



MEMORANDUM

TO: NACo Board
NACo Steering Committee Leadership
State Association Executive Directors

FROM: Edwin S. Rosado, Legislative Director

DATE: June 20, 2011

SUBJECT: Annual Conference Resolutions/Policy Coordinating Committee

Enclosed are the newly proposed platform changes and resolutions NACo will be considering at the 2011 Annual Conference in Multnomah County (Portland), Oregon. The proposed platform changes and resolutions were received by NACo staff within the 30 day time frame prior to the Annual Conference, per our policy process.

The Policy Coordinating Committee will meet on Friday, July 15, from 4:30-5:30 p.m. in Room C120-122 of the Oregon Convention Center where the steering committee chairs will inform the NACo Executive Committee and each other if there are any resolutions they believe are crosscutting and should be referred to their committees jointly.

The Committee will meet again on Saturday, July 16 from 4:30-5:30 p.m. to review the actions of the steering committees in Room B113-114 of the Oregon Convention Center. It is very important for the chairs to review these resolutions so that any potential conflicts between committees can be raised at this meeting.

Once completed, the NACo Board of Directors will sit as a Resolutions Committee to consider all the resolutions on Sunday, July 17 from 3:30-5:30 p.m. in the Oregon Ballroom Rooms 201-202 of the Oregon Convention Center. Then, the resolutions will be presented to the entire membership for final adoption on Tuesday, July 19 at the Election of Officers and Business Meeting from 10 a.m. – 12 Noon in the Portland Ballroom, Level 2 of the Oregon Convention Center. All steering committee chairs should attend to present their respective section.

Feel free to call me at 202/942-4271 or Jeff Arnold at 202/942-4286 if you have any questions. I look forward to seeing you.

Enclosures



National Association of Counties

Proposed Platform and Resolutions

Prepared for the 2011 Annual Conference

July 15-19, 2011

Multnomah County (Portland), Oregon

Table of Contents

1						
2						
3	AGRICULTURE & RURAL AFFAIRS					
4	Proposed Platform Changes	...	...	...	...	1
5	Resolutions—					
6	Opposing Cuts to USDA Rural Development Programs in FY 2011 and FY 2012	...	...	...	...	2
7	Support of the Regional Innovation Initiative	...	...	...	...	2
8	Supporting Reauthorization of the 2012 Farm Bill and Priority for Rural					
9	Development Programs	...	...	...	...	3
10	Support the Creation of the White House Rural Council	...	...	...	...	4
11	Oppose Efforts to move Rural Housing Programs from USDA to HUD	...	...	...	...	4
12	Stop Foreign Aid to Countries that Undercut Free Market Competition	...	...	...	...	4
13	Oppose More Stringent Regulation of Particulate Matter (PM or Dust)	...	...	...	...	5
14						
15	COMMUNITY & ECONOMIC DEVELOPMENT					
16	Proposed Platform Changes	...	...	...	...	6
17	Resolutions—					
18	FY 2012 Appropriations for the Department of Housing and Urban Development	...	...	...	...	6
19	Retention of the Administration’s Foreclosure and Neighborhood Stabilization Programs	...	...	...	...	7
20	Supporting the Section 8 Housing Choice Voucher Program	...	...	...	...	7
21	Strongly Supporting the Community Development Block Grant and HOME Investment					
22	Partnership Programs	...	...	...	...	8
23						
24	ENVIRONMENT, ENERGY & LAND USE					
25	Resolutions—					
26	Exempting Renewable Biomass Emissions from the EPA’S Tailoring Rule	...	...	...	...	10
27	EPA’s Boiler MACT Rule	...	...	...	...	10
28	Carbon Cap and Trade and Carbon Tax	...	...	...	...	11
29	Stormwater Runoff from Logging Roads	...	...	...	...	11
30	Ensure that Federal Agencies Pay Fair Share of Local Stormwater Utility Fees	...	...	...	...	12
31	Support Ratification of the United Nations’ Convention on the Law of the Sea	...	...	...	...	13
32	Responsible Military Maritime Sonar Practices	...	...	...	...	14
33	Ocean Acidification	...	...	...	...	14
34	Changes to the Oil Pollution Act	...	...	...	...	14
35	Pesticide Use	...	...	...	...	16
36	Support of Energy Security and Diversity	...	...	...	...	17
37	Support Advanced Cleaner Coal Technologies	...	...	...	...	18
38	Community Renewable Energy Projects	...	...	...	...	18
39	Property Assessed Clean Energy Programs (PACE)	...	...	...	...	19
40	USFWS Wind Siting Guidelines under the Bald and Golden Eagle Act and the					
41	Migratory Bird Treaty Act	...	...	...	...	19
42	Conservation Easement Tax Incentives	...	...	...	...	20
43	Support of Special Redevelopment and Smart Growth Zones	...	...	...	...	21
44						
45	FINANCE & INTERGOVERNMENTAL AFFAIRS					
46	Resolutions—					
47	Supporting Renewal of the Build America Bonds and Recovery Zone Bonds Program	...	...	...	...	22
48	Supporting Elimination of Floor on Deductible Medical Expenses	...	...	...	...	22
49	Alternatives to Control the Rising Budget Deficit	...	...	...	...	22
50	Dissolution of the U.S. Election Assistance Commission	...	...	...	...	23
51	Opposing Legislative Mandates Regarding the Conduct of Elections at the County Level	...	...	...	...	24
52	Access Federal GSA Schedules for the Purchase of Environmentally Preferable					
53	"Green" Commodities and Services	...	...	...	...	25
54	Advisory Board Membership for the Help America Vote Act Management	...	...	...	...	25
55	Supporting Federal Assistance to the Municipal Bond Market	...	...	...	...	26

1	Opposing Federal Preemption of State and Local Taxing Authority Over Online Travel Companies	26
2	Opposing Property Tax Deductibility Reporting Requirement	27
3	Supporting an Amendment to the Constitution of the United States	27
4	Streamlined Sales and Use Tax Agreement	28
5	Urging Repeal of Unfunded Three Percent Withholding Mandate for County Procurement ...	28
6	Increased Reporting Requirements in the use of Federal Funds	28
7	Supporting Uniform Rating System for All Securities	29
8		
9	HEALTH	
10	Proposed Platform Changes	30
11	Resolutions—	
12	Support of Charity Care Requirements for Non-Profit Health Care Facilities	30
13	Support of Provisions of the Patient Protection and Affordable Care Act that Help	
14	County Safety Net and Behavioral Health Programs	31
15	Support for the Reduction of the 24-Month Waiting Period for Participants in	
16	Social Security Disability Insurance	31
17	Support of the Healthy Food Financing Initiative	32
18	Adapting to Aging Populations	32
19	Changing Nursing Home Oversight to Support and Promote Culture Change	33
20	County Organized Health Systems	33
21	Creation of a New Oversight System for Nursing Homes	34
22	Essential Support Services for Persons with Behavioral Health and Developmental Disabilities	34
23	Health System Reform	34
24	Nurse Home Visitation Program	37
25	Persistent Health Disparities	37
26	V.A. Health Benefits for Veterans in Custody Pending Disposition of Charges	38
27	Supporting County Preparedness for Pandemic Influenza	38
28	Supporting Efforts in the Prevention and Treatment of Obesity and Overweight	39
29	Endorsing the Vision and Goals of the National Prevention Strategy	39
30		
31	HUMAN SERVICES & EDUCATION	
32	Proposed Platform Changes	41
33	Resolutions—	
34	TANF and Child Care Reauthorization	42
35	Comprehensive Immigration Reform	43
36	The Development, Relief, and Education for Alien Minors Act	43
37	Funding for the Elder Justice Act	43
38	Reauthorization and Funding of the Older Americans Act	44
39	Support for the Community Services Block Grant	44
40	Indian Child Welfare Notices	45
41	Supporting the Establishment of an Office of Rural Education Policy	45
42	Support for the Social Services Block Grant	45
43		
44	JUSTICE & PUBLIC SAFETY	
45	Proposed Platform Change	46
46	Resolutions—	
47	Supporting Legislation to Establish a Nationwide 2-1-1 Dialing System	46
48	Edward Byrne Memorial Justice Assistance Grant Program (42 U.S.C.3750)	46
49	Support of Strengthened FEMA Outreach and Technical Assistance for	
50	Flood Hazard Mapping	47
51	Support for the National Initiative on Cyber Education (NICE)	47
52	Support of Maintaining Funding for FEMA Grant Programs	48
53	Support Revising FEMA's HMGP Program	48

1	Support of the Reauthorization of the Juvenile Justice and Delinquency					
2	Prevention Act of 1974 as Amended	...	...	...	...	49
3	Supporting Funding for the Mentally Ill Offender Treatment and Crime Reduction					
4	Reauthorization and Improvement Act	...	...	...	...	50
5	Support for the National Criminal Justice Commission Act	...	...	...	...	51
6	Supporting County Preparedness for Pandemic Influenza	...	...	...	...	51
7	Lowering Jail Recidivism and Reinvesting the Savings	...	...	...	...	52
8	Supporting the Youth Promise Act	...	...	...	...	52
9						
10	LABOR & EMPLOYMENT					
11	Resolutions—					
12	Support of Allocating Maximum Funding to Local Workforce Areas	...	...	...	...	54
13	Support Public Health Workforce Programs	...	...	...	...	54
14	Support of Streamlining the Department of Labor National Emergency Grant Process	...	...	...	...	55
15	Funding for Workforce Development Programs	...	...	...	...	55
16	Reauthorization of the Workforce Investment Act	...	...	...	...	55
17	State WIA Plans	...	...	...	...	57
18	Support of Improving Department of Labor’s Response to Local Workforce Reporting Standards	...	...	...	...	57
19	Supporting Goals of NACo’s Veterans and Military Service Task Force with					
20	Respect to Job Training and Access to Employment Services	...	...	...	...	58
21	Infrastructure Funding for Local One-Stop Centers	...	...	...	...	58
22						
23	PUBLIC LANDS					
24	Resolutions—					
25	Opposing Delay in Issuance of Oil and Gas Drilling Permits	...	...	...	...	59
26	Assessing Concessionaire Property Taxes on Federally Owned Lands	...	...	...	...	59
27	Congressional Designation of Additional Wilderness Areas	...	...	...	...	60
28	Calling for the Membership of the Wild Horse and Burro Advisory Board to be					
29	Expanded to Include a County Elected Official	...	...	...	...	60
30	Federal Forest Carbon Sequestration Revenues	...	...	...	...	61
31	Support of Changing Forest Service Employee Supervision	...	...	...	...	62
32	Support of Ongoing Sage Grouse Management Efforts and in Opposition to					
33	Listing of the Sage Grouse at this Time	...	...	...	...	62
34	Distribution of Federal Royalty Payments for Renewable Energy Projects on Public Lands	...	...	...	...	63
35	Hazardous Fuels Emergency	...	...	...	...	63
36	Federal Definition of Woody Biomass	...	...	...	...	64
37	Opposing Proposed Forest Service Planning Rule	...	...	...	...	65
38	Rescind BLM’s “Master Leasing Plan” Oil and Gas Reform Leasing Reform	...	...	...	...	65
39	Regarding Mitigation for Impacts to Historic and Recognized Land Uses from Renewable					
40	Energy Development Projects Occurring on Federal Lands	...	...	...	...	66
41	Supporting S.1061 & H.R.1996 “The Government Litigation Savings Act”	...	...	...	...	67
42	Oppose Executive Branch Efforts to Create New “Defacto” Wilderness Areas	...	...	...	...	67
43	Promote Healthy Forest Ecosystems and Reduce the Release of Green House Gases					
44	Through Active Management of the Nation’s Forests	...	...	...	...	68
45	Revise Contract Cancellation Policy for FS Stewardship Contracts	...	...	...	...	69
46	Urging Congress to Expedite a Commercial Oil Shale Leasing Program	...	...	...	...	70
47	Waiving Environmental Laws on Public Lands for Border Patrol					
48	Agents within 100 miles of the U.S./Mexico border	...	...	...	...	70
49	Limiting the Amount of Reimbursement by the Federal Government for Legal					
50	Litigation Costs under the Equal Access to Justice Act	...	...	...	...	71
51	Japan Reconstruction Aid to Include Manufactured Wood Products					
52	Generated from Federal Forests in Accordance with the Northwest Forest Plan	...	...	...	...	71

1	Utilization of Federal Timber after Domestic Declaration of Disaster	...	...	...	72
2	Supporting Uranium Activities and the Grand Canyon Watershed	...	...	...	73
3	Support Increased Domestic Oil and Gas on Public Lands	...	...	...	73
4					
5	TELECOMMUNICATIONS AND TECHNOLOGY				
6	Proposed Platform Changes	...	...	...	75
7	Resolutions—				
8	Confidential Data Sharing	...	...	...	79
9	The Use of Spectrum for Interoperable IP-Based Public Safety Communication	...	...	...	80
10					
11	TRANSPORTATION				
12	Proposed Platform Changes	...	...	...	81
13	Resolutions—				
14	High-Speed Intercity Transit	...	...	...	83
15	Railroad Relations	...	...	...	84
16	Safe Highways and Infrastructure Preservation Act (SHIPA, H.R. 1618)	...	...	...	84
17	Commuter Rail Trackage and Operating Rights	...	...	...	85
18	Mitigation of Impact of Rail Mergers and Buyouts on Local Communities	...	...	...	85
19	Rulemaking Establishing Minimum Levels of Retroreflectivity for Pavement Markings	...	...	...	86
20	Transportation Trust Fund	...	...	...	86
21	Highway Trust Fund	...	...	...	86
22	Support of the Railroad Competition Act	...	...	...	87
23	Supporting Customs Fees Being Used for Port Infrastructure Development	...	...	...	87
24	Support of Short Sea Shipping Initiative	...	...	...	88
25	Reauthorization of the Federal Airport and Aviation Program	...	...	...	88
26	Create a National Indemnity Liability Fund for Public Transit Agencies	...	...	...	89
27	Timely Passage of the Airport and Aviation Legislation	...	...	...	90
28	Future of the Federal Surface Transportation Program	...	...	...	90
29	Revised Surface Transportation Policy	...	...	...	94
30	Federal Highway Bridge Program	...	...	...	98
31	Flexible Transit Funding	...	...	...	98
32	Maintaining Metropolitan Planning Organization Designation Threshold Levels	...	...	...	98
33	Transportation Infrastructure Finance and Innovation Act	...	...	...	99

1 **AGRICULTURE AND RURAL AFFAIRS PROPOSED PLATFORM AND**
2 **RESOLUTIONS**

3 **Proposed Platform Changes**
4

5 **Environment:** NACo recognizes the need to protect our nation's most environmentally sensitive lands and
6 waters. The 2008 Farm Bill re-affirmed the nation's commitment to good land stewardship by providing billions of
7 dollars to conservation programs. Programs such as the Environmental Quality Incentive Program (EQIP),
8 Conservation Reserve Program (CRP), Wetlands Reserve Program (WRP), Conservation Security Program (CSP),
9 and others are important sources for technical assistance and are needed to help communities implement many
10 important conservation measures.

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

14 NACo urges Congress to fund and expand backlogged farm conservation programs such as the
15 Conservation and Wetlands Reserve, Buffer, and Farmland Protection Programs. Flexibility should be allowed in the
16 Conservation Reserve Enhancement Program to permanently protect locally identified critical habitat areas. The
17 Natural Resource Conservation Service (NRCS) should be the sole federal agency with jurisdictional authority over
18 agricultural wetlands areas.

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

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

29 The role of states and counties should be a partnership enhanced by a common goal in identifying and
30 implementing conservation management programs. This would include the targeting of priority protection areas in
31 developing sound agricultural conservation management programs.

32 NACo urges EPA to use the best scientific data on pesticide use, residues on crops, and toxicity, so that
33 important pesticide uses are preserved; and to work closely with the USDA to improve consultation with all
34 stakeholders.

35 **NACo supports federal incentives which reward American agriculture for the implementation of best**
36 **management practices which protect the environment and opposes any attempts to impose a federal**
37 **greenhouse gas tax on livestock.**
38

39 **FOOD SAFETY**

40 NACo supports the food safety inspection system for meat processing plants. This new system replaces a
41 sight and smell technique with scientific methods and should help other processing plants better target and reduce
42 harmful bacteria on their products. **Protecting the welfare of all American consumers, especially our children,**
43 **is the responsibility of public officials. Maintaining confidence in our nation's food supply benefits**
44 **agricultural producers and food manufacturers located throughout our nation. NACo urges USDA to not**
45 **exempt any particular type of processing method from rigorous inspection.**

46 NACo urges expanded funding for research on the uses of biotechnology.

47 The United States Department of Health and Human Services, the United States Environmental
48 Protection Agency and other federal organizations place controls on the legal use of certain pesticides and chemicals
49 in the United States, however in many countries the use of pesticides and other chemicals which have not been
50 approved or have been banned in the United States is a common practice.

51 Unfortunately many of these same foodstuffs are routinely shipped to the United States.
52 Congress included mandatory country-of-origin labeling (COOL) provisions in the 2002 and 2008 farm bills. NACo
53 urges the Administration to implement this important provision.

1 NACo feels the consumer has a right to know the country of origin of the fruit and vegetables they eat if
2 such foodstuffs are not grown in the United States. NACo strongly urges the federal government to require that all
3 fruits, vegetables, meats and other foodstuffs entering the United States be legibly, indelibly labeled in such manner
4 as to indicate to the consumer the country of origin.

5 Additionally, NACo supports the establishment of a national animal identification system that provides
6 financial assistance to producers to comply with the system. Furthermore, NACo urges the
7 U.S. Department of Agriculture (USDA) to mandate that all countries that wish to import livestock to the United
8 States must meet or exceed U.S. standards of care regarding Bovine Spongiform Encephalopathy (BSE) and foot
9 and mouth disease.

10 NACo urges the U. S. Department of Agriculture (USDA) to continue the ban on importation of livestock
11 from countries with confirmed cases of BSE and/or foot and mouth disease and strengthen enforcement standards in
12 order to guarantee safe food for our nation. USDA should conduct inspections at the site of production of all food
13 products that are exported to the United States financed by the producer.

14 NACo also supports the promotion of healthy diets for all residents, including strengthening incentives and
15 infrastructure to encourage more fruit/vegetable production, better access to fresh foods and investment programs
16 promoting healthy food, expansion of programs that help communities' invest in retail markets, food-based
17 businesses and increasing access to farmers markets and farm-to-cafeteria programs that bring the freshest locally
18 grown food into school lunch programs.

20 **Proposed Resolution Opposing Cuts to USDA Rural Development Programs in FY 2012 and FY 2013**

21 **Issue:** Proposed Cuts to USDA Rural Development Programs.

22 **Proposed Policy:** NACo strongly supports USDA Rural Development programs and urges Congress and
23 the Administration to oppose further cuts to these programs in FY 2012 and FY 2013.

24 **Background:** USDA Rural Development funds a broad range of programs that are critical to rural
25 counties. These programs include funding for water/wastewater infrastructure, community facilities, broadband,
26 electric, telephone, housing, renewable energy and business development. USDA Rural Development programs are
27 increasingly critical to rural communities due to the current fiscal situation.

28 At a minimum, these programs must be maintained at the FY 2010 enacted funding level; especially grant
29 funding in order for rural communities to overcome impediments to economic development. The President's FY
30 2012 Budget for USDA Rural Development programs provides \$2.4 billion in budget authority to support a program
31 level of \$36 billion in loans, grants and other assistance. This represents a cut of over \$568 million or 19 percent in
32 budget authority from the FY 2010 enacted level. The House passed FY 2012 agriculture spending bill, H.R. 2112,
33 provides \$2.1 billion for rural development programs, a decrease of \$338 million or 14 percent from last year's
34 level. This level of funding is \$876 million or 30 percent less than the NACo supported FY 2010 enacted level of
35 \$2.968 billion.

36 NACo calls on Congress and the Administration to maintain USDA Rural Development program funding
37 levels in FY 2012 and FY 2013 at the FY 2010 enacted level. This minimum level of funding is needed each year to
38 bolster critical economic development opportunities in rural counties. NACo especially supports grant funding for
39 USDA rural water infrastructure and community facilities programs, which are especially critical to economic
40 development efforts in rural communities.

41 **Fiscal/Urban/Rural Impact:** USDA Rural Development programs are critical to the economic vitality of
42 many rural communities.

43 **Sponsor:** Donald Larson, Commissioner, Brookings County, South Dakota

45 **Proposed Resolution in Support of the Regional Innovation Initiative**

46 **Issue:** Support growth and job creation in rural counties.

47 **Proposed Policy:** NACo supports the U. S. Department of Agriculture's Regional Innovation Initiative.

48 **Background:** The President's Budget for FY 2012 supports the creation of the U.S. Department of
49 Agriculture's Regional Innovation Initiative. The initiative is designed to provide a new framework for promoting
50 economic development and job creation in rural communities. To support this innovative locally-driven approach,
51 USDA requested a program level of \$170 million that will be generated by better targeting 5 percent of several key
52 community and economic development programs at USDA Rural Development.

53 The initiative will allocate these funds competitively among innovative regional economic development
54 projects tailored to local needs and opportunities. Enactment of General Provision 718 of the Agriculture section of
55 the President's FY 2012 Budget will give USDA authority to begin the initiative.

1 While it does not provide new funding for these key county supported programs, the initiative does seek to
2 reorient USDA towards a model of development that respects local priorities and plans, fosters regional cooperation
3 and brings more cohesion and simplicity to many of USDA's programs that are designed to revitalize rural
4 communities.

5 The Administration's proposal to create a Regional Innovation Initiative is an extremely promising
6 development for rural counties. NACo has led the effort to call upon Congress and the Administration to renew and
7 reorient rural development efforts and the Regional Innovation Initiative represents an important step toward that
8 goal.

9 **Fiscal/Urban/Rural Impacts:** The proposed initiative supports private sector growth and job creation in
10 rural counties.

11 **Sponsor:** Donald Larson, Commissioner, Brookings County, South Dakota

12 **Proposed Resolution Supporting Reauthorization of the 2012 Farm Bill and Priority for Rural Development** 13 **Programs**

14 **Issue:** NACo Priorities for the 2012 Farm Bill Reauthorization.

15 **Proposed Policy:** NACo supports full funding of all titles in the 2012 reauthorization of the Farm Bill and
16 calls on Congress and the Administration to place particular emphasis on crafting a Farm Bill that provides
17 enhanced resources to rural development programs and strategies that promote rural prosperity.

18 NACo supports four key priorities in the Farm Bill reauthorization that will help rural counties revitalize
19 their economies and quality of life.

- 20 1) NACo supports an enhanced commitment to USDA Rural Development programs in the next farm bill,
21 especially key infrastructure and business development programs that support the agricultural sector
22 and the retention and creation of businesses.
- 23 2) NACo supports rural development strategies which focus on making USDA's investments more
24 efficient and effective by rewarding strategic regional approaches to rural development that allow
25 counties and their regional partners to focus on their local economic assets, priorities and goals.
- 26 3) NACo supports enhanced funding for renewable energy development, especially programs that assist
27 local governments in their efforts to develop renewable energy and increase energy efficiency.
- 28 4) NACo recognizes the need to enhance opportunities for young people to be involved in agricultural
29 enterprises and therefore supports a title in the next Farm Bill that assists in developing these
30 opportunities.

31 **Background:** The 2008 Farm Bill does not expire until 2012, but the debate has already begun. The Farm
32 Bill is a massive piece of legislation which authorizes a broad range of programs that are critical to rural counties.
33 These programs include funding for rural water/wastewater infrastructure, community facilities, broadband
34 expansion, housing, renewable energy, support for new farmers and business development initiatives. All titles of
35 the 2012 Farm Bill are important to the vitality of our nation; therefore NACo supports full funding of all titles of
36 this important legislation.

37 The Farm Bill ensures that all Americans have access to a safe, secure and inexpensive food supply and
38 provides a safety net for farmers and ranchers. It also authorizes important nutrition programs, encourages
39 environmentally friendly conservation programs, and supports the development of agriculturally based renewable
40 energy, which will help to reduce our dependence on foreign oil.

41 The law affects the economy and the tax base of many of the nation's counties. The ability of county
42 governments to provide services financed by property and other local taxes is dependent on farm income and rural
43 businesses. Agriculture is a key component of economic development and should be included in any comprehensive
44 rural development program.

45 NACo supports agricultural reforms that will improve health and protect the environment of all Americans
46 through significantly strengthening federal nutrition programs, improving access to healthy food, promoting
47 environmental stewardship and conservation, protecting our food supply and robustly funding rural development
48 initiatives.

49 NACo supports an enhanced Rural Development Title in the 2012 Farm Bill, and full funding for flexible
50 rural development programs that allow counties to work regionally and locally to develop infrastructure
51 improvements, community facilities, business development, broadband deployment, entrepreneurship, healthcare
52 and many other essential programs. NACo, in partnership with over 30 other national organizations, will continue
53 the Campaign for a Renewed Rural Development to spread the message to Congress and the Administration that
54 rural America is in need of support and funding in order to survive and thrive in the new global economy.
55

1 **Fiscal/Urban/Rural Impact:** Farmers, ranchers, and rural communities will greatly benefit from a fully
2 funded 2012 Farm Bill.

3 **Sponsor:** Donald Larson, Commissioner, Brookings County, South Dakota
4

5 **Proposed Resolution Supporting the Creation of the White House Rural Council**

6 **Issue:** Improvement of Rural Policy.

7 **Proposed Policy:** NACo supports the President's decision to create the White House Rural Council and
8 pledges to work with Council Chairman Tom Vilsack, U.S. Secretary of Agriculture, to bring forward the
9 perspective of rural counties to the council.

10 **Background:** On June 9, the White House announced the establishment of the first White House Rural
11 Council. The White House Rural Council will coordinate programs across the federal government to encourage
12 public-private partnerships to promote economic prosperity and quality of life in rural communities.

13 Chaired by Secretary of Agriculture Tom Vilsack, the Council will be responsible for providing
14 recommendations for investment in rural areas and will coordinate Federal engagement with a variety of rural
15 stakeholders, including agricultural organizations, small businesses, and state, local, and tribal governments.

16 The Council will focus on economic issues, including topics such as increasing the flow of capital to rural
17 areas, promoting innovation, expanding digital and physical networks, and natural resources. NACo will work to
18 ensure that rural county officials are included in the Council's public input process.

19 **Fiscal/Urban/Rural Impact:** Increased focus on rural economic development challenges and
20 opportunities will spotlight impediments to economic growth in rural counties.

21 **Sponsor:** Donald Larson, Commissioner, Brookings County, South Dakota
22

23 **Proposed Resolution Opposing Efforts to move Rural Housing Programs from USDA to HUD**

24 **Issue:** Access to rural housing programs.

25 **Proposed Policy:** NACo opposes efforts to move the U.S. Department of Agriculture's housing programs
26 to the U.S. Department of Housing and Urban Development.

27 **Background:** On May 25, 2011 the House Financial Services Committee's Subcommittee on Insurance,
28 Housing and Community Opportunity held a hearing on a draft bill, entitled the "FHA-Rural Regulatory
29 Improvement Act of 2011", which would move the U.S. Department of Agriculture's (USDA) rural housing
30 programs to a new office in the U.S. Housing and Urban Development Department (HUD) headed by a new Deputy
31 Assistant Secretary for Rural Housing.

32 This proposed reorganization would remove the largest mission area of USDA Rural Development. The
33 agency would shrink and all rural development programs could suffer and face a similar threat. USDA Rural
34 Development's regional offices could face consolidation and access for rural counties seeking assistance would then
35 deteriorate. Currently USDA Rural Development has politically appointed state directors with multiple regional
36 offices in every state and it is unclear what structure service delivery would take under HUD. The rural housing
37 reorganization is just one reform in the draft bill, which also seeks to reform FHA and Ginnie Mae. The
38 administration has not taken a formal position on the rural housing reorganization, but it does not appear that HUD
39 or USDA is interested in this change. Support for the draft bill is being led by subcommittee chair Judy Biggert (R-
40 IL) and Financial Services Chairman Spencer Bachus (R-AL).

41 **Fiscal/Urban/Rural Impact:** Decreased access to rural housing programs and a weakened commitment to
42 USDA Rural Development will hamper rural economic development efforts.

43 **Sponsor:** Donald Larson, Commissioner, Brookings County, South Dakota
44

45 **Proposed Resolution to Stop Foreign Aid to Countries that Undercut Free Market Competition**

46 **Issue:** U.S. foreign aid is being used to undercut free markets.

47 **Proposed Policy:** NACo supports the September 22, 2010 Presidential Policy Directive on Global
48 Development which sets out a new direction for U.S. foreign aid programs which will focus programs on countries
49 that are actually willing to make a core commitment to real political and economic reforms that are essential to our
50 national interests.

51 **Background:** U.S. foreign aid is being used as a weapon against American farmers by certain hostile
52 nations who sell U.S. food aid on international black markets which undercuts free market competition abroad and
53 undermines the United States' economic recovery. The United States provides \$13.3 billion in direct Foreign Aid
54 annually. Yet only 26 percent or \$3.5 billion went to support countries who endorsed American initiatives or causes.
55 However, \$9.8 billion went to countries that were and are in open and direct opposition to the United States'
56 interests and objectives.

1 For example, under food aid regulations, the U.S. Agency for International Development is allowed to have
2 private voluntary organizations sell a portion of the food aid they receive from the United States on local markets in
3 or near needy countries, then use the proceeds of these sales to finance development projects or help pay for the
4 costs of distributing other food aid.

5 In 2002, the Office of Management and Budget found that this action tends to discourage U.S. commercial
6 exports, fosters black market activity, and impedes market development for U.S. products. Eliminating this program
7 would make development programs more effective and give developing economies a far better chance to establish
8 free markets that attract private capital and no longer require U.S. assistance.

9 **Fiscal/Urban/Rural Impact:** Congress could save more than \$500 million annually by eliminating this
10 unnecessary support which is wasteful, anti- competitive, and makes it difficult to carry out effective development
11 programs abroad.

12 **Sponsor:** Bruce Adams, Commissioner, San Juan County, Utah

14 **Proposed Resolution to Oppose More Stringent Regulation of Particulate Matter (PM or Dust)**

15 **Issue:** Particulate Matter Regulation.

16 **Proposed Policy:** NACo opposes any attempts by the Environmental Protection Agency to impose
17 regulation of Particulate Matter (PM) at levels more stringent than current standards.

18 **Background:** In the latest step in its review of the National Ambient Air Quality Standards (NAAQS), the
19 U.S. Environmental Protection Agency (EPA) established the foundation for unprecedented regulation of dust.
20 According to EPA's Second Draft Policy Assessment for Particulate Matter (PM), EPA may consider regulating
21 coarse PM at levels as low as 65-85 $\mu\text{g}/\text{m}^3$, twice as stringent as the current standard.

22 The National Cattleman's Beef Association stated that it would be virtually impossible for many critical
23 U.S. industries to comply with this standard, even with use of best-management practices to control dust. They also
24 state that all of us want healthy air for our communities, but the EPA's Draft Policy Assessment would include
25 regulation of everyday dust kicked up by a car driving down a dirt road.

26 Because of the high dust levels found in arid climates, many critical western industries have a difficult time
27 meeting the current standard of 150 $\mu\text{g}/\text{m}^3$. In some of these areas, "no-till" days have already been proposed for
28 agriculture, severely hindering farmers' ability to maintain productive operations.

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

31 If EPA regulates dust at the level of 65-85 $\mu\text{g}/\text{m}^3$, areas across the country would be classified as
32 "nonattainment," forcing states to impose extreme dust-control requirements on businesses across the board.

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

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

40 **Fiscal/Urban/Rural Impact:** More stringent regulation of Particulate Matter levels will increase costs for
41 dust suppression for both urban and rural Counties.

42 **Sponsor:** John Prinkki, Commissioner, Carbon County, Montana; and
43 Kathy Bessette, Commissioner, Hill County, Montana

44
45

1 **COMMUNITY AND ECONOMIC DEVELOPMENT PROPOSED RESOLUTIONS**

2 **Platform Additions/Revisions**

3 **Housing Section B6- Use of Tax Code for Multifamily Rental Housing**

4
5 **Add (after first sentence)**

6 The National Association of Counties (NACo) supports legislation amending Section 149(b) of the Internal Revenue
7 Code to permanently add Federal Home Loan Banks to the list of entities permitted to credit enhance tax exempt
8 bonds.

9
10 **Remove**

11 Second paragraph which starts NACo hereby

12
13 **Housing Section B6- new 10- Government Sponsored Enterprises**

14 **Add new paragraph**

15 The National Association of Counties (NACo) strongly supports the continuation of Fannie Mae's and Freddie
16 Mac's role of serving as the secondary market for the Nation's mortgage system.

17
18 **Economic Development Section B new 3- Sustainable Communities**

19 **Add new paragraph**

20
21 NACo supports legislation that would encourage agencies at the federal and regional level to integrate
22 housing, transportation, energy and environmental planning to support sustainable development that makes the most
23 efficient use of existing transportation and other infrastructure. It would promote future transportation, and
24 infrastructure, including water, sewer, and housing development to maximize economic growth and the quality of
25 life in a region while minimizing traffic congestion, environmental impacts, and energy use in urban, suburban and
26 rural areas.

27
28 **Proposed Resolution on FY 2012 Appropriations for the Department of Housing and Urban Development**

29 **Issue:** Support for FY 2012 Appropriations for the U.S. Department of Housing and Urban Development
30 (HUD).

31 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to support the following
32 levels of funding for core Department of Housing and Urban Development: \$3.948 billion in Community
33 Development Block Grant (CDBG) formula funding; \$1.825 billion in formula funding for the HOME Investment
34 Partnerships Program (HOME); \$1.865 billion for Homeless Housing Assistance grants, plus an additional amount
35 to fully fund expiring supportive housing and Shelter Plus Care rent subsidy contracts; full funding for existing
36 Section 8 project-based and tenant-based contracts; and \$275 million in Section 108 Loan Guarantee authority; and
37 \$150 million for Sustainable Communities Initiative grants.

38 **Background:** The President's FY2012 HUD budget proposes to reduce funding for the CDBG program
39 from \$3.948 billion to \$3.648 billion (7.5%). It also proposes to reduce funding for the HOME program from
40 \$1.825 billion to \$1.65 billion (9.6%). It proposes to eliminate funding for Brownfields Redevelopment Program,
41 Rural Housing and Economic Development Program and Empowerment Zones. It would convert CDBG's Section
42 108 Loan Guarantee program to a fee based program and increase borrowing authority from the current \$275 million
43 to \$500 million. It includes \$150 million for the Administration's Sustainable Communities Initiative and \$250
44 million for the Choice Neighborhood Initiative. The CR for the FY 2011 HUD Appropriations reduced CDBG
45 funding by over 16% to \$3.3 billion, and HOME funding was cut to \$1.6 billion.

46 It is important for the federal government to restore funding levels for affordable housing and economic
47 development programs in FY 2012. Local governments have used CDBG funds for thousands of activities such as
48 expanding homeownership opportunities; eliminating slum and blight; infrastructure improvements such as roads,
49 water and sewer systems; services at libraries, community centers, adult day care and child after school care
50 facilities; homeless housing assistance; employment training; transportation services; crime awareness; and business
51 and job creation. HOME has an impressive track record, too, in expanding the supply of affordable ownership and
52 rental housing. HOME recently reached the completion of one million affordable housing units.

53 Congressional support of CDBG, HOME, Section 8 and homeless housing programs will sustain the
54 programs' viability and improve local government flexibility in maintaining vibrant communities. The CDBG and

1 HOME programs have been model federal block grants program for expanding affordable housing opportunities and
2 undertaking neighborhood revitalization.

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

5 **Sponsor:** Lee May, Commissioner, DeKalb County, Georgia - Chair, Community and Economic
6 Development Steering Committee

7 8 **Proposed Resolution Supporting Retention of the Administration's Foreclosure and Neighborhood** 9 **Stabilization Programs**

10 **Issue:** Support federal programs that are intended to prevent and address the foreclosure crisis that has
11 been proposed for elimination in Congress.

12 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to support three
13 foreclosure programs – Home Affordable Modification Program (HAMP), the FHA Refinancing Program and the
14 Emergency Mortgage Relief Program and the Neighborhood Stabilization Program 3.

15 **Background:** The House recently passed legislation to terminate three Administration programs that
16 address foreclosure prevention—the Home Affordable Modification Program, which has helped 521,630
17 homeowners modify their subprime mortgages, the FHA Refinancing program and the Emergency Mortgages Relief
18 program that provides funding for up to 12 months for homeowners facing foreclosure. It also terminates the
19 \$1billion included in the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 that provided \$1
20 billion for the Neighborhood Stabilization Program 3. That program provides funding by formula to counties, cities,
21 and states for acquisition, rehabilitation and disposition of abandoned and foreclosed homes to prevent and address
22 blight. These programs are a critical part of a comprehensive approach to addressing the current housing crisis.

23 **Fiscal/Urban/Rural Impact:** Continued implementation of these programs is needed as part of a national
24 effort to prevent or address foreclosure.

25 **Sponsor:** Lee May, Commissioner, DeKalb County, Georgia - Chair, Community and Economic
26 Development Steering Committee

27 28 **Proposed Resolution Supporting the Section 8 Housing Choice Voucher Program**

29 **Issue:** Support changes to the Section 8 Housing Choice Voucher Program.

30 **Proposed Policy:** The National Association of Counties (NACo) supports full funding for, and changes to,
31 the Section 8 Housing Choice Voucher program.

32 **Background:** NACo recommends the following:

- 33 • Congress and stakeholders need to know accurately what it will cost to fully fund the program on an
34 annual basis. Annual renewals should be based on the weighted average cost for the most recent 12
35 month period, adjusted by an inflation factor for the area and multiplied by the agencies' base
36 allocation of units. The program should also provide for a reallocation of unused funds among
37 administering agencies;
- 38 • Full funding of all authorized vouchers at a level that provides affordability (the difference between the
39 cost of decent housing in the market and an affordable percentage of household income to all
40 households currently authorized);
- 41 • Program administrators need a system of reserves in order to deal with unforeseeable changes in
42 market conditions, family incomes, appropriations and administration and additional authorized
43 vouchers;
- 44 • Maintain the program's current targeting, i.e. 75 percent of the funds to be utilized by households at or
45 below 30 percent of area median income;
- 46 • Provide more flexibility in initial and annual inspections of units to be occupied by voucher holders.
47 Accept inspections from other agencies and reduce the frequency of annual inspections for projects
48 with good track records;
- 49 • Increase the number of vouchers that can be project-based from 20 percent to 25 percent, with a waiver
50 to use an additional five percent for projects meeting the needs of the homeless;
- 51 • Current policy on Enhanced Vouchers should be maintained. They are essential for reconciling the
52 reality of an owner's right to terminate affordability with the prevention of displacement; and
- 53 • Remove regulatory disincentives to forming consortia to administer voucher programs. In addition,
54 NACo does not support block-granting of the Section 8 Program because it will result in a reduction of
55 funding sold on the basis of providing more flexibility.

