbursing attorney’s fees for plaintiffs who sue the federal government if  
13 they win the case or settle out of court. The original legislation required annual reports to  
14 Congress on the amount and nature of EAJA payments. The reporting requirement ended in  
15 1995.

16  
17 In recent years there have been complaints about the misapplication of the EAJA by certain well-  
18 funded interest groups that allegedly have received millions of federal taxpayer dollars in  
19 attorneys’ fees for settling or winning cases filed against federal agencies. In some cases, these  
20 lawsuits were based on procedural errors, or filed simply to delay or prevent authorized uses of  
21 public lands or federally authorized activities on private lands. Federal agencies may have  
22 settled these cases rather than expend public resources to litigate. Often times these receipts are  
23 used to initiate subsequent legal actions by these same groups.

24  
25 Reporting requirements provide accountability and transparency in how federal funds are being  
26 spent. The Government Litigation Savings Act would help assure that federal funds are being  
27 used in a manner that is consistent with the original of the EAJA by requiring the federal  
28 government to create a publicly searchable database to include information regarding the  
29 disbursement of public funds under the EAJA.

30 In addition, the Government Litigation Savings Act would require that the Comptroller General  
31 commence an audit of past expenditures under the EAJA and report the results of the audit to  
32 Congress.

33  
34 **Fiscal/Urban/Rural Impacts:** Enactment of S.1061 and H.R.1996 would have a positive fiscal  
35 effect on urban and rural budgets by providing for proper justification of federal payments of  
36 taxpayer dollars when public land policy is involved.

37  
38 **Sponsors:** Commissioner Alan Gardner, Washington County, UT; Commissioner John Jones,  
39 Garfield County, UT

## 40 **Proposed Resolution on Federal Lands Management Practices**

41  
42  
43 **Issue:** Federal Lands Management

44  
45 **Proposed Policy:** NACo supports the following changes to federal lands management policy:

- 46  
47 1. Support legislation requiring federal lands to be managed in both an ecologically and  
48 financially sustainable manner providing a source of revenue to the Federal, State, and  
49 Local Governments.



- 1 2. Support legislation requiring federal lands to be managed with consideration of the  
2 potential costs of remediation after a severe fire event.
- 3 3. Support the reorganization of Forest Service management to reduce the layers of  
4 organizational structure from four to three. Currently they have the Washington Office, 9  
5 regional offices, Forest Supervisor headquarters, and Ranger District Offices.
- 6 4. Support clearly defining the Forest Service mission to get more projects 'boots on the  
7 ground' with less administrative distractions.
- 8 5. Support legislation reducing the Federal deficit through the responsible development of  
9 natural resources on federal lands and opening more federal lands for market-based leases.  
10 (Condition that lessors must be able to demonstrate active exploration and drilling?)
- 11 6. Support requirements that direct Federal Land Management Agencies to utilize all the  
12 existing authorities to actively manage their lands according to multiple use principles and  
13 that also requires them to account for all projects and methods they have used to the  
14 Governor's Office of each respective state and each County governing body where those  
15 federal lands exist.
- 16 7. Support requirements that any projects that are stopped by legal action be immediately  
17 remedied and turned back out for implementation.

18  
19 **Background:** The majority of western counties have Forest Service, Bureau of Land  
20 Management (BLM), U.S. Fish and Wildlife Service (USFWS) and/or National Park Service  
21 lands within their counties. Current management of these public lands are not sustainable and  
22 adequate husbandry and silvicultural practices have been impeded through statutory, regulatory  
23 and administrative processes (see: [http://www.fs.fed.us/projects/documents/Process-](http://www.fs.fed.us/projects/documents/Process-Predicament.pdf)  
24 [Predicament.pdf](http://www.fs.fed.us/projects/documents/Process-Predicament.pdf) , as well as the un-intentioned uses of the EAJA and ESA.  
25 Additionally, current management practices have created public health, public safety and  
26 financial liabilities to the federal, state and local governments.  
27 (<http://nau.edu/ERI/Banner/Schulz-Fire/>) The United States of America has an unmanageable  
28 national debt. The National Forests, BLM, NPS, and USFWS, and other federally owned lands  
29 have enormous potential for responsible resource development that would generate substantial  
30 and sustainable source of revenue that would more than adequately fund the management of  
31 federal lands.

32  
33 **Fiscal/Urban/Rural Impact:** Immeasurable

34  
35 **Sponsors:** Mike Murray, Commissioner, Lewis and Clark County, MT; Lesley Robinson,  
36 Commissioner, Phillips County, MT; Greg Chilcott, Commissioner-Chair, Ravalli County, MT;  
37 Todd Devlin, Commissioner, Prairie County, MT

### 38 39 **Proposed Resolution Supporting Reauthorizing the Federal Land Transaction Facilitation** 40 **Act**

41  
42 **Issue:** Reauthorizing the Federal Land Transaction Facilitation Act (H.R. 2068)(S. 368).

43  
44 **Proposed Policy:** The National Association of Counties (NACo) supports reauthorization of the  
45 Federal Land Transaction Facilitation Act, a balanced approach to western lands that facilitates  
46 the sale Bureau of Land Management (BLM) lands identified for disposal, which generates  
47 revenue for high-priority conservation.

48  
49 **Background:** Originally enacted in 2000 (P.L. 106-248)(led by Senators Domenici (R-NM) and  
50 Bingaman (D-NM)), FLTFA is a western lands program that facilitates strategic BLM land sales

1 in order to provide funding for high-priority land conservation within or adjacent to federal lands  
2 in the eleven contiguous western states and Alaska. FLTFA expired in 2011. Without FLTFA,  
3 BLM has little capacity or incentive to sell land even when it has been identified as ripe for  
4 disposal; the public-private “checkerboard” of lands in the West remains frozen; and counties,  
5 communities, ranchers, businesses, landowners and others are unable to buy BLM lands  
6 identified for disposal through an efficient mechanism. FLTFA provides funding for BLM,  
7 USFS, NPS, and USFWS land conservation projects that increase public access for hunting,  
8 fishing and outdoor recreation; conserve wildlife habitat; protect water quality; and preserve  
9 historic and cultural resources. While most of the FLTFA revenue is utilized for these critical  
10 conservation projects, four percent returns to the state where the BLM lands were sold, and up to  
11 twenty percent is used to administer the program and support the realty work. A diverse set of  
12 over 150 groups support FLTFA as a useful tool for rationalizing public lands in the West,  
13 including Western Governors’ Association, Public Lands Council, and many western counties,  
14 outdoor industry groups, conservation groups, and sportsmen’s organizations.

15  
16 **Fiscal/Urban/Rural Impact:** FLTFA is an important tool to help resolve the “checkerboard” of  
17 public-private lands in the West, as it helps consolidate various interests in local, private, and  
18 public lands. FLTFA resulted in a net decrease of federal land during its existence from 2000-  
19 2011. For every three federal acres sold, approximately two federal acres of high-value, high-  
20 priority lands were acquired, i.e. approximately 27,200 acres sold and 18,100 acquired. The acres  
21 sold were often purchased by ranchers, businesses or counties to expand their operations or meet  
22 local public needs. The acres acquired were important parcels that protected critical resources  
23 and increased public access for outdoor recreation, supporting the outdoor recreation economy  
24 that generates \$646 billion in consumer spending and 6.1 million direct jobs a year. FLTFA is  
25 important for counties that would like to purchase nearby BLM lands identified for disposal.  
26 FLTFA is also an important funding source for counties and states that desire to divest of lands,  
27 for example state school trust lands that are surrounded by federal areas. FLTFA is fiscally  
28 responsible and self-supporting: BLM land sales revenue funds the program. FLTFA  
29 reauthorization decreases the federal deficit and there are no federal appropriations associated  
30 with the program.

31  
32 **Sponsor:** Wyoming County Commissioners Association

33  
34 **Proposed Resolution on Modifying the National Park Service Contingency Plan that**  
35 **Becomes Effective Upon a Lapse in Appropriations from Congress**

36  
37 **Issue:** Appropriate management scheme for individual National Park Services (NPS) unit in the  
38 absence of appropriation.

39  
40 **Proposed Policy:** The National Association of Counties (NACo) proposes that each  
41 Superintendent of all federal land management agencies, who have the inherent knowledge of his  
42 or her own facility and/or area, shall be responsible and charged to formulate a plan of operation  
43 and identify available funding, in coordination with state and local government, for their unit in  
44 the absence of appropriations.

45  
46 **Background:** There are many federal documents to support the above proposed policy. The  
47 National Park System Closure Determination and Notice issued by the Department of the  
48 Interior, specifies that the closure of a park unit is pursuant to 36 C.F.R. 1.5. In fact, C.F.R. 1.5  
49 specifically delegates the authority to close all or a portion of a park area, to the Superintendent.  
50 Circular No. A-11, from the Office of Management and Budget, dictates that each Agency Head

1 develop its own plan. (This could include individual unit plans as part of the whole document.)  
2 The National Park Service Contingency Plan itself acknowledges the dramatic differences  
3 between park sites and those essential activities will vary greatly between them.  
4

5 Consider Lake Roosevelt National Recreation Area (LRNRA) in eastern Washington State.  
6 LRNRA is over 150 miles long, has over 600 miles of shoreline, 26 different boat launch  
7 locations, 35 campgrounds and hundreds of access points. The LRNRA is managed through a 5  
8 Party agreement:  
9

- 10 • Spokane Tribe of Indians (STI)
- 11 • Confederated Tribes of the Colville Reservation (CCR)
- 12 • Bureau of Indian Affairs (BIA)
- 13 • Bureau of Reclamation (BOR)
- 14 • National Park Service (NPS)

15  
16 Under this agreement, management responsibilities are separated into three categories:  
17

- 18 • Reclamation (managed by BOR)
- 19 • Reservation (managed by STI and CCR)
- 20 • Recreation (managed by the NPS).

21  
22 Additionally, several campgrounds and boat launches are managed separately by either the STI  
23 or the CCR. These Tribal owned campgrounds and boat launches are not under the jurisdiction  
24 of the NPS and are not subject to closure upon lack of funding. Visitors can still access the Lake  
25 Roosevelt National Recreation Area via these facilities. In other words, LRNRA is essentially  
26 still open to the public.  
27

28 Within the LRNRA there are many boat launches that also have campgrounds associated with  
29 them. While we understand the need to close the campgrounds and any facilities that would  
30 require NPS employees to operate, if each Superintendent had the ability to custom tailor each  
31 NPS unit, theoretically, it would be easy for the boat launches to remain open for public use.  
32

33 None of the launches are ever staffed by NPS employees, they are open year round and are  
34 essentially, “launch at your own risk”. Liability issues surrounding people being on federal land  
35 when the government is shut down can be mitigated. For example, since Lincoln County and  
36 other counties that border LRNRA, already provide for law enforcement and all emergency  
37 services within the boundaries, there could be a formal agreement with the NPS and the counties  
38 to provide these services and assume the liability (that already exists) in the event of no federal  
39 money for the NPS to operate. Liability remains constant for all governmental entities that have  
40 jurisdiction within the boundaries of a NPS unit, whether or not congress has approved funding.  
41

42 **Fiscal/Urban/Rural Impact:** NPS employees enforce trespassing on public land in a funding  
43 lapse in the name of public safety. But in reality, if a public safety issue arises, the local  
44 jurisdictions respond. The five counties bordering LRNRA all provide first response law  
45 enforcement, fire service, and emergency medical service within its boundaries so it would seem  
46 public safety concerns can be mitigated.  
47

48 Within the boundaries of the LRNRA, hunting is allowed. This latest government shut-down just  
49 happened to coincide with hunting season causing hunters to seek alternate areas in which to  
50 hunt. This creates an economic hardship for the surrounding local governments. If a shutdown

1 were to occur during the peak of the tourist season it would be even more disastrous to these  
2 economies.

3  
4 The application of a blanket policy that treats all 401 units of the National Park System identical  
5 in the event of a government shutdown just does not make good fiscal sense and in fact costs  
6 even more money, all the while damaging local economies.

7  
8 **Sponsors:** Rob Coffman, Commissioner, Lincoln County, WA; Ron Walter, Commissioner,  
9 Chelan County, WA; Washington State Association of Counties

## 10 11 **Proposed Resolution Supporting Funding for Our National Parks**

12  
13 **Issue:** Federal funding for the National Park Service (NPS)

14  
15 **Proposed Policy:** NACo calls on Congress to preserve funding for America's national parks.  
16 NACo supports maintaining funding for the National Park Service (NPS), recognizing that  
17 national parks provide recreation, economic and tourism opportunities for counties, and gateway  
18 communities. NACo also urges Congress to increase funding for the NPS to address the dire  
19 backlog of maintenance projects, now totaling \$11 billion, which includes critically needed road  
20 access and bridge maintenance projects. Potential funding sources include utilizing some  
21 eligible, but unfunded off-shore gas and oil lease monies that are dedicated to Land and Water  
22 Conservation Fund (LWCF) for support of maintenance and operations for NPS.

23  
24 **Background:** In today's dollars, the budget for the NPS is \$465 million, or 15 percent less than  
25 it was ten years ago. The NPS budget has been cut by more than \$140 million, or six percent,  
26 over the last two years, and even more when accounting for inflation. This reduction in funding  
27 means that the NPS is struggling to keep the parks safe, provide and protect access, serve the  
28 public, and protect our resources. The NPS operations budget faces a \$500 to \$600 million  
29 shortfall, a deferred maintenance backlog of more than \$11 billion, including more than \$3  
30 billion for the most critical projects to protect resources, access, visitor safety and enjoyment.

31  
32 Although the budget for the entire NPS constitutes only 1/13<sup>th</sup> of one percent of the federal  
33 budget, national parks face an alarming threat of deep funding cuts as a result of the current  
34 budget and deficit debate for additional cuts in FY 2013 and beyond. Cuts from sequestration  
35 would cut park's accounts across the board by as much as eight to ten percent, threatening deep  
36 impacts, not only to resource protection, but also to visitor safety and enjoyment. Other broad  
37 budget proposals could lead to discretionary cuts that would lead to closed parks.

38  
39 The NPS is not only responsible for managing our national parks; they support private-sector  
40 jobs and provide law enforcement. They protect the outstanding resources that people come to  
41 enjoy and maintain infrastructure important to rural communities. Inadequate funding or further  
42 cuts would be deeply harmful. Further cuts could mean:

- 43  
44
- 45 • An elimination of seasonal rangers, who ensure visitors have a safe and enjoyable  
46 experience;
  - 47 • A decrease in available law enforcement staff;
  - 48 • Some parks would shorten hours or be forced to close campgrounds or visitors centers;
  - 49 • Emergency response times in many areas could increase;
  - Critical access roads may be closed; and

- Many potential visitors to the parks may choose to travel, and spend their money, elsewhere.

National Parks are critical to local economies. In 2010, the NPS received 281 million recreational visits that contributed more than \$31 billion to local economies and supported 258,000 jobs.

Preventing further cuts to parks and supporting a trajectory towards sustainable funding has the potential to create jobs for counties. Recent research found that every dollar invested in the NPS operations generates approximately \$10 million in gross sales revenue. Every two NPS jobs yield one job outside the NPS. In addition, if the NPS could address the backlog of maintenance projects, such as trail maintenance and road access projects, it could directly produce jobs in communities surrounding parks through construction contracting. The NPS also estimates that 14 to 16 jobs are created for each million dollars invested in the parks construction budget. If the federal government does not adequately fund national parks, gateway communities and counties could lose millions of valuable tax dollars and jobs.

**Fiscal/Urban/Rural Impact:** If national parks are not maintained, there will be a decline in visits to national parks and, consequently, a decrease in their economic benefit to counties and gateway communities. In the context of the federal budget debate, national parks cost very little, yet deliver countless benefits to counties across the country. There is no direct cost to counties if funding to the National Parks Service is increased.

**Sponsor:** Commissioner Rachel E. Richards, Pitkin County, CO

### **Proposed Resolution Urging Congress to Establish Community Forest Trust Pilot Programs**

**Issue:** Revenues for counties with U.S. Forest Service (USFS) land

**Proposed Policy:** NACo supports the creation of a community forest trust pilot program that:

- Designates specific USFS land, or natural resources on specific USFS land, outside of wilderness designations to be managed by the states on behalf of counties and schools according to state land management practices and federal and state laws as they apply to state land;
- Allocates revenues generated from the management of these designated lands to all forest counties with the participating state using a mutually agreed upon formula;
- Establishes a management board of county commissioners submitted by a state association of counties (or comparable), and appointed by the governor for each participating state; and
- Allows the USFS to maintain ownership and fire management responsibility of the land.

**Background:** Congress has perpetually recognized special obligations to local governments and communities where the federal government has extensive land ownership. When federal forests were first established, the premise and promise was that local communities would welcome federal ownership as they would benefit both from the economic activity on federal forest lands and would receive a portion of the revenues generated from the sale of timber and other resources on those federal lands. Federal law required that 25 percent of the receipts from national forest resource sales be returned to the counties where those lands were located.

1  
2 Beginning in 2000, Congress recognized that revenues from national forest activities had  
3 declined significantly and moved to meet the obligation to local governments and communities  
4 by enacting the Secure Rural School and County Self Determination Act (SRS). This law  
5 established transfer payment schedules for federal monies to be paid from the U.S. Treasury  
6 directly to the counties, proportionate to funds lost from timber harvest revenues, in order to  
7 meet the obligations of federal ownership. Since 2000, this law has been reauthorized twice and  
8 is now up for reauthorization again.  
9

10 The SRS funding was always intended to be an interim measure that would be in place only until  
11 new programs on federal forest lands were established that would provide reliable and  
12 sustainable revenue to local counties. That transition has not come to pass. Instead, federal  
13 forest management has declined, and with it, so too has the revenue to the U.S. Treasury and  
14 local counties. New USFS programs targeted at landscape level forest restoration and fuels  
15 reduction have faltered or not come to fruition.  
16

17 **Fiscal/Urban/Rural Impacts:** A community forest trust pilot program would provide stability in  
18 federal forest payments to forest counties and generate local jobs that will raise tax revenues in  
19 the respective jurisdictions.  
20

21 **Sponsor:** PLSC Resolutions Working Group  
22

### 23 **Proposed Resolution Urging Greater Consideration of Community Health And Safety**

24

25 **Issue:** U.S. Fish and Wildlife Service consultation and collaboration with communities adjacent  
26 to National Wildlife Refuges and consideration of those community health and safety needs.  
27

28 **Proposed Policy:** The National Association of Counties (NACo) urges the U.S. Fish and  
29 Wildlife Service to consult, collaborate and coordinate with counties and other communities  
30 adjacent to National Wildlife Refuges when implementing policies that will directly affect their  
31 health, safety and welfare and to give the greatest possible deference to their needs.  
32

33 **Background:** For more than fifty years, the Aleut fishing municipality of King Cove has been  
34 fighting to build a one-lane, gravel road connecting the Cove to the nearby municipality of Cold  
35 Bay across National Wildlife Refuge land. The U.S. Fish and Wildlife Service has refused to  
36 permit the road.  
37

38 The community of King Cove wants the road in order to provide access to an all-weather airport  
39 in Cold Bay from where residents can then be transferred to Anchorage, 625 miles by jet, for  
40 medical treatment. King Cove is located on the south side of the Alaska Peninsula and is in the  
41 middle of a storm corridor (as is much of Alaska). This location brings dense fog and high  
42 winds to the area forcing its small airport to shut down 100 days out of the year. With no  
43 functional airport and no road, at times, there is no way out.  
44

45 The City of King Cove first tried to get a road in 1998. When that failed, the City was provided  
46 a hovercraft. But bad weather and costly upkeep forced the City to abandon that fix. Now a land  
47 exchange has been offered and lately denied by the federal government. A total of 206 acres  
48 from the Izembek Refuge would be taken for the road in exchange for 43,093 of State of Alaska  
49 land and 13,300 acres of King Cove Native Corporation land. This road would only be open for  
50 emergency services and would not be accessible otherwise.  
51

1 During a recent visit to Alaska, U.S. Department of the Interior Secretary Sally Jewell publicly  
2 rejected the road.

3  
4 **Fiscal/Urban/Rural Impact:** This would allow the people of King Cove emergency  
5 transportation access.

6  
7 **Sponsor:** Kathie Wasserman, Executive Director, Alaska Municipal League  
8

### 9 **Proposed Resolution Supporting Funding for the Payment in Lieu of Taxes Program**

10  
11 **Issue:** Long-term funding source for the Payment in Lieu of Taxes Program (PILT)  
12

13 **Proposed Policy:** Except for instances in which acquisition of private land may be necessary to  
14 comply with provisions of the Endangered Species Act, or acquisitions are supported by the local  
15 government of the affected area, NACo supports designating the use of the Land and Water  
16 Conservation Fund as a sustainable source of funding for Payment in Lieu of Taxes, with  
17 formula modification that would comply with NACo policy & policy #13 of the Federal Land  
18 Management & Policy Act of 1976. NACo further supports full funding of annual LWCF  
19 appropriations without reductions to state mineral lease funds, if PILT is fully funded through  
20 the LWCF fund.

21  
22 **Background:** While it has been challenging to locate an available source of funding for PILT,  
23 the Land and Water Conservation Fund is a continual source of funding for federal land  
24 acquisition. Due to the inability of the federal government to meet its commitment to active  
25 management of federal lands and payments to local government, additional land acquisition  
26 makes this conundrum even more difficult. Therefore, additional land acquisition should be  
27 subordinate to adequate funding for land currently under federal management. However, in  
28 order for some potentially threatened or endangered species to avoid listing under ESA,  
29 acquisition of critical habitat may be necessary. In such instances, additional land acquisition  
30 should be supported by NACo.

31  
32 **Fiscal/Urban/Rural Impact:** As local governments are unable to tax the property values or  
33 products derived from federal lands, PILT payments are essential to support essential  
34 government services (mandated by law) such as education, first responders, transportation  
35 infrastructure, law enforcement and healthcare in over 1,850 counties in 49 states, the District of  
36 Columbia, Guam, Puerto Rico and the U.S. Virgin Islands. Unless Congress acts, counties will  
37 receive their last fully funded PILT disbursement in June of 2013.

38  
39 **Sponsor:** Commissioner Robert Cope, Lemhi County, ID  
40

### 41 **Proposed Resolution on Hazardous Fuels Emergency**

42  
43 **Issue:** Accumulation of biomass on federal lands.  
44

45 **Proposed Policy:** NACo calls on Congress to grant a Governor the authority to declare a state of  
46 emergency when the severity of fire danger from fuels on identified federal lands within that  
47 state poses a significant threat to public health and safety.

48  
49 **Background:** Change in federal policy regarding harvest of timber and active management on  
50 our federal lands has created unhealthy landscape conditions. Many federal lands are clogged

1 with diseased, dying, and dead trees and other vegetation. Overall temperatures are rising in the  
2 west and drought conditions are expected to continue.

3  
4 Some 73 million acres, or 38 percent, of the nation’s federal forests are at “a high risk of  
5 ecologically destructive wild land fire”, according to a 2007 report of the Inspector General of  
6 the U.S. Department of Agriculture. The conditions have grown worse since then. An average of  
7 seven million acres of forest has burned each year for the past ten years in the U.S., primarily on  
8 federal lands. Moreover, an estimated 47.5 million metric tons of greenhouse gases were  
9 released in 2010 in the U.S. by forest fires.

10  
11 **Fiscal/Urban/Rural Impact:** Rehabilitation measures following a declaration by the governor  
12 will bring healthier forests, more carbon sequestration, better air quality, improved local  
13 economies, increased tourism, and support for innovations in alternative fuels and renewable  
14 forest products.

15  
16 **Sponsors:** Association of Oregon Counties

17  
18 **Proposed Resolution Supporting Reintroduction of the Community Forestry Conservation**  
19 **Act of 2011 and the Use of Community Forestry Bonds**

20  
21 **Issue:** Authorizing the use of municipal debt (Community Forestry Bonds) as a tool to help keep  
22 working forests in communities across the nation.

23  
24 **Proposed Policy:** NACo supports the reintroduction and passage of *The Community Forestry*  
25 *Conservation Act of 2011*.

26  
27 **Background:** The U.S. Forest Service estimates that 23 million acres of forest land will be lost  
28 by 2050. With economic conditions encouraging such forest loss, the long-term viability of rural  
29 mills, jobs and tax base are threatened, along with public values including habitat, water quality  
30 and carbon storage. At the same time, approximately 84 percent of America’s industrial forests  
31 have changed hands in the past ten years. This unprecedented level of transaction activity is  
32 expected to continue in smaller and smaller parcels. With both timber and environmentalists  
33 being concerned about this trend, there are opportunities for large-scale working forest  
34 conservation purchases – with funding for such purchases being the limiting factor.

35  
36 The *Community Forestry Conservation Act of 2011* would authorize Community Forestry Bonds  
37 to be used as a new financial tool that conserves working forests while providing jobs and  
38 respecting landowner property rights. In short, tax-exempt revenue bonds would be issued to  
39 allow for the acquisition of forests by a qualified buyer. The low-cost bonds will be revenue  
40 bonds, backed by the revenue stream generated by the sustainable timber harvest and other  
41 income producing attributes of the property. The land will be owned in fee by the qualified  
42 buyer.

43  
44 While most forestry issues create strong disagreements among various parties, the Act is  
45 supported by over 75 timber industry, labor, environmental, finance and community leaders.

46  
47 The *Community Forestry Conservation Act of 2011* will benefit local governments and  
48 communities. Local governments will continue to receive tax dollars that result from the  
49 continued land management. If a municipality participates financially, it could benefit from  
50 revenue flow. Also, public environmental benefits can be achieved across a broader landscape at  
51 a much lower financial and political cost.



1  
2 **Fiscal/Urban/Rural Impacts:** If the Community Forestry Bonds program is fully authorized at  
3 \$3 billion in private investment, it is estimated to generate 14,956 jobs per year. In turn, these  
4 jobs will generate \$552 million per year in wages, resulting in \$77 million per year in associated  
5 tax revenue. Assuming no inflation, this bill will generate \$5.52 billion in wages, resulting in  
6 \$710 million in tax revenues over ten years. The Congressional Budget Office scored a \$1.5  
7 billion version of the act at \$275 million over ten years.

8  
9 **Sponsor:** Commissioner Rachel Richards, Pitkin County, CO

## 10 11 **Proposed Resolution in Support of Wilderness Legislation with County Input and Support**

12  
13 **Issue:** Supporting multiple uses on all federal and state public lands so that conservation and  
14 development of natural resources is balanced with consideration of local needs. The efficient  
15 administration, conservation and development of Colorado's natural resources must be balanced  
16 with protection of the environment and consideration of local needs.

17  
18 **Proposed Policy:** NACo supports special land designations of federal lands that are proposed by  
19 local residents and businesses, is consistent with existing land use policies, and is strongly  
20 supported by the affected counties and stakeholders within which the designation is proposed.  
21 NACo strongly encourages congressional delegations to only consider future wilderness  
22 legislation with affected counties' support, as exemplified by S. 341, the San Juan Wilderness  
23 Act.

24  
25 **Background:** The San Juan Wilderness Act was previously introduced in 2009 and 2010. It was  
26 reintroduced February 14, 2013 by Senator Mark Udall (D-CO), and co-sponsored by Colorado  
27 Senator Michael Bennet (D-CO). It will expand wilderness areas by designating federal lands  
28 adjacent to existing wilderness areas. The Act includes designation of approximately 3,350 acres  
29 as the Wilson, Sunshine, Black Face and San Bernardo Additions to the existing Lizard Head  
30 Wilderness; 8,250 acres as the Liberty Bell and Last Dollar Addition and 13,000 acres as the  
31 Whitehouse Addition to the existing Mount Sneffels Wilderness; 8,600 acres of Bureau of Land  
32 Management Land as McKenna Peak Wilderness; and 21,620 acres of National Forest lands as  
33 the Sheep Mountain Special Management Area."

34  
35 On June 18, the Senate Committee on Energy and Natural Resources ordered S. 341 to be  
36 reported with amendments favorably. It received bipartisan support.