- Ask HUD to do an analysis of the goals and objectives of the Housing Choice Voucher Program and other HUD programs, particularly with regard to concentrations of poverty.

The Housing Choice Voucher program has been the centerpiece of the nation's housing policy for more than 30 years. The program helps the elderly, disabled, and low income working families achieve affordable housing in the private market in an area of their choosing. Under the program, voucher holders generally pay 30 percent of their adjusted income for rent. The voucher pays the difference up to a payment standard, which is anywhere between 90 percent and 110 percent of the Department of Housing and Urban Development (HUD) determined Fair Market Rent (FMR). HUD sets the FMR annually in each metropolitan area and non-metropolitan county for units by number of bedrooms. Administering agencies receive an annual allocation of Section 8 funding using a budget-based, as opposed to a unit-based, approach.

The current system of determining that amount is based on a three-month snapshot of costs adjusted by an inflation factor. For the past three years this has resulted in some agencies having a shortfall, while others have received a windfall. It is essential that Congress make changes to the program to improve efficiency. With the cost of housing what it is in most markets only the federal government can bring the resources needed to address this need. State and local governments cannot generate the needed revenues.

The House passed H.R. 1851, the "Section 8 Voucher Reform Act of 2007," on July 12, 2007. The legislation was proposed by the House on a 333-83 vote after lengthy, mostly partisan, debate. Introduced by Rep. Maxine Waters (D-Calif.), the bill sought to amend and update the Section 8 Housing Choice Voucher Program. That issue was the best way of achieving this outcome for this program, which now accounts for over 60 percent of the total budget for HUD. Critics of the Section 8 Housing Choice voucher program argue that the program has grown too large and is overwhelming the HUD budget.

Proponents of the program argue that the program is inefficiently administered and that it still does not meet the critical housing needs of low-income families and individuals, the majority of which are elderly or disabled. One important feature of H.R. 1851 is that data used in the formula to calculate allocations to public housing agencies (PHAs) must be from the most recent twelve month period. HUD currently uses a formula for allocations that utilizes data from 2004. The bill also authorizes up to 100,000 new vouchers over the next five years.

Comparable legislation was introduced in the Senate, S.2684, the "Section 8 Voucher Reform Act of 2008" in the 110th Congress. A hearing on the legislation was held, but no further action occurred. Similar legislation is expected to be introduced in the 111th Congress.

Fiscal/Urban/Rural Impacts: Enacting reforms to the Section 8 program would have a positive impact on other HUD housing and community development programs of which counties depend to improve the living conditions and neighborhoods of their citizens.

Sponsor: Lee May, Commissioner, DeKalb County, Georgia - Chair, Community and Economic Development Steering Committee

Proposed Resolution Strongly Supporting the Community Development Block Grant and HOME Investment Partnership Programs

Issue: The National Association of Counties has strongly supported since their inception the CDBG (1974) and HOME (1990) programs because they provide funding by formula directly to county governments to address their particular affordable housing and neighborhood revitalization needs. The FY 2011 appropriations law sharply reduced funding for CDBG by 16.3%, from \$3.9 billion in FY 2010 to \$3.3 billion and HOME by 12%, from \$1.8215 billion to \$1.6 billion. These cuts will result in the seriously reducing the ability of counties to meet the critical affordable housing needs of the low- and moderate-income citizens that they serve.

Proposed Policy: NACo calls on Congress to restore funding for CDBG to \$3.948 billion and HOME to \$1.825 billion in the FY 2012 HUD appropriations bill.

Background: The CDBG program was enacted in 1974 as the cornerstone of federal urban policy. The Act, signed by then-President Ford, stated that sustained action by all levels of government is necessary to maintain viable urban [and rural] communities.

The success of the CDBG program stems from its utility: providing cities, counties and states with the flexibility to address their unique affordable housing and neighborhood revitalization needs.

According to HUD data, over the past 6 years the program has:

- assisted 865,847 low- and moderate-income households through single-family and multifamily residential rehabilitation, homeownership assistance, energy efficient improvements and lead-based paint abatement;

- 1 • benefitted 22,998,047 low- and moderate income households through such public improvements as the
2 development of senior centers, battered women’s shelters, centers for the disabled and handicapped,
3 health and child care centers and parks and recreational facilities;
- 4 • benefitted 73,863,286 low- and moderate-income households through such public services as
5 employment and training, youth services, crime prevention, fair housing activities, mental health
6 services and services for abused and neglected children;
- 7 • created or retained 259,346 jobs for low – and moderate – income persons through a variety of
8 economic development activities.

9 CDBG funds many partners at the local level including Habitat for Humanity, Goodwill, Head Start, Meals on
10 Wheels, Salvation Army and the Red Cross. In addition, CDBG funds leverage an estimated \$3.00 in non-CDBG
11 funds across wide range of activities. One dollar of CDBG funds leverages an estimated \$3.00 in non-CDBG funds
12 across a wide range of activities.

13 The FY 2011 funding level of \$3.3 billion is the lowest funding level for the program since FY 1992, yet
14 the number of city and urban county formula grant recipients has grown from 889 to 1,169, all now sharing in a
15 vastly shrinking pie.

16 Enacted in 1990 as the centerpiece of the Cranston-Gonzalez National Affordable Housing Act, the HOME
17 program is a compliment to CDBG intended to respond to the overwhelming need to expand affordable housing
18 opportunities. HOME funds are distributed on a needs-based formula to participating jurisdictions -- cities, counties
19 and states to assist first-time homebuyers and renters.

20 A recent series of articles in the *Washington Post* seriously distorted HOME’s record by focusing on a
21 small percentage of 700 “stalled” HOME-funded developments. A HUD investigation found, to the contrary, that
22 over half of the projects labeled stalled were in fact completed and occupied by eligible tenants. Some were delayed
23 because of the lingering effect of the nation’s economic crisis.

24 The *Post* articles failed to report the positive side of the story that HOME has produced over one million
25 units of affordable housing, including 381,883 rental units, assisted 428,373 homebuyers, completed 197,780
26 rehabilitations and helped 242,768 tenants with short-term rental assistance. More than 96% of the families who
27 receive HOME-funded rental assistance and more than 80% of those in HOME-built rental units have incomes
28 below 50% of the area median. In addition, participating jurisdictions leverage nearly \$4 in additional dollars for
29 every HOME dollar.

30 **Fiscal/Urban/Rural Impact:** Restoring funding for CDBG and HOME is critical in helping counties
31 address their increasing need to expand affordable housing activities for their lower income citizens.

32 **Sponsor:** Lee May, Commissioner, DeKalb County, Georgia - Chair, Community and Economic
33 Development Steering Committee
34
35
36

ENVIRONMENT, ENERGY AND LAND USE PROPOSED RESOLUTIONS

Proposed Resolution on Exempting Renewable Biomass Emissions from the EPA's Tailoring Rule

Issue: Renewable Biomass Emissions and the Greenhouse Gas Tailoring Rule

Proposed Policy: NACo supports the permanent exemption of emissions from renewable biomass combustion from the Environmental Protection Agency's "Greenhouse Gas Tailoring Rule" and supports policy that recognizes the full carbon benefits of biomass combustion for energy consistent with established and well-supported science.

Background: During the summer of 2010, the Environmental Protection Agency (EPA) released a Title V Greenhouse Gas Tailoring Rule that would essentially consider emissions from biomass combustion the same as emissions from fossil fuels.

Scientists and other experts have consistently labeled sustainable biomass energy as "carbon neutral" and "renewable" because forests that produce biomass energy recycle carbon from atmosphere when new trees grow. As the EPA continues the efforts on the Tailoring Rule, counties are concerned that they may reverse a long-standing policy of labeling renewable biomass energy as "carbon neutral" such that the new policy would wrongly treat renewable, carbon-neutral biomass like coal and other traditional fossil fuels. It is important that policy reflect the full benefits of biomass utilization for energy that is consistent with well-supported science.

In January 2011, the EPA decided to postpone rulemaking for three years so EPA can gather data and better reflect science on biomass emissions. While counties see the importance of postponing the rulemaking, we recognize that there is now prolonged uncertainty on how biomass emissions will be regulated. This uncertainty will likely deter developers and new investments from making long-term investments in the industry. Furthermore, the outcome of the rulemaking will have an impact on all aspects of the biomass industry (from biomass collection to energy production) which will impact economic growth and opportunity in counties throughout the country. The EPA must recognize the importance of the biomass industry and the critical role it plays in improving the environment, job creation, and allowing our country to reduce its dependence on fossil fuels.

Fiscal/Urban/Rural Impact: The construction and operation of biomass plants will provide a means to address forest health. Over the long-term, thinning operations and reduction of combustible materials will reduce fire danger, lower firefighting costs, and help restore forests. New biomass facilities and an increase in biomass demand will boost both job creation and property tax revenues for counties. The size of the impact will depend upon the number and location of biomass facilities.

Sponsors: Tony Hyde, Commissioner, Columbia County, Oregon;
Joe Laurance, Commissioner, Douglas County, Oregon; and
Tim Josi, Commissioner, Tillamook County, Oregon

Proposed Resolution on EPA's Boiler MACT Rule

Issue: EPA's upcoming Boiler MACT rule.

Proposed Policy: NACo supports the Environmental Protection Agency's reconsideration of the Boiler Maximum Achievable Control Technology (MACT) rule in order to accurately depict boiler emissions technology and protect economic growth and forest health in counties by way of the biomass industry.

Background: In June of 2010, the U.S. Environmental Protection Agency (EPA) published the Boiler Maximum Achievable Control Technology (MACT) rule in the Federal Register. At this time, the data on boiler emissions available was not sufficient to accurately depict the capabilities of today's emission controls on boilers. For example, data on biomass emissions was limited to the point that surrogate data (on carbon monoxide for example) was used to develop the rule. The EPA should use its ability under the Clean Air Act to subcategorize the different types of boilers.

The EPA should also consider the economic impacts of implementing the rule before making it final. Depending on the required Annual cost of implementation, local economies will suffer due to businesses having to lay off employees or delaying important capital improvement projects because costs are too high.

The boiler rule as proposed will also have a significant impact on local governments that use boilers or process heaters to produce electricity or heat. It would affect boilers used in county buildings such as courthouses, jails, hospitals, clinics or other institutions that use natural gas, fuel oil, coal, or biomass. Non-county operations such as schools, churches, malls, apartment buildings, and businesses will be impacted.

Fiscal/Urban/Rural Impact: As proposed, the Clean Air Act Boiler MACT regulations impose billions of dollars in capital costs at facilities across the country. Furthermore, the onerous costs on U.S. manufacturers and small business owners will likely lead to the loss of thousands of manufacturing jobs and inhibit job creation in the

1 biomass industry simply because the costs are too high. For counties across America this means a decrease in
2 economic development in the biomass industry and the loss of jobs and tax revenue.

3 **Sponsors:** Tony Hyde, Commissioner, Columbia County, Oregon;
4 Joe Laurance, Commissioner, Douglas County, Oregon; and
5 Tim Josi, Commissioner, Tillamook County, Oregon
6

7 **Proposed Resolution on Carbon Cap and Trade and Carbon Tax**

8 **Issue:** Economic impact to counties from proposed cap and trade and carbon tax legislation.

9 **Proposed Policy:** NACo opposes any legislative or regulatory proposals, such as a cap and trade system or
10 carbon tax, that would pass on direct and indirect new (implementation) costs and/or taxes onto counties, consumers,
11 and businesses.

12 NACo supports an energy policy that provides economic incentives to reduce green house gas emissions
13 through innovation and technology development without the imposition of new taxes.

14 **Background:** There are a number of legislative proposals before Congress that would implement a
15 federally mandated cap-and-trade system or tax to regulation greenhouse gases. A cap-and-trade mechanism sets up
16 a series of winners and losers for both industry and state and local governments.

17 Because of the current economic environment, our constituents are facing severe economic hardship and
18 state, county, and other local governments are facing severe funding shortfalls as a result of decreased revenue. The
19 imposition of a carbon tax would be the single largest new source of revenue for the federal government since the
20 imposition of income tax.

21 Proposals for carbon cap and trade or carbon tax range from \$20/ton up to \$50/ton. The impact on a
22 national level would be calculated as follows:

- 23 • -1MWh=1,000 kWh=> 1 ton of CO2 if generated by coal and ½ ton CO2 if generated by natural gas.
24 If the carbon tax were set at the budgeted \$50/ton, you would have \$50 in taxes for every ton of coal
25 and \$25/ton for every MWh by natural gas. The U.S. generates 2 billion MWh with coal every year
26 (since 2000). That would mean \$100 billion in taxes from coal and \$25 billion in taxes for natural gas
27 to be paid in extra carbon taxes every year by the American taxpayer for electricity taxes. This doesn't
28 take into account the jobs lost because of increased cost to industry. (For member/consumers of Rural
29 Electric Cooperatives such as Dixie Escalante in Southern Utah and Northern Arizona, this would
30 amount to an 85% increase in electric energy costs.)
- 31 • Gasoline is 87% carbon. 100 gallons => 1 ton of CO2. With a \$50/ton carbon tax you would add an
32 extra \$0.50/gallon additional tax on gasoline. The USA averages around 60 million gallons of gas sold
33 every day. That is \$30 million of additional taxes a day, or about another \$1 billion.

34 Carbon County, Montana has a carbon footprint of 4400 metric tons. This includes natural gas, electricity,
35 gasoline, and diesel consumption. A \$20/ ton CO@ tax would impact the Carbon County budget by \$88,000. A
36 \$50/ton tax would have a \$220,000 financial impact. The population of Carbon County is just under 10,000.

37 NACo urges counties to calculate their carbon footprint to understand the financial impact of a carbon tax.

38 NACo's policy opposes any legislation, regulation, or policy proposal which mandates programs and
39 responsibilities on states and local governments without full federal funding. To fully understand the impact of any
40 mandate on local governments, a fiscal note or statement of estimated costs of implementation must be provided
41 prior to formulation or passage of legislation or regulations. NACo also opposes any federal attempts to preempt
42 state and local planning policies, processes and decisions.

43 **Fiscal/Urban/Rural Impacts:** Potential cost to State and local government, employers, and households in
44 a time of decreasing revenue and high unemployment.

45 **Sponsors:** Alan Gardner, Commissioner, Washington County, Utah;
46 Robert Cope, Commissioner, Lemhi County, Idaho; and
47 John Prinkki, Commissioner, Carbon County, Montana
48

49 **Proposed Resolution on Stormwater Runoff from Logging Roads**

50 **Issue:** A statutory exemption for stormwater runoff from logging roads.

51 **Proposed Policy:** NACo supports legislation that enacts into statute the Silvicultural Rule.

52 **Background:** On August 17, 2010 the United States Court of Appeals for the Ninth Circuit held that a
53 National Pollution Discharge Elimination System (NPDES) permit is required for stormwater runoff from logging
54 roads.

55 The Clean Water Act (CWA) requires a National Pollution Discharge Elimination System (NPDES) permit
56 for the discharge of any pollutant to any navigable water (AKA "water of the U.S.") from any point source. Since

1 1973, rules promulgated by the Environmental Protection Agency ("EPA") have distinguished between point source
2 and non-point source pollution in the CWA. Non-point source pollution, which is not defined in the CWA, includes
3 any source of water pollution not characterized as a point source discharge. Included in the CWA rules is the so-
4 called Silvicultural Rule found at 40 C.F.R. § 122.27(b)(1), which has remained substantially in its current form
5 since 1976. The Silvicultural Rule specifically defines timber "harvesting operations, surface drainage, or road
6 construction and maintenance from which there is natural runoff" to be "non point source silvicultural activities,"
7 and thus, excluded from NPDES permitting requirements.

8 The Ninth Circuit disagreed with the Silvicultural Rule, holding that stormwater runoff that is collected and
9 channeled in a system of ditches and culverts before being discharged into streams and rivers constitutes a point
10 source, and that EPA lacks authority to promulgate a rule to the contrary. The Ninth Circuit stated that Congress has
11 a history of providing specific statutory exemptions for certain categories of discharges. The court went on to say
12 that federal courts have invalidated EPA regulations that provided similar regulatory exemptions.

13 A three-judge panel of the 9th Circuit ruled May 17, 2011, to deny industry's request for a rehearing of the
14 *Brown* decision by either the three-judge panel or by a majority of the judges on the 9th Circuit. The May 17
15 decision replaces an Aug. 17 ruling by the panel in the case but reaches the same conclusions: that stormwater
16 runoff from logging roads are point-source discharges subject to NPDES permits. The revised ruling also addresses
17 for the first time the court's subject matter jurisdiction, finding that because the so-called silviculture rule was
18 ambiguous, activists could bring a citizen suit more than 120 days after EPA issued the rule.

19 The Court's decision has potentially sweeping implications. If broadly read, this opinion would require
20 NPDES permits for every road in the country that is served by ditches or culverts that eventually discharge to natural
21 surface waters and that is not already regulated by the CWA.

22 The court's opinion also leaves many critical questions unanswered. Even if the opinion were limited to
23 logging roads, what constitutes a logging road? Contrary to the court's assumptions of fact, many forest roads,
24 including the roads at issue in this case, are not dedicated just to logging. They are used for a variety of purposes,
25 both public and private, beyond just logging. If this is the case, who is responsible for obtaining these required
26 permits? The court did not address whether the permit obligation rests with the owner of the roads or every entity
27 that transports logs on the roads, or even those using the roads to access the forest for recreation. This Adopted
28 Policy is consistent with current NACo policy that states that stormwater from all roads, gutters and ditches should
29 not be considered a "water of the U.S." under the CWA.

30 **Fiscal/Urban/Rural Impact:** If rural county owned roads, such as logging or forest roads, require federal
31 NPDES permits, this will be an unfunded mandate and preemption on county governments.

32 **Sponsor:** Tim Josi, Commissioner, Tillamook County, Oregon
33

34 **Proposed Resolution to Ensure that Federal Agencies Pay their Fair Share of Local Wastewater Fees**

35 **Issue:** Federal government paying local wastewater fees.

36 **Proposed Policy:** NACo urges Congress, the federal government and its agencies to recognize their
37 responsibility to pay fees for local wastewater management services provided to them.

38 **Background:** On January 4, 2011, the President signed into law, S.3481. This legislation clarifies the
39 Federal Government's responsibility to pay reasonable service charges to a State or local government to address
40 stormwater pollution from Federal properties. Previously, some federal agencies interpreted Section 313 of the
41 Federal Water Pollution Control Act to mean that stormwater collection fees assessed by local governments are
42 taxes that are subject to sovereign immunity claims and therefore do not have to be paid by agencies or departments
43 of the federal government. S. 3481 clarified that federal agencies must pay reasonable stormwater charges. The
44 legislation did not address wastewater fees. At the time, it was believed this issue would be clarified during the
45 federal agencies internal guidance process.

46 On February 25, 2011, the Department of Justice released a memorandum opinion regarding S. 3481.
47 According to the memo, local governments who operate municipal separate storm sewer systems (MS4) are required
48 to comply with costly federal requirements. This has required the MS4 systems to recover the costs of the federal
49 mandates from property owners, including federal agencies. However, the memorandum is silent on federal
50 responsibility for local wastewater fees, leaving local governments who own/operate wastewater management
51 facilities in limbo, and at risk of federal installations refusing to pay local wastewater fees.

52 Contrary to the DOJ memorandum on S. 3481, Department of Defense, in some states, continues to
53 maintain that because property owned by the federal government is exempt from state and local taxation, these
54 properties are also exempt from certain local wastewater utility connection fees. This position ignores the plain
55 language of the Clean Water Act and the basic obligations of property owners to be good citizens and to contribute
56 their fair share to the cost of cleaning up nonpoint sources of water pollution.

1 More than 16,000 wastewater treatment facilities are in operation throughout the United States. Each of
2 these facilities must secure adequate funding to address the Clean Water Act mandates. Most wastewater utilities are
3 funded by a rate structure designed so that all property owners, including those that are tax exempt, pay a one-time
4 connection fee that covers the capital cost of providing treatment capacity and, in addition, pay a recurring operation
5 and maintenance fee based on the relative amount of wastewater put into a public sewer collection system.

6 It is our belief that everyone responsible for the capacity burden on collection and treatment wastewater
7 facilities should pay a fair share for wastewater collection/treatment expansion and rehabilitation, including the
8 federal government, and effective management of wastewater services stands in equal stead to the management of
9 stormwater in assuring that the nation's communities are afforded the opportunity to fully enjoy a safe, prosperous,
10 and satisfying lifestyle.

11 State appellate courts have ruled that charges by local governments to manage the wastewater systems are
12 fees rather than taxes. The courts have clearly recognized that, unlike taxes which are levied to raise general revenue
13 without regard to direct benefit, fees are charged for a particular service and are typically based on the degree of
14 contribution to the problem or benefits provided.

15 We believe that the Clean Water Act and decisions of the federal and state courts clearly compel federal
16 agencies to pay wastewater utility fees under S.3481. It left no uncertainty as to stormwater utility fees'
17 applicability to federally-owned property. The reiteration of legislative intent needs to be extended to wastewater
18 utility fees. Allowing any major generator of wastewater to be exempted from sharing in its proportionate cost of
19 wastewater management services is inequitable to other customers. This also unfairly burdens counties which must
20 carry out federally-mandated wastewater management practices.

21 **Fiscal/Urban/Rural Impact:** It is imperative to either clarify that S. 3481 is intrinsic to wastewater fees, in
22 additional to stormwater fees. In lieu of that clarification, the need for federal legislation is extremely important to
23 local governments who struggle to provide needed services at a reasonable cost in tight budget times. If federal
24 installations refuse to pay reasonable wastewater costs resulting from capacity and operational costs incurred by
25 local governments in providing service to their federal installations, the unpaid costs are passed onto the residents of
26 the communities. This creates an additional burden both for the local governments and residents in those counties.

27 **Sponsor:** Board of Supervisors, Pima County, Arizona
28

29 **Proposed Resolution Supporting Ratification of the United Nations' Convention on the Law of the Sea**

30 **Issue:** The United States is NOT allowed to participate in deliberations which affect the national security,
31 environmental concerns relating to the use of the seas, and to economic development for U.S. coastal communities.

32 **Proposed Policy:** NACo strongly supports the ratification of the United Nation's Convention on the Law
33 of the Sea.

34 **Background:** Most of the oceans of the world have long been subject to the freedom-of-the-seas doctrine
35 set forth in the 17th century, which essentially limits national rights and jurisdiction over the oceans to a narrow belt
36 of sea surrounding a nation's coastline. A tangle of claims, spreading pollution, competing demands for lucrative
37 fish stocks in coastal waters, growing tension between coastal nations rights to resources, the increased presence of
38 maritime powers, the pressures of long-distance navigation, and a seemingly outdated, if not inherently conflicting
39 freedom-of-the-seas doctrine, has made ratification a necessary tool.

40 In November of 1967, Malta's Ambassador to the United Nations, asked the nations of the world to update
41 the freedom-of-the-seas doctrine to take into account the technological changes that had altered man's relationship
42 to the oceans. Thus, the United Nation's Convention on the Law of the Sea was adopted in 1982 and covered setting
43 limits, navigation, archipelagic status, transit regimes, exclusive economic zones (EEZs), continental shelf
44 jurisdiction, deep seabed mining, exploitation, protection of the environment, scientific research and settlement
45 disputes. In 990, consultations were begun between signatories (including the U.S.) over the possibility of
46 modifying the Convention to allow the industrialized countries to join the Convention. The resulting agreement was
47 adopted in 1994, at which time the US signed the agreement and now recognizes the Convention of general
48 international law, but has not yet ratified it at this time.

49 In 2004, the U.S. United Nation's Ambassador argued against ratification of the treaty. In 2007, President
50 George W. Bush urged the Senate to approve the Convention of the Law of the Sea. In 2007, the Senate Foreign
51 Relations Committee voted to send the treaty to the full US Senate for a vote. In 2009, Secretary of State Hilary
52 Clinton said that ratification of the Law of the Sea would be a priority for her.

53 There has been vigorous debate over ratification of the treaty, with criticism coming from those who feel
54 that involvement in some international organizations and treaties are detrimental to US national interests and that it
55 would impinge on sovereignty. However, the pros for ratification are:

- 1 1. The environment: Oceans cover over 70 percent of the earth and UNCLOS sets a legally binding
2 international standard which aims to protect the marine wildlife and environment.
- 3 2. National security: The Pentagon claims that countries often make unreasonable and irresponsible
4 claims on marine territory that frustrate military action.
- 5 3. International diplomacy: The Convention offers a peaceful way to resolve territorial and natural
6 resource disputes throughout the world.
- 7 4. Business: The U.S. EEZ zone is 3.36 million square miles under the UNCLOS, giving the U.S. the
8 ability to exercise sovereign rights over natural resources within the extended continental shelf area.

9 **Fiscal/Urban/Rural Impact:** Ratification of the Convention of the Law of the Sea will allow the U.S. to
10 participate in deliberations which affect all coastal counties in the U.S.

11 **Sponsor:** Kathie Wasserman, Executive Director, The Alaska Municipal League
12

13 **Proposed Resolution on Responsible Military Maritime Sonar Practices**

14 **Issue:** Military sonar use in marine waters.

15 **Proposed Policy:** NACo supports focused dialog and collaboration between counties and the U.S. Military
16 to continue to improve maritime practices and to mitigate sonar impacts to marine mammals, fisheries, local
17 economies, and natural resources.

18 **Background:** The military plays a critical role in our national security. However, certain over and on
19 water military operations include deployment of sonar and detonation devices which are known to cause internal ear
20 damage to marine mammals such as whales and pinnipeds. These animals are then disoriented and unable to
21 properly navigate or feed, often beaching on shore. Due to the biological behavior of whales these animals remain
22 together even in perilous conditions, resulting in devastating outcomes to entire pods. Effective measures to locate
23 marine mammal populations before deployment of equipment should be required as well as retrieval of spent
24 chemical and radiation laden materials where and when possible.

25 Many United States counties have military installations in their demographics which support maritime
26 platforms. These bases are often a boon to local businesses and are an integrated part of their communities; however
27 there are also impacts with regard to noise, accident potential zones, toxic clean-up and land and marine impacts that
28 cause local citizens to approach county officials for assistance in working out collaborative agreements. It is in
29 NACo's best interest to support counties by providing supportive language as guidance for intergovernmental land
30 and water use policy. This resolution seeks to address maritime military training range complexes in relevant states.

31 **Fiscal/Urban/Rural Impact:** Fiscal impact to counties is negligible and may actually create a cost savings
32 by providing policy language to guide intergovernmental agreements for environment and land use planning thereby
33 preventing costly law suits. Maintaining healthy marine, shoreline and beach environments are economic fishing
34 and tourism drivers.

35 **Sponsors:** Angie Homola, Commissioner, Island County, Washington; and
36 Dave Somers, Councilmember, Snohomish County, Washington
37

38 **Proposed Resolution on Ocean Acidification**

39 **Issue:** Addressing rising carbon dioxide levels.

40 **Proposed Policy:** NACo supports federal funding for continued education and scientific study of ocean
41 acidification.

42 **Background:** Ocean acidification is an alarming condition that threatens the health and balance of oceans
43 globally. As carbon dioxide (CO₂) levels continue to increase, the resultant effect on calcium based organisms and
44 oxygen producing plankton in the marine environment is to dissolve them, leaving the entire food chain in peril.
45 The anticipated impacts to the fishing and tourism industries are catastrophic.

46 **Fiscal/Urban/Rural Impact:** For counties that depend on marine fishing and tourism related industry for
47 their economic base, ocean acidification has devastating financial impacts. Counties nationwide will be affected by
48 the obvious consequences of non-functioning oceans for both economic, environmental and public health reasons.

49 **Sponsors:** Angie Homola, Commissioner, Island County, Washington; and
50 Dave Somers, Councilmember, Snohomish County, Washington
51

52 **Proposed Resolution on Changes to the Oil Pollution Act**

53 **Issue:** Updating federal oil spill and emergency response policy.

54 **Proposed Policy:** NACo supports the following federal changes to the Oil Pollution Act (OPA), oil spill
55 laws and regulation:

- 1 1. Modify the OPA claims process to recognize different types of claims such as mitigation, clean up,
2 loss of revenue, economic claims, etc. Urge Congress to recognize that oil spills differ in severity and
3 not all oil spills are best managed under the current OPA model. Minor oil spills should be treated
4 differently than an oil spill of national significance, defined as spills of substantial volume or those that
5 extend to multiple states and jurisdictions.
- 6 2. Create Regional Citizens' Advisory Councils to conduct risk assessments in areas where oil is
7 produced or transported. This council must have a strong county participation and involve all relevant
8 stakeholders from local, state and federal government, private citizens and industry.
- 9 3. Strengthen collaboration with local governments in Federal oversight of oil and drilling activities and
10 in the development of contingency plans and incident management strategy plans for response to oil
11 spills. Additionally, Congress should require that the National Contingency Plan be updated by a time
12 certain with periodic reviews and updates. It would be furthered suggested that the organizational
13 structure conforms to the National Response Framework. This will ensure uniformity in our response
14 doctrine and protocol. Lastly, local governments who chose to participate in the "unified command
15 structure" should be granted "named" status. In some instances, conformity to the National Response
16 Framework would ensure uniformity in county response doctrine and protocol.
- 17 4. OPA should provide for and specify a local government role in the planning and implementation of
18 Local Action Plans and Area Contingency Plans. OPA should allow for regional or local autonomy
19 under the Unified Command structure.
- 20 5. Support adjusting the liability caps and contributions to Oil Spill Liability Trust Fund to meet "worst
21 case discharge" estimates after additional research and study on the possibilities and economic
22 implications.

23 **Background:** The Oil Pollution Act (OPA) of 1990 is instrumental in helping the nation prevent and
24 respond to oil spills, while providing the money and resources necessary to respond to oil spills. A number of
25 federal agencies oversee the Act including, but not limited to, the U.S. Coast Guard, Department of the Interior and
26 the Environmental Protection Agency.

27 Executive Order 12777, issued on October 18, 1991, delegated the authority to implement the Oil Pollution
28 Act (OPA) to several federal agencies. United States Coast Guard (USCG) has responsibility for marine
29 transportation-related facilities and incidents in the Coastal Zone. EPA carries the responsibility for non-
30 transportation-related onshore facilities and incidents in the Inland Zone. The Department of Transportation's Office
31 of Pipeline Safety within the Research and Special Programs Administration oversees onshore transportation-related
32 facilities. The Department of Interior has responsibility for off-shore fixed facilities beyond the coastline. The
33 National Oceanic and Atmospheric Administration is responsible for natural resource damage assessments relating
34 to oil discharges.

35 The lessons of the Gulf Coast oil spill highlighted needed refinements both within and outside of OPA.
36 While many of these lessons were learned through the Gulf Coast disaster, they have implications for other areas of
37 the nation that may be impacted by oil spills.

38 The current claims process in OPA (overseen by the U.S. Coast Guard) does not meet the needs of local
39 governments. The U.S. Coast Guard has published an allowable list of reimbursable activities under OPA. The list
40 of allowable activities should be clarified to make the distinction between different kinds of claims for future
41 incidents.

42 On January 11, 2011, the National Commission on the BP Deepwater Horizon Oil Spill and Offshore
43 Drilling released a report on lessons learned from the oil spill. One of their recommendations suggested creation of
44 Regional Citizens' Advisory Councils. Two such councils successfully exist in Alaska— one in Prince William
45 Sound and another at Cook Inlet. These organizations are independent groups funded by the industry but serve as
46 watchdogs on behalf of the oil communities. The Councils work to reduce oil pollution in their region by
47 monitoring terminals and tanker operations, research studies, and advise industry and the government on ways to
48 prevent and respond to oil spills if they occur. Regional councils are imperative for areas that have oil and gas
49 production and/or transport of marine vessel tankers.

50 During the Gulf Coast disaster, it became apparent that emergency management coordination among the
51 federal, state and local government agencies was lacking under the OPA model. Additionally, the federal
52 government was not working with the local governments to pull on their local expertise. While all levels of
53 government had contingency and incident management strategy plans, implementation of said plans was erratic.
54 Each level of government had different priorities that, in some cases, conflicted with the local plan. That is why it is
55 important that all levels of government consult with each other in crafting contingency and incident management
56 strategy plans.

1 Finally, the USCG under OPA limits the liability of vessel or drilling facility owners in the event of a spill.
2 The liability limit depends on a number of factors that include the size and type of vessel and/or whether the facility
3 is onshore or offshore. Within the context of the Gulf Coast oil spill, the spilee was responsible for all cleanup
4 costs but their liability for longer term effects on the environment and the economy are limited to \$75 million. Then,
5 the Oil Spill Liability Trust Fund will cover costs up to \$1 billion (maximum of \$500 million for environmental
6 damages). After that, it's up to the affected communities to shoulder the rest of the cost.

7 As both the Valdez and the Gulf Coast oil spills have taught us, costs for cleanup, restoration, etc.
8 significantly exceeded the existing liability cap. However, raising the liability cap also poses a risk to the small oil
9 companies that operate out of local communities. According to the BP Commission report on the Gulf Coast Oil
10 Spill a number of smaller, independent oil and gas operators will be significantly impacted by raising the liability
11 cap. It is likely they would not be able to obtain insurance for the higher caps, leading to job layoffs and company
12 closures.

13 This is why we support adjusting the liability caps and contributions to Oil Spill Liability Trust Fund to
14 meet "worst case discharge" estimates after additional research and study on the possibilities and economic
15 implications.

16 **Fiscal/Urban/Rural Impact:** If another oil spill occurs either on land or offshore, the environmental and
17 economic toll to local communities is staggering for decades to come.

18 **Sponsor:** Merceria Ludgood, Chair, NACo Gulf Coast Working Group and County Commissioner,
19 Mobile County, Alabama

20 21 **Proposed Resolution on Pesticide Use**

22 **Issue:** National permit program for pesticides.

23 **Proposed Policy:** NACo supports H.R. 872, the "Reducing Regulatory Burdens Act of 2011" and/or any
24 related legislation that overturns EPA's jurisdiction over pesticide use in (and around) county streets, gutters, and
25 ditches. Such expansion of authority preempts state and local government authority and creates unfunded mandates.

26 NACo supports using pesticides in accordance with the instructions on the label and supports strong
27 penalties for those who misuse pesticides in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

28 **Background:** In March 2011, the House has passed legislation that would countermand a court order and
29 prevent the Environmental Protection Agency from move forward on plans to regulate pesticides use. The Reducing
30 Regulatory Burdens Act (H.R. 872), passed March 31, was introduced as a bipartisan response to a court ruling on
31 *National Cotton Council v. EPA* (6th Circuit 2009). H.R. 872 was referred to the Senate for consideration.

32 In *National Cotton Council v. EPA*, the 6th Circuit ruled that EPA must regulate pesticides as a pollutant
33 under the Clean Water Act's National Pollution Discharge Elimination System (NPDES) permit. In June 2009, the
34 EPA rolled out their draft permit program, which will be finalized in the Fall of 2011. The upcoming pesticide
35 regulations would have a significant impact on county government activities association with public health and
36 safety. Prior to that decision, EPA used FIFRA to regulate pesticide use — as long as pesticides are used in
37 accordance to FIFRA, the applicator was covered under federal law. The proposed EPA pesticide permit program
38 adds additional reporting and monitoring requirements. No funding was attached to the new requirements to help
39 state and local governments comply with the new regulations.

40 Under the proposed regulations, NPDES pesticide permits would be required for all pesticide discharges
41 near "waters of the U.S." As originally proposed, the pesticide regulations would have a huge impact on state and
42 local government activities associated with public health, land use, forest and park management, flood control,
43 transportation projects, air and water programs, invasive species control, and endangered species protection. The
44 EPA also intended to include monitoring and reporting requirements for applications impacting a specific number of
45 acres. The draft proposal would also allow citizen suits to move forward. This permit will have devastating effects
46 on county programs, particularly mosquito abatement and noxious weed control efforts, creating huge unfunded
47 mandates for both urban and rural counties.

48 While this is a federal program, 44 states would be required to implement their own program, based on the
49 finalized regulations. Six states' pesticide program would be directly overseen by the EPA. The tight timeframe is
50 concerning for a number of states who must pass the state regulations through their state legislatures. Since these
51 states have yet to see the revised rules, they are at a loss on how to proceed until the rules become final. This is
52 problematic since the state programs become "official" in April 2011, leaving the states (and localities) open for
53 citizen suits. Also, the responsibility for changing the programs to comply with this process falls upon the unit of
54 local government which manages the program. This can be a mosquito abatement district, a cooperative weed
55 management area, or other such district, but is most commonly an extension of county government.

1 The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is the principal law that authorizes
2 EPA to regulate the manufacture, distribution, sale, and use of pesticides in the United States. Under FIFRA, the
3 EPA is specifically authorized to: strengthen the registration process by shifting the burden of proof to the
4 chemical manufacturer; enforce compliance against banned and unregistered products; and promulgate the
5 regulatory framework missing from the original law. FIFRA has been extremely effective in regulating the use
6 and sale of pesticides to protect human health and preserve the environment. More importantly, FIFRA does not
7 fully preempt state or local law, allowing state and local governments to also regulate pesticide use. The proposed
8 pesticides NPDES program will create unfunded mandates for local governments and preemptions of local
9 authorities.

10 This proposed policy is consistent with existing NACo policy that states that local streets, gutters and
11 human made ditches should not be considered “waters of the U.S.”

12 **Fiscal/Urban/Rural Impact:** The fiscal impact could be enormous on counties as they struggle to
13 implement the new pesticides rules, especially for rural counties that have few staff and limited budgets.

14 **Sponsor:** Robert Cope, Commissioner, Lemhi County, Idaho
15

16 **Proposed Resolution in Support of Energy Security and Diversity**

17 **Issue:** Lack of access to sufficient, competitive, clean or renewable energy sources.