37  
38 The proposal does NOT affect any currently allowed uses on the affected lands. It does NOT  
39 change legal motorized or mechanized access or heli-skiing on Sheep Mountain. It protects the  
40 sole watershed providing domestic water for the Town of Ridgway in Ouray County and  
41 important source waters for agricultural irrigation ditches. It includes appropriate language to  
42 permit livestock grazing to continue in the Whitehouse Expansion of the Sneffels Wilderness  
43 Area as provided under current law, including reasonable motorized access to facilitate use of  
44 livestock grazing.

45  
46 The San Juan Wilderness Act was originally introduced after more than 8 years of stakeholder  
47 meetings with local and regional representatives of local governments including counties,  
48 motorized and un-motorized recreation, agriculture and grazing, hunting, private properties, and  
49 local businesses. It has been officially supported by all of the affected local governments  
50 including Ouray, San Miguel and San Juan County Boards of County Commissioners; the city of  
51 Ouray, and the towns of Ophir, Ridgway, Mountain Village, Telluride and Norwood.

1  
2 The process of proposing the San Juan Wilderness Act is the kind of model process involving a  
3 local grass-roots proposal being created through an exhaustive vetting with local stakeholders  
4 including all potentially affect water rights owners, grazing allotment holders, mining claim  
5 owners, adjacent private property rights interests, hunters and outfitters, early and often  
6 throughout the process. The San Juan Wilderness Act does not increase the acreage of federal  
7 lands and does not extinguish any currently allowed uses on these lands.

8  
9 In a letter dated February 22, 2010, the Public Lands Steering Committee of Colorado Counties,  
10 Inc. unanimously supported the "long process" of determining which lands deserve designation  
11 by then Representative Salazar and Senator Udall because it "included discussions with local  
12 governments and incorporated their feedback; actively sought out public input from a wide  
13 variety of stakeholder groups; protected the balance between recreational users and  
14 environmental needs; and showed how government on the local, state and federal level is able to  
15 navigate opinions and desires to craft good legislation."

16  
17 In addition, Colorado Counties Inc. (CCI) supports special land designations (including  
18 Wilderness) that are consistent with land use policies within the counties and are supported by  
19 the county within which the designation is proposed. CCI strongly encourages the Colorado  
20 congressional delegation to base future wilderness legislation with county support.

21  
22 **Fiscal/Urban/Rural Impact:** The affected communities and businesses support the San Juan  
23 Wilderness Act because it properly protects special habitats and important game habitat, unique  
24 vistas, municipal source watersheds, and existing multiple uses in a manner that will have a  
25 positive economic impact on local communities and the region.

26  
27 **Sponsors:** Commissioner Lynn Padgett, Commissioner, Ouray County, CO; Commissioner Peter  
28 McKay, San Juan County, CO; Commissioner Joan May, San Miguel County, CO

29  
30 **Proposed Resolution Opposing BLM's 2012 Decision to Reduce Lands Available for Oil**  
31 **Shale and Tar Sands Leasing**

32  
33 **Issue:** The Bureau of Land Management's (BLM) 2012 Programmatic Environmental Impact  
34 Statement (PEIS), which greatly reduced the areas approved by BLM in 2008 for oil shale and  
35 tar sands leasing programs in Utah, Wyoming and Colorado

36  
37 **Proposed Policy:** NACo urges BLM to reverse the 2012 PEIS and approve for oil shale and tar  
38 sands leasing all qualifying lands in the Green River Formation.

39  
40 **Background:** Declining domestic oil production and increasing world demand have left our  
41 nation so vulnerable to rising energy costs and shortages, that Congress in The Energy Policy  
42 Act of 2005 directed the BLM to consult with western governors and stakeholders to develop a  
43 commercially viable oil shale and tar sands program in the tri-state region of northeast Utah,  
44 southwest Wyoming and northwest Colorado, the virtual "Saudi Arabia" of oil shale and tar  
45 sands where the oil equivalent of recoverable deposits exceeds four trillion barrels per the latest  
46 USGS scientific estimate. A BLM Oil Shale and Tar Sands Programmatic Environmental  
47 Impact Statement (PEIS) and Record of Decision followed in 2008, amending ten land use plans  
48 to open up approximately two million acres of public lands in this tri-state region for potential  
49 leasing and development of oil resource.

1 However, in 2012 the BLM adopted a PEIS which drastically shrinks, diminishes and in many  
2 areas outright reverses virtually all of the lands approved for development in 2008, with no new  
3 supporting data and science. The April 14, 2011 Federal Register notice announcing this effort  
4 declared it was done under the authority of Secretary of Interior Wildlands Order 3310 and its  
5 implementing instructional handbooks. A week later, on April 21, 2011, Congress imposed a  
6 spending moratorium on all Department of Interior/BLM activities to enforce and implement  
7 Order 3310 and its regulations. Yet the BLM continues to ignore this moratorium by pushing  
8 forward on this subsequent PEIS, manifesting bald contempt of Congressional exclusive  
9 spending authority and portending a Constitutional crisis.

10  
11 America cannot afford this unlawful effort to close down the majority of the two million acres of  
12 oil shale and tar sands rich lands that were legitimately approved for leasing in 2008. The BLM  
13 must comply with the 2005 Energy Policy Act and respect Congressional exclusive spending  
14 authority by sticking with BLM's original 2008 approval of acreages for oil shale and tar sands  
15 leasing.

16  
17 **Fiscal/Urban/Rural Impact:** Oil shale and tar sands development at a commercially feasible  
18 scale is possible only when already approved leasing and development areas are preserved,  
19 providing much needed economic opportunities for the revitalization of western rural counties.  
20 Counties in Utah, Wyoming and Colorado have numerous workers who will benefit from the  
21 jobs created by oil shale development.

22  
23 **Sponsors:** Commissioner Mike McKee, Uintah County, UT; Commissioner Audrey Danner,  
24 Moffat County, CO

25  
26 **Proposed Resolution Opposing BLM's Promulgation of Duplicative Hydraulic Fracturing**  
27 **Regulations**

28  
29 **Issue:** The Bureau of Land Management's (BLM) intent to adopt duplicative hydraulic  
30 fracturing rules

31  
32 **Proposed Policy:** NACo is opposed to a BLM hydraulic fracturing rule that does not clearly and  
33 fully defer regulation of hydraulic fracturing to states that already have in place comprehensive  
34 regulations.

35  
36 **Background:** On May 11, 2012, the BLM published an initial proposed hydraulic fracturing  
37 rule. The BLM granted a 60 day comment extension and the public comment period closed on  
38 September 10, 2012. After reviewing and incorporating comments on the proposed rule, the  
39 BLM now proposes to revise its initial proposed rule. On May 25, 2013, the BLM published a  
40 revised proposed hydraulic fracturing rule. Comments on the new revised rule were initially due  
41 on June 25, 2013; however, the BLM has granted a 60 day comment extension. Comments are  
42 now due on August 23, 2013.

43  
44 The BLM's revised proposed rule would apply to all wells administered by the BLM, including  
45 those of federal (including federal mineral only – i.e. split estate), tribal, and individual Indian  
46 trust lands.

47  
48 The rule acknowledges that some states (the rule lists Colo., Wyo., Ark., and Texas) have issued  
49 their own regulations. However, the revised proposed rule also states that operators with leases  
50 on federal lands would have to comply with both the BLM rules and regulations and the states

1 rules and regulations for hydraulic fracturing. This double layer of regulation is duplicative and  
2 unnecessary.

3  
4 The BLM's current revised proposed rule does provide a provision which would allow the BLM  
5 to approve a variance that would apply to state, tribal, or described as field-wide or basin-wide,  
6 that is commensurate with the state or tribal regulatory scheme. The BLM would have to  
7 determine if the variance meet or exceeded the effectiveness of the revised proposed rule. It  
8 appears that the proposed variance would apply only to operational activities and not the actual  
9 approval process; it also appears the variance process would not apply to disclosure or hydraulic  
10 fracturing chemical components or trade secret requests.

11  
12 The proposed BLM rule is extremely vague as to how the BLM will work with states to avoid  
13 duplication. As currently written the proposed rule provides only the following direction on the  
14 potential for state/tribal variances: 43 CFR 3162.3-3(K) ... In cooperation with a State (for  
15 Federal lands) or a tribe (for Indian lands), the BLM may issue a variance that would apply to all  
16 wells within a State or within Indian lands, or to specific fields or basins within the State or the  
17 Indian lands, if the BLM finds that the variance meets the criteria in paragraph (k)(2) of this  
18 section." Additional language states that the authorized office may only grant a variance if the  
19 BLM determines that the proposed alternative meets or exceeds the objectives of the regulation  
20 for which the variance is being requested. Further, the decision whether to grant to deny a  
21 variance is entirely within the BLM's discretion and the BLM may rescind a variance or modify  
22 any condition of approval due. The language in the proposed BLM rule does not defer to  
23 comprehensive regulations already in place in a number of states, nor does it provide sufficient  
24 guidance as to how the BLM may defer in the future. Therefore, the BLM's revised proposed  
25 hydraulic fracturing rule is unnecessarily duplicative of existing comprehensive state regulation  
26 of hydraulic fracturing.

27  
28 **Fiscal/Urban/Rural Impact:** The promulgation of duplicative hydraulic fracturing rules may  
29 cause delays in permit approval or perhaps discourage the development of some wells altogether.  
30 Most of the land and minerals under the BLM's control are located in the west. Many counties in  
31 the west rely upon the revenue generated from the production of oil and gas development.  
32 Reductions in the revenue generated from oil and gas development may have a direct impact on  
33 the services that counties are able to provide. BLM budgets and expertise are already stretched  
34 thin and additional regulatory requirements may impact existing programs.

35  
36 **Sponsors:** Wyoming County Commissioners Association

37  
38 **Proposed Resolution to Rescind the BLM's "Master Leasing Plan" Oil and Gas Leasing**  
39 **Reform**

40  
41 **Issue:** Rescind the Bureau of Land Management's (BLM) Master Leasing Plan Instruction  
42 Memorandum and Related Guidance.

43  
44 **Proposed Policy:** NACo strongly urges the Department of Interior (DOI) Secretary and the  
45 BLM Director to immediately rescind BLM Instruction Memorandum No. 2010-117 and all  
46 related guidance, because they attempt to implement so-called "Master Leasing Plan" reforms  
47 that unlawfully override duly established BLM Resource Management Plans (RMPs) without  
48 local government input.

49  
50 **Background:** Many local BLM Field Office RMPs were revised and updated during the past  
51 decade through the investment of much time, money and effort on the part of local governments

1 and other cooperating agencies. RMPs are the only legally valid framework for determining the  
2 availability, conditions and stipulations for oil and gas leasing and drilling activities in the  
3 respective BLM field office planning areas.  
4

5 DOI and BLM are trying to do an end-run around these RMPs and greatly restrict the extent of  
6 oil and gas leasing and drilling activities which these RMPs have approved, through the top-  
7 down ordering of so-called Master Leasing Plans, secretly negotiated with extreme  
8 environmental groups, and forced upon BLM field offices through BLM Instruction  
9 Memorandum 2010-117 dated May 17, 2010 (IM No. 2010-117). State and local governments  
10 were left completely out of any process to develop these Master Leasing Plans.  
11

12 These Master Leasing Plans are really master lease cancellation and restriction plans. These  
13 Master Leasing Plans violate the Federal Land Policy and Management Act (FLPMA) and the  
14 National Environmental Policy Act (NEPA) by circumventing the Resource Plan and Plan  
15 Amendment Process, and in many instances they promote and enforce a de-facto wilderness  
16 policy in violation of FLPMA and the RMPs. They are top-down dictates issued with no local  
17 government input, done at the behest of extreme environmental groups who threaten crippling  
18 legal action unless BLM complies with their wishes. And they (the Master Leasing Plans) largely  
19 prop up the archaic “wilderness-at-all-costs-and-in-all-corners” vision of these extreme  
20 environmentalists who try to interfere with reasonable oil and gas development on the public  
21 lands.  
22

23 The active management of America’s public lands to accommodate beneficial multiple uses such  
24 as responsible oil and gas exploration and development is essential to the public health, safety  
25 and economic vitality of communities across the United States. Cutting off mineral development  
26 access on public lands by overriding duly established RMPs prohibits activities vital to the  
27 nation, including mineral exploration and harvesting.  
28

29 **Fiscal/Urban/Rural Impact:** Revenues generated from oil and gas leasing support critical state  
30 and local government services and loss of such revenues would further cripple the economies of  
31 local communities and place unnecessary new burdens on state and local government and school  
32 budgets.  
33

34 **Sponsors:** Commissioner Mike McKee, Uintah County, UT; Commissioner John Jones, Garfield  
35 County, UT  
36

### 37 **Proposed Resolution Urging Congress to Expedite a Commercial Oil Shale Leasing** 38 **Program**

39  
40 **Issue:** Oil shale leasing program in the Green River Formation  
41

42 **Proposed Policy:** NACo urges Congress to address in a timely manner, the regulatory review  
43 process in order to facilitate a functioning, environmentally responsible commercial oil shale  
44 leasing program in the Green River Formation.  
45

46 **Background:** Declining domestic oil production and increasing world demand leave our nation  
47 vulnerable to rising energy costs. With gas prices hovering near \$4 per gallon and rising,  
48 businesses and households across America are struggling to get by. Our standard of living and  
49 national security are jeopardized as oil producing capacity shifts to other countries. Alternative  
50 energy development is laudable but will make only small dents in national fuel demand. Public

1 outcry over burgeoning energy costs is quickly reaching a crescendo. It is time to develop our  
2 nation's vast oil shale resources.

3  
4 The United States has more than seventy percent of the world's oil shale. According to U.S.  
5 Geological Survey (USGS) estimates, there are 4.28 trillion barrels of in-place oil shale reserves  
6 in the Green River Formation located in Colorado, Utah and Wyoming. In place reserves  
7 deposits are estimated at 1.5 to 1.8 trillion barrels of shale oil, 800 billion barrels of which are  
8 easily recoverable. That will supply 100 percent of America's current domestic petroleum needs  
9 for more than 100 years. The intermountain west is truly the "Saudi Arabia" of oil shale.  
10 Industry has new technologies that will make oil shale extraction feasible, clean and efficient,  
11 with minimal and reclaimable disturbance.