18 **Proposed Policy:** NACo calls on the Congress and the White House to greatly increase energy security and
19 diversity for all American counties by:

- 20 1. Completing a comprehensive energy survey for all remote and/or rural counties nationwide to
21 determine if competitively priced natural gas or alternative energy sources are available and no
22 monopoly or oligopoly exists that artificially inflates the cost of energy;
- 23 2. Completing a comprehensive environmental survey for all remote and/or rural counties to ensure that
24 federal energy and environmental policies are not responsible or contribute in any manner to air
25 pollution in counties with non attainment that do not have competitively priced natural gas, coal, or
26 alternative sources of energy.
- 27 3. Providing low-interest secure loans for development and construction of renewable energy/fuels, coal
28 and natural gas infrastructure to interested counties and/or businesses;
- 29 4. Funding the USDA Community Facility Loan grants program for natural gas and coal infrastructure
30 and alternative energy projects;
- 31 5. Funding the DOE EECBG program and authorize a competitive grant cycle for natural gas and coal
32 infrastructure construction projects along with alternative energy projects;
- 33 6. Removing or greatly streamlining federal regulatory roadblocks that will allow for natural gas, coal
34 and alternative energy infrastructure build-out;
- 35 7. Preventing non-local interest groups, including environmental groups, political action organizations
36 and others from having standing to sue block development of this infrastructure for smaller and
37 isolated counties;
- 38 8. Streamlining the NEPA process especially for projects to rural and/or remote counties with limited
39 and/or high priced energy, especially those counties that are non-compliant for an National Ambient
40 Air Quality Standard (NAAQS) pollutants;
- 41 9. Giving a top priority to any county that has a project that can help rural and/or remote counties meet
42 NAAQS; and
- 43 10. Waiving all consideration of Carbon Dioxide emissions and reporting requirements for remote and/or
44 rural counties that do not have energy priced within 25% of the national average as determined by the
45 federal DOE.

46 **Background:** Many smaller or more remote counties do not have sufficient competitive clean or
47 renewable energy sources available and this fact unnecessarily increases the cost of living and creates an additional
48 burden for economic recovery and development.

49 The Environmental Protection Agency (EPA), through regulation and misunderstood activism, acts as a
50 road block for development of infrastructure to provide competitive energy supply. To date, Congress and the
51 White House have not adequately funded an infrastructure build-out for alternative low priced energy supplies, and
52 the cost of energy in these counties is often so high, that low-interest secure loans such as the now unavailable Build
53 America Bonds are some of the few funding options that can be utilized.

54 A rapid build out of energy supply infrastructure will be a tremendous short-term economic stimulus and a
55 significant long-term source of savings for government, families and businesses in these counties.

1 **Fiscal/Urban/Rural Impact:** Lowered energy costs will increase economic recovery and development in
2 rural counties.

3 **Sponsor:** Luke Hopkins, Mayor, Fairbanks North Star Borough, Alaska
4

5 **Proposed Resolution to Support Advanced Cleaner Coal Technologies**

6 **Issue:** Present and future strategies on United States energy sources have and must continue to include
7 support and funding of advanced cleaner coal technologies.

8 **Proposed Policy:** The National Association of Counties (NACo) strongly supports advancement of cleaner
9 coal technologies as part of this country's future.

10 **Background:** The Industrial Revolution in the United States was primarily fueled by coal, this nation's
11 most abundant and available energy source, especially manufacturing and transportation. Based on the current rate
12 of consumption, the Demonstrated United States Coal Reserve is estimated to provide us with another 250 to 300
13 years of coal. Mined in only 251 counties in the United States, coal and products produced by coal and its by-
14 products can be found everywhere in the manufacturing process, turning the wheels in thousands of industries.
15 Coal provides family sustaining jobs in the coalfields of America and it is a "driver industry", creating 2.7 jobs for
16 every job in the coal industry. Given the fact that we only maintain a 90 to 120-day supply of coal on the ground,
17 coal is a vital industry that provides electrical generation to over 50 percent of the United States population.
18 Demands for reduced green house gases, carbon capture sequestration (CCS), and alternative fuels are a clarion call
19 to our most abundant, adaptable, affordable, available, safe and most importantly secure energy tool. Coal will meet
20 this challenge just as it partners with the electric power industry to finish putting scrubbers on coal-fired power
21 plants making America a true leader among nations in reducing pollution. It is essential to support the research,
22 development, and implementation of advanced cleaner coal technologies. One example of this technology is the
23 ability to change coal into diesel, reducing our reliance on foreign oil and burning a cleaner product within the
24 United States. Another example is the integration of pelletized coal with various biomass products to increase BTW
25 amount for full combustion.

26 **Fiscal/Urban/Rural Impact:** The broad-based fiscal impact on including advanced clean coal
27 technologies will initially be minimum due to private industry's role. Investments needed to be made are vital if we
28 are to actually address our energy concerns on a large, practical scale. Advanced clean coal technology can make
29 the difference and provide the "bridging" we need to achieve energy independence utilizing all of our fuel sources
30 available.

31 **Sponsor:** Board of Commissioners, Armstrong County, Pennsylvania
32

33 **Proposed Resolution on Community Renewable Energy Projects**

34 **Issue:** Promotion of Community Renewable Energy Projects

35 **Proposed Policy:** NACo supports federal legislation and policies that enables funding mechanisms,
36 including grant programs, for Community Renewable Energy Projects.

37 **Background:** Community Renewable Energy Projects are locally owned renewable energy projects of 20
38 MW or smaller that have a component of local ownership. They include low impact Hydro, Bio Mass, Community
39 Scale Wind, Wave and Solar.

40 Community Renewable Energy Projects benefit the counties by providing jobs and economic development.
41 They build locally owned businesses that keep revenues in the communities while bringing in clean renewable
42 power to distributed systems that help strengthen the energy grid. Counties would benefit from policy that supports
43 Community Renewable Energy Projects in the following three areas:

- 44 1. Provide a federal grant program for "for-profit" and "non-profit" projects that looks similar to the
45 existing ITC/Grant program but is established for Community Renewable Energy Projects of 20 MW
46 and less and that is of sufficient duration to allow community projects to develop with assurance the
47 program will be there when the projects are ready for funding
- 48 2. Provide a federal power purchase policy similar to a revised PURPA for 20 MW and less projects or a
49 feed-in-tariff that provides adequate funding for community renewable energy projects
- 50 3. Provide a funding program for feasibility and technical support for Community Renewable Energy
51 Projects to provide early development support.

52 **Fiscal/Urban/Rural Impact:** Local ownership has the potential to increase earnings or income received by
53 a factor of 3.5 beyond non-locally owned wind farms. The local ownership and local financing result in more dollars
54 remaining in the local economy. Provides potential for income to communities, schools, landowners and others that
55 do not traditionally benefit from large projects. Community wind projects improve local grid stability.

56 **Sponsor:** Gary Thompson, Judge, Sherman County, Oregon

1
2 **Proposed Resolution on Property Assessed Clean Energy (PACE) Programs**

3 **Issue:** Supporting PACE programs nationally.

4 **Proposed Policy:** NACo supports funding for Property Assessed Clean Energy (PACE) programs and
5 supports their treatment by Federal regulators as a traditional tax assessment program with first lien status.

6 **Background:** NACo policy supports federal funding and other incentives to promote nationwide energy
7 conservation efforts. The Property Assessed Clean Energy (PACE) program is an innovative local government
8 financing program that allows a property owner to apply for funds to pay for energy efficiency and renewable
9 energy improvements that will reduce their energy costs. Participation in the program is voluntary and repayment is
10 accomplished through a property tax assessment on the participating home or business.

11 Over 200 local jurisdictions across the country have established or are in the process of establishing PACE
12 programs. However, on July 6, 2010, the Federal Housing Finance Administration (FHFA) issued a statement in
13 which it concluded that the PACE program was not a “traditional tax assessment” and took a series of steps that will
14 prevent PACE assessments from being considered senior to mortgage obligations, as other municipal assessments
15 are treated, and will severely limit or eliminate the use of PACE programs. The FHFA’s action threatens the
16 viability of residential PACE programs, which in turn will hamper job creation and deny property owners an
17 opportunity to responsibly reduce their energy consumption, reduce their utility bills, and benefit their community.

18 PACE is not a loan, but instead is built on traditional tax assessments, which local governments have
19 managed for over 100 years. PACE was not designed to increase the risk of homeowners, business owners, lenders,
20 or the financial system, and was created with stringent operating rules, to ensure a net positive benefit to all parties.
21 When fully implemented, PACE can achieve significant energy savings, provide positive benefits to the
22 environment and generate local jobs.

23 Several members of Congress, including House Financial Services Committee Ranking Member Frank, and
24 House Energy and Commerce Committee Ranking Member Waxman, and 12 members of the Senate, have
25 contacted the Administration to request that PACE programs be allowed to move forward and have first lien priority
26 over previously recorded mortgages. However, in light of FHFA’s most recent action, it is increasingly likely that
27 Congress will be required to preserve the integrity, autonomy and priority of local governments’ property tax
28 assessments.

29 **Fiscal/Urban/Rural Impact:** PACE programs are self sustaining and do not cost local, state or the federal
30 government anything to implement. The participants cover administrative costs. Rural and urban counties will be
31 equally impacted by the happening of PACE and stand to lose a valuable tool in creating local jobs and reducing
32 energy and water usage.

33 **Sponsor:** Sonoma County, California

34
35 **Proposed Resolution to Request Stakeholder Involvement in Developing USFWS Wind Siting Guidelines**
36 **Under the Bald and Golden Eagle Act and the Migratory Bird Treaty Act**

37 **Issue:** U.S. Fish and Wildlife Service Wind Siting Guidelines and the Bald and Golden Eagle Act and the
38 Migratory Bird Treaty Act.

39 **Proposed Policy:** NACo urges the U.S. Fish and Wildlife Service (USFWS) to reopen the public process
40 and include local governments and consider mitigation and incidental take as they develop the Wind Siting
41 Guidelines under the Bald and Golden Eagle Act and Migratory Bird Treaty Act.

42 **Background:** The U.S. Fish and Wildlife Service has proposed and continues to work on guidelines
43 relating to siting wind projects and the requirements pertaining to project development under the Bald and Golden
44 Eagle Act and the Migratory Bird Treaty Act. These guidelines have received little input from stakeholders but will
45 detrimentally impact wind power development across the country. This will limit local economic development and
46 the availability of renewable wind energy.

47 Currently USFWS policy requires:

- 48 1. No siting of wind projects within 6 miles of eagle nests
- 49 2. Shutting down wind farms during eagle migratory periods
- 50 3. Possible removal of wind turbines if eagle mortality is documented
- 51 4. Open ended requirements for monitoring and undefined mitigation criteria
- 52 5. Open ended requirements for the wind industry to fund USFWS research projects

53 These requirements are extremely costly and cannot be achieved by developers if they hope to remain
54 viable. Wind power development has been beneficial to many counties across the country (particularly rural
55 counties) by bringing in jobs, tax revenue, and alternative energy.

1 Counties and other stakeholders should be directly involved with the development of the U.S. Fish and
2 Wildlife Service Wind Siting Guidelines and other guidance documents used to address mitigation and planning
3 around eagles and other birds covered under the Bald and Golden Eagle Act and the Migratory Bird Treaty Act.
4 Counties request that USFWS bring stakeholders to the table when developing policies around wind development so
5 that economic impacts and alternate mitigation may be considered, particularly when the requirements include
6 expensive studies, monitoring, and mitigation.

7 **Fiscal/Urban/Rural Impact:** Although it is not known what the full impact will be to counties, failure to
8 include local government and other stakeholder input when developing the siting guidelines could result in a
9 decrease in economic development, particularly in rural counties. Rural counties would lose revenues generated by
10 wind projects as well as the jobs that are created. Urban counties would lose the benefit of the production and
11 availability of clean, renewable energy.

12 **Sponsor:** Gary Thompson, Judge, Sherman County, Oregon
13

14 **Proposed Resolution on Conservation Easement Tax Incentives**

15 **Issue:** Continuation of enhanced federal tax deduction for donations of conservation easements.

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

19 **Background:** The National Association of County Park and Recreation Officials, a NACO affiliate,
20 supports continuation of enhanced federal tax incentives for conservation and trail easements. County park
21 departments, forest preserve, conservation and other special districts, and water management agencies, frequently
22 purchase or accept donation of such easements as a cost-effective tool to conserve natural resources, preserve open
23 space, connect regional trail and greenway corridors, or create other green infrastructure networks. Conservation
24 easements also help protect working farm, ranch and forest lands, and historic sites. Such easements are a voluntary
25 means of allowing private land holders to retain ownership, while permanently protecting important conservation
26 values, which may include wildlife habitat, watershed protection, recreational access or other public benefits at a
27 lower cost than fee-simple purchase of the land by a public agency. Allowing conserved lands to remain in private
28 hands also lessens land management costs for public agencies, keeps land on the tax rolls, and avoids the cost of
29 providing services to far-flung residential developments.

30 Since 2006, an enhanced tax incentive has allowed family farmers, ranchers, and other moderate-income
31 landowners to get a significant tax benefit for donating a conservation easement on their land. Conservation
32 easements allow private landowners to permanently retire development rights to protect significant natural resources
33 or open space, while trail easements provide similar tax benefits for allowing construction of public access trails
34 across private property. Thanks to strong bipartisan Congressional support, the enhanced federal tax incentive was
35 renewed in 2010 through the end of 2011. Continuation of the tax incentive again is needed, and multi-year or
36 permanent renewal would be of special value. Donating development rights to land requires careful consideration
37 by the private landowner, often taking years from initial conversations to execution of an agreement. It would be a
38 great advantage for such landowners not to be pressured with the artificial deadline of each year not knowing if the
39 incentive will be continued for the following year.

40 Under previous law, landowners with modest incomes received little or no federal tax benefit from
41 donating what may be their family's most valuable asset. The enhanced federal incentive helps such landowners
42 afford to support conservation, outdoor recreation or other public needs by: raising the maximum deduction a donor
43 can take for donating a conservation easement from 30% of their adjusted gross income (AGI) in any year to 50%;
44 allowing qualified farmers and ranchers to deduct up to 100% of their AGI; and increasing the number of years over
45 which a donor can take deductions from 6 to 16 years. Without the enhanced easement incentive, an agricultural
46 landowner earning \$50,000 a year who donated a conservation easement worth \$1 million could take a total of no
47 more than \$90,000 in tax deductions. Under the enhanced incentive, that landowner can take as much as \$800,000
48 in tax deductions spread out over as many as 16 years, still less than the full value of their donation, but a significant
49 increase.

50 **Fiscal/Urban/Rural Impact:** The enhanced incentive helps to encourage "bargain sales" of easements
51 purchased by local, state and federal conservation agencies, whereby the voluntary sale of the property right to a
52 charity or government agency is for less than its full fair market value.

53 **Sponsors:** Andy Kimmel, NACPRO Affiliate Representative;
54 Dave Somers, Council Member, Snohomish County, Washington; and
55 Penelope Gross, Board of Supervisors, Fairfax County, Virginia.
56

1 **Proposed Resolution in Support of Special Redevelopment and Smart Growth Zones**

2 **Issue:** The federal government should support holistic implementation of county and other local
3 government plans for neighborhood redevelopment and smart growth.

4 **Proposed Policy:** The National Association of Counties calls on Congress to create special economic zones
5 to receive specific federal incentives, such as, but not limited to, tax-preferred bonds, for the purpose of livable,
6 walkable, green developments, and communities.

7 **Background:** For the past several decades, both urban downtowns and traditional downtowns have been
8 losing jobs, residents, and revenue. However, in these economic times, the value of their infrastructure and other
9 assets that had previously made these areas great cannot be so easily cast aside. A recent survey conducted by the
10 American Institute of Architects (AIA) found that 43% of Americans, and over 50% of respondents over the age of
11 45, would pay more for housing in ‘town centers’ where people can easily walk to shops, schools, mass transit, and
12 other public amenities. Unfortunately, very little of America’s housing is in neighborhoods with these characteristics
13 and not every portion of a metropolitan area is suitable for this type of development. Additionally, rising prices for
14 energy and materials will make it essential for governments to support denser redevelopment of existing
15 neighborhoods and rehabilitation of historic buildings, especially in higher populated areas.

16 To address these concerns, AIA has initiated a legislative project that would create a new program to be
17 jointly administered by the Department of Housing and Urban Development and the Department of Treasury. This
18 program would allow for the creation of a limited number of Priority Expansion Zones to receive special economic
19 assistance from the federal government. This program could really benefit counties.

20 This proposal would allow local governments to identify key districts of their community – from small
21 town centers to metropolitan regional hubs – that are ideally suited to be centers of economic and social activity.

22 The legislation, yet to be introduced, would create a competitive program to designate a limited number of
23 Priority Expansion Zones (PEZ). Unlike many previous federal attempts at community revitalization driven by
24 Washington, this would be a bottom-up rather than top-down approach. Counties, cities, towns and metropolitan
25 planning organizations (MPOs) will be eligible to submit proposals for the designation of PEZs.

26 The program shall be designed to meet the following parameters:

27 First, it shall be locally driven. Cities, counties and other local groups have the opportunity to identify a
28 small portion of their community to redevelop and promote infill or brownfield revitalization and apply to designate
29 this area as a priority expansion zone.

30 Second, specific limitations will be placed on the size of the zones to ensure that they are an appropriate for
31 walkable development and respectful of human scale.

32 Third, standards shall be set to ensure that the designated areas are zoned to remove specific regulatory
33 barriers to density and “by right” mixed use development. These jurisdictions would have to demonstrate that their
34 proposed zones meet certain criteria for location and linkage that are designed to demonstrate both the need and
35 feasibility of the area for sustainable investment. Designations will be limited and applications will be evaluated on
36 a competitive basis by the Department of Treasury, in consultation with the Department of Housing and Urban
37 Development. The purpose of these rules is to identify areas that have “good bones” but that are in need of catalytic
38 projects and infrastructure improvements to become more successful models for smart growth.

39 Finally, the program will offer a financial tool to support development within designated zones. Currently,
40 this is envisioned as a tax-credit bond, which have been noted by the Joint Committee on Taxation and
41 Congressional Budget Office as being more recent in origin, but potentially more economically efficient than
42 traditional tax-exempt bonds. Regardless, any federal money shall be required to have a local match to leverage the
43 federal investment and the bond will also have a reasonable volume cap to ensure it does not significantly affect the
44 deficit.

45 **Fiscal/Urban/Rural Impact:** This program would empower local communities to create the kind of
46 neighborhoods that defined small town America for generations, and that a new generation of Americans is
47 demanding. It would result in significant benefits that go far beyond the designated communities. Effective planning
48 and management within zones will lead to spillover effects. Surrounding areas may not receive the same
49 development incentives, but communities will be able to leverage the PEZ area as a centerpiece to a larger district or
50 regional plan.

51 **Sponsor:** Bob Weiner, Councilmember, New Castle County, Delaware
52
53

1 **FINANCE AND INTERGOVERNMENTAL AFFAIRS PROPOSED RESOLUTIONS**

2 **Proposed Resolution Supporting Renewal of the Build America Bonds and Recovery Zone Bonds Programs**

3 **Issue:** Renewal of bond financing programs for counties.

4 **Proposed Policy:** NACo supports resurrecting direct subsidy bonds (e.g. Build America Bonds and
5 Recovery Zone Bonds programs) as financing options for county governments.

6 **Background:** The Build America Bonds program, which was part of the American Recovery and
7 Reinvestment Act (ARRA), was proven to be an effective financing option for local governments. This program
8 increased the market for local government debt by expanding the pool of potential market investors, including
9 pension funds.

10 ARRA also authorized the Recovery Zone Bonds program, which permitted the issuance of two new types
11 of tax-preferred bonds by state and local governments for areas designated as Recovery Zones: Recovery Zone
12 Economic Development Bonds and Recovery Zone Facility Bonds. Recovery Zones are areas designated by state
13 and local issuers as having significant poverty, unemployment, rate of home foreclosures, or general distress.

14 **Fiscal/Urban/Rural Impact:** The Build America Bonds and Recovery Zone Bonds programs have helped
15 open the credit markets and, along with tax-exempt bonds and other tax credit bonds, are important financing
16 options for counties.

17 **Sponsor:** Larry C. Inman, Commissioner, Grand Traverse County, Michigan

18
19 **Proposed Resolution Supporting Elimination of Floor on Deductible Medical Expenses**

20 **Issue:** Federal legislation eliminating the 7.5 percent Adjusted Gross Income floor on deductibility of
21 medical expenses.

22 **Proposed Policy:** NACo supports legislation that would eliminate the 7.5 percent AGI floor on the
23 deductibility of medical expenses.

24 **Background:** Federal law currently permits the itemized deduction of medical expenses paid for the
25 prevention or alleviation of a physical or mental defect or illness. However, a taxpayer may deduct only the amount
26 of one's total medical care expenses that exceed 7.5 percent of the taxpayer's adjusted gross income. This deduction
27 disparately impacts the working and middle class by increasing their federal tax burden, thus decreasing the amount
28 of disposable income that taxpayers have to purchase better insurance, buy preventative care, and medicine. With
29 many counties operating or subsidizing not-for-profit hospitals, the tax disincentive to purchase medical care or
30 needed prescriptions contributes to the government's burden to care for all Americans through taxpayer-funded
31 hospitals, emergency rooms, and clinics. The federal government has determined that itemized deductions for things
32 like taxes, mortgage interest, and charitable gifts are generally not subject to a floor or limitations, in part to
33 encourage giving and home buying. Healthcare and the associated drain on individual and government budgets
34 should receive equal treatment.

35 **Fiscal/Urban/Rural Impacts:** Elimination of the floor would help to lessen the financial burden counties
36 currently bear in operating or subsidizing not-for-profit hospitals.

37 **Sponsor:** Larry C. Inman, Commissioner, Grand Traverse County, Michigan

38
39 **PROPOSED RESOLUTION TO CONTROL THE RISING BUDGET DEFICIT**

40 **Issue:** Proposed measures to reduce the federal deficit and their effects on counties

41 **Proposed Policy:** National Association of Counties asserts the following:

- 42 • Congress cannot solve the budget deficit by only cutting domestic, non-military discretionary
43 programs.
- 44 • Federal assistance to state and local governments will help mitigate further layoffs.
- 45 • Federal investment in state and local infrastructure produces private sector jobs.
- 46 • Deficit reduction should not be accomplished by shifting costs to counties (e.g. cuts to Medicaid),
47 imposing unfunded mandates, or pre-empting county programs or taxing authority.
- 48 • The National Association of Counties supports maintaining federal financial assistance for county
49 programs at the 2010 fiscal year levels.

50 **Background:** As President Obama and the U. S. Congress evaluate alternatives to control the Federal
51 Government's rising deficit, counties are concerned that too much emphasis will be placed on reductions to
52 domestic, discretionary spending programs that will affect the American people. When a recession occurs or the
53 economy falters and there is high unemployment, services at the county level are needed most. Historically, there is
54 a greater need for social services, health care, counseling, job training and local economic development during times

1 like we are facing now. Domestic, discretionary programs are critical to the ability of counties to carry out their
2 responsibilities as service providers for both the federal and state governments.

3 The current economic climate has translated into diminished revenue streams at the local level. Over the
4 past three years, counties have seen revenue collections drastically diminish. Local governments across the nation
5 are facing a perfect storm through a combination of decreased local tax revenues (primarily property and sales) and
6 major reductions in state financial assistance, while at the same time facing an increased demand for social and
7 health services. As a result, counties of all sizes and in all parts of the nation have been forced to institute
8 significant layoffs, furloughs and service reductions. We anticipate that this climate will continue through at least
9 2014, and perhaps beyond.

10 While we are not calling for additional increases in assistance like the 2009 stimulus plan, we are asking
11 the Administration and the Congress to consider the following points as they deal with the difficult issue of deficit
12 reduction:

- 13 • **YOU CAN NOT SOLVE THE BUDGET DEFICIT BY ONLY CUTTING DOMESTIC, NON-**
14 **MILITARY DISCRETIONARY PROGRAMS.** The current national debt is over \$14 trillion. Non-
15 Military, discretionary programs are only 12 percent, or approximately \$430 billion, of the annual
16 federal budget of \$3.6 trillion. These cuts will not put a significant dent in the deficit. So, why
17 decimate important domestic programs carried out by state and local government that serve our
18 national goals and our common residents?
- 19 • **FEDERAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS WILL HELP MITIGATE**
20 **FURTHER LAYOFFS.** According to the Congressional Budget Office, the \$800 billion stimulus plan
21 passed in early 2009 provided a boost to the economy that preserved at least 1.4 million jobs. Even
22 with this assistance, state and local governments still had to shed more than 200,000 jobs in 2010. It
23 would have been even worse without the stimulus package. With the stimulus funds running out in
24 2011, more layoffs are probable this year. With further major cuts in domestic programs, even more
25 reductions are likely, adding to the already high 9.4% unemployment rate.
- 26 • **FEDERAL INVESTMENT IN STATE AND LOCAL INFRASTRUCTURE PRODUCES PRIVATE**
27 **SECTOR JOBS.** Investment by the Federal Government in county programs such as transportation,
28 water and sewer projects, energy efficiency, rural development, CDBG, PILT, SRS and others produce
29 both public and private sector jobs, has a multiplier effect, and promotes local economic
30 development.
31 Deteriorating infrastructure is a hindrance to economic expansion, while infrastructure investments
32 unlock untapped potential in our economy leading to higher GDP and increased tax revenues.
33 Counties are responsible for a substantial portion of America's infrastructure – 45% of the nation's
34 bridges, 44% of the roads and highways, one-third of the airports and transit systems, and much of our
35 water and sewer system. We can, therefore, vastly contribute to the creation of jobs and economic
36 recovery.
- 37 • **DEFICIT REDUCTION SHOULD NOT BE ACCOMPLISHED BY SHIFTING COSTS TO**
38 **COUNTIES, IMPOSING UNFUNDED MANDATES, OR PRE-EMPTING COUNTY PROGRAMS**
39 **OR TAXING AUTHORITY.** Cost shifting to, or imposing underfunded or unfunded mandates on,
40 state and local government will only exacerbate the current fiscal strain and delay efforts toward
41 economic recovery.

42 County governments are partners with the states and the federal government in providing important programs
43 and services to the American people. We are working hard, making significant cuts, instituting reforms, and being
44 creative in facing the worst fiscal crisis since the Great Depression. Counties will participate in addressing the
45 challenges our nation is facing and expect the federal government and Congress to do the same without drastically
46 hurting the people we all serve.

47 **Fiscal/Urban/Rural Impacts:** Significant for all counties by potential loss of programmatic financial
48 assistance from the federal government.

49 **Sponsor:** Glen Whitley, County Judge, Tarrant County, Texas

51 **Proposed Resolution on Dissolution of the U.S. Election Assistance Commission (EAC)**

52 **Issue:** HR 672, as reported from the House Committee on Administration on June 2, 2011, would
53 eliminate the US Election Assistance Commission and place its duties under the Federal Election Commission. The
54 US EAC was established under the Help America Vote Act to perform multiple functions relating to federal
55 involvement in election administration. The establishment of a dedicated federal agency, outside of the FEC, whose
56 sole function was to focus on the improvement of the election process, was supported by many of the election

1 reform stakeholders including NACO. The EAC has been in existence less than 8 years and is just now coming into
2 its own as a productive partner in the election administration process. Prior to HAVA, the FEC had an election
3 administration office that failed to provide the kind of leadership and guidance that local governments needed. The
4 FEC is, and will always be, primarily a regulatory body staffed overwhelmingly by attorneys whose focus is on
5 campaign finance. The EAC was developed to address the unique concerns facing election administrators who are
6 primarily county officials rather than as an afterthought to campaign finance regulations.

7 **Proposed Policy:** NACo opposes the termination of the US Election Assistance Commission and transfer
8 of its functions to the Federal Election Commission. NACo supports efforts by Congress through its oversight and
9 appropriations responsibilities to resolve any significant federal concerns relating to the US Election Assistance
10 Commission.

11 **Background:** The US EAC was created by the Help America Vote Act (HAVA) and was part of a series
12 of election reform recommendations that came out of the problems associated with the 2000 Presidential Election.
13 Although the NACO's own Election Reform Commission did not directly call for a new agency, most local officials
14 involved in election administration and its funding have seen significant benefit from the creation of a separate
15 federal agency outside the FEC. Prior to HAVA, little, if any, contact between FEC commissioners and local
16 election administrators occurred. Since the creation of the EAC interaction between the decision makers
17 (Commissioners) and local officials has been extensive. In the past eight years EAC commissioners have visited
18 hundreds of local election offices and have educated themselves thoroughly on the election process. Prior to the
19 EAC, we had no decision making body in Washington DC that bothered to see and hear the successes and concerns
20 of local officials. The EAC has become well aware of the problems facing local governments and the financial
21 challenges we have experienced.

22 Most recently, the EAC has taken the lead in providing us a forum to develop a long-term plan for federal,
23 state and local cooperation in resolving future funding issues for replacement voting equipment. The best practices
24 and management guides developed by the EAC have provided local officials with a broad range of efficiency and
25 money saving steps. The grant programs they have initiated are just starting to bear fruit for county governments
26 with over a million dollars in grants provided to election officials in May 2011 to develop better procedures and
27 toolkits for our equipment testing. A majority of these grants went to county officials who will be developing
28 materials that will benefit all county officials.

29 HR 672 was drafted after some very legitimate concerns by some members of Congress regarding the
30 explosive growth in personnel at the EAC and some fairly significant personnel missteps. This resolution is not
31 designed to make light of those concerns but rather calls for continuation of a separate agency that is just beginning
32 to show benefit to County government while recognizing legitimate role of Congress to provide oversight. Moving
33 the functions of the EAC back to the FEC can only dilute the impact of county government on federal policy.

34 The contrast between county government's influence with the EAC versus our previous experience with the
35 FEC is striking to those who have worked under both. Congress has valid concerns about the operation of any
36 federal agency but the termination of the EAC as an agency will reduce county government impact on federal
37 policy.

38 **Fiscal/Urban/Rural Impact:** Both urban and rural counties have benefited from programs advanced by
39 the EAC. The EAC has made extensive efforts to seek input from a broad range of counties when developing
40 management guidelines, best practices and equipment standards.

41 **Sponsors:** Wendy Noren, Clerk, Boone County, Missouri
42 Helen Purcell, Registrar/Recorder, Maricopa County, Arizona
43

44 **Proposed Resolution Opposing Legislative Mandates Regarding the Conduct of Elections at the County Level**

45 **Issue:** Federal legislation regarding the conduct of elections at the county level.

46 **Proposed Policy:** NACo opposes legislation that imposes specific and impractical requirements regarding
47 equipment, procedures, and personnel responsibilities under the guise of Federal election reform when said
48 regulations directly impact the conduct of state and local elections.

49 **Background:** The National Association of Counties affirms that the constitutional responsibility for the
50 proper conduct of elections rests with state and county governments. State and county officials have been the
51 guardians of democracy since the inception of our country and have been good stewards of the election process.
52 However, legislative and regulatory proposals continue to be made that would, among other things, require impose
53 specific voting equipment, mandatory manual audits of election results, and nationwide absentee voting
54 requirements. These and other matters have traditionally been placed in the capable hands of local governments as
55 provided in the Constitution.

1 **Fiscal/Urban/Rural Impacts:** Counties currently make significant expenditures to comply with the
2 mandates of the Help America Vote Act. New legislative and regulatory initiatives would significantly increase the
3 costs for counties of administering elections for federal offices and impact the overall election process.

4 **Sponsor:** Larry C. Inman, Commissioner, Grand Traverse County, Michigan
5

6 **Proposed Resolution to Access Federal GSA Schedules for the Purchase of Environmentally Preferable** 7 **"Green" Commodities and Services**

8 **Issue:** Supporting legislation to allow local jurisdictions access to Federal General Services Administration
9 (GSA) schedules for environmentally preferable "green" commodities.

10 **Proposed Policy:** NACo urges Congress to enact legislation that will authorize Federal GSA to allow local
11 and state government access to "Green" schedules, supporting greater access for local governments to Federal GSA
12 Schedules.

13 **Background:** The General Services Administration administers long-term government-wide contracts with
14 commercial firms to provide access to over 10 million commercial supplies and services. GSA schedule contracts
15 are negotiated by the Federal government with the intent of securing "most favored customer" pricing. Access to
16 GSA schedules provides volume pricing and reduces unnecessary duplication of effort by multiple Federal, state and
17 local government contract managers to make public sector procurement more cost effective.

18 Accessing Federal GSA contracts offers significant administrative efficiencies and improved value for
19 taxpayer funded purchases by state and local governments. This will allow for significant cost savings and
20 elimination of duplication of effort and time delays in issuing, awarding and obtaining contracts for identical goods
21 and services. This proposal would make "green" procurement for local governments significantly more cost
22 effective, and help to promote environmentally sustainable/good government practices.

23 Current law limits access to contracts established by the Federal government, however in 2007, through the
24 support of NACo, the National Institute of Governmental Purchasing (NIGP) and the League of Cities, Miami-Dade
25 County was successful in securing authorization to open Schedule 84. This Schedule includes Total Solutions for
26 Law Enforcement, Security, Facilities Management, Fire, Rescue, Clothing, Marine Craft and Emergency/ Disaster
27 Response.

28 **Fiscal/Urban/Rural Impact:** Access to additional Federal GSA schedules containing environmentally
29 preferable "green" commodities and services would result in significant cost savings for counties, while helping
30 them to meet their respective "green" goal missions in an environmentally, economically, fiscally sound, efficient,
31 and sustainable manner. Local governments would also be uniquely positioned to support "green" purchasing, while
32 creating additional "green" jobs to help America transform our economy and compete in the world. In addition, the
33 Federal government would likely benefit from increasing its purchasing power by opening GSA schedules to state
34 and local governments; local governments alone would add \$1 trillion in purchasing power to the Federal
35 governments roughly \$200 billion in annual procurement.

36 **Sponsor:** Larry C. Inman, Commissioner, Grand Traverse County, Michigan
37

38 **Proposed Resolution on Advisory Board Membership for the Help America Vote Act (HAVA) Management**

39 **Issue:** Under HAVA, two members of the 34 member Board of Advisors are, by law, appointed by
40 NACO. The Board of Advisors has broad mandate to review guidelines, reports and recommendations issued by the
41 federal agency responsible for HAVA management through its clearinghouse and other statutory functions

42 HR 672, as reported from the House Committee on Administration on June 2, 2011 would disband the
43 Board of Advisors and replace it with an 85 member Guideline Review Board with no representation from NACO
44 and the power to only review voting system guidelines. The proposed Board is totally dominated by state and
45 federal appointments and will have little or no future input from county officials who are responsible for the overall
46 management and budgets of county governments. The proposed board will significantly dilute the ability of any
47 local government unit that funds elections from impacting federal policy on elections. The proposed legislation
48 removes any advisory responsibility for a broad range of federal election clearinghouse functions.

49 County governments are overwhelmingly the primary funding source for elections. County governments
50 currently bear a disproportionate, in some cases the only, share of the cost increases associated with HAVA and
51 should have a significant impact on the development of federal policy.

52 **Proposed Policy:** NACo opposes any effort to exclude county governments and NACO from serving in a
53 legally constituted advisory capacity on federal panels for elections. Additionally, NACo opposes efforts to dilute
54 the representation of local government through the abolishment of the current 34 member Board of Advisors to the
55 US Election Assistance Commission and opposes efforts to restrict the advisory capacity to voting equipment
56 guidelines and ignore the broad range of clearinghouse advisory responsibilities at the federal level.

1 **Background:** HAVA guaranteed strong representation of local officials in advisory capacity to the Federal
2 agencies that would develop guidelines, reports and perform clearinghouse functions. In addition to guaranteed 20%
3 county government representation on the current Board of Advisors, 50% of the 110 member Standards Board is by
4 law local officials.

5 The proposed configuration will guarantee that state and federal officials (who in most cases neither pay
6 nor have responsibility for elections) will have appointment control of at least 93% of the new board. Local
7 governments could have as few as 2 representatives on the 82 member board despite the fact that local governments
8 have responsibility for and fund the election process. The proposed scope of the new board would exclude advisory
9 functions on a wide range of election management guidelines.

10 NACO representatives have been diligent in questioning each study and proposed guideline with respect to
11 the cost to county government. NACO representatives have a broad understanding that every study,
12 recommendation, guideline or standard has an impact on county government and need to be part to the review
13 process. More than ever, county governments must shift funds from needed projects to fund elections and NACO's
14 voice is the only one that can address that issue.

15 This change will also mean that NACO loses its member (Helen Purcell, Maricopa County, AZ) on the
16 committee (TGDC) working with NIST to develop standards for the next generation of voting equipment. This is
17 the only county government representative on this committee and she has been crucial to making sure the process
18 focuses on the cost of features before including them in any standard. Although these standards are not mandatory
19 under federal law, many states have incorporated the federal certification process into state statute so the equipment
20 most county governments have available to purchase will be based on these standards.

21 The Board of Advisors has, on numerous occasions, reviewed and recommended revisions to reports that
22 could have an adverse impact on county governments. NACO's representatives have had to consistently remind
23 members that the entity that bears the brunt of the election costs, county governments, has many other
24 responsibilities in an era of dwindling revenues and ever increasing costs. In addition, county government
25 representatives have help guide the Advisory Board and the EAC towards the significant financial and technical
26 issues facing county governments as the equipment purchased with federal funds ages and needs to be replaced.

27 **Fiscal/Urban/Rural Impact:** Both urban and rural counties have seen their election costs skyrocket since
28 the 2000 election. Both urban and rural counties face significant future financial liability as the current voting
29 equipment ages and must eventually be replaced. Both benefit from NACO membership on advisory boards that
30 shape future federal policy.

31 **Sponsors:** Wendy Noren, Clerk, Boone County, Missouri
32 Helen Purcell, Registrar/Recorder, Maricopa County, Arizona
33

34 **Proposed Resolution Supporting Federal Assistance to the Municipal Bond Market**

35 **Issue:** Federal legislative and regulatory efforts to assist access to the municipal securities market.

36 **Proposed Policy:** NACo supports legislative and regulatory efforts to assist state and local governments
37 access the municipal securities market during times of crises.

38 **Background:** There are times when the municipal bond market has been in turmoil due to the global and
39 national economic distress, the downgrading of major financial guarantors that are important to the municipal sector,
40 and the overall freezing of the credit markets. This was most recently seen in the 2008 economic crisis, which was
41 not due to any inherent problems in the municipal market. During that crisis, state and local governments had
42 difficulty accessing the market when issuing new bonds or restructuring and refinancing current debt. NACo
43 supports initiatives that provide clear authority to federal authorities to enhance market access and liquidity for state
44 and local issuers. NACo also supports efforts to create cost effective and widely available credit enhancement for
45 the capital financing needs of state and local governments.