12  
13 The Oil Shale and Tar Sands Development Act of 2005 called on the Department of Interior to  
14 complete an environmental study and issue regulations for oil shale leasing 28 developments on  
15 public lands. But last year Congress passed a law prohibiting the Bureau of Land Management  
16 (BLM) from completing those regulations. Also, BLM turned what should have been an oil  
17 shale leasing environmental study, into a mere resource allocation study, which makes more  
18 studies necessary before actual leasing may begin.

19  
20 America cannot afford years of delay to wade through these additional layers of bureaucratic  
21 review. Congress must streamline the overall process to quickly achieve a viable, functioning  
22 commercial oil shale leasing program. This is what Congress intended in 2005. Congress must  
23 allow completion of final oil shale regulations and streamline the regulatory process to pave the  
24 way for a commercial leasing program to begin. A multi-year delay in this process is untenable  
25 in the face of ever-rising gas prices rise and dwindling fuel supplies.

26  
27 **Fiscal/Urban/Rural Impact:** Oil shale development will go forward when the final oil shale  
28 regulations are in place, providing much needed economic opportunities for the revitalization of  
29 rural counties in the intermountain west. Utah and Wyoming have workers who will benefit from  
30 the jobs created by oil shale development.

31  
32 **Sponsor:** Commissioner Mike McKee, Uintah County, UT

### 33 34 **Proposed Resolution on U.S. Fish and Wildlife Management of the Utah Prairie Dog**

35  
36 **Issue:** Utah Prairie Dog Counts

37  
38 **Proposed Policy:** NACO urges the U.S. Fish and Wildlife Service (USFWS) to modify policies  
39 to permit the counting of Utah Prairie Dogs on private land for the purpose species recovery  
40 efforts.

41  
42 **Background:** The Utah Prairie Dog is a protected species under federal law. Thousands of Utah  
43 Prairie Dogs have invaded cultivated fields, golf courses, cemeteries, airports and other private  
44 lands. Current federal policy prohibits the counting of prairie dogs for species recovery activities  
45 if the animals are on private ground. Federal officials incorrectly argue that the prairie dogs are  
46 unprotected if located on private ground. Facts refute that untenable position. For example: 1)  
47 More prairie dogs use private land as habitat in spite of federal lands being 2 to 30 times more  
48 plentiful. 2) The same protections that exist on federal land exist on private land. 3) Harassment  
49 of Utah Prairie Dogs on federal land is harder to detect because the areas are more remote. 4)  
50 The desire for palatable food source and improved habitat attract prairie dogs in spite of  
51 increased predators, manmade development and other natural impediments.

1  
2 **Fiscal/Urban/Rural Impact:** There will be no fiscal impact for rural and urban areas outside  
3 the Utah Prairie Dog range. For the limited counties with in the species' range, residents and  
4 governments can expect delisting of the species, reduced negative economic impacts and a  
5 gradual shift to federal lands. Changing national policy to allow counting Utah Prairie Dogs on  
6 private lands will also provide a more accurate picture of the recovery efforts. Citizens will reap  
7 the benefits of improved property values and greater options for dealing with prairie dog  
8 impacts.

9  
10 **Sponsor:** Commissioner Leland Pollock, Garfield County, UT

11  
12 **Proposed Resolution on Local Law Enforcement on Public Lands**

13  
14 **Issue:** Local law enforcement on public lands

15  
16 **Proposed Policy:** NACo urges all federal land management agencies to recognize and respect  
17 sheriffs (or the chief local law enforcement officer) in public land counties as the primary and  
18 chief law enforcement officer of the entire county. Federal agencies should execute cooperative  
19 agreements with counties to ensure fair and prompt federal payment of compensation for  
20 additional local law enforcement activities desired of sheriffs, and federal agencies submit their  
21 agents for deputization and accountability under local sheriff authority and control.

22  
23 **Background:** Federal land counties are frequently impacted by lack of coordination from federal  
24 law enforcement officers. Federal officials fail to recognize the County Sheriff's role as the  
25 chief law enforcement officer within his/her jurisdiction; and, often, federal officers undermine  
26 local law enforcement efforts by usurping local authority in violation of established law.  
27 Counties are also forced to expend limited local funds to perform uncompensated law  
28 enforcement functions on federal land.

29  
30 This resolution is needed to encourage federal agencies to: a) recognize the sheriff's role as the  
31 chief law enforcement officer; b) work cooperatively with local government to coordinate law  
32 enforcement functions on federal land in accordance with established law; and c) develop  
33 cooperative agreements to compensate local government for services provided on federal land  
34 and to establish clear lines of authority.

35  
36 **Fiscal/Urban/Rural Impact:** There will be limited fiscal impact for urban areas. Rural areas,  
37 especially public land counties, can expect greater coordination with federal law enforcement  
38 officials, reduced duplication of effort, and increased funding resulting from cooperative  
39 agreements and clearly defined roles. Citizens will reap the benefits of more efficient responses  
40 to problems, reduced cost by eliminating duplication, a streamlined approach to law enforcement  
41 issues, and greater efficiency of all levels of government.

42  
43 **Sponsor:** Commissioner Leland Pollock, Garfield County, UT

44  
45 **Proposed Resolution Supporting Changing Forest Service Employee Supervision**

46  
47 **Issue:** Chain of command for U.S. Forest Service (USFS) law enforcement personnel

48  
49 **Proposed Policy:** NACo supports a change in USFS personnel organization to place law  
50 enforcement officers under the direction of Forest Supervisors.

1 **Background:** Several decades ago, there was reported abuse of USFS procedures, allegedly  
2 involving Service line officers. As a response, and at the urging of, among other, the Forest  
3 Service Employees for Environmental Ethics, the law enforcement branch of the Service was  
4 “stovepiped,” meaning that these officers no longer were supervised by local or regional  
5 authority, but answered instead directly to the Washington office. As a result, there can be little  
6 to no interaction among enforcement officers and the local supervisors and line officers.

7  
8 As timber harvest has dramatically declined, there is no longer a reason to isolate these  
9 enforcement officers from the chain of command. In fact, the loss of interaction has resulted in  
10 adverse public relations between the USFS and forest communities. When new personnel are  
11 transferred into areas without an understanding of the area’s culture and the agency’s  
12 interdependence upon the community, all too often the result is public conflict. If there is direct  
13 supervision and accountability to local USFS officials, there is much greater opportunity for such  
14 conflicts to be resolved before it becomes a community issue. A positive influence on public  
15 relations for the agency would be of great benefit for all parties involved.

16  
17 **Fiscal/Urban/Rural Impact:** No fiscal impact, with a positive impact on rural communities’  
18 relationship with the USFS.

19  
20 **Sponsor:** Commissioner Alan D. Gardner, Washington County, UT

21  
22 **Proposed Resolution Calling for Membership on Landscape Conservation Cooperatives**  
23 **Steering Committees to Include County Elected Officials**

24  
25 **Issue:** County membership on Landscape Conservation Cooperatives (LCC)

26  
27 **Proposed Policy:** NACo supports the expansion of LCC Steering Committees to include at least  
28 one elected county official or approved regional official representing local governmental  
29 interests on each Steering Committee, and preferably one from each state in those eco-regions  
30 which are multi-state.

31  
32 **Background:** LCCs are being organized nationally by the Department of the Interior to  
33 coordinate natural resources and climate science and research, and to apply science to land and  
34 wildlife management, with particular emphasis on public lands. Steering Committees, and  
35 invitations to Steering Committees, have included the spectrum of state and agencies, Indian  
36 Tribes, and non-governmental organizations (NGOs). To date local governments have not been  
37 invited to attend or participate in organization or implementation of the program in the eco-  
38 regions.

39  
40 LCCs began being organized in 2009 under the leadership of the US Fish and Wildlife Service  
41 (USFWS). Subsequent leadership has been expanded to the Bureau of Reclamation in some  
42 regions. Nationally there are 21 eco-regions, 11 of which are important to public land areas in the  
43 west and Alaska. The stated intent is that these organizations are to coordinate climate change  
44 and other science among federal and state agencies and the universities, and to seek the  
45 application of science and research to natural resources decision-making. Some organization of  
46 the Steering Committees has been contracted to NGOs. The organization of several of the major  
47 LCCs to date has included long lists of invited agencies which have included all federal and state  
48 agencies involved in land, water and wildlife management, and assorted conservation-oriented  
49 NGOs, but has excluded local government. It is critical as science and natural resources research  
50 needs and results are prioritized and assessed, and as such research is considered to be applied to  
51 public lands and resources, that the views of local government be included and considered. Such



1 input must be as a full partner as a governmental unit, and not as a mere “interest group,” or  
2 “stakeholder.”  
3

4 Local government views must be considered by the larger group of assembled state and federal  
5 agencies related to science and research priorities and application. The concern of local  
6 governments is that research could be applied to public lands that will be adverse to local social  
7 or economic interests, which could result in local costs, particularly to rural interests and  
8 businesses which have an interface or involvement with public land usage. Federal officials  
9 have tried to assure public interests that LCCs will not be decision-making in scope. Such  
10 assurances, however, do not assure that agencies will not apply research results to public land  
11 management decisions. Local governments must be part of any forum that assesses the future of  
12 public land management practices.  
13

14 **Fiscal/Urban/Rural Impacts:** The direct cost of local government participation is limited to the  
15 cost of attending perhaps three to four meetings per year for selected representatives. Exclusion  
16 will result in counties still having to attend and participate in meetings to the extent they are held  
17 in public, simply to assure that local views are recorded.  
18

19 **Sponsor:** PLSC Platform Working Group  
20

21 **Proposed Resolution Supporting an Amendment to the Antiquities Act to Require**  
22 **Congressional Approval and NEPA Review Before a Presidential National Monument**  
23 **Proclamation Becomes Effective**  
24

25 **Issue:** National Environmental Policy Act (NEPA) review and congressional approval prior to  
26 establishment of a national monument  
27

28 **Proposed Policy:** NACo supports Congressional revision of the Antiquities Act of 1906 to  
29 require that any Presidential National Monument proclamation seek the participation of affected  
30 state and local governments, be subject to NEPA review, and obtain Congressional approval.  
31

32 **Background:** Congressional oversight and full NEPA analysis and public review are necessary  
33 to curb last minute presidential designations of large tracts of lands for National Monument  
34 status, some of which are high value energy areas and important to the American people for  
35 resources above and beyond that of just recreation. An important policy reason for passage of  
36 NEPA was to have large tracts of public lands scrutinized by public and local government input  
37 before significant federal action is taken on those lands. That policy applies most critically to  
38 large land tracts being proposed presidentially for National Monument designation. Recent use  
39 of the Antiquities Act for large tract designation without giving reasonable notice to state and  
40 local governments and members of Congress, has gone beyond the spirit of NEPA and well  
41 beyond original congressional intent to designate the smallest portion of land needed to represent  
42 certain objects of historic and scientific interest. Congressional oversight and full NEPA review  
43 of Presidential National Monument proposals are needed.  
44

45 **Fiscal/Urban/Rural Impact:** Critical multiple use activities will be preserved if Presidential  
46 National Monument declarations are subjected to NEPA and Congressional review and approval.  
47 This will preserve the economic base, prosperity and livelihood of many western counties and  
48 their economies.  
49

50 **Sponsor:** Commissioner John Jones, Carbon County, UT  
51

1       **Proposed Resolution on Acquisition of Private Land for Wildlife Mitigation Associated**  
2       **with Renewable Energy Development with Subsequent Transfer to Federal Agencies**  
3

4       **Issue:** Acquisition of private land for wildlife mitigation associated with renewable energy  
5       development  
6

7       **Proposed Policy:** NACo requests the land and wildlife management agencies adopt procedures  
8       that provide for project mitigation other than through land transfer from private to public  
9       ownership, unless supported by the affected counties. When such transfers are deemed the only  
10      appropriate mitigation, and offsetting the Payment in Lieu of Taxes program (PILT) will not  
11      occur, then agencies must provide that project developer would continue to pay the property tax  
12      on the transferred land, or fees in lieu of taxes, in perpetuity, unless the land is restored to private  
13      ownership at a future date.  
14

15      **Background:** Wildlife agencies (state and federal) have required the purchase of private land  
16      and its transfer to government agencies or non-governmental organizations (NGOs) as mitigation  
17      for projects that will occupy habitat or impact species with status under federal or state law or  
18      regulation. Such acquisitions remove private land from tax rolls. When the land becomes  
19      federal or state, many counties not only lose the property tax revenue, they fall outside the limits  
20      of PILT accounting. Large renewable energy development projects have exacerbated the  
21      situation.  
22

23      The land and wildlife management agencies have sought land mitigation for impacted habitat for  
24      a variety of species, mostly those with listed status under the Endangered Species Act. Such  
25      mitigation often is required at a multiplied factor, e.g. 3:1, in which the project developer must  
26      “donate” a multiple of private land to the permitting agency or designated entity as mitigation.  
27      Such land is removed from the tax rolls. Further, land is placed in “conservation” status under  
28      which it has limited use and no revenue generation.  
29

30      Many projects are located in counties in which PILT payments are capped because of already  
31      large estates, thus transfers may add to the federal estate and counties do not receive additional  
32      PILT payment reflecting the expansion. Further, since the acquiring agencies are usually the  
33      Bureau of Land Management or the U.S. Forest Service, counties cannot receive PILT under  
34      Sections 6904 or 6905.  
35

36      Most projects utilize significant parts of local government infrastructure, including county roads  
37      for project development, operation and maintenance. In addition development may use other  
38      county services, including solid waste disposal, law enforcement, public health, and fire and  
39      emergency medical response during the life of the project.  
40

41      Offsetting the loss of the tax base must be an essential part of renewable project mitigation, even  
42      when mitigation land is transferred to a state agency or NGO. Project developers should deposit  
43      funds to provide other kinds of mitigation investment equivalent to the amount that might  
44      otherwise be invested in land acquisition.  
45

46      Policy options could include expanding the current PILT requirement that only additions to the  
47      federal estate by the National Park Service or in National Forest wilderness can receive payment  
48      under Section 6904 by adding all federal agencies to law and removing the five-year limit on  
49      such payments.  
50

1 **Fiscal/Urban/Rural Impact:** While development may provide some positives to local  
2 economies, local governments should not be left with losses and costs associated with the  
3 project. The policy will assure a steady revenue stream regardless of mitigation requirements as  
4 well as funding for the county infrastructure and services.  
5

6 **Sponsor:** Commissioner Alan D. Gardner, Washington County, UT  
7

8 **Proposed Resolution on Mitigation for Historic and Recognized Federal Land Multiple**  
9 **Uses When Renewable Energy Projects are Developed on Federal Land**  
10

11 **Issue:** Allowing multiple use activities on federal lands  
12

13 **Proposed Policy:** NACo requests that the Bureau of Land Management (BLM) and the U.S.  
14 Forest Service (USFS) adopt policies that provide real and substantial consideration of historic  
15 uses in the project plans and environmental documentation, and require project developers to  
16 provide mitigation for their loss.  
17

18 **Background:** As renewable energy development expands, the potential exclusion of historic  
19 permitted uses on federal public lands becomes more apparent. Some projects may be benign,  
20 such as wind energy on ridge lines. Other developments such as solar on flat accessible land,  
21 remove huge areas which have historically been essential parts of grazing allotments, contained  
22 the access routes to back country, or provided areas that BLM designated as “open” for off-  
23 highway vehicle (OHV) recreation. Ancillary facilities and safety closures, for all projects, may  
24 remove significant areas and access from previous uses.