46 **Fiscal/Urban/Rural Impact:** Better access to the municipal securities market will help lower borrowing
47 costs, helping counties improve their financial standings.

48 **Sponsor:** Larry C. Inman, Commissioner, Grand Traverse County, Michigan
49

50 **Proposed Resolution Opposing Federal Preemption of State and Local Taxing Authority Over Online Travel** 51 **Companies**

52 **Issue:** Preemption of state and local taxing authority.

53 **Proposed policy:** NACo opposes any federal legislative or regulatory initiatives that would preempt state
54 and local taxing authority over Online Travel Companies (OTCs).

55 **Background:** Hotel taxes are a vital revenue source for counties across the nation. Some jurisdictions
56 funnel these revenues into the general fund and are used for a myriad of public purposes, including fire and police

1 services. Some communities use these funds to promote local tourism, which creates jobs and pumps badly needed
2 funds into local economies. And some localities use these funds to pay bond obligations used to finance the
3 construction of convention centers, sports facilities, and other public buildings.

4 However, this revenue source is being threatened by efforts of the OTCs to obtain preferential tax treatment
5 at the expense of local government budgets. The OTCs, such as Expedia, Travelocity, and Orbitz pay hotels a
6 discounted, wholesale rate for the rooms they book. These rooms are then sold to customers at a higher, retail rate.
7 But while customers are charged the applicable hotel tax on the retail rate, the OTCs remit taxes based on the
8 wholesale rate, short-changing local governments while pocketing the difference. This practice is currently the
9 subject of numerous lawsuits across the country. In response, the OTCs are actively lobbying Congress to preempt
10 the authority of state and local governments to impose and collect hotel taxes from the OTCs.

11 **Fiscal/Urban/Rural Impact:** Preemption of state and local taxing authority over the OTCs will adversely
12 affect state and local government budgets, with revenue losses nearing \$700 million annually.

13 **Sponsor:** Larry Inman, Commissioner, Grand Traverse County, Michigan.
14

15 **Proposed Resolution Opposing Property Tax Deductibility Reporting Requirement**

16 **Issue:** Reporting requirement for property tax deductibility.

17 **Proposed Policy:** The National Association of Counties opposes any requirements that place the burden of
18 responsibility on county government to determine and specify on real property tax bills the deductibility of those
19 taxes and also opposes any requirement to report to the IRS the amount of taxes paid by each taxpayer.

20 **Background:** The bipartisan staff of the Joint Committee on Taxation prepares revenue estimates of all
21 revenue legislation considered by the Congress, initiates investigations of various aspects of the federal tax system,
22 and assists the Senate Finance Committee and the House Ways and Means Committee with the development and
23 analysis of legislative proposals. A major emphasis of the Joint Committee in recent years is the "tax gap" – the
24 estimated \$345 billion per year shortfall between federal tax liability and the amount of tax voluntarily and timely
25 paid.

26 Several options to reduce the "tax gap" identified in reports issued by the Joint Committee on Taxation
27 have suggested additional reporting requirements on state and local governments, including one option that would
28 require local taxing jurisdictions to report to the IRS the deductibility of taxpayers' property taxes. NACo and
29 NACCTFO have indicated that such a requirement would create a severe administrative and liability burden for
30 county officials, who are, in the vast majority of cases, not CPAs or tax accountants and not qualified to make a
31 determination of deductible versus nondeductible of property taxes as they relate to the IRS code.

32 **Fiscal/Urban/Rural Impact:** The requirement would be an unfunded mandate on county governments.

33 **Sponsor:** Larry C. Inman, Commissioner, Grand Traverse County, Michigan.
34

35 **Proposed Resolution Supporting Joint Resolution 62 Supporting an Amendment to the Constitution of the** 36 **United States**

37 **Issue:** States right to repeal Federal laws and regulations

38 **Proposed Policy:** NACo supports Joint Resolution 62 proposing an amendment to the Constitution of the
39 United States to give States the right to repeal Federal laws and regulations when ratified by the Legislatures of two
40 thirds of the several states.

41 **Background:** the "ARTICLE" "Any provision of law or regulation of the United States may be repealed
42 by the several states, and such repeal shall be effective when the legislatures of two-thirds of the several states
43 approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation
44 to be repealed."

45 The founders designed the Constitution to create a balance of political power. Today one level of
46 government has grown so powerful that it has come to dominate the playing field. The national government dictates
47 rather than collaborates with states.

48 The Repeal Amendment would help restore the ability of states to protect the power "reserved to the states"
49 noted in the 10th Amendment and allow states to protect the liberties and rights of their citizens, as well as their own
50 operations, from overreaching federal power.

51 The Repeal Amendment provides that if 2/3 of the states collectively find a federal law or regulation in
52 contradiction with the will and interests of the people, they may repeal the said law or regulation. This check will
53 apply against Republicans just as it will against Democrats. It is not a partisan issue. It is simply about restoring a
54 balance of power.

1 In Congress this legislation is treated like any other in terms of committee consideration, floor scheduling
2 and debate. Passage, however, requires a 2/3 vote in both the House and Senate. It then goes to the states where it
3 requires a three fourths vote.

4 **Fiscal/Urban/Rural Impact:** It would give more power to state and county governments.

5 **Sponsors:** Alan D. Gardner, Commissioner, Washington County, Utah

6 Robert Kirk, Treasurer, Utah County, Utah
7

8 **Proposed Resolution on the Streamlined Sales and Use Tax Agreement**

9 **Issue:** Streamlined Sales and Use Tax Agreement.

10 **Proposed Policy:** The National Association of Counties (NACo) encourages efforts to reduce the
11 complexity of state and local sales and use tax laws and supports legislation codifying the Streamlined Sales and
12 Use Tax Agreement. However, tax simplification should not be used as a means by the federal government to
13 undermine county government taxing authority and revenue streams.

14 **Background:** NACo supports the Streamlined Sales and Use Tax Agreement, a multi-state compact that
15 seeks to reduce the complexity of state and local sales and use tax laws and would permit the collection of sales and
16 use taxes from remote sellers. The Agreement seeks to reduce the complexity of state and local sales and use tax
17 laws and provide incentives for sellers to collect and remit such taxes to member states.

18 The goal of the Agreement is to convince Congress to overturn the Supreme Court decision in Quill v.
19 North Dakota, which denies states and localities the authority to collect sales and use taxes from remote sellers that
20 have no physical presence in the taxing state. States and local governments are losing billions of dollars in
21 uncollected sales tax revenue every year.

22 However, NACo urges Congress and the Streamlined Sales Tax Governing Board to refrain from using tax
23 simplification as a vehicle to preempt local taxing authority and revenue streams. Any federal legislative or
24 regulatory action that affects communications fees or taxes must be revenue neutral to the locality, between
25 providers of like services, and allow for growth in tax revenues as the service or industry expands.

26 **Fiscal/Urban/Rural Impact:** Counties in member states may recoup millions of dollars in foregone sales
27 tax revenue every year with implementation of the Agreement and federal legislation requiring sellers to comply.

28 **Sponsor:** Larry C. Inman, Commissioner, Grand Traverse County, Michigan
29

30 **Proposed Resolution Urging Repeal of Unfunded Three Percent Withholding Mandate for County** 31 **Procurement**

32 **Issue:** Requirement that counties withhold federal taxes from payments to county vendors and contractors.

33 **Proposed Policy:** The National Association of Counties supports repeal of the unfunded mandate in
34 Section 511 of Public Law 109-222 (25 USC 342(t)) and endorses legislation to repeal this requirement. NACo also
35 supports efforts to temporarily extend the implementation deadline until the requirement can be permanently
36 repealed.

37 **Background:** Section 511 of Public Law 109-222 will require many counties beginning in 2012 to
38 withhold federal taxes on payments for goods and services made to contractors and then submit those payments to
39 the IRS. The requirement does not apply to the private sector. This provision is estimated to raise \$6 billion for the
40 federal treasury through a first-year accounting gimmick and slightly more than \$200 million per year thereafter.
41 The increase in the cost for state and local governments of goods and services and of reprogramming or purchasing
42 accounts payable systems and hiring additional staff to comply with the requirement will likely exceed that amount.
43 Many counties are also concerned that it will discourage contractors from bidding.

44 Representative Wally Herger (R-CA) introduced H.R. 674, Senator Scott Brown (R-MA) introduced S. 164
45 and Senator David Vitter (R-LA) introduced S. 89 to repeal this unfunded mandate on county government. H.R.
46 674 has 156 cosponsors in the House of Representatives, S. 164 has 15 cosponsors and S. 89 has 8 cosponsors. A
47 one-year delay of the deadline for compliance (from January 1, 2012 to January 1, 2013) has been implemented as a
48 result of the final regulations on the withholding requirement issued by the IRS on May 9, 2011.

49 **Fiscal/Urban/Rural Impact:** This unfunded mandate would cost counties millions of dollars.

50 **Sponsor:** Larry C. Inman, Commissioner, Grand Traverse County, Michigan
51

52 **Proposed Resolution on Increased Reporting Requirements in the use of Federal Funds**

53 **Issue:** Federal legislation seeking to foster transparency and accountability in the use of federal funds at
54 the state and local government level through increased reporting requirements.

55 **Proposed Policy:** NACo supports transparency and accountability in the use of taxpayer funds. However,
56 NACo opposes legislation that results in an unfunded mandate for county government due to increased

1 administrative costs with no financial assistance to comply with requirements. Furthermore, NACo opposes
2 legislation that does not seek the input of state and local governments to assist in creating a practical reporting
3 process that can be viewed as a national solution rather than a Federal solution.

4 **Background:** Recent focus on the Federal debt has increased the calls to implement measures that would
5 eliminate the waste, fraud and abuse of federal funds. As a result, several initiatives have risen as both the
6 Administration and Congress express their desire to ensure that federal dollars are spent responsibly.

7 Representative Darrell Issa (R-CA) introduced H.R. 2146, the “Digital Accountability and Transparency
8 Act of 2011” or the “DATA Act.” In general, the legislation seeks to establish an independent body to track federal
9 spending, modeled after the Recovery Accountability and Transparency Board. To assist the independent body, the
10 legislation also seeks to set up a single electronic platform for federal spending information that combines several
11 existing data streams, including agencies’ contract and grant data, internal expenditure reports, and reports by
12 grantees and contractors.

13 **Fiscal/Urban/Rural Impact:** The availability of funds for reporting requirements could lower the
14 administrative costs state and local governments face in complying with the data collection and information
15 reporting requirements associated with increasing transparency in federal spending. Seeking input from the various
16 state and local stakeholders who will be responsible for reporting will also ensure that a practical solution is created
17 rather than a solution that only makes sense at the federal level.

18 **Sponsor:** Larry C. Inman, Commissioner, Grand Traverse County, Michigan
19

20 **Proposed Resolution Supporting Uniform Rating System for All Securities**

21 **Issue:** Federal legislation ensuring uniform and accurate credit ratings of municipal bonds.

22 **Proposed Policy:** NACo supports legislation that requires nationally recognized statistical rating
23 organizations to establish, maintain, and enforce written policies and procedures designed to apply rating symbols in
24 a consistent manner for all types of securities and money market instruments.

25 **Background:** The passage of the Dodd-Frank Act provided for credit rating agencies to use universal
26 rating symbols for all debt instruments. NACo supported these efforts. As the SEC develops regulations to enforce
27 this section of the law, NACo will work to ensure that the rules are developed fairly and meet the intent of the law –
28 which is to maintain the same symbols and criteria for all debt products, whether they are issued in the corporate or
29 municipal sectors. The use of “uniform and accurate credit rating(s)” for all securities will result in lower borrowing
30 costs and make it easier for new investors to participate in the municipal securities market.

31 **Fiscal/Urban/Rural Impact:** The use of uniform and accurate crediting ratings will lower the cost of
32 borrowing and save taxpayers money.

33 **Sponsor:** Larry C. Inman, Commissioner, Grand Traverse County, Michigan
34
35

1 **HEALTH PROPOSED RESOLUTIONS**

2 **Proposed Platform Changes**

3
4 **5. PUBLIC HEALTH**

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

8 i) The concepts and standards for local public health departments as outlined in the ~~nationally~~
9 ~~developed "Operational Definition of a Functional Local Health Department" (November 2005,~~
10 ~~National Association of County and City Health Officials)~~ Public Health Accreditation Standards
11 and Measures;

12 **Sponsor:** Carol Moehrle, Director, North Central District Health Department, Nez Perce County, Idaho

13
14 **Federal Role 12 b. (13):** Changes in the current federal policy that will allow a Medicare or Medicaid
15 eligible person, who has been charged with a crime and incarcerated, ~~but not convicted,~~ to continue to be eligible for
16 Medicare or Medicaid medical benefits until such time as they may ~~be convicted~~ placed on probation or parole;

17 **Note:** would require a conforming amendment to the Justice and Public Safety Platform Loss of Federal
18 Entitlement Benefits for Pretrial Defendants : Therefore, NACo supports changes in current Federal policy that will
19 allow a person receiving federal benefits, who has been charged with a crime and incarcerated, ~~but not convicted,~~ to
20 continue to be eligible for such entitlements, including, but not limited to Medicare, Medicaid, SSI ~~or~~ SDDI and
21 CHIP benefits until such time as they may be ~~convicted and sentenced to an institution~~ placed on probation or
22 parole.

23 **Sponsor:** Donald L. Polzin, Board Member - National Association of County Behavioral Health and
24 Developmental Disabilities, Member - NACo Justice and Public Safety Steering Committee

25
26 **Proposed Resolution in Support of Charity Care Requirements for Non-Profit Health Care Facilities**

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

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

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

39 The United States Congress and many states and counties have considered or addressed issues related to
40 charity care and tax exemptions, seeking to establish fair but objective benchmarks against which hospitals would be
41 measured to determine the granting or renewing of tax exemptions for providing actual charity health care to those
42 in need. Without objective standards to determine the amount of actual charity health care non-profit and tax-
43 exempt health care facilities provide to members of their neighborhoods and communities, county governments
44 cannot accurately assess the performance of health care facilities receiving tax exemptions funded by county
45 government taxpayers. The following issues should be considered in crafting appropriate charity care standards:
46 definitions of "charity care" for the purposes of tax exemption qualification and eligibility; guidelines for counties to
47 consider when determining whether a tax exemption applied for by a non-profit hospital should be granted, rejected,
48 renewed or denied; the current and unique fiscal situations confronting states and units of local government today
49 when making recommendations on the appropriate percentage, level or standard of charity care to qualify for tax
50 exemptions.

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

53 **Sponsor:** Toni Preckwinkle, President, Cook County, Illinois

1 **Proposed Resolution in Support of Provisions of the Affordable Care Act that Help County Safety Net and**
2 **Behavioral Health Programs**

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

4 **Proposed Policy:** The National Association of Counties supports full funding for, and implementation of,
5 the provisions of the ACA that help counties meet the service needs of low income and disabled populations.
6 Specifically, NACo supports maintaining and expanding affordable health coverage and benefits to uninsured and
7 underinsured residents who rely on county health care delivery systems – including the Medicaid maintenance of
8 effort (MOE) requirements and the scheduled Medicaid expansion. NACo also supports the ACA’s provisions to
9 improve care coordination to ensure that everyone has a medical/health home for efficient, accessible and cost-
10 effective care; to improve access to preventive care and health promotion, for underserved populations; and to
11 promote the use of peer supports and counselors, together with effective care coordination that spans health and
12 social support services.

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

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

25 **Sponsor:** National Association of County Behavioral Health and Developmental Disability Directors
26 (NACBHDD)

27
28 **Proposed Resolution in Support of Reducing the 24-Month Waiting Period for Participants in Social Security**
29 **Disability Insurance**

30 **Issue:** Coverage of the current 24-month gap in health coverage for disabled individuals receiving SSDI.

31 **Proposed Policy:** NACo supports and urges passage of legislation to eliminate the 24-month waiting
32 period for health care coverage, for those individuals who have worked and paid in to the system and then become
33 disabled, seeking assistance through SSDI.

34 **Background:** A disabled, formerly working individual can apply for disability coverage through Social
35 Security, and may receive Supplemental Security Income (SSI), or Social Security Disability Income (SSDI). Social
36 Security often does both applications at once depending upon the individual’s wage or work history.

37 There is a five-month wait for SSDI for a disabled individual; however SSI is available immediately. If the
38 disabled individual first receives SSI, they automatically qualify for Medicaid. If the individual has worked enough
39 quarters to qualify, they will then become eligible for SSDI at the end of the five-month wait period. (Often SSDI is
40 a higher benefit amount than SSI; SSDI is dependent upon the person’s economic work history.) However, once a
41 disabled individual is switched from SSI to SSDI, the individual loses the Medicaid benefit. The client must wait for
42 up to two years before becoming eligible for Medicare, thereby effectively becoming uninsured when this is perhaps
43 the most important benefit to both the individual and society as a whole, to contain costs.

44 The federal Medicare program provides health insurance coverage for more than 40 million Americans.
45 Although most of those enrolled in Medicare are senior citizens, approximately six million enrollees under the age
46 of 65 have qualified because of permanent and severe disability, such as spinal cord injuries, multiple sclerosis,
47 cardiovascular disease, cancer, and other illnesses and disorders.

48 Social Security Disability Insurance (SSDI) is designed for individuals with a work history who paid into
49 the social security system before the onset of their disability. Despite this, federal law mandates a 24-month waiting
50 period from the time a disabled individual first receives Social Security Disability Insurance benefits to the time that
51 Medicare health coverage begins.

52 The SSDI program itself – a prerequisite to Medicare – delays benefits for five months while a person’s
53 disability is determined, effectively creating up to a 29-month waiting period for Medicare. As of January 2002,
54 approximately 1.2 million disabled individuals who qualified for SSDI and were awaiting Medicare coverage –
55 many of them unemployed due to their disability – and were being forced into poverty due to lack of insurance. By
56 the time Medicare coverage had begun, an estimated 45 percent of those individuals had incomes below the federal

1 poverty level, 32 percent were close to the federal poverty level, and their disabling conditions were worsened due
2 to the lack of access to health care.

3 Many of these individuals face significant medical expenses with often devastating consequences over this
4 two year period while awaiting Medicare coverage. The American Medical Association has documented that death
5 rates among SSDI recipients are highest in the first 24 months of enrollment.

6 **Fiscal/Urban/Rural Impact:** Reducing the 24-month waiting period not only would prevent worsening
7 illness and disability for SSDI beneficiaries, but would also reduce more costly future medical needs and potential
8 long-term reliance on other public assistance programs.

9 **Sponsor:** George Drumwright, Deputy County Manager, Henrico County, Virginia

11 **Proposed Resolution in Support of the Healthy Food Financing Initiative**

12 **Issue:** Access to Healthy Foods.

13 **Proposed Policy:** NACo supports the Healthy Food Financing Initiative (HFFI) and urges Congress and
14 the Administration to authorize and provide adequate resources to implement the initiative in partnership with
15 counties and local jurisdictions.

16 **Background:** Roughly 23 million Americans in underserved and low-income communities lack healthy
17 food options and instead frequent fast food and convenience stores selling high-fat and high-sugar processed foods.
18 Underserved and low-income communities lack economic development opportunities and benefits associated with
19 local grocery stores, including the creation of quality jobs and complimentary retail stores and services. Americans
20 in underserved and low income communities have significantly higher rates of obesity, increasing the chances that
21 they will develop serious health problems including type 2 diabetes, heart disease or other chronic health issues.
22 Childhood obesity is a major crisis in many of these communities, affecting over 30 percent of children ages 10-17.

23 President Obama launched the Healthy Food Financing Initiative (HFFI) in February 2010 in order to
24 tackle this healthy food access challenge. The President's FY 2011 budget included \$345 million dollars for HFFI
25 from three agencies – USDA, Treasury, and HHS. These funds would provide loan and grant financing to attract
26 grocery stores and other fresh food retail to underserved urban, suburban, and rural areas; and renovate and expand
27 existing stores so they can provide the healthy foods that communities want and need.

28 HFFI would attract investment in underserved communities by providing critical loan and grant financing.
29 These one time resources would help fresh food retailers overcome the higher initial barriers to entry into
30 underserved, low-income rural, suburban, and urban areas. It would also support renovation and expansion of
31 existing stores so they can provide the healthy foods that communities want and need.

32 The Administration's efforts to fund and implement HFFI have been slowed and curtailed due to lack of
33 congressional appropriations and authorizing language. On November 30, 2010, a bipartisan coalition in the House
34 and Senate introduced Healthy Food Financing Initiative bills designed to overcome these hurdles. These bills were
35 introduced with bipartisan support by Sen. Kirsten Gillibrand (D-NY) and Rep. Allyson Schwartz (D-PA) (S
36 3986/HR 6462). The bills are likely to be reintroduced in the new Congress and seek to dramatically reduce the
37 number of low-income Americans living in "food deserts." Based off a highly successful model in Pennsylvania, the
38 \$500 million Healthy Food Financing Initiative would authorize USDA to administer a mix of federal loans and
39 grants to provide one-time start-up assistance for supermarkets, corner stores, co-ops, and farmers' markets in
40 underserved low-income areas. If passed, the initiative is projected to create or preserve 44,500 long-term jobs and
41 50,000 construction jobs - all while helping millions of Americans eat healthier.

42 The Healthy Food Financing Initiative is a viable, effective, economically sustainable solution to the
43 problem of limited access to healthy foods, and can reduce health disparities, improve the health of families and
44 children, create jobs and stimulate local economic development in low-income and underserved communities.

45 **Fiscal/Urban/Rural Impacts:** The proposed initiative supports growth and job creation in underserved
46 rural, suburban and urban counties.

47 **Sponsor:** Patrick Duterte, Health and Social Services Director, Solano County, California

49 **Proposed Resolution on Adapting to Aging Population**

50 **Issue:** Aging population increasing demands on county health and human services

51 **Proposed Policy:** NACo supports legislation to allow for and encourage adaptation of local government
52 health services to an older and larger client base.

53 **Background:** As the "Baby Boomer" generation ages and enters retirement, the demand for health and
54 human services and the pressure on local governments to provide those services will increase greatly.

55 It is imperative that our health systems begin now to adapt to the different demands, needs, and methods of
56 communication that these new populations will require. If our local governments are to successfully provide the

1 basic services demanded of them, it is essential that they are prepared to best reach and accommodate those that will
2 need their services.

3 **Fiscal/Urban/Rural Impact:** TBD

4 **Sponsor:** Shirlee Zane, Supervisor, Sonoma County, California

5
6 **Proposed Resolution on Changing Nursing Home Oversight to Support and Promote Culture Change**

7 **Issue:** Regulatory barriers to improving nursing home culture.

8 **Proposed Policy:** The National Association of Counties urges the Centers for Medicare and Medicaid
9 Services (CMS) to remove barriers and regulations that hinder providers from making transformative environmental,
10 administrative and care practice changes that promote positive outcomes to resident and family satisfaction and
11 improved quality of care and quality of life.

12 **Background:** The current survey and certification system for nursing homes support but do not widely
13 promote transformative change in how services are provided. The philosophy that drives operational decisions away
14 from institutional practices and toward practices that both improve quality of care and quality of life is dampened by
15 the current survey, certification and life safety code processes.

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

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

27 **Sponsor:** Chester Pintarelli, Medical Care Facility Administrator, Iron County, Michigan

28
29 **Proposed Resolution on County Organized Health Systems**

30 **Issue:** Local Administration of the Medicaid and Expanded Public Programs via "County Organized
31 Health Systems".

32 **Proposed Policy:** The National Association of Counties (NACo) urges Congress and the Administration
33 to remove current statutory prohibitions that prevent the establishment of additional County Organized Health
34 Systems (federally defined as "Health Insuring Organizations"). NACo also urges the Centers for Medicare and
35 Medicaid Services (CMS) to adopt a policy of encouraging the formation of County Organized Health Systems as a
36 means to more effectively deliver Medicaid benefits at the local level and also to serve as a regional "public option"
37 under national health reform.

38 **Background:** County Organized Health Systems (COHS) are locally established independent publicly-run
39 health plans that administer the Medicaid program, as well as other publicly-funded health care programs for low
40 income populations, in either a county or group of counties. COHS plans have existed in California since 1983 and
41 there are currently five plans serving nine California counties and over 600,000 Medicaid beneficiaries.

42 COHS plans are governed by boards or commissions appointed by County Supervisors, and each plan
43 develops its program to best suit the needs of the local community.

44 During the last 25 years, COHS plans have proven successful in terms of both cost-effectiveness (saving
45 approximately 20 percent over fee-for-service Medicaid) as well as improved service delivery to Medicaid
46 beneficiaries (e.g. increased access to care, disease management programs, and high immunization rates). COHS
47 plans cover all Medicaid eligible beneficiaries in their services areas and provide the entire spectrum of care - from
48 prenatal care to hospice. The expansion of the five COHS plans into four additional counties has shown that the
49 county based model can be effectively replicated in both suburban and rural environments. Similar models also
50 exist in 28 rural Minnesota counties.

51 **Fiscal/Urban/Rural Impact:** Short term costs associated with development and implementation of a
52 COHS plan. Long term savings associated with more efficient design, control and delivery of the Medicaid program
53 in participating counties.

54 **Sponsor:** Patrick Duterte, Health and Social Services Director, Solano County, California

1 **Proposed Resolution on Creation of a New Oversight System for Nursing Homes**

2 **Issue:** Ineffective nursing home survey and certification system.

3 **Proposed Policy:** The National Association of Counties urges the Centers for Medicare and Medicaid
4 Services (CMS) to convene a national commission, with members drawn from a broad base of stakeholders and
5 experts, including county health facility administrators, to reexamine the current survey and certification system and
6 to issue recommendations for a new oversight model for long term care facilities to ensure sustained compliance
7 with regulation and the highest quality of care and quality of life possible for residents.

8 **Background:** The current survey and certification system for nursing homes does not meet industry or
9 consumer needs to ensure sustained compliance with regulation or foster a high quality of care and quality of life for
10 residents who live in nursing homes.

11 The American Association of Homes and Services for the Aging commissioned a 20-member task force in
12 2006. In 2008 they issued a report, Broken and Beyond Repair: Recommendations to Reform the Survey and
13 Certification System. They quickly came to the realization that the current system had some major flaws. Three
14 such flaws that stand out are: (1) Punishment does not equal improvement (2) Complexity breeds inconsistency and
15 (3) Inconsistency signals deeper flaws.

16 **Fiscal/Urban/Rural Impact:** An improved and efficient survey and certification process would be a cost
17 savings to the federal Government, state Governments and the private pay consumer. CMS and states would be able
18 to spend their limited survey resources more efficiently by concentrating oversight efforts on poor-performing
19 facilities and placing more responsibility for self-monitoring on facilities that consistently perform well.
20 Additionally, a fair and consistent survey process would free more provider time, talent and resources towards
21 worthwhile projects that lead to increased resident satisfaction, quality of life and positive clinical outcomes.

22 **Sponsor:** Chester Pintarelli, Medical Care Facility Administrator, Iron County, Michigan
23

24 **Proposed Resolution on Essential Support Services for Persons with Behavioral Health and Developmental
25 Disabilities**

26 **Issue:** Close coordination across health and social service programs is essential to assure the effectiveness
27 of care and supports for persons with disabilities. County behavioral health and developmental disability authorities
28 are concerned that federal care and support programs should be available to persons with disabilities, including the
29 newly insured, in the post National Health Reform environment, and that care coordination should be available to
30 make them operate efficiently.

31 **Proposed Policy:** Care coordination across Federal programs that serve persons with disabilities should be
32 fully maintained for current beneficiaries and expanded appropriately to serve the disability population newly
33 insured through National Health Reform; social service programs, particularly affordable housing and job training,
34 should be expanded so that persons with disabilities can become and remain fully independent in their home
35 communities.

36 **Background:** Health services are less effective and more costly when needed social services are either not
37 available or are not coordinated well. This Proposed Resolution is an effort to address this problem directly, both for
38 the currently insured and the new populations to be insured through National Health Reform.

39 These tools are also very important so that persons with disabilities can live independent lives in their own
40 communities.

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

45 **Sponsor:** National Association of County Behavioral Health and Developmental Disability Directors
46 (NACBHDD)
47

48 **Proposed Resolution on Health System Reform**

49 **Issue:** Health system reform.

50 **Proposed Policy:** NACo supports implementing – and improving – the Patient Protection and Affordable
51 Care Act and the Health Care and Education Affordability Reconciliation Act through regulation and additional
52 legislation in such a way as to restore the partnership between the federal government and counties as outlined in the
53 health chapter of NACo's American County Platform and Proposed Resolutions and as summarized in the white
54 paper, "Restoring the Partnership for American Health: Counties in a 21st Century Health System".

55 **Background:** NACo's Health System Reform Working Group, appointed by then President Don Stapley in
56 July 2008 and chaired by then President-Elect Valerie Brown, reviewed and refined NACo's health reform policies

1 and priorities. The working group held three regional hearings: in Maricopa County, Arizona, in December 2008; in
2 Wake County, North Carolina, in February 2009 and in Sacramento County, California in April 2009. It
3 summarized its findings to date in the white paper. NACo will continue to engage the Administration and the
4 Congress to achieve these goals and priorities:

5 **Restoring the Partnership for American Health: Counties in a 21st Century Health System Full**

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

19 **Local Delivery Systems-Access for All:** NACo believes that reform must focus on access and delivery of
20 quality health services. Coverage is not enough. County officials, particularly in remote rural or large urban areas
21 know that even those with insurance may have difficulty gaining access to the services of a health care provider,
22 which can be exacerbated by the severity of their illness. Insurance carriers participating in public programs should
23 be required to extend coverage into rural areas and to contract with local providers. Local delivery systems should
24 coordinate services to ensure efficient and cost-effective access to care, particularly primary and preventive care, for
25 underserved populations. County governments are uniquely qualified to convene the appropriate public and private
26 partners to build these local delivery systems in a way that will respect the unique needs of individuals and their
27 communities. A restored federal commitment to such partnerships is necessary for equity's sake.

28 **Public Health and Wellness:** NACo believes that a greater focus on disease and injury prevention and
29 health promotion is a way to improve the health of our communities and to reduce health care costs. Disease and
30 injury prevention and health promotion services can be delivered by a health care professional one patient at a time.
31 Local health departments, in partnership with community based organizations and traditional health care providers,
32 deliver community-based prevention services targeted at an entire population. Population-based prevention services
33 can save money by keeping people healthy and reducing the costs of treating unchecked chronic disease. These
34 critical services include assessment of the health status of communities to identify the unique and most pressing
35 health problems of each community and health education to provide individuals with the knowledge and skills to
36 maintain and improve their own health. The public health response to emergencies should be fully integrated into
37 each county's emergency management plan. Local public health considerations likewise should be systematically
38 integrated into land use planning and community design processes to help prevent injuries and chronic disease.
39 Policies are also needed to address health inequity, the systemic, avoidable, unfair and unjust differences in health
40 status and mortality rates, as well as the distribution of disease and illness across population groups. Investing in
41 wellness and prevention across all communities will result in better health outcomes, increased productivity and
42 reduce costs associated with chronic diseases.

43 **Expanding Coverage:** NACo supports universal health insurance coverage. Existing public health
44 insurance systems should be strengthened and expanded, including Medicare, Medicaid and the State Children's
45 Health Insurance Program (SCHIP). As states and counties attempt to shoulder their legislatively mandated
46 responsibilities to provide care for the indigent and uninsured, federal regulatory barriers should be removed to
47 allow flexibility and innovation at the local level. Restrictions on the expansion of County Organized Health
48 Systems should be lifted and they should be authorized to serve as a public plan option in their service areas.
49 Furthermore, in the effort to expand coverage, reformers should not forget that the coverage must be meaningful,
50 without imposing additional mandates on county governments. The benefit package must be defined so as to
51 provide the full range of services people need, including prevention services, pharmaceuticals, dental, full parity for
52 behavioral health, substance abuse and developmental disability services. Barriers to cost-effective treatments, like
53 living organ donation, should be removed.

54 **Maintaining a Safety Net:** NACo believes that the intergovernmental partnership envisioned in the
55 Medicaid statute should be restored and strengthened. Medicaid reimbursement rates should be enhanced and
56 increases to the Medicaid federal medical assistance percentage (FMAP) should be passed through to counties

1 contributing to the non-federal share. Local safety nets, supported by Medicaid and disproportionate share hospital
2 (DSH) payments, should not be dismantled to "pay for" universal coverage. We must not allow the safety net
3 infrastructure to be undermined. County hospitals and health systems provide surge capacity, emergency and
4 trauma services and other critical high cost services like neo-natal, HIV/AIDS and burn care. Safety net hospitals
5 will continue to need extra support to carry out their missions, including addressing health disparities. Health care is
6 not just coverage it is also access and it is the safety net hospitals where translation services for hundreds of
7 languages can be found.

8 DSH payments address two otherwise unreimbursed costs: (1) services provided to the uninsured and
9 underinsured; and (2) Medicaid reimbursement rates that pay less than the cost of providing health services. It is
10 too early to predict the net effect of Medicaid expansion and reimbursement reform. In addition, unfortunately,
11 there will always be some individuals who will remain uninsured. These and other at-risk populations financed by
12 DSH are unlikely to be among the groups to be covered in the initial stages of reform. All individuals, including the
13 uninsured, should receive treatment and DSH supports that care. Therefore DSH payments should not be phased
14 out or down until health care reform is fully implemented and its effects on DSH payments can be accurately
15 assessed. Assumptions should not be made that DSH can be cut by any arbitrary amount on some arbitrary timeline
16 during the implementation of health care reform.

17 **Health Workforce:** NACo believes that the health professional and paraprofessional workforce must be
18 supported and enhanced. It is important that we sustain training programs and sites of service that enable us to
19 develop a complement of health professionals that can address the needs of a changing, growing and aging
20 population.

21 Public hospitals have often been teaching hospitals. The sites of service include hospitals, outpatient
22 clinics, and community health centers. These settings provide access for patients seeking care, and a diverse set of
23 patient conditions and cultures that make for a comprehensive learning experience. Reasonable medical education
24 funding is an integral part of the business model of these institutions.

25 Every effort should be made to recruit, train, license and retain health professionals, and allied
26 professionals and paraprofessionals, on an expedited basis. A large body of evidence supports the contribution of
27 direct care staff, nurses and nursing assistants, to quality outcomes. Funding for existing education and training
28 programs - in secondary, post-secondary and vocational educational settings - should be increased and targeted
29 towards initiatives to expand and diversify the health workforce. Partnerships between local economic developers
30 and workforce development professionals should be encouraged to meet growing health care sector demand.
31 Targeted incentives including scholarships, loan forgiveness and low-interest loan repayment programs should be
32 developed to encourage more providers to enter and remain in primary care and public health careers. Primary care
33 providers should be empowered to - and compensated for - case management services.

34 **Health IT:** The federal government should support the integration of health information technologies into
35 the local health care delivery system. NACo supports the President's goal of implementing a nation-wide system of
36 electronic health records in five years. NACo supports efforts to promote the use of a range of information
37 technologies to facilitate appropriate access to health records and improve the standard of care available to patients,
38 while protecting privacy. This includes deployment of broadband technologies to the widest possible geographic
39 footprint. Other tools facilitate evidence-based decision making and e-prescribing. Using broadband technologies,
40 telemedicine applications enable real-time clinical care for geographically distant patients and providers. Remote
41 monitoring can also facilitate post-operative care and chronic disease management without hospitalization or
42 institutionalization.

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

49 **Jail Health:** Reforming America's health care system must include reforms to its jail system. Counties are
50 responsible for providing health care for incarcerated individuals as required by the U.S. Supreme Court in *Estelle v.*
51 *Gamble*, 429 U.S. 97 (1976). This unfunded mandate constitutes a major portion of local jail operating costs and a
52 huge burden on local property tax payers. The federal government should lift the unfunded mandate by restoring its
53 obligation for health care coverage for eligible inmates, pre-conviction. Furthermore, a true national partnership is
54 needed to divert the non-violent mentally ill from jail and into appropriate evidence-based treatment in community
55 settings, if possible. Finally, resources should be made available to counties to implement timely, comprehensive

1 reentry programs so that former inmates have access to all the health and social services, including behavioral health
2 and substance abuse treatment, to avoid recidivism and become fully integrated into the community.

3 **Fiscal/Urban/Rural Impact:** Large investments will be required from the federal government in order to
4 achieve a more equitable health system, but benefits could also be very large.

5 **Sponsor:** Valerie Brown, Supervisor, Sonoma County
6

7 **Proposed Resolution on Nurse Home Visitation Programs**

8 **Issue:** Nurse Home Visitation Programs.

9 **Proposed Policy:** NACo recognizes the importance of evidence-based nurse home visitation programs that
10 serve low-income parents, pregnant women and young children. NACo supports the premise that parents need
11 access to public health resources to promote a healthy environment for their families. NACo supports adequate
12 funding including Medicaid funding for all nurse home visitation programs that benefit families.

13 **Background:** Home-visitation programs have been around for years, not only in the United States, but in
14 most industrialized nations. Home visitation was initiated in the United States in the late 19th century with public
15 health nurses and social workers providing in-home education and care to women and children, primarily in poor
16 urban communities. Specialty programs were started that focused on specific problems such as premature or low-
17 birth-weight infants, children with developmental delays, teenage parents and families at risk of child abuse or
18 neglect. Dr. David L. Olds initiated the Nurse-Family Home Visitation program (mid-1970s) designed to help low-
19 income, first-time parents start their lives on a sound course and prevent the health and parenting problems that can
20 contribute to early development of anti-social behavior. These behaviors are associated with youth crime and
21 delinquency, child abuse, maternal substance abuse, and maternal criminal involvement. About ten years later, Dr.
22 C. Henry Kempe suggested that to ensure the right of every child to comprehensive care, every pregnant woman
23 should have the opportunity to a health visitor who would work with the family until the child began school.
24 Insurance companies declined to pay for this service because it lacked evidence to support its effectiveness.