25 Renewable energy projects, particularly large scale solar development, remove large blocks of  
26 land from the federal estate from historic multiple use activities, including dispersed recreation,  
27 livestock grazing, and general public access. Mitigation is too often focused only on wildlife and  
28 cultural resources. Other multiple uses receive only passing mention in the environmental  
29 documentation, and are seldom offset, replaced or otherwise mitigated.  
30

31 Some uses, such as grazing, can be mitigated through compensation or buy-out, though the effect  
32 will be a reduction from past use. There may be offsetting economic value from the energy  
33 project, but it is essential that benefits and losses both be weighted in the National Environmental  
34 Policy Act (NEPA) process and the process commit the developer to providing appropriate  
35 mitigation for lost use and public access.  
36

37 Access through project areas cannot be addressed by the market. Development plans must  
38 provide alternate access routes. OHV open areas, if such has been legitimately provided in BLM  
39 or USFS land use plans, should be similarly mitigated for, by designation of other appropriate  
40 areas, or the acquisition of areas by the developer for such dedication and designation.  
41

42 Failure to provide at least a degree of mitigation can result in sprawling of dispersed uses to  
43 areas of private land, encourage trespass, and require engagement of law enforcement at high  
44 cost to both the land management agencies and local governments.  
45

46 NACo does not oppose development of renewable energy on public land, but wishes to assure  
47 that the NEPA process and plans of development explicitly address historic use and require the  
48 developer to provide mitigation for important and continuing public use of public land.  
49

50 **Fiscal/Urban/Rural Impact:** Renewable energy development may or may not have positive  
51 impacts on the land and the area. Projects normally result in total exclusion of the public, but

1 their output will provide energy, employment, and increase renewable portfolios required by  
2 many states. Mitigation for impacts and use loss may add to project costs. Providing such  
3 mitigation may have an overall positive impact since the area may benefit from the new use plus  
4 retain of all or part of the current use. Providing such mitigation will also reduce the effect on  
5 local law enforcement to control trespass use that could occur if mitigation is not provided.

6  
7 **Sponsor:** Commissioner Alan D. Gardner, Washington County, UT

8  
9 **Proposed Resolution Supporting Third Party Recreational Concessionaires in County**  
10 **Parks on Bureau of Land Management Land**

11  
12 **Issue:** The Bureau of Land Management (BLM) believes it does not have statutory authority to  
13 allow third party concessionaires to provide recreational opportunities such as camp grounds,  
14 horseback riding, and golf courses on BLM land leased or patented to counties.

15  
16 **Proposed Policy:** NACo urges the strengthening of recreational opportunities and the resulting  
17 economic benefits through public-private partnerships on all public lands.

18  
19 **Background:** According to the *Economic Benefits to Local Communities from National Park*  
20 *Visitation*, a Natural Resource Report produced by the National Park Service, the National Park  
21 System received 278.9 million recreation visits in 2011 and park visitors spent \$12.95 billion in  
22 local gateway regions (within roughly 60 miles of the park). The report concluded that the  
23 contribution of park visitor spending to the national economy amounted to 251,600 jobs, \$9.34  
24 billion in labor income, and \$16.50 billion in value added. The Outdoor Recreation Industry  
25 Association concludes the economic impact of outdoor recreation related expenditure in the  
26 United States was \$646 billion in 2011 and state and local taxes collected for recreation was  
27 \$39.7 billion. Additionally, outdoor recreation activities are still among the most affordable  
28 opportunities for all Americans, providing opportunity for exercise and enjoyment.

29  
30 The Bureau of Land Management is a federal agency that manages approximately 245 million  
31 acres of public land primarily in the West. In addition, BLM is responsible for managing public  
32 lands scattered throughout the 31 states bordering on, and east of, the Mississippi River. The  
33 agency's mission is to sustain the health, diversity, and productivity of these public lands for the  
34 use and enjoyment of present and future generations.

35  
36 The U.S. Forest Service (USFS) is the land and resource management agency of the U.S.  
37 Department of Agriculture (USDA) responsible for managing and protecting approximately 193  
38 million acres of public lands. The USFS has a long history of working with partners to  
39 accomplish important resource work on the forest. Partners over the years have included sister  
40 federal agencies, the states, sportsman groups, conservation organizations, universities, and  
41 private individuals. The mission of the USDA Forest Service is to sustain the health, diversity,  
42 and productivity of the Nation's forests and grasslands to meet the needs of present and future  
43 generations.

44  
45 Noting the strikingly similar missions of BLM and the Forest Service, NACo urges Congress to  
46 allow both agencies to support public-private partnerships on leased or patented that further the  
47 agencies' missions.

48  
49 **Fiscal/Urban/Rural Impact:** The expansion of public-private partnerships in county parks  
50 would allow counties to increase economic development and shift funds to other park,  
51 conservation and quality of life programs that cannot produce revenue.

1  
2 **Sponsor:** Maricopa County, AZ  
3

4 **Proposed Resolution Opposing the U.S. Department of Interior’s Secretarial Order 3321,**  
5 **National Blueways System**  
6

7 **Issue:** The Department of Interior’s Use of Secretarial Order 3321, National Blueways System  
8

9 **Proposed Policy:** NACo opposes the Department of Interior’s use of Secretarial Order 3321,  
10 National Blueways System, which could usurp state authority and impact private property rights.  
11

12 **Background:** On May 24, 2012 then-Department of the Interior Secretary Ken Salazar signed  
13 Secretarial Order 3321 establishing the “National Blueways Systems.” The Order is intended to  
14 “provide a new national emphasis on the unique value and significance of a ‘headwater to  
15 mouth’ approach to river management and to create a mechanism to encourage stakeholders to  
16 integrate their land and water stewardship efforts by adopting a watershed approach.”  
17

18 The Order states that “bureaus within the Department of Interior, to the extent permitted by law  
19 and consistent with their mission, policies, and resources, shall endeavor to align the execution  
20 of agency plans and implementation of agency programs to **protect, restore, and enhance** the  
21 natural, cultural, and/or recreational resources associated with designated National Blueways”  
22 (emphasis added).  
23

24 Under the Secretarial Order, any “established stakeholder partnership” can nominate a watershed  
25 and the land and water therein for designation. Once a watershed is nominated, a committee  
26 composed of federal agency officials will consider the designation and the Secretary of the  
27 Interior will make the final decision whether to designate a watershed as a National Blueway.  
28 There is no required state or local participation of any kind in the nomination and decision  
29 making process. Furthermore, any “established stakeholder partnership” may nominate a  
30 watershed and there is no requirement that the stakeholder partnership have any direct interest in  
31 the watershed itself.  
32

33 Thus far the Connecticut River watershed in New England and the White River watershed in  
34 Arkansas and Missouri have received designations. A nomination of the Yellowstone River  
35 watershed in Wyoming and Montana and the Minnesota River watershed in South Dakota and  
36 Minnesota are currently under consideration.  
37

38 A number of groups have raised objections to this program, most notably the Western Caucus  
39 and the Wyoming Congressional Delegation, the Republican Members of the House Resource  
40 Water and Power Subcommittee. Concerns with the program include:  
41

- 42
- 43 • **Usurpation of State Authority to Manage its Water.** While water law varies by region,  
44 water is managed by the states, not the federal government. Any designation by the  
45 federal government that directly or indirectly attempt to manage non-navigable waters is  
46 a usurpation of state authority and may impact private property rights.
  - 47 • **Lack of Public Participation.** The Secretarial order does not require that residents of the  
48 impacted areas be given the opportunity to participate in the nomination process. In fact,  
a watershed could be designated without any public notice being given.

- 1 • **Nominating Stakeholder.** The Order allows any “established stakeholder partnership” to  
2 nominate a watershed for designation, but there is no requirement that the stakeholder  
3 group have any direct interest in the watershed itself.
- 4 • **Lack of State or Local Government Involvement in the Nomination and Designation**  
5 **Process.** The Order fails to provide for state or local government involvement in either  
6 the nomination or the designation process. The draft nomination form (discussed below)  
7 requires that a state agency sponsor a nomination, but state agency is not defined and  
8 only one state agency sponsor is required for the nomination of a watershed spanning  
9 multiple states. Watersheds could still be designated without any public notice, without  
10 any public comment, and over local objection.

11  
12 In compliance with the Paperwork Reduction Act of 1995, the Department of Interior has  
13 recently posted a public comment period on the National Blueways System Application form, the  
14 form that the federal committee will use to evaluate Blueways designations. This is not a public  
15 comment period on the program itself, or on any individual waterway.

16  
17 **Fiscal/Urban/Rural Impact:** This program has the potential to impact private property  
18 development depending upon the federally-approved management objectives accompanying a  
19 designation of a river as a “National Blueway” or through an agency regulation or action applied  
20 in the future under the auspices of furthering those management objectives.

21  
22 **Sponsor:** Wyoming County Commissioners Association

1           **TELECOMMUNICATIONS AND TECHNOLOGY STEERING COMMITTEE**

2  
3                           **PROPOSED PLATFORM CHANGE**

4  
5                                   **Preemption of Local Authority**

6  
7   **B. Preemption of Local Authority:** Counties need to be concerned about retaining authority  
8 as trustees of public property and as protectors of public safety and welfare. The 1996  
9 Telecommunications Act acknowledges the balance among federal, primarily through the  
10 Federal Communications Commission (FCC), and state and local authority.

11  
12 NACo opposes any actions that would undermine this shared responsibility and any federal or  
13 state preemption of counties’ traditional powers in these areas. NACo opposes efforts to restrict  
14 or prohibit, at state and federal levels, county or municipal ownership of communications  
15 facilities. ~~when such services are unavailable or are made prohibitively expensive by the lack of~~  
16 ~~adequate competition. Counties, however, should not use their economic capacity to unfairly~~  
17 ~~compete with private sector providers.~~

18  
19 **Sponsor:** Lee Bonner, Commissioner, Douglas County, Nevada

20  
21                                   **PROPOSED RESOLUTIONS**

22  
23           **Proposed Resolution Supporting Local Government Siting Authority Regarding all**  
24                           **Wireless Facilities and Related Infrastructure**

25  
26 **Issue:** Growing concerns regarding any potential limits on local government wireless facilities  
27 and infrastructure siting authority and the need for further clarification of specific language  
28 within section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012

29  
30 **Proposed Policy:** NACo opposes any effort to limit the regulatory role of local government  
31 authorities regarding modifications and/or siting of tower facilities and wireless transmission  
32 equipment. NACo also urges the Commission and Congressional Leaders to ensure all rule-  
33 making, guidelines, and best practices are developed in a cooperative manner with state and local  
34 governments.

35  
36 **Background:** Local governments have a substantial role in the request, review, and approval of  
37 wireless facility siting as well as wireless infrastructure collocations or modifications with  
38 respect to local ordinances, zoning, and reasonable community concerns. In addition, local  
39 governments continue to work directly with industry to ensure the efficient and timely  
40 deployment of wireless broadband and related infrastructure.

41  
42 Recently, congressional leaders from the House Energy and Commerce Committee have called  
43 for automatic approval of wireless facilities collocation through specifically requesting further  
44 clarification on the language and terms provided in section 6409 of the Middle Class Tax Relief  
45 and Job Creation Act of 2012. As the Commission seeks clarification of the terminology in  
46 Section 6409(a), NACo strongly opposes the “deemed granted” remedy and holds that the terms  
47 in said section should be interpreted in a way that preserves local authority.

48  
49 NACo recognizes that technology continues to grow and change exponentially which in turn has  
50 required all government bodies to more often revisit legislation pertaining to various aspects of  
51 information technology. However, as federal rule-making bodies and congressional leaders

1 continue this task it is imperative that the preservation of local authority be maintained. It is  
2 equally important that all rule-making decisions, the setting of guidelines, and development of  
3 best practices be conducted in cooperative manner with state and local governments.  
4

5 **Fiscal/Rural/Urban Impact:** All matters relating to wireless facilities siting and infrastructure  
6 should be decided by local governmental bodies and authorities to ensure that all community  
7 related needs and concerns are addressed in addition to meeting federal and state regulatory  
8 requirements, standards, and best practices. Limiting local authority could potentially have many  
9 negative consequences as local communities can vary greatly throughout the country.  
10

11 **Sponsor:** David Whicker, Chief Information Officer, Rockingham County, N.C.





1  
2 **FUNDING AND FINANCING TOOLS**

3 NACo believes that a user-pay approach should continue to be the cornerstone of federal  
4 transportation funding and that federal policy should provide counties the flexibility to use  
5 additional financing tools, such as tax-exempt bonds and public-private financing for delivering  
6 transportation projects.

7  
8 **A. Highway Trust Fund:** NACo supports using Highway Trust Fund revenue for a total public  
9 transportation program (roadways and transit) and that Congress and the Administration should  
10 retain the existing budget treatment of the highway and mass transit accounts within the  
11 Highway Trust Fund. In addition, NACo supports increasing and indexing the federal motor fuel  
12 user fees to meet current and future highway and transit funding needs, provided all additional  
13 revenue resulting from such an increase is dedicated for highway, bridge and transit programs.