25 The Elmira study shows average family net costs to the government for nurse-visited and non-visited
26 groups. Over the first 15 years of the study (child's life), the use of AFDC (TANF), Medicaid, food stamps, foster
27 care, and emergency room visits was substantially lower in families with home visitation than in non-visited
28 families. The nurse-visited group used \$56,000 (2001 dollars) less per family in government services than did the
29 non-visited group. The nurse -visited group paid \$8,300 more in taxes per family than the non-visited group which
30 resulted in a 393 percent recovery of dollars invested in the program in the child's 15th year. The lower the social-
31 economic-status of the family the higher the recovered visitation program costs. The Rand Corporation evaluated
32 the economic impact of the Elmira, New York nurse home visitation program. For every dollar spent on the home
33 visits, four dollars were saved in reduced welfare and criminal justice expenditures and in increases in tax revenues.
34 This study did not feel full cost-benefit could be analyzed because numerous benefits to society such as reductions
35 in child abuse and neglect and crime and improvements in children's behavior cannot be cost-estimated easily.

36 In addition to the nurse home visitors program there are several more evidence-based nurse home visitor
37 programs in the United States. Many are unique to a specific state such as Prenatal-Plus in Colorado, Nurses for
38 Newborns in Tennessee and First Born in New Mexico.

39 **Fiscal/Urban/Rural Impacts:** Poverty is the biggest obstacle to opportunity for children. Nurse home
40 visitation programs are crucial particularly in rural areas where poverty rates are higher and employment
41 opportunities at a supportable wage are fewer. These programs assist families to complete education, reduce
42 dependence on welfare benefit programs, improve birth outcomes, and save money.

43 **Sponsor:** Carol Moehrle, North Central District Health Director, Nez Perce County, Idaho
44

45 **Proposed Resolution on Persistent Health Disparities**

46 **Issue:** Persistent health disparities.

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

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

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

3 **Sponsor:** Larry Johnson, Commissioner, DeKalb County, Georgia
4

5 **Proposed Resolution on V.A. Health Benefits for Veterans in Custody Pending Disposition of Charges**

6 **Issue:** U.S. Department of Veterans Affairs (V.A.) medical benefits for veterans detained in county
7 facilities prior to conviction and sentencing to secure detention.

8 **Proposed Policy:** The National Association of Counties supports changing federal policy such that
9 veterans in custody pending disposition of charges remain eligible for V.A. health benefits.

10 **Background:** V.A. regulations provide that veterans held in federal, state, county or local prisons or jails
11 are not eligible to receive in- or out-patient services or medications from the V.A. until after their release from
12 custody 38 CFR 17.38 (c)(5); M-1, Pt. 1, Para. 4.23. Since they are also ineligible for federal Medicaid funding,
13 states terminate or suspend their Medicaid eligibility. All costs of medical care for veterans in county detention are
14 therefore borne solely by counties, since the Supreme Court has ruled that all incarcerated persons are entitled to
15 medical care. Many of the jailed veterans rendered ineligible for federal health benefits are not residents of the
16 counties where they are incarcerated, having traveled there to receive V.A. treatment for post-traumatic stress
17 disorder or other serious medical conditions. These veterans have served their nation abroad and at home and have
18 earned the medical benefits the V.A. is denying to them and the V.A. is unduly placing this medical care burden on
19 the local governments who can least afford this cost rather than continuing to provide care for these veterans in one
20 of the largest and best medical care systems in the world. This policy also violates the principle of presumption of
21 innocence.

22 **Fiscal/Urban/Rural Impacts:** This immediate cessation of benefits prior to the final disposition of
23 charges, causes major financial hardships for counties, and indirectly causes higher costs to the federal government
24 due to the exacerbation of medical conditions from discontinuities of care.

25 **Sponsor:** Mike Ortner, Commissioner, Fall River County, North Dakota
26

27 **Proposed Resolution Supporting County Preparedness for Pandemic Influenza**

28 **Issue:** The ability of counties to engage in effective planning for pandemic influenza.

29 **Proposed Policy:** The National Association of Counties (NACo) urges the Administration and Congress to
30 recognize that pandemic influenza response is primarily local in nature, and to provide adequate funding, sound
31 guidance, and support that will enable counties to prepare effectively for pandemic influenza in a manner that is
32 consistent with local emergency management plans and that permits optimally efficient use of local resources.
33 Eighty percent of federal funds granted to states for pandemic influenza preparedness should be designated for use at
34 the local level.

35 **Background:** Public health experts predict the occurrence of an influenza pandemic. This may arise if the
36 current avian influenza virus acquires an ability to be transmitted from human to human, or it may arise from
37 another new virus. It cannot be predicted when such an event will occur, but it is important that counties anticipate
38 and prepare for the enormous demands that a pandemic will place on both public and private sectors to respond.
39 Such planning is already underway and Congress appropriated \$350 million in FY2007 to support both state and
40 local pandemic influenza preparedness.

41 Success in responding to an influenza pandemic will depend on engaging all the resources of every
42 community, including hospitals, physicians and nurses, police, ambulance services, social services, schools,
43 businesses, and volunteers. The communication and organization necessary to manage those resources will all occur
44 locally.

45 The number of activities necessary to fashion a viable local plan for response to an influenza pandemic is
46 enormous. They all require substantial resources, as well as regular training and exercising. Some of these are:

- 47 • Tracking cases of influenza or illness that could be influenza as they occur, by collecting information
48 from hospitals, physician offices, laboratories, and pharmacies. This enables the earliest possible
49 identification of an outbreak.
- 50 • Planning in advance what to tell the public if an influenza outbreak occurs, with messages ready for
51 use by the mass media in multiple languages, to avoid public panic and help people understand how to
52 protect themselves.
- 53 • Identifying locations, trained health personnel, and equipment for isolating and taking care of sick
54 people, both in hospitals and in alternate locations.

- 1 • Planning how to keep people out of crowded places where infectious disease can easily be spread, by
2 closing down schools and other public places and public transportation, at the same time maintaining
3 social order.
- 4 • Planning how to meet the needs of people who must quarantine themselves in their homes, particularly
5 the elderly and the disabled.
- 6 • Devising methods to acquire distribute and administer vaccines and antiviral medications in mass
7 quantities, if effective vaccines and medications become available in sufficient quantity.

8 The federal funds now available are insufficient to enable counties to complete all the necessary tasks of
9 preparedness. Moreover, the Department of Health and Human Services and the Department of Homeland Security
10 have not coordinated their pandemic influenza response activities in a way that reflects and supports the strong
11 coordination among first responders, including public health departments, that already occurs at the county level.

12 Federal direction now includes redundancy and contradictions in requirements for planning, exercising of
13 plans, and reporting, and does not uniformly recognize that pandemic influenza response is an element of overall
14 local emergency management planning and cannot occur in isolation from other county emergency and public health
15 preparedness work.

16 **Fiscal/Urban/Rural Impact:** Pandemic influenza will require a response in all jurisdictions, whether they
17 are urban or rural. The Proposed Resolution asks increased federal funding for county pandemic influenza
18 preparedness.

19 **Sponsor:** Carol Moehrle, North Central District Health Director, Nez Perce County, Idaho
20

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

22 **Issue:** Reduce obesity and overweight and improve wellness.

23 **Proposed Policy:** The National Association of Counties recognizes obesity and overweight as conditions
24 that can persist from childhood to adulthood, that are associated with chronic disease, and that cause preventable and
25 premature deaths in adults, adolescents and children. NACo supports local public health department leadership in
26 obesity and overweight prevention.

27 **Background:** According to the National Center for Health Statistics, 66 percent of adults 20 years of age
28 and older are overweight and 32 percent are obese. In addition, almost five percent of adults are extremely obese.
29 From 1980 to 2004, the prevalence of obesity among adults increased from 15 percent to almost 33 percent. Being
30 either obese or overweight increases an individual's risk for developing medical conditions including, but not limited
31 to, hypertension, Type 2 diabetes, coronary heart disease, stroke and some cancers. Approximately 17 percent of
32 children and adolescents (ages 2 to 19) are overweight.

33 Furthermore, the percentage of overweight children two to five years of age increased from seven percent
34 to almost 14 percent and the percentage of overweight children six to 11 years of age increased from 11 percent to
35 19 percent between 1994 and 2004.

36 Also during this period, there was an increase in the percentage of overweight adolescents aged 12 to 19
37 years of age from 11 percent to 17 percent. Overweight children and adolescents are at an increased risk for
38 developing risk factors associated with cardiovascular disease, such as high cholesterol, high blood pressure,
39 asthma, and Type 2 diabetes.

40 In addition, these children and adolescents are at an increased risk for psychosocial problems, such as low
41 self-esteem, due to social discrimination. Obesity and overweight in children and adolescents are strongly correlated
42 with obesity and overweight in adulthood. One study found that approximately 80 percent of children who were
43 overweight at ages 10-15 years old were obese adults at age 25.3.

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

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

52 **Sponsor:** Carol Moehrle, North Central District Health Director, Nez Perce County, Idaho
53

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

55 **Issue:** Support for the National Prevention Strategy

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

4 **Background:** Pursuant to the Affordable Care Act, the President established a National Prevention, Health
5 Promotion, and Public Health Council, known as the National Prevention Council, chaired by U.S. Surgeon General
6 and composed of seventeen Federal department and agency heads charged with promoting prevention and wellness.
7 The National Prevention Council is responsible for coordinating and leading prevention, wellness, and health
8 promotion efforts across the Federal government and the Nation.

9 The President also appointed members of the Advisory Group on Prevention, Health Promotion, and
10 Integrative and Public Health – including two county officials – to offer a non-Federal perspective on policy and
11 program recommendations to the National Prevention Council and advise them on effective, science-based
12 prevention and health promotion practices.

13 The National Prevention Council is developing a National Prevention and Health Promotion Strategy,
14 known as the National Prevention Strategy, to lay out the most effective and achievable means for improving the
15 health of Americans through prevention and health promotion policies and programs, to align prevention and health
16 promotion priorities across the Federal government and to recommend the most effective actions the nation can take
17 to accelerate prevention of leading causes of death and disability in the United States. The National Prevention
18 Strategy envisions working together to improve the health and quality of life for individuals, families, and
19 communities by moving the nation from a focus on sickness and disease to one based on prevention and wellness
20 with a goal of increasing the number of Americans who are healthy at every stage of life. It identifies four Strategic
21 Directions that are the foundation for all prevention efforts and form the basis for a prevention oriented society. The
22 strategic directions are Healthy and Safe Community Environments; Clinical and Community Preventive Services;
23 Empowered People and Elimination of Health Disparities which are each needed to fully support Americans in
24 leading longer and healthier lives. The Strategy’s seven Priorities include Tobacco Free Living; Preventing Drug
25 Abuse and Excessive Alcohol Use; Healthy Eating; Active Living; Injury and Violence Free Living; Reproductive
26 and Sexual Health; and Mental and Emotional Well-being.

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

29 **Sponsor:** Valerie Brown, Supervisor, Sonoma County, California
30
31

HUMAN SERVICES AND EDUCATION PROPOSED PLATFORM CHANGES AND RESOLUTIONS

Proposed Platform Changes

Statement of Basic Philosophy: New federal programs should be integrated with an appropriate, existing administrative delivery system. Congress should encourage coordination with state and local governments when seeking citizen input, such as advisory committees to oversee program development, so that these groups do not duplicate existing state and local coordinating efforts.

NACo urges the federal government to base decisions about federal laws and regulations on data and measurable outcomes. Scrutinizing existing and proposed mandates using these two standards will help all levels of government reduce unnecessary and unfunded mandates, stream-line government and use limited resources more efficiently to the benefit of clients and constituents alike.

NACo urges the federal government to ask the following key questions when considering legislation, rules or regulations:

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

Sponsors: Barbara Kirkmeyer, Commissioner, Weld County, Colorado
Susan Beckman, Commissioner, Arapahoe County, Colorado

Children's Services: Child Support—It is the right of every child to be supported by his or her parents. NACo supports the federal Title IV-D Child Support Enforcement program as a cost-effective means of ensuring that right and of reducing welfare costs. NACo supports providing incentives to states to pass-through a higher percentage of child support collections to families on welfare by reimbursing the state child support enforcement program dollar-for-dollar. Any pass-through program must be optional and not carved-out of existing funding. The cap on the Child Support Incentive Fund must be removed. *NACo urges Congress to permanently restore the ability to draw federal match dollars from the reinvestment of child support incentive payments.* The 66 percent reimbursement rate for administrative costs and the 90 percent rate for genetic testing must be maintained.

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

Legal Immigrants, Migrants, Refugees and Undocumented Immigrants: Refugee Program -- Refugees should be resettled in a manner that minimizes their concentration into a few counties. When making decisions to admit new refugees into the country the U. S. State Department should give advance notice of those decisions to the states and counties that are most likely to be affected by the refugee resettlement.

There should be a permanent federal refugee program with uniform policies for all refugee groups and with sufficient federal funds to provide assistance during the first 36 months that a refugee is in the United States. Federal funding should continue at the 100 percent reimbursement level for financial assistance, medical care, social services, employment services, and education until refugees reach a reasonable level of self- sufficiency.

1 *Funding should follow refugees. It is therefore critical that funding formulas respond not just to the*
2 *challenges that state and local governments face at the point of initial resettlement. The new normal of secondary*
3 *migration needs to be addressed through accurate data and funding that follows the refugee.*

4 The federal government should develop contingency plans, in consultation with state and local elected
5 officials, for handling mass asylum situations in which the United States is a country of first asylum. The legal status
6 and rights of applicants for asylum and their eligibility for federal assistance must be clarified.

7 *The federal government needs to increase its dialogue with and accountability to state and local*
8 *governments.* NACo opposes any proposal that would transfer funds needed by states and counties for refugee
9 assistance to resettlement agencies without proper state and county consultation and agreement. States and counties
10 should be allowed to use refugee employment services fund for refugees on public assistance who have been in the
11 United States more than five years.

12 **Proposed Resolution on TANF and CCDBG Reauthorization**

13 **Issue:** The Temporary Assistance for Needy Families Block Grant and the Child Care and Development
14 Block Grant programs expire September 30, 2010.

15 **Proposed Policy:** NACo urges Congress to revise the current Temporary Assistance for Needy Families
16 Block Grant (TANF) program to provide greater state and county flexibility to create and provide services that
17 support and move families off welfare. NACo supports allowing more state flexibility in TANF program design
18 such as allowing higher education to count as work; elimination of time limits on education; and allowing states to
19 use TANF funds to support post secondary educational expenses. NACo urges Congress to, at a minimum, retain
20 and enhance state flexibility to use TANF funds for subsidized employment. NACo further urges Congress to
21 reauthorize all programs within TANF.

22 NACo urges Congress to ensure that reauthorization includes the provision that the TANF block grant is
23 increased annually in an amount commensurate with the rate of inflation.

24 NACo supports reauthorization of the Child Care and Development Block Grant (CCDBG) programs with
25 additional funding. Finally, NACo urges Congress and the Administration to ensure that CCDBG funds are not
26 diverted to other programs or supplanted.

27 **Background:** The Temporary Assistance for Needy Families Block Grant (TANF), the TANF
28 Contingency Fund, TANF Supplemental Grants and the Child Care and Development Block Grant entitlement and
29 discretionary programs expire at the end of the year. The Contingency Fund also needs to be replenished, since
30 states have drawn down most of the available funds as a result of the recession.

31 The TANF Emergency Contingency Fund (ECF), which provided subsidized employment, cash assistance
32 and short-term supports to needy families expired September 30, 2010. ECF earnings reduce greatly or eliminate the
33 family's TANF cash grant. Work skills and relationships developed by individuals in ECF jobs help build the
34 foundation for permanent employment. With unemployment still hovering at a national average of nine percent, it is
35 clear that ECF is still needed.

36 The federal TANF regulations limit counting education as work. After the first 12 months, the participant
37 must do some other type of work for 20 hours, and then pursue higher education while caring for minor children in
38 the home. Removal of these restrictions would enable states to make choices about what will best benefit their
39 citizens.

40 Many TANF families struggle with multiple barriers to self-sufficiency such as disabilities, mental health
41 issues, domestic violence and substance abuse. As a result they may not always be able to meet the full participation
42 requirements. States and counties should be given the flexibility to provide partial credit to these families with
43 special needs.

44 A number of states have chosen to give a reduced grant to children whose parents reach their time limits on
45 aid but still meet income criteria. The current HHS regulations include these parents in the state's work
46 participation rate. Given the current economic situation, this rule puts states and counties in the untenable position
47 of having to decide whether to eliminate assistance for these vulnerable children.

48 An inflation adjustment was not included in the 1996 statute and therefore TANF funding has been at a
49 fixed level since 1997. Reauthorization should include automatic annual increases so the TANF block grant reflects
50 state and county spending needs.

51 It is likely that TANF reauthorization will only be for one year. In the absence of long-term
52 reauthorization, NACo urges the Department of Health and Human Services to review the current TANF regulations
53 to determine which changes could be made administratively.

54 Counties support the Administration's proposal to increase CCDBG. Additionally, counties are concerned
55 that some states are diverting child care funds to other programs due to budgetary constraints.

1 **Fiscal/Urban/Rural Impacts:** Long term impacts on intergenerational poverty and child well being.

2 **Sponsor:** National Association of County Human Services Administrators

3
4 **Proposed Resolution on Comprehensive Immigration Reform**

5 **Issue:** Congressional action needed to fix our broken immigration system.

6 **Proposed Policy:** The National Association of Counties urges Congress and the President to enact
7 comprehensive immigration reform this year that:

- 8 • Provides for uniform enforcement of all existing laws;
- 9 • Secures our borders;
- 10 • Includes a national strategy for coordination among federal, state, local and tribal authorities;
- 11 • Establishes a sensible and orderly guest worker program for legal immigrants;
- 12 • Imposes no unfunded mandates on state and local governments;
- 13 • Includes no mandates on counties to enforce immigration laws; and
- 14 • Provides a sustainable funding stream to counties for immigrant health care funded by fees levied on
15 legalized immigrants.

16 **Background:** Comprehensive immigration reform failed in the last two Congresses, and as a result we
17 continue to have an immigration system that discourages legal immigration and creates a loss of respect for the rule
18 of law.

19 On January 13, 2010, NACo released an immigration focus questionnaire of county officials from across
20 the nation. When asked what the most pressing issues are regarding immigration reform, the overwhelming
21 responses were eliminating the piecemeal approach to immigration and clear federal laws and enforcement policies.
22 County officials were also asked what is needed in immigration reform. The four responses receiving the highest
23 number of votes were border enforcement, a path to citizenship, a temporary worker program and funding for local
24 governments for health and education programs.

25 NACo envisions an earned legalization process that could include, but would not be limited to, registering,
26 demonstrating employment, learning English, criminal background checks, paying fees and returning to the country
27 of origin.

28 **Fiscal/Urban/Rural Impact:** Would provide additional funding for county health and education.

29 **Sponsor:** Mary Rose Wilcox, County Supervisor, Maricopa County, Arizona

30
31 **Proposed Resolution on the DREAM Act**

32 **Issue:** Support for the Development, Relief, and Education for Alien Minors Act.

33 **Proposed Policy:** The National Association of Counties calls upon Congress and the President to promptly
34 enact the Development, Relief, and Education for Alien Minors (DREAM) Act.

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

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

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

51 **Fiscal/Urban/Rural Impact:** None.

52 **Sponsor:** Mary Rose Wilcox, County Supervisor, Maricopa County, Arizona

53
54 **Proposed Resolution on the Elder Justice Act**

55 **Issue:** Fiscal Year 2012 funding for the Elder Justice Act

56 **Proposed Policy:** NACo urges Congress to fund the Elder Justice Act in FY 2012.

1 **Background:** The Elder Justice Act (EJA) was enacted as part of the Patient Protection and Affordable
2 Care Act. EJA is the first federal program designed to combat elder abuse, neglect and exploitation of elder adults.
3 The program was authorized at \$777 million over four years but has yet to be funded. The President’s proposed
4 budget for FY 2012 included approximately \$22 million for EJA.

5 The National Institute of Justice study, estimates that almost 11% of people ages 60 and older (5.7 million)
6 faced some form of elder abuse in the past year. Additionally, a 2009 report by the MetLife Mature Market
7 Institute and the National Committee for the Prevention of Elder Abuse estimates that seniors lose a minimum of
8 \$2.5 billion each year to financial abuse.

9 Funding for EJA would have a direct impact on state and local Adult Protective Services (APS) at this time
10 of severe budget constraints. EJA authorizes \$400 million over four years for APS. According to the Leadership
11 Council of Aging Organizations, a recent survey of Adult Protective Services (APS) agencies in 30 states, 60
12 percent reported average budget cuts of 14 percent. At the same time two-thirds reported an increase of 24 percent in
13 reports of abuse.

14 **Fiscal/Urban/Rural Impact:** Would provide new federal funds to counties.

15 **Sponsor:** National Association of County Aging Programs

16 17 **Proposed Resolution on Reauthorization and Funding of the Older Americans Act**

18 **Issue:** The Older Americans Act is up for reauthorization his year.

19 **Proposed Policy:** NACo urges Congress to reauthorize the Older Americans Act (OAA), expand program
20 flexibility to distribute funds between nutrition programs, and increase authorization and appropriations levels.

21 **Background:** Nearly 39 million Americans, or 13 percent of the population, are over the age of 65, and
22 this number continues to grow. As the population ages, the need to provide home-delivered meals increases and
23 sometimes overshadows the need that younger, more mobile seniors have for congregate meals. Under current law,
24 states and area agencies on aging have limited ability to transfer funds between these two programs (Titles III C1
25 and C2).

26 NACo supports merging these two programs into one category and allowing local area agencies greater
27 flexibility to distribute between the two.

28 According to the National Council on Aging (NCOA), nearly 80 percent of states report waiting lists for
29 home-delivered means and over 50 percent report waiting lists for personal care, homemaker services and respite
30 care. Additionally, 96 percent of state units on aging report that their budgets have been reduced. At the same time
31 that the elderly population continues to increase, funding for OAA programs has not kept pace with inflation or
32 increased demand. NACo supports increasing the authorization and appropriations for all OAA programs.

33 **Fiscal/Urban/Rural Impact:** Would provide new federal funds to county area agencies on aging.

34 **Sponsor:** National Association of County Aging Programs

35 **Proposed Resolution on the Community Services Block Grant**

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

38 **Proposed Policy:** NACo supports full funding for CSBG as well as the program’s formula grant structure.

39 **Background:** The Community Services Block Grant (CSBG), which was funded at \$700 million in FY
40 2010, is being cut by approximately 50 percent in the House Continuing Resolution for FY 2011 (H.R. 1) as well as
41 the President’s proposed FY 2012 budget. Additionally, the President’s budget includes language that would
42 “introduce competitiveness” into CSBG. While the proposed budget doesn’t provide further details, this language is
43 being interpreted as a proposal to change CSBG to a totally competitive grant process.

44 CSBG operates in 90 percent of the nation’s counties through a network of more than 1,100 eligible public or
45 private entities, many of which are community action agencies (CAAs). CSBG grants go to the states, but they are
46 mandated to pass through 95 percent of the funds to the eligible entities. Many of these anti-poverty agencies also
47 serve as the local Head Start agency and the local energy assistance agency. After Hurricane Katrina, many CSBG
48 agencies played a key role in helping individuals who were displaced. CSBG agency boards are composed of local
49 elected officials and community representatives.

50 Turning CSBG into competitive grants would disadvantage smaller communities that don’t have the
51 wherewithal to hire grant writers. It should be noted that CSBG already has a competitive component. States
52 are allowed to use a percentage of their allocation for discretionary grants.

53 **Fiscal/Urban/Rural Impact:** Would preserve county funds.

54 **Sponsor:** Paul Wilson, County Commissioner, Olmsted County, Minnesota

1 **Proposed Resolution on Indian Child Welfare Notices**

2 **Issue:** Cost of Indian Child Welfare Act (ICWA) notices

3 **Proposed Policy:** Amend the notice provisions of the ICWA statute § 25 U.S.C. 1912 from registered
4 mail with return receipt requested to certified mail.

5 **Background:** Currently, under federal law, ICWA notices must be sent via registered mail with return
6 receipt requested. The cost of a registered mail letter is \$14.50, and must be sent out to comply with the provisions
7 of ICWA when a child may be of Indian descent. The cost of certified mail is \$6.75. Certified mail may also be
8 sent with return receipt requested and changing to certified mail would not violate this provision in the statute. This
9 would be a simple federal statutory adjustment that could save administrative dollars at the local level.

10 **Fiscal/Urban/Rural Impact:** Approx \$180-200/week for the City and County of Denver. Cost to other
11 counties is unknown at this time.

12 **Sponsor:** Carol Boigon, Councilwoman At-large, City and County of Denver, Colorado

13
14 **Proposed Resolution Supporting the Establishment of an Office of Rural Education Policy in the Department
15 of Education**

16 **Issue:** An office within the Department of Education representing rural schools.

17 **Proposed Policy:** NACo strongly supports the establishment of an Office of Rural Education inside the
18 Department of Education.

19 **Background:** Rural education is becoming an increasingly large and important part of the U.S. public
20 school system. According to the Digest of Education Statistics reported annually by the National Center for
21 Education Statistics, the number of students attending rural schools increased by over 11 percent, from 10.5 million
22 to nearly 11.7 million between the 2004-2005 and 2008-2009 school years. The share of the nation's public school
23 enrollment attending rural schools increased from 17.9 percent to 21.6 percent.

24 Rural schools face unique challenges and are often able to provide unique benefits to their students. The
25 challenges faced by rural schools are diverse and can include small enrollments, federal and state education funding
26 inequities, geographic isolation, challenges in recruiting and retaining effective teachers and leaders, and limited
27 access to advanced courses.

28 Rural schools often have the asset of a strong relationship to their community. They have often led the way
29 with regard to distance-learning and place-based learning opportunities.

30 It has been said that rural education is "too large to be ignored but too small and diverse to be highly
31 visible." As a result, research on rural education is limited compared to other areas of educational research.

32 Recognition of the unique health related needs in rural communities led to legislation passed in 1987 that
33 created the Office of Rural Health Policy at the Department of Health and Human Services. This structure has
34 proven itself successful and the current legislation, while more modest, is modeled after this successful program.

35 The Office of Rural Education Policy Act establishes an office inside the current Office of Elementary and
36 Secondary Education at the Department of Education headed by a director. The Act also requires the preparation
37 and publication of impact analyses describing the effect of proposed rules and regulations on rural schools.

38 **Fiscal/Urban/Rural Impact:** The Office of Rural Education Office will not require additional taxpayer
39 money for funding; rather the office would be staffed and paid for by existing education department dollars.

40 **Sponsors:** Kathy Bessette, County Commissioner, Hill County, Montana; and
41 Lu Barron, County Supervisor, Linn County, Iowa

42
43 **Proposed Resolution on the Social Services Block Grant**

44 **Issue:** The House Budget Resolution proposed to eliminate the Social Services Block Grant

45 **Proposed Policy:** The National Association of Counties strongly supports the Social Services Block Grant
46 and opposes any efforts to eliminate or reduce its funding.

47 **Background:** The House Budget Resolutions has proposed to eliminate the Social Services Block Grant
48 (SSBG), which is currently funded at \$1.7 billion, claiming that it is duplicative funding. SSBG is an entitlement to
49 states. Several states in turn pass the funds to counties.

50 SSBG funding is used for a variety of services, but the most common include adult protective services and
51 child welfare and are not duplicative. SSBG is currently the only federal source of funding for adult protective
52 services. Child welfare services funded by SSBG make up for insufficient funds in other federal program, and may
53 also cover children and families who are not eligible for other federal programs

54 **Fiscal/Urban/Rural Impact:** would preserve county funding

55 **Sponsor:** Paul Wilson, County Commissioner, Olmsted County, Minnesota

56

1 **JUSTICE AND PUBLIC SAFETY PROPOSED PLAFORM AND RESOLUTIONS**

2
3 **Proposed Platform Changes**

4 **R -Loss of Federal Entitlement Benefits for Pretrial Defendants**

5 Therefore, NACo supports changes in current Federal policy that will allow a person receiving
6 federal benefits, who has been charged with a crime and incarcerated, ~~but not convicted~~, to continue to be eligible
7 for such entitlements, including, but not limited to Medicare, Medicaid, SSI ~~or~~ SDDI and CHIP benefits until such
8 time as they may be ~~convicted and sentenced to an institution~~ placed on probation or parole.

9 **Note:** would require a conforming amendment to the Health Platform

10 12 b. (13) Changes in the current federal policy that will allow a Medicare or Medicaid eligible
11 person, who has been charged with a crime and incarcerated, ~~but not convicted~~, to continue to be eligible for
12 Medicare or Medicaid medical benefits until such time as they may be ~~convicted~~ placed on probation or parole;

13 **Sponsor:** Donald L. Polzin, Board Member - National Association of County Behavioral Health and
14 Developmental Disabilities, Member - NACo Justice and Public Safety Steering Committee

15
16 **Proposed Resolution in Support of Legislation to Establish a Nationwide 2-1-1 Dialing System**

17 **Issue:** Support for Calling for 2-1-1 Act, legislation that provides federal funds to states starting or seeking
18 to enhance their 2-1-1 systems.

19 **Proposed Policy:** NACo urges Congress and the Administration to support The Calling for 2-1-1 Act.
20 Originally introduced as S. 211 and H.R. 211 by then Senator Hillary Clinton and Congresswoman Elizabeth Dole,
21 the Act will provide the needed funding to states that are seeking to establish a 2-1-1 calling system or enhance an
22 existing one.

23 **Background:** In times of disaster, community demand for the most up-to-the-minute information on road
24 closures, evacuations, shelters, and recovery resources increases dramatically. This creates an additional burden on
25 emergency response personnel and 9-1-1 telephone systems. In many counties, people can call 2-1-1 for the critical
26 non-emergency information that they need, thus greatly reducing the burden on 9-1-1.

27 In addition to information during a disaster, 2-1-1 is the number for people to call for information and
28 access to all health and social services in their respective communities. With the litany of programs and services
29 throughout the country, many Americans do not know where to turn for help. 2-1-1 helps people navigate the
30 system free of charge to anyone that calls.

31 As of November 2009, 2-1-1 systems throughout the country served over 241 million Americans (more
32 than 80 percent of the entire population) covering all or part of 47 states (including 34 states with 90 percent+
33 coverage) plus Washington, D.C. and Puerto Rico.

34 In California alone, people in over 85 percent of the state can call 2-1-1 to get connected to important
35 human and community services, including rent assistance, food banks, affordable housing, health resources, child
36 and elderly care, financial literacy and job training programs. Information is available 24 hours a day, seven days a
37 week, in over 100 languages.

38 Currently, 2-1-1 is funded differently in almost every county and state. A dedicated federal funding source
39 is needed to enhance the capabilities and secure the viability of this dedicated community service for non-emergency
40 disaster information, as well as assistance in accessing critical health and social services.

41 **Fiscal/Urban/Rural Impact:** TBD

42 **Sponsor:** David Hudson, County Judge, Sebastian County, Arkansas

43
44 **Proposed Resolution on Edward Byrne Memorial Justice Assistance Grant Program (42 U.S.C. 3750)**

45 **Issue:** Restoring funding for the Edward Byrne Justice Assistance Grant (JAG) Program and Byrne
46 Discretionary grants.

47 **Proposed Policy:** NACo strongly supports funding the Bryne/JAG program at FY10 levels.

48 **Background:** The Justice Assistance Grant (JAG) Program was enacted into law as part of the Department
49 of Justice Appropriations Authorization Act. It consolidated the Edward Byrne Block Grant Program with the Local
50 Law Enforcement Block Grant Program (LLEBG).

51 As the cornerstone of the federal crime fighting program, Byrne JAG supports a broad range of projects
52 designed to prevent and control crime and to improve the criminal justice system in our communities. Byrne JAG
53 funds are leveraged with state and local funding to support innovative and evidence-based initiatives that
54 demonstrate new, and replicate proven, approaches to preventing and fighting crime, reducing recidivism and saving
55 taxpayer dollars.

1 Although the Byrne JAG federal contribution is a relatively small portion of total state and local spending
2 on criminal justice services, it is essential to our ability to bring these proven approaches into practice in law
3 enforcement, the courts, the corrections system, prosecution and defense strategies, crime victim services, and crime
4 prevention initiatives. State criminal justice planning agencies engage these components of the criminal justice
5 system in statewide strategic planning to guide the use of the Byrne JAG funds. This planning process ensures that
6 Byrne JAG funds, in concert with other federal, state and local funds, are used to address needs and fill gaps across
7 the entire criminal justice system in a targeted fashion.

8 In the FY11 Continuing Resolution, funding for Byrne JAG was reduced in by 17 percent across the board,
9 and further cuts are likely in 2012. A reduction of Byrne JAG funding below the fiscal year 2010 level greatly
10 impair efforts underway at the state and local levels to improve collaboration among law enforcement agencies
11 across jurisdictions and make available much needed programs to help at-risk youths lead productive lives and to
12 help victims of crime put their lives back together.

13 **Fiscal/Urban/Rural Impact:** A reduction of Byrne JAG funding below the fiscal year 2010 level greatly
14 impair efforts underway at the state and local levels to improve collaboration among law enforcement agencies across
15 jurisdictions and make available much needed programs to help at-risk youths lead productive lives and to help
16 victims of crime put their lives back together.

17 **Sponsor:** David Hudson, County Judge, Sebastian County, Arkansas

18 19 **Proposed Resolution in Support of Strengthened FEMA Outreach and Technical Assistance for Flood Hazard** 20 **Mapping**

21 **Issue:** Flood Hazard Mapping and Strengthening FEMA's outreach and technical assistance with counties.

22 **Proposed Policy:** NACo urges the U.S. Congress to fully support a transparent and fiscally reasonable
23 process by which counties and residents can revise and amend FEMA's Digital Flood Insurance Rate Maps.
24 Additionally, NACo urges the federal government to enhance flood hazard mapping outreach and technical
25 assistance in local communities.

26 **Background:** In 2009, in an effort to modernize maps, Federal Emergency Management Agency
27 (FEMA) issued an updated Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) with major changes
28 from the previous versions. The 2009 FIRMs significantly expand the Special Flood Hazard Areas (SFHAs)
29 delineated within many counties, especially coastal counties. These changes will affect future land use and
30 development on a number of private and public properties, and require affected property owners with home loans
31 from federal lending institutions to purchase flood insurance.

32 FEMA has begun to work on further revisions to the 2009 Flood Maps. FEMA expects that the revised
33 flood maps will be completed and become effective sometime in 2012 or 2013. The revisions will incorporate
34 updated topographical data and hydraulic and hydrologic modeling. In this regard, FEMA anticipates that its new
35 coastal hydrodynamic model of coastal areas such as the San Francisco Bay will account for tidal action, wave run
36 up, and storm surge; and may ultimately raise the 100-year water levels by up to two feet. If so, this will further
37 expand the limits of Special Flood Hazard Areas in the affected counties.

38 FEMA has published notices of new maps in the Federal Register and local newspapers in many instances.
39 However, many counties have indicated that FEMA has not engaged directly with communities in a public process.
40 As a result, direct community outreach and response to residents' questions has been left to the local jurisdictions.
41 This has especially been hard for the affected communities, since the local officials do not necessarily have all the
42 answers to questions on FEMA's approach, analysis, and study assumptions in creating the map updates.

43 **Fiscal/Urban/Rural Impact:** There will be minimal federal costs associated with the adoption of this
44 policy. The potential savings for county residents as a result of the commission's work is expected to be substantial.

45 **Sponsor:** Susan L. Adams, Supervisor, Marin County, California

46 47 **Proposed Resolution in Support for the National Initiative on Cyber Education (NICE)**

48 **Issue:** Support of the National Initiative on Cyber Education (NICE)

49 **Proposed Policy:** NACo supports the National Initiative on Cyber Education.

50 **Background:** Cybersecurity has been identified as one of the most serious economic and national security
51 challenges in the nation. Established by the Federal Government, the National Initiative for Cybersecurity
52 Education (NICE) is seeking to address this challenge head on with a strategy to build a cyber savvy nation through
53 training and awareness. NICE has evolved from President Obama's *Comprehensive National Cybersecurity*
54 *Initiative*, and extends its scope beyond the federal workplace to include civilians and students in kindergarten
55 through post-graduate school. One of the goals of NICE is to establish an operational, sustainable and continually

1 improving cybersecurity education program for the nation to use sound cyber practices that will enhance the nation's
2 security.

3 The National Institute of Standards and Technology (NIST) is leading the NICE initiative to ensure
4 coordination, cooperation, focus, public engagement, technology transfer and sustainability. Additionally, the
5 initiative is represented by the following four tracks:

6 *Track 1: National Cybersecurity Awareness Lead: Department of Homeland Security (DHS) ;*

7 *Track 2: Formal Cybersecurity Education Co-Lead Department of Education (DoED) and Office of*
8 *Science and Technology Policy (OSTP);*

9 *Track 3: Federal Cybersecurity Workforce Structure Lead: Office of Personnel Management (OPM); and*

10 *Track 4: Cybersecurity Workforce Training and Professional Development Tri-Leads: Department of*
11 *Defense (DoD), Office of the Director of National Intelligence (ODNI), Department of Homeland Security (DHS).*

12 Through collaborative partnerships between federal, state and local governments, industry, academia, non-
13 government organizations and the general public, NICE hopes to educate raise and public awareness about
14 cybersecurity so our nation is resilient to cyber incidents and cyber threats.

15 **Fiscal/Urban/Rural Impact:** Urban and rural residents will benefit equally by increased awareness and
16 education. Private partners and grants will supplement in-kind community member participation.

17 **Sponsor:** Kristin Judge, Commissioner, Washtenaw County, Michigan
18

19 **Proposed Resolution in Support of Maintaining Funding for FEMA Grant Programs**

20 **Issue:** Maintaining funding for FEMA grant programs

21 **Proposed Policy:** NACo urges the U.S. Congress to fully support a fiscally reasonable approach to
22 maintaining critical grant programs that enhance the local and thereby the national ability to respond to existing and
23 emerging risk to public safety. Recent weather events prove that the local and state ability to respond to catastrophic
24 events can be easily overwhelmed requiring federal assistance. By strengthening the local and state ability to
25 respond the Federal Government is meeting its obligation for preparation for such events. While it is recognized that
26 prior funding levels may not be sustainable, NACo urges the US Congress to reduce the Fire Act and SAFER grant
27 programs by the lowest reasonable margins and to maintain these vital programs permanently.

28 **Background:** The Department of Homeland Security & FEMA have in place certain grant programs that
29 have been extremely beneficial in assisting localities in preparation for emergency response and maintenance of fire
30 service abilities to meet existing and emerging risks, specifically the Fire Act and SAFER grant programs. With
31 looming budget deficits at the federal level there are various proposals to cut levels of funding for these programs
32 and even elimination in 2016.