14  
15 **B. Harbor Maintenance Trust Fund:** NACo supports the full expenditure of harbor  
16 maintenance trust fund collections on dredging and harbor maintenance, and providing equity for  
17 deep draft ports that contribute collections to the fund but do not have significant dredging needs  
18 by allowing them to utilize trust fund dollars for limited port-related uses other than dredging.

19  
20 **C. Airport and Airway Trust Fund:** NACo supports funding the airports and airway trust fund  
21 at levels that will meet current and future infrastructure needs and allow for the steady flow of  
22 authorized funds without cuts or delays. NACo also supports retaining the existing budget  
23 treatment of the trust fund, which requires mandatory spending of its funds and ensures that the  
24 taxes collected from users of the aviation system are spent on their designated purposes.

25  
26 **D. Passenger Facility Charge (PFC):** NACo supports the continued collection of PFC fees for  
27 every boarded passenger by public agencies that control commercial airports.

28  
29 **E. Airport Rates and Charges:** NACo supports local governments and airport operators having  
30 the full authority to impose and enforce fees, rates and charges that dedicate all airport revenue  
31 to airport development, capital financing and operations.

32  
33 **F. Off-Airport User Fees:** NACo supports the continued authority of local governments and  
34 other public airports to set fees, rates, and charges for the use of airport facilities by off-airport  
35 business, with the proceeds being dedicated to airport development, capital financing and  
36 operations.

37  
38 **G. Innovative Financing:** NACo supports innovative financing mechanisms including, but not  
39 limited to, qualified tax credit bonds; infrastructure banks; the Transportation Infrastructure  
40 Finance and Innovation Act (TIFIA); and public-private partnerships that would allow local  
41 governments and transportation authorities, such as counties, to leverage federal financing for  
42 capital projects.

43  
44 **H. Municipal Bonds:** NACo believes the tax free status of bonds used for transportation  
45 infrastructure development should be continued with no imposition of additional restrictions on  
46 arbitrage and advanced refunding of bonds.

47  
48 **COMPREHENSIVE PLANNING SUPPORT COORDINATION AND**  
49 **CONNECTIVITY**

50 To achieve an integrated and coordinated transportation system that meets basic community and  
51 statewide goals, all levels of government need to understand the interrelatedness of

1 transportation infrastructure and services and respond with a comprehensive community  
2 planning process that is continuous, cooperative, and comprehensive. Often, in our aging regions  
3 and communities, these processes will need to begin with a proactive and comprehensive plan  
4 for redevelopment and improved maintenance of this core infrastructure.

5  
6 NACo believes that an ideal transportation system is balanced, coordinated and encompasses all  
7 modes of transportation, including land (roadways, rail and transit), aviation (airports), and  
8 marine transport (ports). NACo also believes that continuous, cooperative, and comprehensive  
9 planning is an essential part of a coordinated and balanced transportation system.

10  
11 ~~The elected county official must actively participate in the process, so the plan has official~~  
12 ~~sanction and can promptly be translated into realistic programs. Where such power is lacking,~~  
13 ~~states should provide counties with powers to plan, as well as control, development through such~~  
14 ~~devices as planning and zoning power.~~

15  
16 ~~The amount of funds devoted to comprehensive planning should be reasonably related to~~  
17 ~~identifiable beneficial results through a benefit-cost analysis.~~

18  
19 ~~The transportation plan is an essential part of the comprehensive plan. It should include~~  
20 ~~continuous evaluation and reevaluation of all transportation facilities and services on county or~~  
21 ~~area highways, public transit, traffic control, parking, airports, and terminal facilities for~~  
22 ~~waterways. The transportation plan should be fitted into comprehensive county or area-wide~~  
23 ~~development that includes other functional plans, such as land use, water supply, sewers,~~  
24 ~~schools, fire control, and so forth.~~

25  
26 ~~The state should work closely with county and municipal officials and citizens in planning~~  
27 ~~primary transportation projects under state control as part of the transportation planning process.~~

28  
29 ~~All levels of government should cooperate in setting minimum standards for highway~~  
30 ~~improvements.~~

31  
32 ~~The local transportation planning organization, referred to as the Metropolitan Planning~~  
33 ~~Organization (MPO), and other local transportation planning organizations should be made up of~~  
34 ~~a majority of local officials. These local officials should be able to redesignate their local~~  
35 ~~transportation planning organization, in consultation with the state, if such organization is not~~  
36 ~~made up of a majority of local officials. In the arrangement or process of any MPO~~  
37 ~~redesignation, the federal government should be strictly limited to a neutral third-party role.~~

38  
39 **A. Intergovernmental Coordination:** NACo believes a coordinated and balanced transportation  
40 system supports the interrelationship and connectivity of transportation infrastructure and  
41 services across all levels of government, including county/municipal, state, and federal  
42 transportation assets.

43  
44 **B. County Role in Transportation Planning:** NACo supports opportunities for counties to  
45 participate in local/regional and statewide transportation planning processes and believes  
46 local/regional transportation planning organizations (such as Metropolitan Planning  
47 Organizations) should be made up of a majority of local elected officials and that local elected  
48 officials should be able to re-designate their local/regional transportation planning organization,  
49 in consultation with the state, if their organization is not adequately comprised of local elected  
50 officials.

1 **C. Funding for Transportation Planning:** NACo believes funds devoted to comprehensive  
2 planning should be reasonably related to identifiable beneficial results through a benefit-cost  
3 analysis.

4  
5 **D. Funding for Multimodal Transportation Projects:** NACo supports federal funding for  
6 multi-modal transportation projects through discretionary programs and believes local  
7 governments should be eligible as sole applicants for these programs.

### 8 9 **NATIONAL HIGHWAY PROGRAM HIGHWAYS**

10 ~~Since the transportation system provides mobility between destinations which may be national,~~  
11 ~~interstate, intrastate, or local, there should be a working partnership among all levels of~~  
12 ~~government in developing a system of highways which will be national in scope. Each level of~~  
13 ~~government has a clear and distinct role to perform.~~

14 While counties own more road miles in the United States than any other form of government,  
15 NACo recognizes that the nation’s transportation system depends on roads and bridges owned by  
16 all levels of government and that the role counties play within a state varies greatly state-by-  
17 state. Therefore, NACo supports a federal highway program that supports investments on both  
18 state and locally owned roads and bridges.

19  
20 ~~**A. Standards for Center and Edge Line Markings:** Congress should repeal mandated~~  
21 ~~standards for center and edge line markings and allow local governments to implement their own~~  
22 ~~policies and procedures.~~

23  
24 ~~**B. Federal Role:** The federal government should primarily assist in financing improvement of~~  
25 ~~a mutually agreed upon system of highways determined to be in the public interest. Congress~~  
26 ~~should provide federal highway funding in a consistent, predictable manner to facilitate long-~~  
27 ~~range planning on all levels of government.~~

28  
29 ~~**C. State Role:** States, with local governmental review and approval, should develop multiyear~~  
30 ~~plans and programs for highway improvements. The federal review and approval process should~~  
31 ~~be limited to these annual state plans and programs and not extend to review and approval on a~~  
32 ~~project by project basis.~~

33  
34 ~~**D. Regional Role:** Regional planning organizations, in cooperation with state and local~~  
35 ~~governments, should be limited to planning for services and facilities of regional significance~~  
36 ~~only.~~

37  
38 ~~**E. Local Role:** The local government should be permitted to make a distinction between~~  
39 ~~projects that are statewide and local in character, with requirements for the latter projects much~~  
40 ~~less complex.~~

41  
42 ~~**F. Increased Local Funding:** To help meet the backlog of needs on the highways owned by~~  
43 ~~local governments, Congress should reduce the amounts authorized for state highways only, in~~  
44 ~~part because the interstate system is virtually completed. Congress should now increase the~~  
45 ~~funds available to the other federal aid systems and “off systems” in proportion to their needs.~~

46  
47 ~~**G. Highway Trust Fund:** Due to the significant impact of the automobile and highways on~~  
48 ~~public health, land usage, air quality, and community environment, the Highway Trust Fund~~  
49 ~~should provide funds for a total public transportation program. It should not be limited to the~~  
50 ~~financing of highways and roads, but grant local determination by locally elected officials for the~~  
51 ~~use of such monies for other modes of transportation purposes. Congress and the Administration~~

1 should retain the existing budget treatment of the highway and mass transit accounts that are  
2 funded through the mandatory spending of funds collected in the Highway Trust Fund.

3  
4 ~~The Highway Trust Fund should be removed from the unified federal budget and be used solely  
5 for transportation.~~

6  
7 ~~The federal motor fuel taxes user fee should be increased and the user fee should be indexed,  
8 provided that the proceeds of such an increase are used only for highway, bridge and transit  
9 purposes.~~

10  
11 ~~**H. Other Special Local Needs:** Congress should fund some programs for projects off the  
12 federal aid or state aid system, such as:~~

- 13
- 14 ~~• Programs that target rehabilitation of critical elements of the transportation system in our  
15 aging regions and communities.~~
  - 16 ~~• Continue to provide increased funding for the replacement or rehabilitation of critically  
17 deficient bridges which may not be on the federal aid system. Particular emphasis shall  
18 be given to requiring the states, in cooperation with responsible local officials, to select  
19 critically deficient off-system bridges under county control, in connection with the state's  
20 overall selection of bridge replacement projects; and~~
  - 21 ~~• Authorize a major program to eliminate or grade separate the most serious hazards  
22 among the 165,000 rail highway grade crossings not on the federal aid or state aid  
23 systems.~~

24  
25 ~~**I. County Self-Help Program:** States and counties should provide technical assistance and  
26 training to upgrade and improve county and local highway management and engineering  
27 capability in those counties with greatest need and least resources.~~

28  
29 ~~**J. Vehicle Size and Weights:** Adequate federal funds should be provided to upgrade the  
30 interstate and local access systems to accommodate the vehicle size, weight, and configuration  
31 mandated by Congress.~~

32  
33 ~~**K. Highway Resurfacing, Restoration, and Rehabilitation:** To help meet the nation's  
34 backlog of highway maintenance requirements and to protect our nation's highway investment,  
35 Congress and the President should divert a greater percentage of the Highway Trust Fund  
36 receipts into highway resurfacing, restoration, and rehabilitation. Congress should not impose or  
37 mandate conversion to metrics for highway related construction projects and signage.~~

38  
39 ~~**L. Intelligent Transportation Systems (ITS):** The complete deployment of basic ITS services  
40 for consumers of passenger and freight transportation should be completed across the nation by  
41 2005. As developed and deployed, ITS should be integrated, interoperable, and intermodal. The  
42 private sector should take the lead in the development and bringing to market reliable and  
43 affordable ITS; the public sector should lead in the deployment of core ITS to meet essential  
44 public needs, forming innovative partnerships with the private sector where appropriate.~~

45  
46 ~~**A. Requirements for Local Projects:** NACo believes counties should be permitted to make a  
47 distinction between projects that are statewide and local in character, with requirements for local  
48 projects being much less complex.~~

1 **B. Regional Planning:** NACo believes that regional planning organizations, in cooperation with  
2 state and local governments, should be limited to planning for services and facilities of regional  
3 significance.

4  
5 **C. Statewide Planning:** NACo supports states, with local governmental review and approval,  
6 developing multiyear plans and programs for highway improvements and believes that the  
7 federal government should review and approve these annual state plans and programs.

8  
9 **D. Increased Funding for Local Infrastructure:** NACo believes Congress should increase  
10 funding for highways and bridges owned by local governments by redirecting amounts  
11 authorized strictly for state-owned highways and bridges.

12  
13 **E. Off-System Investments:** NACo supports federal investments for certain projects that are off  
14 the federal-aid system, including:

- 15 • Programs that target the rehabilitation of critical elements of the transportation system  
16 in our aging regions and communities, including high-risk rural roads;
- 17 • Funding for the replacement or rehabilitation of critically deficient bridges which  
18 may not be on the federal-aid system, particularly those off-system bridges under  
19 county control;
- 20 • Funding to eliminate or grade-separate the most serious hazards among the 165,000  
21 rail-highway grade crossings not on the federal-aid or state-aid systems.

22  
23 **F. Trucks and Vehicle Size and Weights:** NACo believes adequate federal funding should be  
24 provided to compensate state and local governments for any infrastructure upgrades necessary to  
25 accommodate the vehicle size, weight, and configurations mandated by Congress. NACo also  
26 supports the continued requirement that all trucks have underride protection devices and believes  
27 that the National Highway Traffic Safety Administration should periodically review the  
28 adequacy of such regulations.

29  
30 **G. Standards for Center and Edge Line Markings:** NACo opposes mandated standards for  
31 center and edge line markings and believes local governments should be allowed to implement  
32 their own policies and procedures.

33  
34 **H. Intelligent Transportation Systems (ITS):** NACo believes counties should be provided  
35 flexibility and federal funding to adopt ITS technologies and related infrastructure.

36  
37 **I. Highway Safety Plans:** NACo supports the requirement that states develop and update State  
38 Strategic Highway Safety Plans in an effort to reduce accidents and fatalities on our nation's  
39 roads and believes states should be required to, at a minimum, cooperate with local government  
40 officials in the development their statewide safety plans.

41  
42 **J. Metropolitan Congestion:** NACo supports increasing, and expanding local control over,  
43 funding to urban and suburban counties to address congestion.

#### 44 **HIGHWAY SAFETY**

45 Substantial progress must be made toward solving the nation's highway accident problem. Local  
46 initiative, channeled through county, municipal, and state governments, can provide leadership in  
47 reducing the carnage on our highways.

1 Augmented by funds available from the federal and state governments, local governments should  
2 provide programs in traffic engineering, driver education, traffic law enforcement, spot  
3 improvement projects, uniform laws and ordinances, uniform traffic control devices, countywide  
4 accident records systems, pedestrian safety programs, and those that foster increased use of  
5 safety belts, including safety belt programs for county employees. Eliminating drunk driving, in  
6 particular, continues to be a high priority issue that needs to be highlighted by county officials.