33 The primary goal of the Assistance to Firefighters Grant (AFG) is to meet the firefighting and emergency
34 response needs of fire departments and nonaffiliated emergency medical service organizations. Since 2001, AFG has
35 helped firefighters and other first responders to obtain critically needed equipment, protective gear, emergency
36 vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related
37 hazards.

38 The Staffing for Adequate Fire and Emergency Response Grants (SAFER) was created to provide funding
39 directly to fire departments and volunteer firefighter interest organizations in order to help them increase the number
40 of trained, "front line" firefighters available in their communities. The goal of SAFER is to enhance the local fire
41 departments' abilities to comply with staffing, response and operational standards established by the NFPA and
42 OSHA (NFPA 1710 and/or NFPA 1720 and OSHA 1910.134).

43 **Fiscal/Urban/Rural Impact:** There will be a net reduction in federal cost associated with adoption of this
44 policy while maintaining a critical program with proven success in improving the emergency services ability and
45 preparation nationally allowing a more fiscally responsible approach to the essential provision of public safety
46 services.

47 **Sponsor:** Fred C. Crosby, II, International Association of Fire Chiefs
48

49 **Proposed Resolution in Support of Revising FEMA's HMGP Program**

50 **Issue:** Removal of flood damaged structures from the flood plain immediately following a federally
51 declared disaster to reduce the impact of future flooding.

52 **Proposed Policy:** NACo proposes changes to the Robert T. Stafford Act to allow FEMA to reimburse
53 local governments at 100 percent of assessed value for structures that are substantially damaged due to flooding
54 during the first 90 days of a federally declared disaster.

55 **Background:** Following the Great Midwest Flood of 1993 Congress, through FEMA's Hazard Mitigation
56 Grant Program, (HMGP) increased the federal share of this program from a 50 percent match to a 75 percent match

1 and encouraged local communities to begin removing structures from the flood plain as a means to reduce costs of
2 future flooding. This has proven to be very beneficial program returning \$3 for every 1\$ invested.

3 The county's interest in this is to get the residents relocated as quickly as possible alleviating a long drawn
4 out process of waiting for the approval of the HMGP funding. It is also in the county's best interest to remove as
5 many structures as possible reducing the impact on the public infrastructure in future disasters providing a
6 tremendous cost saving.

7 **Fiscal/Urban/Rural Impact:** Removing structures from flood plains is a good investment for counties.
8 Some are concerned about lost revenue from real estate taxes but studies have shown that the cost of maintaining
9 infrastructure along with disaster response is more than offset by the lost revenue in real estate taxes. Besides the
10 monetary savings the cost in lost services because staff in dealing with the disaster along with the human suffering
11 cost to victims are impacts that cannot be measured monetarily.

12 **Sponsor:** David Hudson, County Judge, Sebastian County, Arkansas

14 **Proposed Resolution in Support of the Reauthorization of the Juvenile Justice and Delinquency Prevention** 15 **Act of 1974 as Amended**

16 **Issue:** Support for the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP) as
17 amended.

18 **Proposed Policy:** NACo supports the reauthorization of the Juvenile Justice and Delinquency Prevention
19 Act (JJDP) as amended. Federal juvenile justice grant funds should go directly to counties, with the following
20 requirement: leadership from all entities working to prevent, reduce and control juvenile crime must collaborate in
21 the preparation of a comprehensive plan. Elements of such a plan shall include, but not be limited to (1) strategies,
22 programs, services and supports designed to prevent delinquency through provision of resiliency factors which
23 offset risk factors; (2) strategies, programs, services and supports designed to intervene early and effectively when
24 delinquent behavior is encountered utilizing the least restrictive approach; (3) strategies, programs, services and
25 supports which protect the community, hold offenders accountable to individual victims and the community, and
26 which remedy the skill and competency deficits of offenders.

27 **Background:** Originally created in 1997, Congress created the Juvenile Accountability Incentive Block
28 Grant (JAIBG) program and appropriated new federal funds through the Office of Juvenile Justice and Delinquency
29 Prevention (OJJDP). In 2002 and 2005 JABG was again reauthorized, and program purpose areas for JAIBG were
30 expanded, and the program was eventually renamed the Juvenile Accountability Block Grant (JABG) Program.

31 The JABG program authorizes the Attorney General to make grants to states and units of local government
32 to strengthen their juvenile justice systems and foster accountability within their juvenile populations. Specifically,
33 JABG funds support the following sixteen program purpose areas and counties can use the funding for any of the
34 following activities:

- 35 1. Establishing drug court programs to provide continuing judicial supervision over developing,
36 implementing, and administering graduated sanctions for juvenile offenders.
- 37 2. Building, expanding, or operating juvenile correction and detention facilities, including staff training.
- 38 3. Hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates,
39 and funding pretrial services (including mental health screening and assessment) for juvenile
40 offenders, to promote the effective and expeditious administration of the juvenile justice system.
- 41 4. Hiring additional prosecutors to increase prosecution of cases involving violent juvenile offenders and
42 to reduce case backlogs.
- 43 5. Providing funding to enable prosecutors to address drug, gang, and youth violence problems more
44 effectively and for technology, equipment, and training to assist prosecutors in identifying and
45 expediting the prosecution of violent juvenile offenders.
- 46 6. Establishing and maintaining training programs for law enforcement and other court personnel with
47 respect to preventing and controlling juvenile crime.
- 48 7. Establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders.
- 49 8. Establishing drug court programs to provide continuing judicial supervision over juvenile offenders
50 with substance abuse problems and to integrate the administration of other sanctions and services for
51 such offenders.
- 52 9. Establishing and maintaining a system of juvenile records designed to promote public safety.
- 53 10. Establishing and maintaining interagency information-sharing programs that enable the juvenile and
54 criminal justice systems, schools, and social services agencies to make more informed decisions
55 regarding the early identification, control, supervision, and treatment of juveniles who repeatedly
56 commit serious delinquent or criminal acts.

- 1 11. Establishing and maintaining accountability-based programs designed to reduce recidivism among
- 2 juveniles who are referred by law enforcement personnel or agencies.
- 3 12. Establishing and maintaining programs to conduct risk and needs assessments of juvenile offenders
- 4 that facilitate effective early intervention and the provision of comprehensive services, including
- 5 mental health screening and treatment and substance abuse testing and treatment, to such offenders.
- 6 13. Establishing and maintaining accountability-based programs that are designed to enhance school
- 7 safety.
- 8 14. Establishing and maintaining restorative justice programs.
- 9 15. Establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be
- 10 more effective and efficient in holding juvenile offenders accountable and reducing recidivism.
- 11 16. Hiring detention and corrections personnel and establishing and maintaining training programs for
- 12 such personnel, to improve facility practices and programming.

13 In 2009, the public law that authorized the JABG’s program expired. Thereafter, House and Senate
 14 Members of Congress introduced legislation to reauthorize the JABG program, but efforts stalled. Congressional
 15 appropriators did however fund the program at varying amounts from 2009-2011; and the program continued to
 16 support state and local juvenile justice systems.

17 In 2011, the President’s budget request provides no funding for JABG. Congress will likely reintroduce
 18 legislation to reauthorize the JABG program, but has not yet done so.

19 All in all, JABG provides funds to states and units of local government to enhance efforts to combat serious
 20 and violent juvenile crime, and strengthen juvenile justice systems.

21 **Fiscal/Urban/Rural Impact:** Additional \$500 million to fund primary prevention initiatives.

22 **Sponsor:** Stephanie Lynch, Caddo Parish, Louisiana

23
 24 **Proposed Resolution Supporting Funding for the Mentally Ill Offender Treatment and Crime Reduction**
 25 **Reauthorization and Improvement Act**

26 **Issue:** NACo supports continued funding for the Mentally Ill Offender Treatment and Crime Reduction
 27 Program .

28 **Proposed Policy:** NACo supports continued funding for the Mentally Ill Offender Treatment and Crime
 29 Reduction Program as a separate line item in the Department of Justice (DOJ) Bureau of Justice Assistance State
 30 and Local Law Enforcement Assistance Account.

31 **Background:** The nation's local jails are increasingly becoming the dumping grounds for the mentally ill.
 32 Of the 10 million people entering county jails each year, it is estimated that 24 percent are displaying a pattern of
 33 symptoms that are indicative of psychotic behavior. Most of these individuals have committed only minor
 34 infractions, more often the manifestation of their illness than the result of criminal intent.

35 The MIOTCRA program provides assistance to states and communities to create new programs or expand
 36 existing programs that can both reduce costs and help mentally ill offenders return to productive lives. State and
 37 local governments can use these grants for a broad range of activities, including establishing jail diversion programs,
 38 mental health courts, creating or expanding community-based treatment programs, or providing in jail treatment and
 39 transitional services. In addition, grant funds may be used to enhance training for criminal justice system and mental
 40 health system personnel who must know how to respond appropriately to this population.

41 In 2008, Congress reauthorized the MIOTCRA program for an additional five years at \$50 million
 42 annually; however, Congressional appropriators have never fully funded the program. Adding to the uncertainty
 43 about MIOTCRA program grant funding is the President’s FY12 budget request proposes to consolidate the
 44 MIOTCRA program into Department of Justice’s Drug, Mental Health, and Problem Solving Court Initiative. While
 45 this initiative has merit, this proposal change would not include many of the key elements of MIOTCRA and many
 46 of the law enforcement initiatives funded under the program will be lost.

47 Implementing a wide range of community-based services is infinitely more preferable to jail in terms of
 48 addressing the multiple issues facing this population. By keeping the mentally ill within the health and human
 49 services system, counties are better able to monitor their condition, provide treatment and dispense medication if
 50 needed; public safety is improved, long term state and local costs are reduced, and MIOTCRA assists in helping
 51 mentally ill offenders return to productive lives.

52 **Fiscal/Urban/Rural Impact:** Promoting demonstration programs will in the long-term reduce the
 53 financial burden on both rural and urban counties.

54 **Sponsor:** Sallie Clark, Commissioner, El Paso County, Colorado

1 **Proposed Resolution on National Criminal Justice Commission Act**

2 **Issue:** Support for S. 306, the National Criminal Justice Commission Act of 2011.

3 **Proposed Policy:** NACo supports the National Criminal Justice Commission Act.

4 **Background:** On February 8, 2011, Senator Jim Webb (D-Va.) reintroduced the National Criminal Justice
5 Commission Act of 2011 (S. 306). The legislation establishes a Commission which will undertake a comprehensive
6 review of the criminal justice system, encompassing federal, state, local, and tribal criminal justice policies and
7 practices, and make reform recommendations for the President, Congress, state, local, and tribal governments. The
8 bill authorizes \$14 million over two years.

9 The bill was first introduced on March 26, 2009, and was approved by the Senate Judiciary Committee on
10 January 21, 2010, with 39 bipartisan cosponsors. On July 28, 2010, it passed the U.S. House of Representatives,
11 with the support of Rep. Bill Delahunt (D-Mass.) and Rep. Lamar Smith (R-Texas), now Chairman of the House
12 Judiciary Committee. However, despite strong bipartisan support, the bill was blocked in the U.S. Senate last year.

13 The National Criminal Justice Commission Act of 2011 outlines the topic areas that the Commission will
14 review and the areas for which recommendations will be made. The Commission will have eighteen months to
15 prepare and submit a final report to Congress and the President.

16 The Commission will consist of eleven members, and they must have expertise in areas like law
17 enforcement, social services, public health, criminal justice and other relevant areas. A state and local government
18 perspective is one of the itemized expertise areas, and establishing the Commission will assist in improving the
19 public safety, cost effectiveness, administration of the Nation's criminal justice system.

20 **Fiscal/Urban/Rural Impact:** There are minimal federal costs associated with the adoption of the National
21 Commission on Criminal Justice Reform. The potential savings for counties as a result of the commission's work is
22 expected to be substantial.

23 **Sponsor:** Ron Wiborg, Policy Advisor, Minnesota Association of Counties

24
25 **Proposed Resolution Supporting County Preparedness for Pandemic Influenza**

26 **Issue:** The ability of counties to engage in effective planning for pandemic influenza.

27 **Proposed Policy:** The National Association of Counties (NACo) urges the Administration and Congress to
28 recognize that pandemic influenza response is primarily local in nature, and to provide adequate funding, sound
29 guidance, and support that will enable counties to prepare effectively for pandemic influenza in a manner that is
30 consistent with local emergency management plans and that permits optimally efficient use of local resources.
31 Eighty percent of federal funds granted to states for pandemic influenza preparedness should be designated for use at
32 the local level.

33 **Background:** Public health experts predict the occurrence of an influenza pandemic. This may arise if the
34 current avian influenza virus acquires an ability to be transmitted from human to human, or it may arise from
35 another new virus. It cannot be predicted when such an event will occur, but it is important that counties anticipate
36 and prepare for the enormous demands that a pandemic will place on both public and private sectors to respond.
37 Such planning is already underway and Congress appropriated \$350 million in FY2007 to support both state and
38 local pandemic influenza preparedness.

39 Success in responding to an influenza pandemic will depend on engaging all the resources of every
40 community, including hospitals, physicians and nurses, police, ambulance services, social services, schools,
41 businesses, and volunteers. The communication and organization necessary to manage those resources will all occur
42 locally.

43 The number of activities necessary to fashion a viable local plan for response to an influenza pandemic is
44 enormous. They all require substantial resources, as well as regular training and exercising. Some of these are:

- 45 • Tracking cases of influenza or illness that could be influenza as they occur, by collecting information
46 from hospitals, physician offices, laboratories, and pharmacies. This enables the earliest possible
47 identification of an outbreak.
- 48 • Planning in advance what to tell the public if an influenza outbreak occurs, with messages ready for
49 use by the mass media in multiple languages, to avoid public panic and help people understand how to
50 protect themselves.
- 51 • Identifying locations, trained health personnel, and equipment for isolating and taking care of sick
52 people, both in hospitals and in alternate locations.
- 53 • Planning how to keep people out of crowded places where infectious disease can easily be spread, by
54 closing down schools and other public places and public transportation, at the same time maintaining
55 social order.

- 1 • Planning how to meet the needs of people who must quarantine themselves in their homes, particularly
2 the elderly and the disabled.
- 3 • Devising methods to acquire distribute and administer vaccines and antiviral medications in mass
4 quantities, if effective vaccines and medications become available in sufficient quantity.

5 The federal funds now available are insufficient to enable counties to complete all the necessary tasks of
6 preparedness. Moreover, the Department of Health and Human Services and the Department of Homeland Security
7 have not coordinated their pandemic influenza response activities in a way that reflects and supports the strong
8 coordination among first responders, including public health departments, that already occurs at the county level.

9 Federal direction now includes redundancy and contradictions in requirements for planning, exercising of
10 plans, and reporting, and does not uniformly recognize that pandemic influenza response is an element of overall
11 local emergency management planning and cannot occur in isolation from other county emergency and public health
12 preparedness work.

13 **Fiscal/Urban/Rural Impact:** Pandemic influenza will require a response in all jurisdictions, whether they
14 are urban or rural. The resolution asks increased federal funding for county pandemic influenza preparedness.

15 **Sponsor:** Carol Moerhle, Nez Perce County, Idaho
16

17 **Proposed Resolution in Lowering Jail Recidivism and Reinvesting the Savings**

18 **Issue:** Federal legislation to help counties lower jail recidivism and reinvest the savings.

19 **Proposed Policy:** Congress should lower jail recidivism and reinvest the savings, by reauthorizing the
20 Second Chance Act and adopting companion legislation, the Criminal Justice Reinvestment Act, which would
21 help reinvest the savings from lowering jail and prison populations into such areas as prevention, housing,
22 education, job training, and substance abuse treatment.

23 **Background:** The Criminal Justice Reinvestment Act (S.2772/H.R. 4080) was sponsored by Senators
24 Sheldon Whitehouse (D-R.I.), John Cornyn (R-Texas) and Patrick Leahy (D-Vt.); and Congressmen Adam Schiff
25 (D-Calif.) and Dan Lungren (R-Calif.) during the 111th Congress. The House and Senate versions of the
26 legislation were identical and were simultaneously introduced on November 26, 2009. The Senate Judiciary
27 Committee approved S. 2772 in March 2010, but the full Senate or the House of Representatives failed to enact
28 the legislation. At the start of the 112th Congress, Members will likely introduce legislation to reauthorize the
29 Second Chance Act and reintroduce the Criminal Justice Reinvestment Act soon.

30 According to the U. S. Bureau of Justice Statistics, there are approximately 13.5 million admissions to
31 county jails each year. Of that number, approximately 740,000 individuals are committed to state prison. An
32 estimated 64 percent of jail inmates are in “pretrial status,” meaning they are being held without conviction at a
33 great cost to local taxpayers. Further, statistics show that of all the un-convicted inmates, the majority (65
34 percent) are nonviolent offenders and are prime candidates for effective pretrial services programs.

35 NACo had a significant role in developing the re-entry and re-investment legislation and making the case
36 for strong local government involvement and an expansion of pretrial services. Counties spend more than \$70
37 billion each year on criminal justice and billions more on health and human services, so even a small reduction in
38 recidivism could produce billions of dollars in cost savings.

39 The bills would authorize the U. S. Attorney General to make grants to counties and states to help
40 jurisdictions (1) analyze criminal justice trends to understand what is driving the growth in their local jail and
41 prison populations; (2) develop tailored policy options to reduce corrections expenditures and increase the
42 effectiveness of current spending and reinvestments that can make communities safer; (3) implement the proposed
43 policies and programs; and (4) measure the impact of these changes and develop accountability measures.

44 **Fiscal/Urban/Rural Impact:** Lowering recidivism and reinvesting the savings will save counties many
45 millions of dollars.

46 **Sponsor:** David Hudson, County Judge, Sebastian County, Arkansas
47

48 **Proposed Resolution on the Youth Promise Act and Gang Abatement Act of 2011**

49 **Issue:** Support for the Youth Promise and Gang Abatement Act

50 **Proposed Policy:** NACo supports the basic concepts and principles contained in the Youth Promise Act and
51 urges Congress and the President to promptly enact the Youth Promise and Gang Abatement Act.

52 **Background:** In the 111th Congress, Congressmen C. “Bobby” Scott (D-Va.) and Michael Castle (R-Del.) and
53 Senators Robert Casey (D-Pa.) and Olympia Snowe (R-Maine) re-introduced the Youth Promise Act (H.R. 1064/S.
54 435). The Youth Promise Act is grounded in more than thirty years of research and supports communities facing the
55 greatest youth gang and crime challenges. Rep. Scott worked with Senator Diane Feinstein (D-Calif.) in merging their

1 very different crime preventing bills in December, and the legislation was renamed the Youth Promise and Gang
2 Abatement Act.

3 Under the Youth Promise Act, communities will form Promise Councils that include representatives from
4 county government, law enforcement, court services, schools, social services, health and mental health providers, and
5 community-based organizations, including faith-based organizations. Promise Councils will develop a comprehensive
6 plan (Promise Plan) for implementing evidence-based prevention and intervention strategies in their local community,
7 reflective of the particular opportunities and challenges confronting the community. Finally, the Act will provide
8 critical training and technical assistance to local law enforcement to help them more effectively and positively engage
9 youth, and respond effectively and appropriately to risky or unlawful youth behavior.

10 The funds authorized under the Act will be given directly to units of local government or Indian Tribes and
11 subject to local control. The strategies supported by the legislation will be targeted at young people who are at-risk of
12 becoming involved or are involved in delinquent and criminal gang activity. The legislation redirects them toward
13 productive and law-abiding alternatives. In addition, the proposed Act will strengthen the coordination of all federal
14 prevention programs and further national research on evidenced-based and promising practices in delinquency and crime
15 prevention. The legislation is supported by NACo, the National League of Cities and the U. S. Conference of Mayors.

16 Coordinated efforts of stakeholders in the juvenile justice system in a local community, together with other
17 organizations and community members concerned with the safety and welfare of children, have a strong record of
18 demonstrated success in reducing the impact of youth and gang-related crime and violence. Every dollar invested in
19 prevention and early intervention programs can yield up to \$13 in criminal justice costs-savings. In addition,
20 investments in prevention and intervention programs for children and youth has been shown to lead to decreased youth
21 arrests, decreased delinquency, lower recidivism and greater financial savings.

22 On December 2, 2009 the House Judiciary Committee voted to report the bill favorably to the whole House of
23 Representatives by a vote of 17-14. In late December, Senator Feinstein attempted to convince members of the Senate
24 to adopt the legislation by unanimous consent. The newly merged bill substitutes the Promise Act language for the
25 Feinstein language devoted to crime prevention and intervention strategies while authorization levels were changed to
26 “such sums as necessary.” The U. S. Department of Justice has expressed its support for the new legislation.

27 While the legislation was not adopted by 111th Congress, lawmakers will likely reintroduce the legislation soon.

28 **Fiscal/Urban/Rural Impact:** The prevention strategies outlined in the Act will save counties many
29 millions of dollars.

30 **Sponsor:** David Hudson, County Judge, Sebastian County, Arkansas
31
32

33

1 **LABOR AND EMPLOYMENT PROPOSED RESOLUTIONS**

2 **Proposed Resolution in Support of Allocating Maximum Funding to Local Workforce Areas**

3 **Issue:** Allocate maximum funding to local areas and not divert funds from formula programs.

4 **Proposed Policy:** DOL should allocate as much funding as possible to local workforce service areas
5 (including states) with strict guidelines for re-allocating funds from states who are under-spending.

6 **Background:** DOL is taking a percentage of Workforce Investment Act (WIA) formula funds and putting
7 them into a special fund for targeted projects to be allocated via a competitive process. While competition is good,
8 the diverting of formula funds during the time of extreme demand for services through the youth, adult, and
9 dislocated worker programs leaves many citizens unnecessarily un-served. It also deviates from the intent of the
10 formula funding.

11 If states have not spent/obligated/accrued/accrued 80 percent of their formula funding within one year, the
12 difference between the under-expenditures and the 80 percent baseline should be re-allocated to states that are over
13 the 80 percent threshold.

14 **Fiscal/Urban/Rural Impacts:** Preventing the diverting of funds from formula funds to special projects
15 provides more funding to individuals served through the WIA programs whether they're in rural or urban areas.
16 Areas who are under-spending their allocations could have those funds re-allocated.

17 **Sponsors:** Willis Branning, Dakota County, Minnesota, and Vice-Chair Labor and Employment Steering
18 Committee

19
20 **Proposed Resolution in Support for Public Health Workforce Programs**

21 **Issue:** Public Health Workforce Programs.

22 **Proposed Policy:** NACo supports workforce policies and funding priorities for public health workforce
23 programs, which are responsive to both the supply of public health workers and the demand for their skills in urban
24 and rural areas, to ensure that programs are appropriately tailored to the unique configuration of needs and resources
25 in each state and in each local jurisdiction.

26 **Background:** Today our Nation faces a widening gap between challenges to improve the health of
27 Americans and the capacity of the public health workforce to meet those challenges. Health care workers represent
28 roughly 12 percent of the American labor force. While these workers strive to provide high quality care and make
29 important contributions, there are growing concerns that the U.S. does not have a sufficient supply of health care
30 professionals to meet the demands of a changing and aging population.

31 As the population continues to age, a shortage of health care workers will become increasingly problematic.
32 According to the Health Resources and Services Administration, the number of American's over age 65 is projected
33 to increase by 50 percent, between 2005 and 2020. During the same period, the number of physicians is projected to
34 grow only 16 percent. An inadequate physician supply will not only affect the elderly, but also the 20 percent of
35 American's who live in underserved communities and already struggle to obtain access to medical care. Currently,
36 one in five American's lives in a primary medical care Health Professional Shortage Area (HPSA). Left unresolved,
37 the workforce challenges will undermine the ability of this important and dedicated workforce to protect the public's
38 health.

39 As America's workforce system is shifting from responding to the needs of the individual job seeker to
40 responding to workforce needs in the local economy, and skills demanded by industry, local workforce boards have
41 made continuous strides--despite decreased funding--to address the public health workforce shortage through
42 recruitment and retention programs, pipeline development, and training through apprenticeship and curriculum
43 based programs.

44 Workforce Investment Boards have worked in partnership with area hospitals, nursing homes, community
45 health centers, home health programs and community colleges to develop recruitment and retention programs that
46 would bring new public health workers into the pipeline by advancing training programs through fast-track training,
47 career coaching, support services, and targeted outreach to youth and older workers. Local workforce agencies have
48 also increased education and training programs that will enable public health workers to sustain the skills and
49 competencies to perform in an evolving public health environment

50 **Fiscal/Urban/Rural Impact:** Today our nation faces a widening gap between challenges to improve the
51 health of Americans and the capacity of the public health workforce to meet those challenges. Workforce policies
52 and funding priorities for public health workforce training must be responsive to both the supply of public health
53 workers and the demand for their skills, to ensure that programs are appropriately tailored to the unique
54 configuration of needs and resources in each state and in each local jurisdiction.

1 Ultimately, a comprehensive approach to the shortage is needed. Implementing federally funded student
2 loan repayment and scholarships programs, coupled with additional investments in leadership development,
3 recruitment, and training and education would constitute a major and much- needed step in the right direction.

4 **Sponsor:** Carol Holden, Commissioner, Hillsborough County, New Hampshire, and Chair, Labor and
5 Employment Steering Committee

6 7 **Proposed Resolution in Support of Streamlining the Department of Labor’s National Emergency Grant 8 Process**

9 **Issue:** Streamlining of National Emergency Grant (NEG) Process .

10 **Proposed Policy:** The Department of Labor (DOL) should provide decisions to applicant agencies within
11 30 calendar days – not 30 business days as noted in current policies; Issue Notice of Obligations (NOO) within 3
12 business days of issuing the NEG; and Streamline the application and reporting requirements and share information
13 across agencies.

14 **Background:** DOL has policies in place regarding the timing of issuing their decisions on National
15 Emergency Grants. It’s vitally important to have those decisions made as quickly as possible in order to serve clients
16 seeking services. Equally important to the timing of the decision is the issuance of the NOO to the applicant(s) as
17 the document provides the official parameters of the grant as approved by DOL.

18 **Fiscal/Urban/Rural Impacts:** Any area that’s an applicant – whether urban or rural – would benefit from
19 a faster turnaround of the NEG decisions and issuance of NOOs.

20 **Sponsor:** Willis Branning, Dakota County, Minnesota, and Vice-Chair Labor and Employment Steering
21 Committee

22 23 **Proposed Resolution on Funding for Workforce Development Programs**

24 **Issue:** Fully fund Workforce Investment Act Programs.

25 **Proposed Policy:** NACo strongly urges Congress to continue its support of the local workforce system by
26 fully funding Workforce Investment Act (WIA) programs for fiscal year 2012.

27 **Background:** The percentage of unemployed workers in many of our counties has more than doubled in
28 less than a year, and has, in fact, tripled in some counties. These figures, which represent more than 13.8 million
29 unemployed Americans, clearly indicate an economy in crisis. This issue coupled with an aging current workforce
30 and unemployment rates as high as 58% among the Nation’s youth ages 16-24 do not bode well for America’s
31 economic future.

32 More than ever, workforce funding is needed to retool and retrain America’s workforce to prepare
33 unemployed and dislocated workers to meet the demands of America’s evolving business and industries.
34 Additionally, cuts in workforce funding over the past 10 years have resulted in the availability of inadequate
35 resources to support meaningful programs for our youth – connecting them to occupations and careers that will
36 provide them with an opportunity to earn a living / family wage.

37 WIA funds at the local level are critical so that local workforce areas can maintain programs and restore the
38 innovative services developed in response to the business sector, whose demand for highly skilled workers continues
39 to grow and to the millions of workers impacted by job losses. This program acts as the procurer of intelligence and
40 services, leveraging resources across a variety of partners and programs at the community level, to meet the
41 demands of America’s business sector as well as economic development efforts. Continued disinvestment in this
42 system is undermining the best laid plans of many counties and regions across the Nation.

43 **Fiscal/Urban/Rural Impact:** As the unemployment rate remains high and the time spent unemployed is
44 one of the longest since the depression, the demand for WIA services will continue to increase. A decade of cuts to
45 the funding streams for local workforce programs have severely restricted the access of job seekers to employment
46 and training services and are making it even more difficult for businesses to secure the skilled workers they need to
47 thrive in this global economy; thus having a negative impact on local economies.

48 **Sponsors:** Carol Holden, Commissioner, Hillsborough County, New Hampshire, and Chair, Labor and
49 Employment Steering Committee; Tony Hyde, Columbia County Commissioner; Gary Thompson, Sherman County
50 Commissioner; Ann Hanus; Policy Manager; Association of Oregon Counties

51 52 **Proposed Resolution on Reauthorization of the Workforce Investment Act**

53 **Issue:** Reauthorization of the Workforce Investment Act.

54 **Proposed Policy:** NACo urges Congress to modify the Workforce Investment Act (WIA) to ensure its
55 continued effectiveness in addressing the needs of all of America’s workers this congressional session. NACo

1 believes that modifications to WIA should be minimal and efforts to reform the Act should be limited to those issues
2 likely to enhance and maintain the program both for employers and workers.

3 **Background:** Congress has the option of reauthorizing the Workforce Investment Act during the 112th
4 Congress. It is imperative that Congress finish reauthorization of the Workforce Investment Act this session so as
5 not to sacrifice the congressional expertise and experience represented in the House and Senate. NACo believes that
6 modifications to the Act should be minimal. The Act was first adopted in 1998 and was only fully operational as of
7 program year 2000.

8 The purpose of the Act was to create a seamless single local delivery system with workforce services
9 delivered through a system of co-located one stop centers and eliminate duplicative programs across numerous
10 federal agencies. During this time, local areas have worked hard to develop and implement programs that would
11 respond to the needs of workers and employers alike. According to independent researchers like the General
12 Accountability Office, workforce programs are making substantial progress in this regard.

13 To minimize any negative impacts on workforce development efforts at the state and local levels, NACo
14 believes that the following principles should be adhered to during the reauthorization process:

- 15 1. The local public-private partnership as established under current law should be maintained. Decisions
16 about how the partnership should be implemented at the local level should be left to local elected
17 officials and local workforce boards in consultation with states.
- 18 2. The federal-state-local relationship currently established by the Workforce Investment Act should be
19 maintained to ensure the appropriate levels of planning authority and accountability.
- 20 3. Appointment of the local workforce investment boards should remain the province of chief local
21 elected officials. Governors should continue to certify local workforce investment boards, but only
22 after local elected officials, working with representatives of the business community, identify the
23 appropriate individuals to serve on the board.
- 24 4. Local one-stop centers should remain under the guidance and jurisdiction of local chief elected
25 officials and local workforce investment boards. These one-stop centers should be accountable to the
26 local chief elected official for all monies spent to prevent the misuse of public funds.
- 27 5. The vast majority of funds allotted to states should be allocated by formula to local workforce
28 investment areas. Where appropriate, the Congress should make adjustments to the formulae in order
29 to achieve a more balanced and equitable distribution of funds. The reallocation authority currently
30 given to governors should be retained.
- 31 6. The percentage of private sector representatives on the local workforce investment boards should be
32 increased and the number and percentage of public sector representatives, especially the mandatory
33 partners, should be reduced substantially or eliminated, though they may serve ex-officio, at the
34 discretion of the local chief elected official. Representatives from these public agencies may be asked
35 to participate in meetings when issues relevant to them arise; however, the decision-making authority
36 on the local workforce investment boards should rest with the private sector. NACo believes that the
37 public-private partnership is represented by the partnership that is forged between the local chief
38 elected official and his or her local workforce investment board. Decisions made by these two entities
39 represent the public-private partnership at work.
- 40 7. Local workforce investment area plans should be developed jointly by the local chief elected official
41 and the local workforce investment board within broad policy and programmatic guidelines developed
42 by the governor and the state workforce investment boards. Local workforce investment areas and
43 states should be granted broad waiver authority to creatively respond to the employment, economic
44 development and welfare issues confronting states and localities. Requests for waivers should be
45 developed jointly by local elected officials and workforce investment boards, should be limited to the
46 delivery of program services and the allocation of funds to different activities and must receive the
47 approval of governors and state board before they can be enacted.
- 48 8. Separate and distinct funding for the local one-stop system should be provided at the national level or
49 from each of the mandatory partners. Where the state collected the latter, these funds should be
50 collected by the states and all of these funds should be distributed to local areas based upon the
51 formulae used to distribute program funds.
- 52 9. Youth programs for in- and out-of school youth should continue to be developed and funded by local
53 workforce investment boards acting in consort with their local chief elected officials. Funds for these
54 programs should continue to be allocated to local areas. They should be used in part to address the
55 needs of students making the transition from school to work and to assist those students no longer in
56 school develop the skills they need to enter the world of work.

10. Personal Re-Employment Accounts should be part of the WIA system and should come under the guidance and oversight of local chief elected officials and WIA local WIB board members
11. Funds for adult, youth and dislocated workers should be consolidated into a single block grant so that local areas may determine the kinds of populations to serve based upon need.
12. The performance standards and measures should be modified substantially and should focus on program outcomes and customer satisfaction.
13. The American Graduation Initiative, and any other workforce development initiative that should come under the WIA system, with guidance and oversight of local chief elected officials, and local WIB board members.

Fiscal/Urban/Rural Impact: WIA is guided by the private sector, with a proven track record for the development and implementation of innovative services that connect people to work, careers and business and industry to the talent pool necessary to prosper.

Sponsors: Carol Holden, Commissioner, Hillsborough County, New Hampshire, and Chair, NACo Labor and Employment Steering Committee; Tony Hyde, Columbia County Commissioner; Gary Thompson, Sherman County Commissioner; Ann Hanus; Policy Manager; Association of Oregon Counties

Proposed Resolution on State WIA Plans

Issue: State Workforce Investment Act (WIA) Plans.

Proposed Policy: NACo urges the U.S. Congress and the U.S. Department of Labor to ensure that state governors adhere to the Workforce Investment Act (WIA) statutory and regulatory requirements regarding renewal of state and local WIA plans.

Background: In several instances, state governors have attempted to dilute or eliminate the role of the local workforce investment system through new waivers requests via the state WIA plans submitted to the Labor Department in 2005. These plans do not include the proper input or the process of consultation with local elected officials and local workforce investment boards as required under the Workforce Investment Act legislation. Therefore, these particular plans appear to be an attempt to circumvent the intent and letter of the law under WIA.

NACo urges DOL not to approve any state WIA plan submitted by a governor that circumvents federal laws and consolidates or eliminates any local workforce areas without meaningful input and support from the local elected officials. NACo further urges Congress and the Labor Department to uphold a state's current WIA plan in the event a state governor subsequently submits a plan that is contrary to the intent, policy and procedures of the Workforce Investment Act legislation.

Fiscal/Urban/Rural Impact: Actions taken undermine and eliminate locals' authority and input into the workforce investment system. Potentially alienates local businesses and hampers the process of matching jobseekers with employers.

Sponsor: Carol Holden, Hillsborough County, New Hampshire; Chair, Labor and Employment Steering Committee

Proposed Resolution in Support of Improving the Department of Labor's Response to Local Workforce Reporting Standards

Issue: Improving Department of Labor's (DOL) responsiveness to local workforce issues such as reporting standards.

Proposed Policy: DOL should simplify and clarify its fiscal reporting system and allow monthly data to be submitted.

Background: DOL has unclear guidelines about the definitions of the various fiscal categories (expenditures, accruals, obligations, encumbrances) that local workforce areas and state agencies are to use. The lack of clarity in turn makes it a challenge for agencies at any level to be consistent in what they report to DOL; thus the agency does not have a clear picture of the fiscal realities at local or state levels.

Additionally, since DOL only sees quarterly financial reports, they don't have a clear understanding of local workforce areas' fiscal status. Many local areas submit monthly fiscal reports to states.

Fiscal/Urban/Rural Impacts: By having consistent definitions, and more accurate data, DOL will be better situated to understand fiscal realities facing urban and rural areas and allocate funding appropriately.

Sponsor: Willis Branning, Dakota County, Minnesota and Vice-Chair Labor and Employment Steering Committee

1 **Proposed Resolution Supporting the Goals of NACo’s Veterans and Military Service Task Force with**
2 **Respect to Job Training and Access to Employment Services**

3 **Issue:** Veterans access to job training and employment services.

4 **Proposed Policy:** NACo supports the goals of the NACo Veterans and Military Service Task Force
5 (VMSTF) to develop county best practices and policies that serve to promote job training and employment services
6 to veterans and military service members.

7 **Background:** NACo has convened a Veterans and Military Service Task Force (VMSTF) to engage and
8 highlight county best practices and policies to promote innovative programs, services and benefits for our nation’s
9 military, veterans and their families. Among the key objectives is to highlight best practices and policies in
10 employment services and access to employment.

11 The goal of the NACo Veterans and Military Service Task Force (VMSTF) is to engage NACo and its
12 members to develop and highlight county best practices and policies to promote innovative programs, services and
13 benefits for our nation’s military, veterans and their families. Program integration will include coordination with
14 veterans’ service organizations and appropriate federal and state government agencies to highlight key NACo
15 objectives, including the County Government Works campaign.

16 In order to include veterans and military service issues in health and human service planning, delivery,
17 coordination and outreach, the Task Force will focus primarily on best practices and policies in four subject areas:

- 18 1. Physical and mental health, substance abuse, suicide prevention;
- 19 2. Housing and homelessness;
- 20 3. Employment services and access to employment; and
- 21 4. Justice including law enforcement, courts and probation.

22 The U.S. Department of Labor, Veterans' Employment and Training Service (VETS) offers employment
23 and training services to eligible veterans.

24 **Fiscal/Urban/Rural Impact:** Increasing access to job training and employment services for veterans and
25 military service members.

26 **Sponsors:** Orrin Bailey, CEO Six County Alliance, Michigan Works! The Job Force Board, and Chair of
27 NACo Labor and Employment Steering Committee, Workforce Subcommittee; Member, NACo’s Veterans and
28 Military Service Task Force., Carol Holden, Commissioner, Hillsborough County, New Hampshire, Chair, NACo
29 Labor and Employment Steering Committee

30
31 **Proposed Resolution on Infrastructure Funding for Local One-Stop Centers**

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

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

35 **Background:** The primary way for one-stops to pay for infrastructure costs is by taking allocations of
36 programs and negotiating with local partners. The reality of this is that it takes funding away from intended program
37 recipients. Additionally, the allocation approach can create disincentives for partnerships.

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

39 **Sponsor:** Willis Branning, Dakota County, Minnesota, and V ice- Chair Labor and Employment Steering
40 Committee

PUBLIC LANDS PROPOSED RESOLUTIONS

Proposed Resolution Opposing Delay in Issuance of Oil and Gas Drilling Permits

Issue: Issuance of drilling permits in gulf area and waters.

Proposed Policy: NACo strongly supports alternative and renewable resources and U.S. independence from foreign oil and also urges the Obama Administration to stop delaying and immediately begin issuing oil and gas drilling permits in the Gulf area and its waters.

Background: The devastating BP Gulf oil spill has wreaked havoc on the gulf area economies, the oil and gas industries, the seafood industries and indirectly the nation's ability to gain greater independence from foreign oil and gas.

Immediately following the BP oil spill, the Obama Administration placed a moratorium on all oil and gas drilling in the gulf area and waters. This caused an already struggling economy to dive into a deeper recession, and forced many operators to close or relocate. After much urging the administration finally lifted the moratorium, but delayed the issuance of any new permits, effectively continuing the moratorium.

President Obama stated plainly that the U.S. must do everything in its power to reduce our nation's dependence on foreign oil, and pursue and encourage alternative and renewable resources and energy. NACo strongly agrees, but understands that this cannot be achieved in any meaningful proportion overnight, and its delay only contributes to our dependence on foreign oil. Current U.S. oil and gas reserves and untapped deposits if developed, would immediately lower our dependence on foreign oil and lower the cost of fuel. This would save our citizens billions in extremely high fuel costs.

NACo feels that every effort to support and encourage alternative and renewable energy and resources should be pursued, while at the same time taking advantage of the available oil and gas that exists within our own country. This serves to strengthen our independence from foreign oil and gas. NACo urges the Obama Administration to safely and thoughtfully begin releasing permits in a timely fashion, so as to begin to restore the devastation to our economy.

Fiscal/Urban/Rural Impact: The oil and gas industries are critical to the Gulf States and their economies and have a direct impact on the nation's economy, in terms of inflated fuel prices, unemployment, and dependence on foreign oil and gas.

Sponsor: Robert Manuel, Police Juror, Evangeline Parish, Louisiana and Evangeline Parish Police Jury

Proposed Resolution on Assessing Concessionaire Property Taxes on Federally Owned Lands

Issue: compensation to counties by concessionaires or enhanced use lease lessees who operate businesses on federally owned lands, but are exempt from property taxes.

Proposed Policy: NACo supports legislation or regulation directing federal land management agencies to provide that all concessionaires or enhanced use lease lessees pay local taxing jurisdictions annual payments in lieu of taxes equal to the property taxes that are otherwise paid by any other commercial business in the county.

Background: in a decision filed in February, 2001, the Arizona court of appeals held that improvements constructed and operated by a concessionaire on land owned by the United States government, were not subject to ad valorem taxation. *Havasus Springs Resort Company v. La Paz County*, 199 ariz. 349, 18 p.3d 143 (ct. 28 app.2001), review denied. The court's decision was based on a review of the contract between the concessionaire and the BLM, with the court ultimately concluding that the concessionaire's interest in the improvements was strictly possessory and therefore was no longer part of the taxable base of a county's tax roll. In August, 2002, Aramark Sports and Entertainment Services, Inc., the concessionaire operation on federal land at the Glen Canyon National Recreation area at Lake Powell in Coconino county, filed a claim that they had been erroneously assessed property tax on those improvements, citing the recently litigated Havasu Springs case. In 2003, Xanterra Parks and Resorts, the concessionaire at Grand Canyon National Park, followed suit, filing a similar claim for the 2004 tax year. Xanterra followed this action by additionally filing a claim in the Arizona tax court for prior years. As a result of this action, all of these properties were respectively removed from the county tax rolls, however the county litigated the Xanterra appeals for prior years. The tax court ultimately ruled that the county lost and was required to refund all previously collected taxes plus interest.

The impacts of the court of appeals ruling in havasu springs and subsequent tax court rulings regarding Xanterra are significant in multiple respects. As a result of the failed appeals, the county and taxing districts which include local school districts that are responsible for the education of the children whose parents work for those same concessionaires, were forced to find ways to account for a dramatic decline of funding in future years. Additionally, the loss of these properties from the county's taxable base correspondingly forced the county into a position where they had no choice but to consider raising taxes to make up this new difference. These impacts were

1 particularly onerous for the smaller taxing districts, most notably the local school districts. The Arizona Department
2 of Education has helped to defray a slight portion of the refund amounts and future lost revenue through its state aid
3 equalization funds, but ultimately the additional burden falls on the taxpayers of the county, as well as the rest of the
4 state's taxpayers through the increased burden on ade. Local school districts felt the most significant impact from
5 the courts' decisions, and specifically, the Grand Canyon school district which was responsible for refunding
6 \$1,858,411 of the taxes. In addition, as a result of the net loss in tax collections, there was a burdensome cost shift
7 to taxpayers, counties and county departments, and approximately \$567,235 a year in additional revenues needed to
8 be raised to account for the repayment. In Coconino County there are currently 6 separate businesses and a total of
9 287 parcels that are exempt from property taxes because their businesses reside on federally owned land. The 287
10 parcels have a 2010 total net assessed value of \$9,559,266 (a low figure as these parcels are currently assessed at a
11 lower rate than they would be had they not been exempted from property taxes).

12 **Fiscal/Urban/Rural Impact:** Significant budget and revenue losses to taxpayers, counties, and county
13 departments.

14 **Sponsor:**

15 **Proposed Resolution Regarding Congressional Designation of Additional Wilderness Areas**

16 **Issue:** Withholding Support for Congressional Wilderness Bills Unless They Receive Local Government
17 Support and Contain Language Releasing Non-Wilderness Lands for Multiple Use Management.

18 **Proposed Policy:** The National Association of Counties urges Congress to not pass legislation to designate
19 additional wilderness areas unless (1) each bill has the full support of the county or counties where the subject land
20 is located and (2) each bill provides that remaining public lands not Congressionally designated for wilderness in the
21 affected county or counties shall be managed for non-wilderness multiple uses continuously until a future Congress
22 designates otherwise.

23 **Background:** On December 22, 2010 the U.S. Secretary of Interior issued Secretarial Order 3310
24 purporting to have BLM designate certain lands as Wild Lands and manage them as if they were wilderness, all
25 without Congressional approval. On April 14, 2011, the United States Congress passed the Department of Defense
26 and Full-Year Continuing Appropriations Act of 2011 (Pub. L. 112-10) (2011 Continuing Resolution), which
27 includes a provision (Section 1769) that prohibits the use of appropriated funds to implement, administer, or enforce
28 Secretarial Order 3310. On June 1, 2011, The Secretary of Interior confirmed that BLM will not implement
29 Secretarial Order 3310 nor designate any lands as Wild Lands, but will "consider the wilderness characteristics of
30 public lands when undertaking its multiple use land use planning and when making project-level decisions[,] and
31 will solicit input from various stakeholders "to identify BLM lands that may be appropriate candidates for
32 Congressional protection under the Wilderness Act." On June 10, 2011, the Secretary of Interior issued a letter to
33 members of Congress asking them, among other things, to "identify BLM-managed public lands where there is
34 strong support in the local community and among elected officials for permanent protection, and that you believe are
35 ready for designation as Wilderness by this Congress."

36 No useful purpose is derived from enacting wilderness legislation unless (1) such legislation has the full
37 support of local government elected officials where the subject lands are located and (2) local governments can rest
38 assured that non-wilderness designated public lands in their jurisdictions will be released and clarified for non-
39 wilderness multiple use management.

40 **Fiscal/Urban/Rural Impact:** The active management of America's Public lands to accommodate
41 beneficial multiple uses is essential to the public health, safety and economic vitality of communities across the
42 United States. Revenues generated from such multiple use activities support critical state and local government
43 services and loss of such revenues would further cripple the economies of local communities and place unnecessary
44 new burdens on State and local government and school budgets.

45 **Sponsors:** Mike McKee, Commissioner, Uintah County, Utah;
46 John Jones, Commissioner, Carbon County, Utah; and
47 Bruce Adams, Commissioner, San Juan County, Utah
48

49 **Proposed Resolution Calling for the Membership of the Wild Horse and Burro Advisory Board to be 50 Expanded to Include a County Elected Official**

51 **Issue:** The Wild Horse and Burro Advisory Board does not have a county elected official as a member.

52 **Proposed Policy:** NACo supports the expansion of the membership of the Wild Horse and Burro Advisory
53 Board to include an elected county official from a county directly impacted by the policies governing the
54 management of wild horses and burros on public lands.
55

1 **Background:** The charter of the Wild Horse and Burro Advisory Board states that the objectives and
2 scope of the board is to:

- 3 • Assist and advise the Secretary of the Interior, through the Director of the Bureau of Land
4 Management (BLM), and the Secretary of Agriculture, through the Chief of the Forest Service, on wild
5 horse and burro policy formulation and oversight of the Wild Horse and Burro (WH&B) Program
6 administered under the provisions of the Wild Free-Roaming Horses and Burros Act (16 U.S.C. 1331-
7 1340) (Act).

8 The membership of the Wild Horse and Burro Advisory Board (WHBAB) currently is comprised of
9 individuals representing Wild Horse and Burro Advocacy, Livestock Management (2), Humane Advocacy,
10 Veterinary Medicine, Wildlife Management, Wild Horse and Burro Research and Public Interest.

11 On October 7, 2009, Secretary of the Interior Ken Salazar announced an initiative “proposing to develop
12 new approaches that will require bold efforts from the Administration and from Congress to put this program on a
13 more sustainable track, enhance the conservation for these iconic animals, and provide better value for the
14 taxpayer.” Bureau of Land Management Director Bob Abbey announced on June 3, 2010 that the BLM “is taking
15 the Federal Wild Horse and Burro Program in an unprecedented new direction, and is seeking in-depth public
16 comment on a Strategy Development Document implementing Secretary of the Interior Ken Salazar’s Wild Horse
17 and Burro Initiative.” The press release also noted that the “BLM is seeking public input over a 60-day comment
18 period.” This period expires July 31, 2010. A Wild Horse and Burro Draft Strategy workshop was held in Denver
19 on June 14, 2010 seeking questions and comments from the public and various stakeholder groups.

20 The manner in which wild horses and burros are managed has, like other public land management policies,
21 a direct impact on counties where these animals live. Counties support the maintenance of sustainable, healthy
22 populations of these “symbols of the American West” on public lands. However, these herds must be managed in a
23 manner that does not harm the resource or negate the multiple use of these lands.

24 It is apparent that the Bureau of Land Management, in order to comply with Secretary Salazar’s initiative,
25 will be making changes to the policies that govern the Wild Horse and Burro Program. It is vital that counties have
26 a voice in the formulation of these new policies.

27 **Fiscal/Urban/Rural/Impacts:** The adoption of well-intended but misguided policies for the management
28 of wild horses and burros on public lands that lead to restrictions on other uses of these lands would negatively
29 impact the counties in which these animals exist. Recreational activities on public lands as well as agriculture and
30 livestock operations could be limited or eliminated creating harm to both the economy’s and quality of life of rural
31 counties. Adding the voice of an elected county official to the Wild Horse and Burro Advisory Board, the Board
32 responsible for assisting and advising the Director of the Bureau of Land Management on the development of the
33 management policies, is critical and necessary to achieve sound policy regarding the management of wild horse and
34 burro populations.

35 **Sponsor(s):** Paul Pearce, Commissioner, Skamania County, Washington
36 Gordon Topham, Commissioner, Sevier County, Utah
37 Lesley Robinson, Commissioner, Phillips County, Montana
38

39 **Proposed Resolution Federal Forest Carbon Sequestration Revenues**

40 **Issue:** Revenues from the sale of carbon sequestration projects on federal lands are a potential source of
41 revenue diversification, especially for hard hit timber counties.

42 **Proposed Policy:** If Congress enacts climate change or cap and trade legislation, legislation should
43 include carbon sequestration on federal forest lands as a new source of revenue through revenue sharing to counties.

44 **Background:** Federal forest lands in Oregon cover almost 50 percent of the state. Under federal statutes,
45 counties in Oregon receive a share of timber harvest revenue to fund local schools, roads, and provide support to
46 discretionary funds. With the dramatic decline in timber harvests in Oregon resulting from the downturn in the
47 timber economy, there has been continued uncertainty with regards to replacing historic revenue levels that drove
48 state and local tax policy, provided employment security, and provided a vast array of public services.

49 Since the late 1990’s a variety of federal acts have attempted to replace timber revenues. With each
50 passing Congress, the efforts to secure this funding become harder and harder, and the amounts authorized for
51 counties becomes less and less. This has resulted in severe local budget cutbacks and threatens the ability for
52 counties to remain solvent.

53 Concurrent to the downturn in federal harvest levels, there has been an increasing recognition for the role
54 forests play in terms of moderating planetary climate change. Indeed, private forest landowners are increasingly
55 engaged in the effort to sell the carbon sequestration ability that their lands embody. In advance of a regulated
56 carbon market, private landowners have engaged in ensuring that forestry offsets are a formal part of proposed cap

1 and trade efforts, whether on a regional or national basis. They have also been involved in efforts to establish strict
2 protocols for forestry offsets, such that investors are secure in that they are receiving value for their dollars. Offset
3 protocols serve to standardize and equalize the offset market. Currently, forestry offset protocols are almost
4 completely silent as they pertain to federal lands. The expectation is that enabling legislation is required prior to
5 agencies being provided authority to develop and sell forestry offsets.

6 **Fiscal/Urban/Rural Impact:** The fiscal impact of the sale and revenue sharing of carbon offset projects
7 on federal lands has not been well studied. The carbon market in the United States is largely voluntary, and the
8 impact of offsets expected to come into play due to establishment of a regulated marketplace that would include
9 federal forestry offsets is largely unknown.

10 The importance of such revenue, however, may be in that serves to diversify the limited revenue sources
11 available to counties.

12 **Sponsor(s):** Joseph Laurance, Commissioner, Douglas County, Oregon;
13 Paul Pearce, Commissioner, Skamania County, Washington;
14 Tony Hyde, Commissioner, Columbia County, Oregon; and
15 Tim Josi, Commissioner, Tillamook County, Oregon
16

17 **Proposed Resolution in Support of Changing Forest Service Employee Supervision**

18 **Issue:** Chain of command for Forest Service Law Enforcement Personnel

19 **Proposed Policy:** NACo supports a change in Forest Service personnel organization to place law
20 enforcement officers under the direction of Forest Supervisors.

21 **Background:** Several decades ago, there was reported abuse of Forest Service procedures, allegedly
22 involving Service line officers. As a response, and at the urging of, among others, the Forest Service Employees for
23 Environmental Ethics, the law enforcement branch of the Service was “stovepiped”, meaning that these officers no
24 longer were supervised by local or regional authority, but answered instead directly to the Washington Office. As a
25 result, there can be little to no interaction between enforcement officers and the local supervisors and line officers.

26 As timber harvest has dramatically declined, there is no longer a reason to isolate these enforcement
27 officers from the chain of command. In fact, the loss of interaction has resulted in adverse public relations between
28 the Forest Service and forest communities. When new personnel are transferred into areas without an
29 understanding of the area’s culture and the agency’s interdependence upon the community, all too often the result is
30 public conflict.

31 If there is direct supervision and accountability to local Forest Service officials, there is a much greater
32 opportunity for such conflicts to be resolved before it becomes a community issue. A positive influence on public
33 relations for the agency would be of great benefit for all parties involved.

34 **Fiscal/Urban/Rural Impact:** No fiscal impact, with a positive impact on rural communities’ relationship
35 with the Forest Service.

36 **Sponsor(s):** Paul Pearce, Commissioner, Skamania County, Washington;
37 Gordon Topham, Commissioner, Sevier County, Utah; and
38 Lesley Robinson, Commissioner, Phillips County, Montana
39

40 **Proposed Resolution in Support of Ongoing Sage Grouse Management Efforts and in Opposition to Listing of** 41 **the Sage Grouse at this Time**

42 **Issue:** Whether U.S. Fish and Wildlife Service should place the Greater Sage Grouse on the
43 Threatened/Endangered Species List, or are ongoing sage grouse management efforts adequately protecting the sage
44 grouse and its habitat?

45 **Proposed Policy:** Ongoing sage grouse management efforts of state and local governments, stakeholder
46 working groups, and BLM Resource Management Plans (RMPs) throughout the Eleven Western States are
47 protecting and restoring sage grouse habitats and reviving sage grouse populations. Therefore, NACo opposes
48 listing the Greater Sage Grouse as a T&E species at this time.

49 **Background:** Over the past decade, there has been an unprecedented grass-roots conservation effort in the
50 Eleven Western States to protect the Greater Sage Grouse. Hundreds of stakeholders representing a large cross
51 section of Western interests - ranchers, environmental organizations, industry groups and government agencies -
52 have joined together to form dozens of local working groups to collect and process scientific data about the sage
53 grouse, identifying key conservation priorities and forging partnerships with federal land management agencies for
54 conservation purposes.

55 This effort has produced best management practices for protecting the Greater Sage Grouse in harmony
56 with other multiple uses. These best management practices are being followed in BLM RMPs throughout the

1 Eleven Western States. NACo supports this locally driven commitment to conserve the Greater Sage Grouse while
2 preserving other important multiple uses. The U.S. Fish and Wildlife Service should not list the Greater Sage
3 Grouse as T&E species at this time as such action is not necessary. NACo urges continued application of best
4 management practices by state, federal and local land management agencies, which will continue to make sage
5 grouse populations stabilize and thrive throughout the West.

6 **Fiscal/Urban/Rural Impact:** There will be significant and unwarranted impacts to other public lands
7 multiples uses, if the Greater Sage Grouse is listed as a T&E species at this time.

8 **Sponsor(s):** Paul Pearce, Commissioner, Skamania County, Washington;
9 Gordon Topham, Commissioner, Sevier County, Utah; and
10 Lesley Robinson, Commissioner, Phillips County, Montana

11 **Proposed Resolution on Distribution of Federal Royalty Payments for Renewable Energy Projects on Public 12 Lands**

13 **Issue:** Federal revenue sharing payments to counties from Alternative Energy Development and federal
14 Stewardship Contracts on Public Lands.

15 **Proposed Policy:** NACo supports the sharing of federal leasing and rights of way revenues from
16 renewable energy development (wind, solar, and geothermal) and federal Stewardship Contracts on federal lands
17 with state and county governments where that development and contracts occurs. Revenue sharing should not
18 negatively impact the Payment in Lieu of Taxes program.

19 **Background:** The enactment of the Energy Policy Act of 2005 provided comprehensive and much needed
20 changes to domestic energy policy. One such provision included an amendment of the Geothermal Steam Act of
21 1970 and modified how Federal revenues from geothermal development are shared with state and local government.
22 Under the Act, county governments share 25 percent of geothermal revenues to support county departments
23 impacted by local geothermal development and production. The recent passage of the FY 2010 Interior
24 Appropriations bill effectively redirected the county geothermal revenue sharing funding back to the United States
25 Treasury.

26 Numerous county governments have benefited from past geothermal revenue sharing receipts, and in turn,
27 have been indispensable advocates for the development of alternative energy production in the United States.
28 Currently, all of the rental income from federal rents for rights of way for wind, solar and geothermal energy
29 developments on federal lands currently goes to the Federal Treasury. None is currently distributed to States or
30 Counties.

31 As this nation moves closer to securing a balanced domestic energy portfolio, elected county officials are
32 committed to working with the Federal government as equal partners in the promotion of alternative energy
33 development. The expansion of green energy industries will lead to the creation of high paying jobs and sustainable
34 economic development. NACo will continue to advocate for Federal legislation (including S. 2607) that provides
35 revenue sharing from the development of solar, wind, and geothermal energy on public lands.

36 Counties are working with federal land management agencies on the development of large-scale forest
37 restoration projects utilizing stewardship contracting authority. Unlike timber sales, counties do not receive revenue
38 generated from stewardship contracting authority. NACo is advocating for a modification of the formula to ensure
39 that revenue generated from stewardship contracts be provided to counties. NACo supports a formula based that
40 would direct 25 percent of revenue to counties.

41 **Fiscal/Urban/Rural Impact:** Revenue sharing payments would contribute to the delivery of critical
42 county services and the development of much needed capital improvement projects such as road maintenance,
43 public safety and law enforcement, conservation easements, capital for leveraging federal and state resources, and
44 the critical stabilization of operations budgets in tough economic times.

45 **Sponsor(s):** Paul Pearce, Commissioner, Skamania County, Washington;
46 Gordon Topham, Commissioner, Sevier County, Utah; and
47 Lesley Robinson, Commissioner, Phillips County, Montana

48 **Proposed Resolution on Hazardous Fuels Emergency**

49 **Issue:** Accumulation of biomass.

50 **Proposed Policy:** The National Association of Counties calls on Congress to grant a Governor authority to
51 declare a state of emergency when the severity of fire danger from fuels on identified federal lands within that state
52 poses a significant threat to public health and safety.

53 **Background:** Change in federal policy regarding harvest of timber from our National Forests has created
54 an unhealthy forest. Many National Forests are clogged with diseased trees that are dead and many lodgepole pines
55

1 have reached their expected life span and are dying. Overall temperatures are rising in the west and we are
2 experiencing a prolonged drought. Conservative estimates show that perhaps 140 million acres of National Forest
3 timberland in the west is in ecological condition Class 3 or 2: meaning it is ready to burn or soon will be. Much of
4 the west chokes each summer as smoke fills the air and breathing becomes difficult. With the loss of the timber
5 industry, tourism was supposed to save us from economic calamity but with smoke filled skies tourists are not
6 interested in putting their families in unhealthy situations.

7 **Fiscal/Urban/Rural Impact:** Healthy forests, carbon sequestration, air quality, improved local economies,
8 support for innovations in alternative fuels and renewable forest products.

9 **Sponsor(s):** Paul Pearce, Commissioner, Skamania County, Washington;
10 Joseph Laurance, Commissioner, Douglas County, Oregon;
11 Tony Hyde, Commissioner, Columbia County, Oregon; and
12 Tim Josi, Commissioner, Tillamook County, Oregon
13

14 **Proposed Resolution on the Federal Definition of Woody Biomass**

15 **Issue:** Federal Legislation needs to establish that renewable biomass from both Federal and non-Federal
16 Lands can be applied towards the existing renewable fuels standard and any renewable electricity standard.

17 **Proposed Policy:** NACo supports the definition of biomass from Titles I & III of the 2008 Farm Act
18 (Farm Bill), which states that renewable biomass is:

- 19 - For Federal Lands: Materials that are byproducts of preventive treatments (e.g., trees, wood) that are
20 removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore
21 ecosystem health; would not otherwise be used for higher value products; and are harvested from
22 National Forest System land or public lands in accordance with public laws, land management plans,
23 and requirements for old-growth maintenance.
- 24 - For Non-Federal Lands: Any organic matter that is available on a renewable or recurring basis from
25 non-Federal land or land belonging to Indian tribes, including renewable plant materials (feed grains,
26 other agricultural commodities, other plants and trees, algae), waste material (crop residue, other
27 vegetative waste material including wood waste and wood residue), animal waste and byproducts (fats,
28 oils, greases, and manure), construction waste, and food waste/yard waste.

29 Furthermore, the Environmental Protection Agency should encourage the development of renewable
30 biomass energy by not regulating greenhouse gas emissions from biomass energy under the Clean Air Act.

31 **Background:** There is broad national agreement on the need for more renewable energy, however the
32 participation of public lands in the delivery of renewable energy faces a potentially serious constraint.

33 Currently, the existence of multiple, and sometimes conflicting, definitions of renewable biomass in major
34 energy policy legislation will seriously constrain the energy use of sustainably harvested woody biomass from
35 public and other lands unless the definition is improved. In current law and legislation the definition varies greatly.
36 For example:

- 37 - The American Recovery and Reinvestment Act reflects a clear intent by Congress to use biomass from
38 federal and other lands for energy production.
- 39 - The 2008 Farm Bill (P.L. 110-234) and the Energy Policy Act of 2005 (P.L. 109-58) in their
40 definitions of renewable biomass are both consistent with the intent of the ARRA.
- 41 - The Energy Independence and Security Act of 2007 (P.L. 110-140), in its amendments to the
42 Renewable Fuels Standard, excludes by definition woody biomass from federal lands and most private
43 lands.
- 44 - H.R. 2454, The American Clean Energy and Security Act of 2009 (passed the House on June 26,
45 2009), in its definition of renewable biomass, includes material removed from the National Forests so
46 long as the material is not collected from a wide variety of land designations and site characteristics.
- 47 - S. 1462, the American Clean Energy Leadership Act (as introduced in Senate on July 16, 2009)
48 contains yet another definition of renewable biomass with confusing exclusions and requirements.

49 Our nation needs and deserves a consistent, easily understood definition of renewable biomass in
50 legislation that allows sustainably harvested woody biomass to be utilized, no matter where it comes from.

51 **Fiscal/Urban/Rural Impact:** Forest county communities would realize increased employment and the
52 reduction of a potentially catastrophic fire threat. Urban areas would benefit from reduced local taxation intended to
53 support neighboring distressed rural communities. The nation would benefit from reduced greenhouse gas
54 emissions, greater quantities of lower priced domestic motor fuel derived from a renewable source, increased
55 employment, and an increase in the national treasury derived from the sale of material from public lands.

1 **Sponsor(s):** Joseph Laurance, Commissioner, Douglas County, Oregon;
2 Paul Pearce, Commissioner, Skamania County, Washington;
3 Tony Hyde, Commissioner, Columbia County, Oregon; and
4 Tim Josi, Commissioner, Tillamook County, Oregon
5

6 **Proposed Resolution Opposing Proposed Forest Service Planning Rule**

7 **Issue:** Withholding Support for the U.S. Forest Service Proposed Planning Rule as Published in 76 Federal
8 Register 8480.

9 **Proposed Policy:** The National Association of Counties urges the U.S. Department of Agriculture and
10 U.S. Forest Service to not adopt the Forest Service Proposed Planning Rule in its current version (see 76 FR 8480
11 (36 CFR Part 219)), until it is substantially revised to prohibit de facto wilderness management and instead provide
12 for (1) coordination and cooperation with elected county officials, (2) consistency with local government plans and
13 policies, (3) forest planning and decision making at the most local level of the Forest Service agency structure, (4
14 sound discretion and practical judgment on the part of local unit forest supervisors, (5) active management to reduce
15 fire regime condition class to local government desired levels, (6) active management to reduce invasive species and
16 insect infestation, (7) enhanced economic and social sustainability, (8) emphasis on habitat management over
17 species management and (9) emphasis on multiple use management and commodity production.

18 **Background:** National forests have gone from healthy, commodity producing, biologically diverse
19 habitats to fire prone, disease laden, bio-mass choked mono-cultures, all due to failed de facto wilderness planning
20 and management practices over the past 20 years. The U.S. Forest Service needs the planning tools to produce
21 revised Forest Plans which enable a return to the desired conditions of the past, when National Forests were properly
22 managed to produce timber, grazing forage, jobs, healthy habitat and recreational opportunities, free of undue fire
23 risk and undue risk of insect infestation. This is possible only through a proper Forest Service Planning Rule which
24 meets the policy objectives listed above.

25 The current proposed Forest Service Planning Rule is inadequate for the following reasons:

- 26 - It ignores provisions in NFMA and the Multiple Use-Sustained Yield Act (MUSYA) calling for
27 multiple use and sustained yield of products and services including outdoor recreation, range, timber,
28 watershed, wildlife and fish, and wilderness. The Proposed Rule instead dedicates an entire section to
29 wildlife; focuses on climate change and carbon sequestration;
- 30 - It lists only ecosystem services as a multiple use that contributes to local, regional, and national
31 economies in a sustainable manner.
- 32 - It improperly calls for maintaining viable populations of all plants, wildlife, and even moss and fungus.
33 This requirement is unattainable, procedurally impossible, and currently one of the most frequent
34 claims in forest plan litigation. The language is not found in the Forest Service's authorizing statute;
35 thus this provision is beyond the agency's authority to enforce. Furthermore, there is no scientific
36 consensus on what level of population is viable or how it is to be maintained.
- 37 - It puts inordinate focus on public engagement while simultaneously weakening the requirement for
38 agency coordination with local governments;
- 39 - It requires documenting the use of best available science in all cases, thus slowing the planning process
40 and creating new legal burdens for the Forest Service, instead of according unit managers discretion
41 and use of experience and judgment to fill any scientific gaps.
- 42 - It imposes monitoring requirements beyond what is necessary or practically achievable.
- 43 - It creates new, vague species designations and protections that will invite litigation; and

44 **Fiscal/Urban/Rural Impact:** The active management of our National Forests to accommodate beneficial
45 multiple uses is essential to the public health, safety and economic vitality of communities across the United States.
46 Revenues generated from such multiple use activities support critical state and local government services and loss of
47 such revenues would further cripple the economies of local communities and place unnecessary new burdens on
48 State and local government and school budgets.

49 **Sponsor:** Mike McKee, Commissioner, Uintah County, Utah; and
50 John Jones, Commissioner, Carbon County, Utah
51

52 **Proposed Resolution to Rescind Bureau of Land Management's "Master Leasing Plan" Oil and Gas
53 Reform Leasing Reform**

54 **Issue:** Rescind the BLM Master Leasing Plan Instruction Memorandum and Related Guidance.

55 **Proposed Policy:** The National Association of Counties strongly urges DOI Secretary Salazar and
56 National BLM Director Abbey to immediately rescind BLM Instruction Memorandum No. 2010-117 and all related

1 guidance, because they attempt to implement so-called “Master Leasing Plan” reforms that unlawfully override duly
2 established BLM Resource Management Plans (RMPs) without local government input.

3 **Background:** Many local BLM Field Office RMPs were revised and updated during the past decade
4 through the investment of much time, money and effort on the part of local governments and other cooperating
5 agencies. RMPs are the only legally valid framework for determining the availability, conditions and stipulations
6 for oil and gas leasing and drilling activities in the respective BLM field office planning areas.

7 DOI and BLM are trying to do an end-run around these RMPs and greatly restrict the extent of oil and gas
8 leasing and drilling activities which these RMPs have approved, through the top-down ordering of so-called Master
9 Leasing Plans, secretly negotiated with extreme environmental groups, and forced upon BLM field offices through
10 BLM Instruction Memorandum 2010-117 dated May 17, 2010 (IM No. 2010-117). State and local governments
11 were left completely out of any process to develop these Master Leasing Plans.

12 These Master Leasing Plans are really master lease cancellation and restriction plans. These Master
13 Leasing Plans violate FLPMA and NEPA by circumventing the Resource Plan and Plan Amendment Process, and in
14 many instances they promote and enforce a de-facto wilderness policy in violation of FLPMA and the RMPs. They
15 are top-down dictates issued with no local government input, done at the behest of extreme environmental groups
16 who threaten crippling legal action unless BLM complies with their wishes. And they (the Master Leasing Plans)
17 largely prop up the archaic “wilderness-at-all-costs-and-in-all-corners” vision of these extreme environmentalists
18 who try to interfere with reasonable oil and gas development on the public lands.

19 **Fiscal/Urban/Rural Impact:** The active management of America’s Public lands to accommodate
20 beneficial multiple uses such as responsible oil and gas exploration and development is essential to the public health,
21 safety and economic vitality of communities across the United States. The cutting off of mineral development
22 access on Public lands by overriding duly established RMPs prohibits activities vital to the nation, including mineral
23 exploration and harvesting. Revenues generated from such activities support critical state and local government
24 services and loss of such revenues would further cripple the economies of local communities and place unnecessary
25 new burdens on State and local government and school budgets.

26 **Sponsor:** Mike McKee, Commissioner, Uintah County, Utah; and
27 John Jones, Commissioner, Carbon County, Utah
28

29 **Proposed Resolution Regarding Mitigation for Impacts to Historic and Recognized Land Uses from** 30 **Renewable Energy Development Projects Occurring on Federal Lands**

31 **Issue:** Renewable energy projects, particularly large scale solar development, remove large blocks of land
32 from the federal estate from historic multiple use activities, including dispersed recreation, livestock grazing, and
33 general public access.

34 **Proposed Policy:** NACo requests the Bureau of Land Management and Forest Service adopt policies that
35 provide real and substantial consideration of historic uses in the project plans and environmental documentation, and
36 commit project developers to providing mitigation for their loss.

37 **Background:** As renewable energy development expands, the potential exclusion of historic permitted
38 uses on Federal public lands becomes more apparent. Some projects may be benign, such as wind energy on ridge
39 lines. Other developments such as solar on flat accessible land, remove huge areas which have historically been
40 essential parts of grazing allotments, contained the access routes to back country, or provided areas that BLM
41 designated as “open” for OHV recreation. Ancillary facilities and safety closures, however, for all projects, may
42 remove areas and access from previous uses.

43 Some uses, such as grazing, can be mitigated through compensation or buy-out, though the effect will be a
44 reduction from past use. There may be offsetting economic value from the energy project, but it is essential that
45 benefits and losses both be weighed in the NEPA process and the process commit the developer to providing such
46 mitigation.

47 Access through project areas cannot be addressed by the market. Development plans must provide
48 alternate access routes. OHV open areas, if such has been legitimately provided in BLM or FS land use plans,
49 should be similarly mitigated for, by designation of other appropriate areas or the acquisition of areas by the
50 developer for such dedication and designation.

51 Failure to provide at least a degree of mitigation can result in sprawling of dispersed uses to areas of private
52 land, encouraging trespass, and requiring engagement of law enforcement at high cost to both the land management
53 agencies as well as local government.

54 NACo does not oppose development of renewable energy on public land, but wishes to assure that the
55 NEPA process and plan of development explicitly address historic use and commit the developer to mitigation.

1 **Fiscal/Urban/Rural Impact:** Renewable energy development may or may not have positive impacts on
2 the land and the area. Projects normally result in total exclusion of the public, but their output will provide energy,
3 employment, and increase renewable portfolios required by many states. Mitigation for impacts and use loss may
4 add to project costs. Providing such mitigation may have an overall positive impact since the area may benefit from
5 the new use plus retain of all or part of the current use. Providing such mitigation will also reduce the effect on local
6 law enforcement to control trespass use that could occur if mitigation is not provided.

7 **Sponsor(s):** Paul Pearce, Commissioner, Skamania County, Washington;
8 Gordon Topham, Commissioner, Sevier County, Utah; and
9 Lesley Robinson, Commissioner, Phillips County, Montana

10 **Proposed Resolution Supporting S.1061 & H.R.1996 “The Government Litigation Savings Act”**

11 **Issue:** Accountability and transparency regarding payments made under the Equal Access to Justice Act
12 (EAJA).

13 **Proposed Policy:** NACo supports S.1061 & H.R.1996 as the passage of these bills would:

- 14 1. Continue to provide a mechanism to assure fair and equal access to public funds for individuals, small
15 businesses and non-profit organizations with limited financial resources to assure their ability to
16 participate in the justice system of these United States.
- 17 2. Help restore accountability and transparency on how federal funds are being spent by reestablishing a
18 provision for reporting to Congress on expenditures under the EAJA.
- 19 3. Reinstate the original intent of the Equal Access to Justice Act.

20 **Background:** Originally passed in 1980, EAJA was meant to provide fair access to legal remedies for
21 individuals, small businesses and non-profits with limited means. The act accomplishes this by reimbursing
22 attorneys fees for plaintiffs who sue the federal government if they win the case or settle out of court. The original
23 legislation required annual reports to Congress on the amount and nature of EAJA payments. The reporting
24 requirement ended in 1995.

25 In recent years there have been complaints about the misapplication of the EAJA by certain well-funded
26 interest groups that allegedly have received millions of federal taxpayer dollars in attorneys’ fees for settling or
27 winning cases filed against federal agencies. In some cases, these lawsuits were based on procedural errors, or filed
28 simply to delay or prevent authorized uses of public lands or federally authorized activities on private lands. Federal
29 agencies may have settled these cases rather than expend public resources to litigate. Often times these receipts are
30 used to initiate subsequent legal actions by these same groups.

31 Reporting requirements provide accountability and transparency in how federal funds are being spent. The
32 Government Litigation Savings Act would help assure that federal funds are being used in a manner that is
33 consistent with the original of the EAJA by requiring the federal government to create a publicly searchable
34 database to include information regarding the disbursement of public funds under the EAJA.

35 In addition, the Government Litigation Savings Act would require that the Comptroller General commence
36 an audit of past expenditures under the EAJA and report the results of the audit to Congress.

37 **Fiscal/Urban/Rural Impacts:** Enactment of S.1061 and H.R.1996 would have a positive fiscal effect on
38 urban and rural budgets by providing for proper justification of federal payments of taxpayer dollars when public
39 land policy is involved.

40 **Sponsor(s):** Paul Pearce, Commissioner, Skamania County, Washington;
41 Gordon Topham, Commissioner, Sevier County, Utah; and
42 Lesley Robinson, Commissioner, Phillips County, Montana
43

44 **Proposed Resolution to Oppose Executive Branch Efforts to Create New “Defacto” Wilderness Areas**

45 **Issue:** Providing accountability in the designation of national monuments and wilderness areas.

46 **Proposed Policy:** The National Association of Counties opposes Executive Branch efforts (such as
47 Secretary Salazar’s Secretarial Order 3310) which call for the designation of defacto wilderness without
48 congressional approval. NACo also supports legislation to amend the Antiquities Act (such as the National
49 Monument Designation Transparency and Accountability Act) to provide transparency and accountability in the
50 designation of national monuments. Federal consultation with state, county, and tribal government should be
51 required prior to the development and designation of any national monument.

52 **Background:** Secretary Salazar Issued Order 3310 overturning the established policy on new wilderness
53 inventories on public land, eliminating public process and violating the intent of the Federal Land Policy and
54 Management Act (FLPMA), as only Congress has the authority to designate lands as Wilderness. Secretarial Order
55 3310 directs the Bureau of Land Management to begin to inventory, designate, and manage Federal lands as
56

1 Wilderness, independent of the United States Congress. It undermines the established public process for land use
2 planning and expressly violates the intent of the Federal Land Policy and Management Act, as only Congress has the
3 authority to designate lands as Wilderness.

4 Counties should be fully involved as affected partners in any process to designate wilderness. Congress and
5 Federal agencies should coordinate with affected counties when considering special land use designations that
6 impact the use and status of public lands. NACo strongly opposes the actions by the Interior Department and
7 maintains our members' position opposing Federal land management agency actions that limit access and multiple
8 use of lands that otherwise would be available to the public (i.e. Wilderness Study Areas, "Wild Lands," or any
9 other de facto wilderness designation).