7  
8 The Governor of each state should give strong leadership in developing statewide safety  
9 programs, with full consultation and cooperation from local governments. Each state should  
10 have an advisory committee of county and municipal officials to assure that the programs are  
11 responsive to local needs.

12  
13 The federal government should continue to require that all trucks have underride protection  
14 devices and that the National Highway Traffic Safety Administration periodically review the  
15 adequacy of such regulations.

## 16 17 PUBLIC TRANSPORTATION

18 Many urban and rural areas have generated a need for public transportation, due to congestion of  
19 highways, air pollution, environmental concerns, and the mobility needs of the transportation  
20 disadvantaged, including the economically disadvantaged, the elderly and handicapped, and  
21 those people who cannot or prefer not to drive automobiles. Congress should provide funds, in  
22 partnership with state and local governments, to improve existing public transportation systems  
23 and to establish new transit systems where needs and benefits have been determined by local  
24 elected transportation officials. The federal government and states should more fully recognize  
25 the appropriateness of the county as a basic area wide government for planning and operating  
26 public transportation services and coordinating specialized transportation.

27  
28 An effective public transportation trust fund must be continued. This trust fund should specify  
29 that a minimum of 50 percent be used for capital investment purposes. The public transportation  
30 trust fund should be apportioned annually on an equitable basis without cutback or delay.

31  
32 Congress and the Administration should develop a policy to ensure that all eligible projects in  
33 the states are reviewed before obligating most of the funds to one project in one state.

34  
35 NACo believes Congress should provide funds, in partnership with state and local governments,  
36 to improve existing public transportation systems and to establish new transit systems where  
37 needs and benefits have been determined by local elected transportation officials. In addition,  
38 NACo believes the federal government should more fully recognize the appropriateness of  
39 counties as a basic area-wide government for planning and operating public transportation  
40 services and coordinating specialized transportation.

41  
42 **A. Interlocal Cooperation:** States should enact legislation enabling counties and municipalities  
43 in metropolitan areas to join together to establish area-wide public transit authorities. Enabling  
44 legislation should:

- 45  
46 • Specify the authority must be under the control of county and municipal elected officials and  
47 should reflect area wide needs; and  
48 • Permit interstate compacts where metropolitan areas cross state lines. NACo supports  
49 providing flexibility to counties and municipalities in metropolitan areas to join together and  
50 establish area-wide public transit authorities.

1 ~~**B. State Assistance:** States should assume greater financial responsibility assisting counties to~~  
2 ~~meet transit development and operating needs. States and counties should provide financial~~  
3 ~~assistance to maintain and improve existing rail commuter services. States and counties should~~  
4 ~~coordinate joint development of highway and public transit in the same rights of way wherever~~  
5 ~~possible.~~

6  
7 ~~**C.B. Formula Program Funding for Urban Transit Systems:** Congress should approve~~  
8 ~~NACo supports full funding of the urbanized area formula grant at the historical levels for both~~  
9 ~~capital and operating assistance.~~

10  
11 ~~**C. Funding for Rural Public Transportation:** NACo supports increased funding to the small~~  
12 ~~urban and rural public transportation program.~~

13  
14 ~~**D. Capital Investment Grants Discretionary Funding for Transit:** Congress should approve~~  
15 ~~appropriations for the capital investment grant program funds to NACo supports federal funding~~  
16 ~~for transit projects through discretionary programs that support rail modernization, new start~~  
17 ~~system development, investments and extraordinary bus capital needs at levels fully consistent~~  
18 ~~with income generated in the Mass Transit Account of the Highway Trust Fund. , and believes~~  
19 ~~projects should be evaluated based on its cost effectiveness, responsiveness to community~~  
20 ~~transportation needs, and state and/or local financial support of the operations and/or~~  
21 ~~maintenance of such projects and facilities.~~

22  
23 ~~**E. Operating Assistance:** Congress should stabilize operating assistance support at one-third~~  
24 ~~of total local operating costs. The remaining two-thirds of public transit operating costs should~~  
25 ~~be made up by state and local sources.~~

26  
27 ~~**F. Public Transportation:** Congress and the President should continue to strengthen the small~~  
28 ~~urban and rural public transportation program by appropriating increased funding for this~~  
29 ~~program.~~

30  
31 ~~**G. Capital Funding Decisions:** Federal decisions for capital funding should be based on a~~  
32 ~~project's cost effectiveness, its responsiveness to community transportation needs, and state~~  
33 ~~and/or local financial support of the operations and/or maintenance of such projects and~~  
34 ~~facilities.~~

35  
36 ~~**H. Subsidized Transit Fares:** The tax status of employer subsidized transit fares should be~~  
37 ~~higher than that of employer subsidized parking.~~

38  
39 ~~**E. Commuter Benefits:** NACo supports increasing the monthly amount that commuters may set~~  
40 ~~aside pre-tax for mass transit to a level that exceeds the allowable pre-tax amount for parking.~~

## 41 **AIRPORTS DEVELOPMENT**

42 ~~Increasingly, counties are assuming enlarged responsibility for meeting regional aviation needs~~  
43 ~~not only by providing airports serving U.S. scheduled airlines, but also commuter and general~~  
44 ~~aviation airports. Federal and state governments NACo believes the federal government should~~  
45 ~~more fully recognize the ability of counties, as area-wide governments, to plan and coordinate~~  
46 ~~aviation with other modes of transportation and to control land use for future airport~~  
47 ~~development.~~

48  
49  
50 ~~**A. Aviation Trust Fund:** Long range budget planning and programming are dependent on the~~  
51 ~~steady flow of authorized funds from the airport/aviation trust fund without cutbacks or delays.~~



- 1
- 2 ● ~~Congress and the Administration should authorize an expanded program for the Airport~~  
3 ~~Improvement Program (AIP) to meet future airport infrastructure development requirements,~~  
4 ~~guarantee and index these funds, and thereafter annually obligate funds from the trust fund~~  
5 ~~without delay.~~
- 6 ● ~~States should better synchronize their funds with available federal funds in providing~~  
7 ~~assistance to counties for airport development.~~
- 8 ● ~~Congress and the Administration should retain the existing budget treatment of the Airport~~  
9 ~~and Aviation Trust Fund that requires mandatory spending of those funds collected in the~~  
10 ~~trust fund. This was mandated in the Aviation Investment and Reform Act for the 21<sup>st</sup>~~  
11 ~~Century in 2000. This requirement ensures that taxes collected from users of the aviation~~  
12 ~~system are spent for the intended purpose of improving our nation's infrastructure and are not~~  
13 ~~to be used to off set any budget deficit.~~

14

15 **~~B. Passenger Facility Charge (PFC):~~** ~~County and other public airports should continue to be~~  
16 ~~able to levy PFCs of at least \$4.50 with a goal of no less than \$6.00.~~

17

18 **~~C. A. AIP Airport Improvement Program (AIP) and PFC Funds:~~** ~~Airport sponsors must~~  
19 ~~have the NACo supports flexibility for airport sponsors to invest AIP and PFC funds and local~~  
20 ~~fees, rates and charges for the financing of intermodal transportation facilities, including but not~~  
21 ~~limited to roads, interchanges, public transit, and safety projects that are an integral component~~  
22 ~~to the growth and sustainability of the airport.~~

23

24 **~~D. Permitting:~~** ~~A tiered approach relating to the size and scope of a project to environmental~~  
25 ~~permitting should be adopted.~~

26

27 **~~E. B. Small Community Air Service Program:~~** ~~This program must be NACo supports~~  
28 ~~continued, with sufficient and guaranteed funding to meet the needs of small communities to~~  
29 ~~retain, expand and attract air service.~~

30

31 **~~C. Essential Air Service (EAS):~~** ~~NACo believes the federal government should continue~~  
32 ~~subsidies for assisting airlines serving small communities and fully fund the EAS program.~~

33

34 **~~F. D. Federal Funding Share of Airport Development Projects:~~** ~~Congress should increase the~~  
35 ~~NACo supports an increased federal share on airport development projects to the greatest extent~~  
36 ~~possible to help local governments with inadequate local revenue sources, take greater advantage~~  
37 ~~of available funds.~~

38

39 **~~G. E. Local Control over Airport Investments:~~** ~~Federal bureaucratic surveillance over the~~  
40 ~~management and control of airports should be discontinued in the cases where the local~~  
41 ~~governments are capable of operating and maintaining the facility. Subject to requirements for a~~  
42 ~~national airport system plan, public airport sponsors should be given NACo supports increased~~  
43 ~~flexibility for public airport sponsors in dedicating available airport grant funds to finance~~  
44 ~~projects determined to be of highest priority by the sponsoring county/community.~~

45

46 **~~H. F. Military Airports:~~** ~~NACo believes the federal government should work cooperatively~~  
47 ~~with counties in developing joint use of existing military airports. Considerable public savings~~  
48 ~~could result, since military airports usually have established controls over surrounding land use~~  
49 ~~and have developed surface transportation. establishing the joint use of existing military airports~~  
50 ~~for the purpose of achieving considerable public savings.~~

1  
2 ~~**I. Essential Air Service:** The federal government should continue subsidies for assisting~~  
3 ~~airlines serving small communities and fully fund the program from the \$50 million in funds that~~  
4 ~~comes from the international over flight fee and \$150 million in appropriated funds.~~

5  
6 ~~**J. G. Air and Noise Pollution Control:** NACo believes ~~T~~the federal government should~~  
7 ~~vigorously continue research of air and noise pollution caused by civilian and military aircraft,~~  
8 ~~and enforce existing standards, rules, and regulations. Regulation by land use should be the last~~  
9 ~~resort in noise pollution control and not be mandated by federal legislation that would diminish~~  
10 ~~county authority in this area. Attention should be directed to the control of noise at its source,~~  
11 ~~which is the aircraft itself, and through safe noise abatement aircraft operating procedures.~~

12  
13 ~~**K. Airport Accessibility:** All public airports should be open to all aircraft, except where~~  
14 ~~segregation is necessary for general aviation aircraft with inadequate navigation and~~  
15 ~~communication equipment or pilots with inadequate training and experience and in instances~~  
16 ~~where the local government body has found it necessary to restrict the types of aircraft.~~

17  
18 ~~**L. Municipal Bonds:** The tax free status of bonds used in airport development should be~~  
19 ~~continued with no imposition of additional restrictions on arbitrage and advanced refunding of~~  
20 ~~bonds.~~

21  
22 ~~**M. Off-Airport User Fees:** Counties and other public airports shall continue to have the~~  
23 ~~authority to set fees, rates, and charges for the use of airport facilities by off-airport businesses,~~  
24 ~~the proceeds of which shall be dedicated to airport development, capital financing, and~~  
25 ~~operations.~~

26 ~~**N. Airport Rates and Charges:** Local governments and airport operators should have full~~  
27 ~~authority to impose and enforce rates and charges and dedicate all airport revenue to airport~~  
28 ~~development, capital financing and operations.~~

29  
30 ~~**O. Local and Regional Airport Planning:** Local and regional airport planning and local and~~  
31 ~~regional self-determination with respect to scheduled passenger service must be preserved. The~~  
32 ~~Federal Aviation Administration should be encouraged to defer to regional aviation plans whose~~  
33 ~~participants perform the same function as a multi-airport proprietor serving a community or~~  
34 ~~region, particularly with respect to scheduled passenger service at county airports.~~

35  
36 ~~**P. H. Airport Security:** Congress and the Administration should provide NACo supports~~  
37 ~~providing sufficient federal funding to both commercial and general aviation airports to~~  
38 ~~guarantee adequate security and to ensure that no financial burdens as it relates to enhanced~~  
39 ~~security and/or federal security requirements are imposed on local governments or public~~  
40 ~~authorities that operate these facilities.~~

## 41 42 **RAILROADS**

43 ~~Because railroads provide an essential link in the transportation of raw goods, finished products,~~  
44 ~~and passengers, NACo believes there should be a coordinated federal-state-local effort to return~~  
45 ~~rail service to its appropriate place in a balanced national transportation system, including needed~~  
46 ~~regulatory reform. In this effort, NACo supports expanding and improving long-distance~~  
47 ~~passenger service, and providing needed regulatory reform at the federal level.~~

48  
49 ~~In this effort, long distance passenger service should be expanded and improved, with service to~~  
50 ~~more parts of the country and no abandonment of service in major urban centers.~~

1 ~~In dealing with bankrupt freight lines, reorganization, rehabilitation, and modernization must be~~  
2 ~~accomplished with minimal disruption of mainline service; light density lines should be~~  
3 ~~abandoned only after thorough cost/benefit analyses based on accurate data and appropriate~~  
4 ~~methodologies which consider the social costs to communities affected and the national interest~~  
5 ~~in preserving service, including maintenance of service in areas where energy resources, such as~~  
6 ~~coal, are located.~~

7  
8 ~~Specific concerns of counties which must be addressed in the reorganization of bankrupt lines~~  
9 ~~include: the disposition of property taxes owed to counties by railroads in reorganization; the~~  
10 ~~impact on county revenues of possible nationalization or federal ownership of rights of way, or~~  
11 ~~of abandonment; the potential social and economic impact from possible abandonment of freight~~  
12 ~~service; and alternative uses of rights of way of lines which are abandoned.~~

13  
14 ~~Counties and other local governments should have the first option to purchase all abandoned or~~  
15 ~~proposed abandonments of rail rights of way to be used for riding and biking trails, bus ways,~~  
16 ~~light rail and to meet other possible transportation needs.~~

17  
18 **A. Freight Rail Assistance:** NACo believes Congress should provide assistance to local  
19 governments, states, and railroads for the rehabilitation, preservation, and improvement of rail  
20 lines with the goal of maintaining and improving needed freight service.

21  
22 **B. Amtrak:** NACo believes Congress should continue to provide subsidies to Amtrak at a level  
23 consistent with maintaining a reasonable level of service and to provide necessary capital  
24 improvements with appropriate accountability controls. However, none of the NACo opposes  
25 using any transportation trust funds should be used fund dollars to address Amtrak's financial  
26 problems.

27  
28 **C. Short Line Railroads:** ~~Because the abandonment and deterioration of short line railroads~~  
29 ~~adversely affects the economies of the communities they serve, NACo believes~~ Congress should  
30 enact legislation that would preserve and restore short line railroads in urban and rural  
31 communities.

32  
33 **D. High-Speed Rail:** ~~Efforts should be undertaken~~ NACo supports efforts to improve and  
34 expand regional and national high-speed rail service to serve those counties and regions that  
35 would benefit from such service. However, NACo opposes the use of funds from the Highway  
36 Trust Fund for high-speed rail and believes there should be no preemption of state and local  
37 taxing authority and no negative impact on any current commuter rail funding. ~~The demand for~~  
38 ~~faster and better rail service is increasing, the need to get more vehicles off the highways is~~  
39 ~~reaching a critical stage, and current resources allocated to Amtrak are insufficient.~~

40  
41 ~~There should be a coordinated federal state local effort to return rail service to its appropriate~~  
42 ~~place in a balanced transportation system. However, no funds from the Highway Trust Fund~~  
43 ~~should be used for high speed rail; there should be no preemption of state and local taxing~~  
44 ~~authority and no negative impact on any current commuter rail funding.~~

## 45 PORTS AND WATERWAYS

46 ~~Relief is afforded our overland systems by the transportation of millions of tons of materials over~~  
47 ~~inland waterways. These waterways and terminal facilities must be properly developed and~~  
48 ~~maintained to protect one of our great economic resources. All levels of government should~~  
49 ~~include this system in their transportation planning process. County officials should take the~~  
50 ~~lead in developing effective measures for planning, developing, operating, and controlling the~~  
51

1 terminal facilities. A vibrant waterway transportation system is vital to our economy and  
2 provides our nation with the ability to meet the needs of the shipping public. Legislation should  
3 be supported that facilitates the revitalization, modernization, and maintenance of port facilities.  
4 NACo believes that a vibrant waterway transportation system is vital to our economy and  
5 provides our nation with the ability to meet the needs of the shipping public. NACo supports  
6 legislation that provides increased funding and regulatory relief to facilitate the revitalization,  
7 modernization, and maintenance of port facilities, including legislation that ties the expenditure  
8 of harbor maintenance trust fund revenues to their intended purpose – harbor maintenance  
9 projects. NACo also believes that federal policy should ensure that state and local officials  
10 responsible for administration and security at U.S. ports are consulted before the sale of port  
11 facilities in their jurisdiction to foreign state-owned entities.

12  
13 ~~**Passenger Vessel Development:** To encourage the promotion and development of a U.S. flag~~  
14 ~~cruise industry, the Passenger Vessel Development Act should be adopted by Congress,~~  
15 ~~including an amendment to encourage owners of new cruise ships to employ a number of U.S.~~  
16 ~~citizens.~~

17  
18 ~~**Local Notification and Input Regarding the Foreign Sale of U.S. Ports:** Legislation should~~  
19 ~~be passed ensuring that state and local officials responsible for administration and security at~~  
20 ~~U.S. ports are consulted and given an opportunity to provide input when sales of port facilities in~~  
21 ~~their jurisdiction to foreign state-owned entities are proposed.~~

## 22 23 **RESEARCH AND DEVELOPMENT**

24 NACo believes the federal government, in cooperation with states, and local governments and  
25 industry, should undertake more continue and expand research, and development and  
26 deployment programs that focus on for new transportation modes, by developing new and  
27 existing modes of transportation, including but not limited to the development of reasonable, safe  
28 and cost effective low volume roads, technology, improving coordination of current research  
29 and development, providing funds for more demonstration programs, and providing funds for  
30 research to better integrate existing and new modes of transportation.

31  
32 ~~Federal highway research resources must be made available to develop reasonable, safe and cost~~  
33 ~~effective low volume roads.~~

## 34 35 **METROPOLITAN CONGESTION**

36 ~~The federal government should provide additional funding to urban and suburban counties to~~  
37 ~~address congestion, and grant more authority in general over how federal funds can be expended~~  
38 ~~for projects to local officials so that congestion can be attacked in a systematic manner by~~  
39 ~~officials at the level of government most familiar with the issues and solutions.~~

40  
41 **Sponsors:** Board Member, Jim Healy, DuPage County, Ill.; Cindy Bobbitt, Commissioner, Grant  
42 County, OK; Marina Dimitrijevic, Board Chair, Milwaukee County, WI; Patrick K. Farrell,  
43 Commissioner, Chatham County, GA; Gary Fickes, Commissioner, Tarrant County, TX; Clay  
44 Jenkins, County Judge, Dallas County, TX; Christian Leinbach, Commission Chair, Berks  
45 County, PA; Randy Maluchnik, Commissioner, Carver County, MN; Peter McLaughlin,  
46 Commissioner, Hennepin County, MN; Gary W. Moore, County Judge/Executive, Boone  
47 County, KY; Joan Patricia Murphy, Commissioner, Cook County, IL; Tom White Jr.,  
48 Supervisor, Apache County, AZ; and Bill Whiteheart, Commissioner, Forsyth County, NC

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## PROPOSED RESOLUTIONS

### Proposed Resolution on County Priorities for MAP-21 Reauthorization

**Issue:** This year, the nation’s transportation system will face two looming crises: the expiration of the current surface transportation authorization law, Moving Ahead for Progress in the 21st Century Act (MAP-21); and the dwindling solvency of the Highway Trust Fund.

**Proposed Policy:** With MAP-21 set to expire on September 30, 2014 and the Highway Trust Fund nearing a major fiscal cliff, NACo urges Congress to adopt a secure and long-term funding strategy for the future of the Highway Trust Fund and pass a long-term surface transportation bill (preferably six years in length) that provides sufficient funding and supports counties’ surface transportation priorities.

#### County surface transportation priorities in the reauthorization of MAP-21:

- **Provide Long-Term Funding Certainty:** Support passage of a new surface transportation authorization that provides long-term funding certainty by raising the federal gas tax and/or finding alternative sources of revenue to make the Highway Trust Fund solvent.
- **Increase Funding for County Road and Bridge Projects:** Support county road and bridge projects by: 1) maintaining the set-aside for off-system bridges and continuing states’ ability to reduce the set-aside requirement if there are insufficient off-system bridge needs; and 2) providing more funding for locally-owned on-system roads and bridges by increasing the overall funding level for the Surface Transportation Program (STP) and continuing the STP suballocation to local areas but increasing the share to greater than 50 percent.
- **Increase the Role of Counties in Statewide Planning:** Provide an increased role for counties in statewide transportation planning by: 1) requiring state departments of transportation, at a minimum, cooperate with local government officials (including county transportation officials) in the development of planning and funding allocation processes, including the development of State Strategic Highway Safety Plans; and 2) requiring state departments of transportation coordinate with local government officials in defining the term ‘high risk rural road’ – or developing a federal definition of the term ‘high risk rural road’ after considering input from state and local stakeholders and other performance measurements.
- **Build on Reforms from MAP-21 that Strive to Expedite Project Delivery:** Continue and expand efforts to streamline and expedite project delivery by: 1) maintaining the categorical exclusion for projects receiving limited federal assistance (\$5 million or less); and 2) simplifying the process for pursuing categorical exclusions.
- **Support Public Transportation Systems of all Sizes:** Support rural, small and large transit systems by: 1) continuing to fund transit programs through the Mass Transit Account of the Highway Trust Fund; 2) continuing federal funding for rural transportation systems; 3) continuing and expanding transit operators’ flexibility to use federal dollars for operating assistance; 4) restoring historic funding levels for the Bus and Bus Facilities program and revising the program to require that all funds for Urbanized Areas with a population of 50,000 or more be apportioned directly to the designated recipients of 5307 funding; and 5) providing discretionary funding for both rural and urban transit systems to address one-time and/or major investments.

- 1
- 2 • **Make Safety a Priority on all Roads and Bridges:** Emphasize safety on all roads and
- 3 bridges by: 1) revising the High Risk Rural Road (HRRR) safety rule under the Highway
- 4 Safety Improvement Program, which requires an increase in existing fatality rates on HRRRs
- 5 over a two-year period before a state must obligate funds to improve rural road safety –
- 6 rather than waiting for safety problems to get worse, states should either be required or
- 7 incentivized to decrease existing fatality rates on HRRRs through safety investments; 2)
- 8 prioritizing investments for federal-aid bridges to address safety and infrastructure
- 9 improvements for bridges with the greatest need – regardless of whether they are on or off
- 10 the National Highway System; and 3) continuing existing limits on truck size and weight due
- 11 to the enormous threat larger and heavier trucks pose to road safety and locally-owned
- 12 infrastructure.
- 13
- 14 • **Support Innovative Funding and Financing Methods:** Continue and encourage alternative
- 15 financing methods that help local governments stretch federal, state and local investments
- 16 farther by: 1) continuing robust funding for the TIFIA program; 2) incentivizing innovative
- 17 project funding and financing through an increased federal match (up to 100 percent) or by
- 18 allowing local governments to use savings realized through innovative contracting methods
- 19 toward their local match; and 3) creating a pilot program or providing technical assistance to
- 20 local governments that support the planning for and design of multi-jurisdictional project
- 21 bundling.
- 22
- 23 • **Invest in Passenger Rail:** Include funding for passenger rail in the reauthorization of MAP-
- 24 21 that supports current rail service and the development of high-speed rail.
- 25

26 **Background:** Counties play a critical role in the nation’s transportation system. They own and

27 maintain 45 percent of the nation’s road miles and 39 percent of the nation’s bridges. Counties

28 are also involved with over a third of the nation’s transit systems and airports. MAP-21 and the

29 highway trust fund provide vital funding for county roads, bridges and public transportation.

30 NACo believes counties should be recognized as major owners of transportation infrastructure

31 and provided an opportunity to participate in the development of federal policy that dictates the

32 levels of funding and authority counties receive under the federal transportation program.

33

34 **Fiscal/Urban/Rural Impact:** MAP-21 reauthorization legislation will dictate the federal

35 funding available to the transportation infrastructure owned and operated by county

36 governments.

37

38 **Sponsor:** Jim Healy, Board Member, DuPage County, Ill.

39

### 40 **Proposed Resolution On Modifying the Train Horn Rule**

41

42 **Issue:** Supporting feasible and safe implementation of railroad quiet zones through modification

43 of the Train Horn Rule

44

45 **Proposed Policy:** NACo urges the U.S. Congress and Federal Railroad Administration (FRA) to

46 reexamine the Train Horn Rule (49 CFR, Part 222, the Use of Locomotive Horns at Highway-

47 Rail Grade Crossings) in order to determine how local communities can feasibly implement quiet

48 zones without insurmountable costs, requirements and processes while also continuing to protect

49 public safety. Additionally, NACo encourages Congress to provide new or unobligated federal

50 funds to localities for the express purpose of establishing quiet zones.

51

1 Background: Train horn noise can be a considerable concern to residents in local communities  
2 and can affect economic and residential developments locating in the heart of communities. The  
3 Train Horn Rule, established in 2005 to protect public safety at railroad crossings, requires train  
4 operators to sound train horns at specified levels of at least 96 decibels at crossings in town  
5 centers and residential areas even when there are signals and crossing gates, unless a quiet zone  
6 has been implemented.

7  
8 The Train Horn Rule allows for communities to create quiet zones in which train operators are  
9 not required to sound the horns. However, the steps that communities must take to establish quiet  
10 zones are time intensive and can be expensive. Implementation of the requisite studies and new  
11 infrastructure for quiet zones costs local communities hundreds of thousands or even millions of  
12 dollars, and many communities have numerous crossings in their populated area which  
13 multiplies the expense significantly.

14  
15 Working in conjunction with the FRA and the railroad industry, local governments can help  
16 identify streamlined solutions that allow communities to establish quiet zones in a way that is  
17 economically feasible yet also continues to protect the public's safety at rail crossings. A variety  
18 of less costly options exist that currently are not permitted. For example, through examination of  
19 accident data, frequency of crossings and other factors, it likely would be determined that in  
20 many cases a simple gate or lighted sign might be appropriate. It is important that the U.S.  
21 Congress and Federal Railroad Administration work with the nation's counties to reexamine the  
22 Train Horn Rule to allow communities to effectively create quiet zones.

23  
24 In addition to reexamining the Train Horn Rule, efforts are underway to identify federal funding  
25 to help finance quiet zones. Congress should consider using a portion of unobligated  
26 transportation funding to provide grants to localities for the direct costs associated with  
27 establishing quiet zones . If unobligated transportation funding is not a viable solution, Congress  
28 should identify a new, dedicated funding source to help communities nationwide to establish  
29 quiet zones.

30  
31 **Fiscal/Urban/Rural Impact:** Modifying the Train Horn Rule for greater flexibility would  
32 enable rural and urban local communities to more affordably implement safety measures that  
33 allow for decreased train horn noise in town centers and residential areas. Additionally, federal  
34 grant funding for quiet zones would help off-set the cost of implementing such zones to  
35 communities nationwide.

36  
37 **Sponsor:** Colorado Counties Inc.

### 38 39 **Proposed Resolution Supporting Speed Governors for Heaviest Commercial Vehicles**

40  
41 **Issue:** A rule calling for the required setting of electronic speed governors on all Class 7 & 8  
42 trucks (those weighing over 26,000 pounds) has been pending in the Department of  
43 Transportation since 2006.

44  
45 **Proposed Policy:** NACo supports the issuance of a USDOT rule requiring Heaviest  
46 Commercial Vehicles from model year 1995 forward to employ Speed Governors at a reasonable  
47 top speed.

48  
49 **Background:** Making safety a priority on all our roads and bridges is one of NACo's priorities.  
50 The United States is the last leading country on earth without such a rule and it is high time that  
51 we have this common-sense law. Not only is it safer for all of our loved ones on the highways –

1 it is more profitable for the trucking industry which provides such important services to our  
2 overall economy. Companies that already voluntarily have their speed governors engaged will  
3 tell you that not only are they involved in fewer crashes but they also save quite a bit money on  
4 fuel and maintenance expenses because of the sensible speed limiting involved.

5

6 **Fiscal/Urban/Rural Impact:** Increased safety, reduced congestion and decreased wear on tear  
7 on highways will result from this rule being enforced.

8

9 **Sponsor:** John Eaves, Chairman, Fulton County, GA