10 In the Norton vs Utah settlement, BLM and Utah acknowledged that "management of Post-603 lands to
11 preserve their alleged wilderness character is inconsistent with FLPMA's Section 603 limited delegation of
12 authority," (par. 17 at p. 8) and that BLM "will not establish, manage, or otherwise treat public lands, other than
13 Section 603 WSAs and Congressionally designated wilderness, as WSAs or as wilderness pursuant to the Section
14 202 process absent congressional authorization." (par. 5 at p. 12)

15 The Antiquities Act of 1906 (16 U.S.C. 431) was enacted as a response to concerns over theft from and
16 destruction of archaeological sites and was designed to provide an expeditious means to protect federal lands and
17 resources. It authorizes the President to proclaim national monuments on federal lands that contain "historic
18 landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." The Act requires
19 the President to reserve "the smallest area compatible with the proper care and management of the objects to be
20 protected."

21 President Theodore Roosevelt first used the authority in 1906 to establish the Devil's Tower in WY.
22 Presidents have created 120 monuments, totaling more than 70 million acres (most of this acreage is no longer in
23 monument status). President Franklin Delano Roosevelt used the Act 28 times and President Carter bestowed
24 monument status on 56 million acres in Alaska.

25 President Clinton used the Act 22 times to create 19 new monuments and enlarge three others to designate
26 5.9 million acres; most were done during his last year in office. He cited frustration with the slow pace of legislated
27 land protection as a justification.

28 Accordingly to a leaked memo from the Department of the interior, the Administration is considering using
29 the Antiquities Act to designate or expand additional monuments in Arizona, California, Colorado, Montana, New
30 Mexico, Oregon, Utah, and Washington. Under current law, the President could use the Antiquities Act to designate
31 millions of acres of land without first notifying Congress or the affected Governors, tribes, or communities involved.
32 Moreover, there is no requirement to determine what the impact of the designation would be upon local
33 communities.

34 **Fiscal/Urban/Rural Impact:** The designation of federal land as defacto wilderness, national monument,
35 or similar designation without input from local governments can lead to devastating reductions in economic activity
36 the loss of jobs in resource dependent communities.

37 **Sponsor(s):** Paul Pearce, Commissioner, Skamania County, Washington;
38 Gordon Topham, Commissioner, Sevier County, Utah; and
39 Lesley Robinson, Commissioner, Phillips County, Montana
40

41 **Proposed Resolution to Promote Healthy Forest Ecosystems and Reduce the Release of Green House Gases** 42 **Through Active Management of the Nation's Forests**

43 **Issue:** Active forest management.

44 **Proposed Policy:** NACo urges Congress to enact legislation to direct and enable federal forest
45 management agencies to reduce Fire Regime Condition Class 3 (FRCC 3) to the standard of FRCC 1 in all federal
46 forests by the year 2030, and to reduce FRCC 2 to the standard of FRCC 1 in all federal forests by the year 2050,
47 through the means of active landscape scale management, fuels reduction, and immediate post-fire restoration.

48 **Background:** Federal Forests should be actively managed to reduce the threat of wildfire and the release
49 of greenhouse gases. Restoration and conservation of our National Forest will insure a sustainable economic and
50 environmental legacy for future generations. Each year catastrophic wildfires throughout the nation contribute to
51 global warming, jeopardize the national treasury, threaten fish and wildlife habitat, degrade both water and air
52 quality, and cause devastation to forest dependent communities through loss of life, property, jobs, and the nation's
53 timber resource.

54 Some 73 million acres or 38 percent of the nation's federal forests are at "a high risk of ecologically
55 destructive wild land fire" according to a 2007 report of the Inspector General of the USDA. An average of 7
56 million acres of forest has burned each year for the past ten years in the U.S., primarily on federal lands. An

1 estimated 47.5 Million Metric Tons of greenhouse gases were released last year in the US through forest fire. An
2 Executive Order of October 5, 2009 directs federal agencies to “consider and account for ... emissions of
3 greenhouse gases resulting from Federal land management practices”. With this Proposed Resolution, NACo joins
4 the White House in an effort to reduce greenhouse gases caused by forest fires on federal lands.

5 **Fiscal/Urban/Rural Impact:** The cost to taxpayers to fight these fires exceeds \$1 billion each year. The
6 value of the timber thus consumed costs taxpayers \$10.5 billion every year. If Congress enacts this legislation, then
7 directs federal land management agencies to implement the resultant policy, thousands of communities throughout
8 the nation would experience significant social and economic recovery with the creation and return of forest based
9 employment as well as the many other benefits of multi-use forest management. Urban areas would benefit from
10 reduced taxation which now serves to support neighboring distressed rural communities. The nation would benefit
11 from reduced greenhouse gas emissions, increased carbon sequestration and storage, improved fish and wildlife
12 habitat, enhanced air and water quality, greater quantities of biomass based energy and forest products derived from
13 federal lands serving to increase the national treasury, and an ultimate reduction in the cost of federal land
14 management, half of which is devoted to fire suppression each year.

15 Federal fiscal savings realized from this effort could contribute to offsets required for “Secure Rural
16 Schools” funding, so vital to the educational and service needs of over 700 counties and 4,000 school districts
17 nationwide.

18 **Sponsor(s):** Joseph Laurance, Commissioner, Douglas County, Oregon;
19 Paul Pearce, Commissioner, Skamania County, Washington;
20 Tony Hyde, Commissioner, Columbia County, Oregon; and
21 Tim Josi, Commissioner, Tillamook County, Oregon
22

23 **Proposed Resolution to Revise Contract Cancellation Policy for FS Stewardship Contracts**

24 **Issue:** Forest stewardship projects.

25 **Proposed Policy:** NACo urges Congress to amend PL 108-7 to direct the Forest Service to maintain a
26 single source contract cancellation liability contingency fund within the agency of appropriations not obligated as
27 opposed to current policy which requires such a contingency as a component of each stewardship contract awarded.

28 **Background:** The U.S. Forest Service has little incentive or ability to enter into much needed forest health
29 stewardship contracts. This is so because a federal acquisition regulation (48 C.F.R. 17.04) requires Forest Service
30 to set aside and essentially "freeze" huge amounts of money in a contingent liability fund at the time a stewardship
31 contract is made, in order to pay a stewardship contractor for its un-recouped startup costs in the hypothetical event
32 that Forest Service ever cancels the contract early.

33 Forest Service cannot afford to have such huge sums of precious budget dollars sit idly by against the
34 hypothetical day that it may cancel a stewardship contract and incur cancellation charges, especially when the Forest
35 Service's budget is strapped fighting catastrophic wildfires, many of which might not have occurred were the habitat
36 properly managed under a stewardship contract. To break this ironic and vicious cycle, Congress should eliminate
37 this regulatory requirement and look for other ways for Forest Service to pay cancellation charges if and when they
38 ever fall due, and thus free up Forest Service to pursue more forest health stewardship projects.

39 Our national forests are succumbing to disease, infestation, destructive wildfires and other problems.
40 Hundreds of forest management projects are needed to treat dense, diseased and disease-prone stands and
41 understory. The Forest Service's own resources are too scarce to perform these projects alone. That is where
42 stewardship contracts come in. Stewardship contracts are multi-year projects between the Forest Service and private
43 persons or other private or public entities to enhance and protect forest health while providing jobs and stimulating
44 the local economy. But the Forest Service currently has little incentive or ability to do many stewardship contracts,
45 for the following reason:

46 Stewardship contractors often have significant startup costs like plant and equipment relocation, special
47 tooling, preproduction engineering, etc. These startup costs often take the entire life of the stewardship contract to
48 recoup. If the Forest Service were to cancel a stewardship contract before its normal term, that could leave the
49 contractor with significant un-recouped startup costs. Therefore, current law (41 U.S.C. 254c(a)(1)) requires the
50 Forest Service to pay the contractor a "cancellation charge" for the amount of the contractor's startup costs not yet
51 recouped due to a contract cancellation.

52 This is only fair. But what is unfair, and what is eating into the Forest Service's ability and incentive to do
53 forest health stewardship contracts, is a regulation (48 C.F.R. 17.104(c)) that requires Forest Service to set aside
54 enough money when a contract is made or renewed, to pay estimated cancellation charges should the Forest Service
55 unexpectedly cancel the contract. This freezes up millions of dollars of precious budgeted funds that the Forest
56 Service simply cannot spare.

1 Amending Public Law 108-7 (16 U.S.C. 2104) to override this regulatory requirement would allow the
2 Forest Service to draw on money already appropriated but not yet obligated for stewardship services procurement, to
3 pay contingent cancellation charges should they suddenly become due. This would incentivize the Forest Service to
4 do the hundreds of stewardship contracts necessary to restore forest health.

5 **Fiscal/Urban/Rural Impact:** Communities near national forests will benefit from sustained economic
6 activity related to the ongoing stewardship contracts.

7 **Sponsor(s):** Joseph Laurance, Commissioner, Douglas County, Oregon;
8 Paul Pearce, Commissioner, Skamania County, Washington;
9 Tony Hyde, Commissioner, Columbia County, Oregon; and
10 Tim Josi, Commissioner, Tillamook County, Oregon
11

12 **Proposed Resolution Urging Congress to Expedite a Commercial Oil Shale Leasing Program**

13 **Issue:** Oil shale leasing program in Utah and Wyoming.

14 **Proposed Policy:** NACo urges Congress to address in a timely manner, the regulatory review process in
15 order to facilitate a functioning, environmentally responsible commercial oil shale leasing program in Utah and
16 Wyoming.

17 **Background:** Declining domestic oil production and increasing world demand leave our nation vulnerable
18 to rising energy costs. With gas prices hovering near \$4 per gallon and rising, businesses and households across
19 America are struggling to get by. Our standard of living and national security are jeopardized as oil producing
20 capacity shifts to other countries. Alternative energy development is laudable but will make only small dents in
21 national fuel demand. Public outcry over burgeoning energy costs is quickly reaching a crescendo. It is time to
22 develop our nation's vast oil shale resources.

23 The United States has more than 70 percent of the world's oil shale. Deposits are estimated at 1.5 to 1.8
24 trillion barrels of shale oil, 800 billion barrels of which are easily recoverable. That will supply 100 percent of
25 America's current domestic petroleum needs for more than 100 years. The Intermountain West is truly the "Saudi
26 Arabia" of oil shale. Industry has new technologies that will make oil shale extraction feasible, clean and efficient,
27 with minimal and reclaimable disturbance.

28 The Oil Shale and Tar Sands Development Act of 2005 called on the Department of Interior to complete an
29 environmental study and issue regulations for oil shale leasing development on public lands. But last year Congress
30 passed a law prohibiting BLM from completing those regulations. Also, BLM turned what should have been an oil
31 shale leasing environmental study, into a mere resource allocation study, which makes more studies necessary
32 before actual leasing may begin. America cannot afford years of delay to wade through these additional layers of
33 bureaucratic review. Congress must streamline the overall process to quickly achieve a viable, functioning
34 commercial oil shale leasing program. This is what Congress intended in 2005. Congress must allow completion of
35 final oil shale regulations and streamline the regulatory process to pave the way for a commercial leasing program to
36 begin. A multi-year delay in this process is untenable in the face of ever-rising gas prices rise and dwindling fuel
37 supplies.

38 **Fiscal/Urban/Rural Impact:** Oil shale development will go forward when the final oil shale regulations
39 are in place, providing much needed economic opportunities for the revitalization of rural counties in the
40 Intermountain West. Utah and Wyoming have workers who will benefit from the jobs created by oil shale
41 development.

42 **Sponsor(s):** Paul Pearce, Commissioner, Skamania County, Washington;
43 Gordon Topham, Commissioner, Sevier County, Utah; and
44 Lesley Robinson, Commissioner, Phillips County, Montana
45

46 **Proposed Resolution Urging Congress to Waive Environmental Laws on Public Lands for Border Patrol 47 Agents within 100 miles of the U.S./Mexico border**

48 **Issue:** Border patrol agents have restricted access on some public lands because of environmental laws.

49 **Proposed Policy:** NACo urges congress to adopt the "National Security and Federal Lands Protection
50 Act," HR 1505, to waive environmental laws for border patrol agents on public lands within 100 miles of the border.

51 **Background:** Environmental protections are getting in the way of border security. More than 40 percent of
52 the U.S./Mexico border is managed by the Interior Department and the Forest Service. That includes 4.3 million
53 acres of wilderness areas where motorized vehicles are generally prohibited.

54 As enforcement elsewhere along the border has improved, illegal activity has moved to public lands, where
55 security is less stringent. This includes not just undocumented aliens, but drug cartels and prostitution rings.

1 There are people being assaulted and raped and murdered on American land, and that is unacceptable.
2 Department of Interior must have better priorities so that human life takes a higher priority.
3 The bill would allow the Department of Homeland Security to waive environmental laws on public lands within 100
4 miles of the U. S. border – both land and maritime.

5 The bill would also allow waiver of the Endangered Species Act, the National Environmental Policy Act,
6 the Wilderness Act, and the National Historic Preservation Act.

7 **Fiscal/Urban/Rural impact:** An unsecured border costs local, state and federal governments millions of
8 dollars each year, as well as jeopardizing national security.

9 **Sponsors:** Alan D. Gardner, Commissioner, Washington County, Utah;
10 Dennis Drake, Commissioner, Washington County, Utah;
11 Gary Anderson, Commissioner, Utah County, Utah;
12 Don Stapley, Supervisor, Maricopa County, Arizona and
13 Dave Tenney, Supervisor, Navajo County, Arizona
14

15 **Proposed Resolution in Support of Limiting the Amount of Reimbursement by the Federal Government for** 16 **Legal Litigation Costs under the Authority of the Equal Access to Justice Act (EAJA).**

17 **Issue:** Congress enacted the Equal Access to Justice Act (5 U.S.C. § 504) to provide attorney fees and other
18 expenses to eligible individuals and small entities that are parties to litigation against the government. The EAJA
19 has been abused by certain individuals, non-profit organizations and special interest groups that have sufficient
20 resources to fund any legal actions they bring against the Federal Government. Additionally, the claims filed for
21 reimbursement often contain inflated costs for attorney and expert witnesses. This practice contributes to a
22 continuing practice of challenging decisions made by federal land management agencies. As a result, the
23 implementation of land management policy is often delayed, amended or prohibited to the detriment of the
24 environment, sound multiple-use of the lands and the economies and way of life of the counties that host federally
25 managed land.

26 **Proposed Policy:** NACo supports restricting the amount of Equal Access to Justice Act dollars that can be
27 applied for to reimburse successful individual and small entities for legal expenses in actions brought against the
28 federal government. Furthermore, NACo supports restricting the eligibility to apply for reimbursement of legal
29 expenses to those individuals and entities without the assets necessary to bring legal action against the federal
30 government. NACo urges Congress to adopt an asset limit for applicants consistent with the Congressional intent in
31 enacting the EAJA.

32 **Background:** The intent of Congress was to allow any and all individuals and groups to be able to sue the
33 federal government in order to protect the environment without causing enormous financial burdens to do so. The
34 Equal Access to Justice Act allowed those individuals and groups to be reimbursed some or all of the legal cost for
35 litigation. However, that intent has been abused by special interest groups and individuals that already have millions
36 and sometimes billions of dollars in assets and investments they control or own.
37 In order to stop the abuse and return to the Congressional intent, Congress must put very restrictive parameters on
38 groups and individuals so as to allow Equal Access to Justice Act dollars only to be paid to those groups and
39 individuals who lack the resources to bring litigation against the federal agencies.

40 **Fiscal/Urban/Rural Impact:** There will be significant and positive environmental and economic impacts
41 to public lands and the counties with those public lands due to more prompt and science based decisions made by
42 federal land management agencies.

43 **Sponsor:** Todd Devlin, Prairie County, Montana;
44 Tom Fransway, Humboldt County, Nevada;
45 Jerrie Tipton, Mineral County, Nevada;
46 Lesley Robinson, Phillips County, Montana;
47 Ron Walter, Chelan County, Washington and
48 John Jones, Carbon County, Utah
49

50 **Proposed Resolution on Japan Reconstruction Aid to Include Manufactured Wood Products Generated from** 51 **Federal Forests in Accordance with the Northwest Forest Plan**

52 **Issue:** Including manufactured wood products from the federal forests of the Northwest in any aid package
53 offered to the Japanese government, or as a result of action taken by the United Nations, will assist in rebuilding
54 domestic communities while assisting a key ally of the United States.

1 **Proposed Policy:** As the United States and Japan determine what the course of re-construction activities
2 will look like in order to rebuild those areas of Japan most affected by the March, 2011 tsunami and subsequent
3 nuclear disaster, it is well understood that wood products will be a key building material.

4 Rather than simply sending aid in the form of cash, the government of the United States could instead
5 purchase finished, manufactured timber products originating from federal forests in accordance with sales already
6 scheduled under the NW Forest Plan. That timber would be milled in the NW to Japanese specifications, and
7 delivered to Japan as a finished product as part of a United States aid offering. In effect, the government would
8 purchase finished wood products to provide for reconstruction instead of the alternative of sending cash to the
9 government of Japan, which may or may not turn around and purchase timber products from the United States. In
10 doing so, they would ensure a benefit to private firms in the Northwest, along with communities that benefit
11 whenever federal timber is sold.

12 NaCo should ensure that this policy discussion is initiated within the Office of U.S Foreign Disaster
13 Assistance or within the auspices of its membership in the United Nations.

14 **Background:** Under today's law, the NW Forest Plan is the guiding document for bringing timber to the
15 marketplace. The Plan calls for 1.2 billion board feet to be made available annually, and due to the time and budget
16 it takes to attempt a litigation-proof timber sale, the annual volume produced is just 300 million board feet. So-called
17 "consult and confer" rules are especially time consuming and targeted by those wishing to derail the sale of federal
18 timber.

19 Elimination of these rules could be part of a one time emergency aid package to assist in the reconstruction
20 of Japan.

21 The Office of U.S. Foreign Disaster Assistance (OFDA) is the office within USAID responsible for
22 facilitating and coordinating U.S. Government emergency assistance overseas. As part of USAID's Bureau for
23 Democracy, Conflict, and Humanitarian Assistance (DCHA), OFDA provides humanitarian assistance to save lives,
24 alleviate human suffering, and reduce the social and economic impact of humanitarian emergencies worldwide.

25 Japan has a wood-first policy for government-funded or sponsored buildings, with wood considered an
26 environmentally friendly product, more capable of withstanding earthquakes than other building materials. About
27 70,000 buildings were damaged (the equivalent of 8.6% of Japanese housing starts, totaling 813,000 units in 2010).
28 Canada is already reporting that Japanese orders for J-grade lumber and OSB are picking up for West Coast mills.

29 Immediately after the Indian Ocean tsunami, United Nations Environment Programme established a Task
30 Force to respond to urgent requests for technical assistance from affected countries, including from Indonesia.
31 Ministry of Environment and UNEP initiated environmental assessments in the tsunami-affected areas and
32 mobilized assistance to strengthen environmental planning and guidance to the response and reconstruction process,
33 including the development of procurement strategies for wood products from around the globe. It is uncertain at this
34 point if a similar effort will be the approach for Japan, or if the United Nations will even intervene.

35 **Fiscal/Urban/Rural Impact:** In 1908 when the National Forest system replaced the Forest Reserve
36 system, it was stipulated that counties would receive 25% of the revenue from harvested timbers, with each state
37 having the authority to distribute those dollars to schools and roads as they deem appropriate. In Oregon, 75% goes
38 to county roads and 25% goes to county schools. Thus any improvement in timber harvest from this change would
39 benefit county revenue.

40 It may be important to note that as counties work on the reauthorization of Secure Rural Schools, timber
41 harvest dollars are considered new dollars, and may be used to offset expenses related to the reauthorization of SRS.

42 **Sponsor:** Lane County, Oregon
43

44 **Proposed Resolution on Utilization of Federal Timber after Domestic Declaration of Disaster**

45 **Issue:** Supporting federal law changes to increase the flow of federal timber for domestic reconstruction
46 purposes (after the declaration of emergency) improves economies and community sustainability.

47 **Proposed Policy:** The Robert T. Stafford Disaster Relief and Emergency Assistance Act should be
48 amended to include provisions to require that reconstruction materials originate from federal forest lands,
49 specifically sections 307, 315, 316, 323, 421, and 683.

50 When federal dollars are allocated for disaster relief, changes to these sections would benefit schools and
51 roads in counties with federal forest lands.

52 **Background:** Natural and human caused disasters are unavoidable occurrences that bring with them
53 inordinate amounts of human suffering and the United States Government has established a framework of laws and
54 assistance designed to assist those most affected. Rebounding from disasters typically involves new construction
55 activities to house residents and rebuild businesses. Current law stipulates that efforts should be made to bolster
56 local economies through the unique market demands that are created around this kind of reconstruction.

1 In that counties benefit from the harvest of federal timber from National Forests that exist within or
2 sometimes adjacent to their landbase, and in that demand for housing is currently at historic lows, a triggering
3 requirement that value added timber products necessary for reconstruction of a particular area come from the
4 National Forest system would provide additional benefit to a great many people.

5 The Stafford Act already provides for an expedited sale of timber from National Forests through the
6 authority of the Secretary of Agriculture (42 USC 5188), but points to a repealed statute regarding sale procedures.

7 **Fiscal/Urban/Rural Impact:** In 1908 when the National Forest system replaced the Forest Reserve
8 system, it was stipulated that counties would receive 25% of the revenue from harvested timbers, with each state
9 having the authority to distribute those dollars to schools and roads as they deem appropriate. In Oregon, 75% goes
10 to county roads and 25% goes to county schools. Thus any improvement in timber harvest from this change would
11 benefit county revenue.

12 It may be important to note that as counties work on the reauthorization of Secure Rural Schools, timber
13 harvest dollars are considered new dollars, and may be used to offset expenses related to the reauthorization of SRS.

14 **Sponsor:** Lane County, OR
15

16 **Proposed Resolution Supporting Uranium Activities**

17 **Issue:** Uranium activities and the Grand Canyon watershed.

18 **Proposed Policy:** NACo agrees to the following:

- 19 1. NACo is aware that the Secretary of the Interior is considering a withdrawal of uranium mining on
20 public lands in Northern Arizona.
- 21 2. NACo believes that mining activities should continue on these lands, as long as operators continue to
22 abide by existing state and federal environmental laws, regulations, and standards, including
23 reclamation;

24 **Background:** Under the authority of the 1984 Arizona Wilderness Act, uranium exploration and mining
25 activities have occurred on BLM land in northwest Arizona known as the Arizona Strip and on similar U.S. Forest
26 Service lands south of the Grand Canyon. A comprehensive review as part of the Department of Interior's recent
27 draft Environmental Impact Statement has assessed impacts to the Grand Canyon Watershed and determined that no
28 significant impacts from mining exist and that any surface impacts which do exist can be mitigated. With U.S.
29 Nuclear power generating stations now importing 90% of the uranium they use from foreign (Kazakhstan, Russia,
30 Australia, Canada and elsewhere, this northern Arizona reserve of 326 million lbs equivalent could supply electricity
31 to all of California's 40 million people for 22.4 years according to the Nuclear Energy Institute. NACo believes it
32 is irresponsible for America not to develop its own domestic resources in northern Arizona when it is known to be
33 the highest grade ore body of known domestic uranium. (.6 to 3.5%) compared to Wyoming, Colorado, New
34 Mexico, Utah, Virginia average of .1 percent ore.

35 The Arizona Wilderness Act of 1984 (P.L. 98-406) was the result of an extensive collaborative effort in
36 Arizona that lead to a wilderness designation for 290,000 acres of BLM lands and 834,000 acres of Forest lands.
37 The Act also directed the release of over 490,000 acres of BLM lands and 50,000 acres of Forest Service lands with
38 the full understanding that this action would allow uranium exploration and mining on the Subject Lands.

39 NACo is unaware of any scientific study asserting that uranium exploration and mining activities have
40 impacted the Grand Canyon or its Colorado River watershed, but NACo does not object to ongoing reviews of the
41 known science in order to keep the public aware of any impacts on the environment in the area.

42 **Fiscal/Urban/Rural Impact:** Southern Utah counties and Mohave County are aware of economic studies
43 which estimate conservatively that some \$29 billion in economic benefits due to mining will occur. The counties
44 will benefit from sustained economic activity related to the ongoing uranium mining operations, which in turn will
45 increase local government revenues for funding of road maintenance, access, law enforcement, fire suppression,
46 search & rescue, tourist information, etc.

47 **Sponsors:** Alan Gardner, Commissioner, Washington County, Utah;
48 Dennis Drake, Commissioner, Washington County, Utah;
49 Buster Johnson, Supervisor, Mohave County, Arizona; and
50 Doug Heaton, Commissioner, Kane County, Utah
51

52 **Proposed Resolution to Support Increased Domestic Oil and Gas on Public Lands**

53 **Issue:** Our national dependence on foreign fuel threatens the livelihood of America's farmers and ranchers.

54 **Proposed Policy:** NACo supports the development and implementation of a comprehensive national
55 energy policy, which includes conservation, efficiency, exploration and research and provides for the domestic

1 production of traditional and renewable energy sources by removing the road blocks that require years to get an
2 application to drill, mine or extract minerals from federal land.

3 **Background:** High fuel prices greatly affect profitability in the agriculture industries. These businesses
4 rely on diesel fuel for tractors and harvesters, and on gasoline for pickups. Natural gas and petroleum are used to
5 manufacture fertilizer, herbicides and pesticides. Farmers and ranchers have little ability to pass these increased
6 costs on to consumers.

7 Oil, gas and coal form the cornerstone of our nation's energy base and will continue to do so for many
8 years to come. Currently, 38.2 million acres of onshore public lands are under lease for oil and gas development, of
9 which only 16.6 million acres are active while 21.6 million acres are inactive. To move our nation toward energy
10 independence, we must continue to develop our conventional resources in the right ways and in the right places.
11 Opening and using new sources of petroleum, along with existing and future home-grown fuels, should keep current
12 and future generations of Americans safe from the economically devastating effects of our dependence on foreign
13 energy.

14 **Fiscal/Urban/Rural Impact:** According the USDA-Illinois Department of Ag Market News, the average
15 price of farm diesel in Illinois rose from an average of \$1.70 per gallon in March 2009, to an average of \$3.56 per
16 gallon in March 2011- a 103 percent increase in price over the past two years.

17 According to the USDA Economic Research Service (ERS), farmers can expect to pay almost 85 percent
18 more than they paid in 2000 just to put their crops in the ground for the costs of seeds, fertilizer, chemicals, fuel and
19 electricity, repairs and interest on operating capital. In 2011, corn farmers are experiencing cash costs that are 85
20 percent higher than their costs in 2000. Similarly, cotton farmers are seeing a 77% increase and rice farmers a 72
21 percent increase.

22 Natural gas accounts for 70 percent to 90 percent of the cost of producing anhydrous ammonia, a key
23 source of nitrogen fertilizer. According to ERS, between 2000 and 2011 the fertilizer costs for corn increased by 197
24 percent, cotton by 175 percent, and rice by 125 percent.

25 **Sponsor:** Mike McKee, Commissioner, Uintah County, UT
26
27
28
29

1 **TELECOMMUNICATIONS AND TECHNOLOGY PROPOSED PLATFORM CHANGES**
2 **AND RESOLUTIONS**

3
4 **STATEMENT OF BASIC PHILOSOPHY**

5 Counties play a major role in the nation's communications system as regulators, service providers, and
6 consumers of communications services. County officials have a responsibility to ensure that the public interest is
7 being served by communications providers, regardless of the delivery platform. The social goals and public good
8 expected from our citizens must be ensured. This includes public, educational government access, public and
9 homeland security matters, and protecting the interests of special needs citizens.

10 Expanding communication has become a critical component of a successful economic development policy
11 as counties work to attract and retain skilled jobs and industries, and counties labor as first responders to homeland
12 security threats and events. Homeland security has required a much wider role for counties in securing the Nation.
13 Adequate communications systems and information access is vital to meet this growing responsibility. It is therefore
14 imperative county officials play an increasing role in the future of communications policy.

15 Technology has changed the future of county governance, and the evolving opportunities for counties to
16 utilize technology to provide timely and effective service are immense.

17 Faster computer networks, wireless Internet access, enhanced broadband services, new public safety
18 systems, geospatial information applications and technologies not yet deployed, will make the county of the future
19 more responsive and meaningful to county residents. County officials must be prepared to adapt to this changing
20 environment.

21 **POLICIES AND PRACTICES**

- 22 1. Encouraging competition and development of new technologies: It is in the counties' interest to encourage
23 competition among communications and technology providers and to support the development of new
24 technologies for government and public use.
- 25 2. Preemption of local authority: Counties need to be concerned about retaining authority as trustees of public
26 property and as protectors of public safety and welfare. The 1996 Telecommunications Act acknowledges
27 the balance between federal, primarily through the Federal Communications Commission, and state and
28 local authority.
- 29
30 NACo opposes any actions that would undermine this shared responsibility and any federal or state
31 preemption of counties' traditional powers in these areas. NACo opposes efforts to restrict or prohibit, at
32 state and federal levels, county or municipal ownership of communications facilities when such services are
33 unavailable or are made prohibitively expensive by the lack of adequate competition. Counties, however,
34 should not use their economic capacity to unfairly compete with private sector providers.
- 35 3. Financial assistance for enhanced communications capacity: Communications play an important role in
36 county government operations and the delivery of services. Counties use advanced telecommunication
37 systems for a full range of public, and law enforcement services. Nothing in federal policy should
38 undermine the ability of counties to develop such infrastructure through partnerships with network
39 providers.
- 40
41 NACo believes state and federal governments should provide financial assistance for these initiatives and
42 should encourage efforts to improve coordination across jurisdictions and systems, especially for public
43 safety and homeland security issues. Access charges for completion of calls on the local public switched
44 telephone network need to continue in some form to assure rural counties retain adequate communications
45 services.
- 46 4. Interoperability: Communications interoperability, for both voice and data, is critical to coordinate the
47 response to disasters and joint law enforcement efforts. This is important between agencies of local
48 government, as well as, the various local, state, and federal agencies. A broad interpretation should be
49 made as to which entities should be included in an interoperability plan. NACo supports efforts to improve
50 interoperability for public safety purposes, and believes the state and federal governments should assist

1 counties with the costs associated with migrating to viable interoperability standards. Congress should
2 provide funding to local governments, as part of a comprehensive strategy, to improve public safety and
3 emergency management interoperability.
4

- 5 5. Wireless Communications Facilities Siting: Counties have a regulatory role regarding the siting of tower
6 and antenna facilities. With the exception of decisions based on the health effects of radio frequency (RF)
7 emissions, local authority is preserved with minimal limitations supporting nondiscriminatory, timely
8 action. Even in the case of RF emissions the law clearly requires that the facilities operate in compliance
9 with RF emission standards.

10
11 NACo believes any disputes between counties and the industry should continue to be resolved in the courts
12 on a case-by-case basis. No federal actions should undermine local government's zoning authority.
13

14 Counties have an obligation to their constituents to ensure that, to the extent possible, the public health,
15 safety and welfare are not endangered or otherwise compromised by the construction, modification or
16 installation of broadcast towers. NACo believes nothing should preempt local government authority to
17 reject new tower applications upon finding of adequate existing facilities.
18

19 NACo supports policy and/or legislation giving more consideration to public health and safety needs when
20 locating cell towers on public lands in rural areas with little or no service.
21

- 22 6. Emergency Services Communications, cross ownership and local services: Counties' ability to
23 communicate with citizens during a public safety emergency, whether natural or man-caused, is critical.
24 Media consolidation, particularly in the radio sector, has raised serious concerns about the ability of local
25 stations to meet their public safety obligations. The FCC should review the requirements on broadcasters
26 to ensure the needs of local government to contact their citizens are met.
27

28 Along with concerns raised by media consolidation for public safety, county officials are concerned about
29 the loss of local content, civic discourse, and advertising opportunities for local business. As a matter of
30 economic development, local media outlets are important vehicles for promoting local opportunities and
31 business. Local media outlets are an important component of the community and as so, should participate
32 in the civic aspects of the community. County officials should work with media outlets to assure ample
33 opportunity for public debate. Congress and the FCC should review limiting media diversity through cross
34 ownership of media outlets including newspapers and their online offerings.
35

- 36 7. Rights of Way: Counties own substantial amounts of public rights-of-way, which many communication
37 providers use extensively to construct their own communications networks. These are valuable local
38 government real estate assets worth billions of dollars that are held in trust by local governments to benefit
39 the local community.
40

41 Federal and state governments must recognize the authority of local governments to protect the public
42 investment, to balance competing demands on this public resource and to require fair and reasonable
43 compensation from communications providers for use of the public rights-of-way on a nondiscriminatory
44 (but not necessarily identical) basis. Rights-of-way disputes between communications companies and local
45 governments should be resolved in local jurisdictions.
46

47 In order to use the right-of-way, private communications companies should be required to enter into an
48 agreement with local government which sets the terms and conditions of such use/access. Local
49 governments must be able to require universal services that include nondiscriminatory pricing and equal
50 access to all its citizens as a requirement.. Like services should be treated alike.
51

52 Because disruption to streets and businesses can have a negative impact on public safety and industry, local
53 governments should have control over allocation of the rights-of-way and be able to ensure that there is
54 neither disruption to other "tenants" or transportation nor any diminution of the useful life of the right-of-

1 way. Local governments must have the right to analyze the legal, financial, and technical qualifications of
2 any communications provider wanting to use the public right-of-way and shall have the right not to issue a
3 franchise to an unqualified applicant.
4

5 8. Video Services:

6 Counties have come to rely on video services as a vital communication link to constituents. This includes
7 cable, fiber to the home, IPTV and Internet services.
8

9 Under existing federal law is clear that counties may, through the franchising process, monitor the
10 performance of existing cable television operators to ensure that the operators provide quality service to
11 consumers in all sections of a franchise area. The ability of local franchising authorities should be enhanced
12 through action by the Congress and Administration to protect the interest of consumers in quality, yet
13 affordable, video services, and to enact laws which encourage greater competition for the video franchises
14 and in the cable industry, and which encourage the availability of other technologies as rapidly and as
15 widespread as possible.
16

17 Video franchising authorities must continue to have the ability to require through the franchise process the
18 following components:

- 19 • Explicit approval to transfer a franchise.
- 20 • The ability to deny a renewal application for cause, i.e., renewals cannot be considered automatic.
- 21 • The right to solicit competitive bids from other video service providers.
- 22 • Immunities from monetary damages when local government actions are consistent with the Cable Act
23 of 1984.
- 24 • The ability to terminate a video service provider for cause to ensure that it is not more profitable for an
25 operator to violate a franchise agreement than to follow it.
- 26 • The ability to require cable operators to carry all local broadcast signals.
- 27 • The ability to define reasonable notice to subscribers of rate and service changes.
- 28 • The ability to regulate the equipment or any transmission technology such as system capacity, extent of
29 use of fiber optic cable, homes per node, bandwidth for digital carriage, or amplifiers per cascade.
30 While the FCC retains the authority to develop technical standards, Congress retained for local
31 franchise authorities the ability to enforce these standards. Retaining this authority will go a long way
32 to ensure uniform customer service and signal reliability in rural and suburban areas.
- 33 • Video service providers must lease cable to whomever wants to offer competitive programming.
- 34 • All programming which is available on cable must be available to other technologies such as IPTV,
35 fiber to the home and satellite.
- 36 • The ability to require PEG (Public, Education, and Government) channels as part of the franchise
37 agreement.
- 38 • The ability to require universal cable video service. This is particularly important to rural and low-
39 income residents who traditionally have been denied service.

40 Franchise fees are, in part, the rent cable operators pay for the use of public rights of way. Operators should
41 not pass through to basic subscribers those rental expenses associated with non-subscriber services. NACo
42 also strongly opposes the pass through to cable video customers of "non-subscriber" revenue, such as
43 advertising and other commissions, and opposes the itemization of franchise fees stemming from such
44 actions.
45

- 46 9. Consumer Protection: Counties have a major role to play in protecting consumer interests, including a
47 strong consumer protection process. Congress should protect consumers from monopoly pricing power in
48 the absence of effective competition. Every effort should be made to promote competition between
49 providers to ensure consumers are receiving an appropriate range of services at the lowest possible cost.
50 Companies wishing to provide communications or video services, including traditional telephone
51 companies or cable operators, must be subject to safeguards to protect consumers against cross subsidies.
52 NACo believes counties have the right to review mergers and acquisitions when such activity might result
53 in the reduction of competition in the local marketplace.

1 10. Broadband Deployment and Adoption: NACo strongly supports legislation and administrative policies that
2 help counties attract broadband services regardless of population or technology used. This includes
3 supporting legislation that provides tax credits to telecommunications providers that develop broadband in
4 rural and under-served communities, and provides for broadened eligibility and additional federal agency
5 loan authority or extension of credit to telecommunications providers that deploy broadband in rural
6 communities.

7
8 In supporting expanded broadband service, NACo shall maintain a neutral position on the differing
9 technologies and policy initiatives promoted by the various elements of the communications industry that
10 are seeking to obtain a competitive advantage in retaining or expanding market share. NACo believes all
11 levels of government should work cooperatively with the private sector, nonprofits and academia to
12 develop robust awareness, adoption and use programs for broadband.

13
14 11. Universal Service: NACo supports the goals of national universal service to assure the affordability of
15 communications service in parts of the country where it would otherwise be more expensive. The Federal
16 Communications Commission and state utility commissions should provide guidance as to what services,
17 including broadband, that should be eligible for support from the Universal Service Fund, and the sources
18 of additional funding should the Congress find such that an expansion of eligible services is warranted.

19
20 NACo opposes any abuse of the Universal Service Fund by any level of government for non-eligible
21 activities or projects. NACo opposes any federal actions to preempt state universal service programs.

22
23 12. On-line Privacy and Security: As counties expand their "e-governance" initiatives, more personal
24 information will be collected, stored, and potentially, made available to the public. Consumers are
25 becoming more aware of the potential uses of personal information for purposes other than those intended,
26 and are becoming more concerned about how counties are going to respond. Because of security
27 compromises in the private sector, constituents expect counties to protect their private information. County
28 privacy policies should be reflective of community values, and should follow best available practices to
29 meet those values.

30
31 NACo also supports initiatives and systems to secure personal and county information from "hackers" or
32 other illegitimate uses. While every effort should be made to protect private information, NACo supports
33 reasonable liability limits for counties if information that counties control is compromised. If information
34 is compromised, counties should have procedures and policies for notifying affected individuals.

35
36 Third party vendors should be expected to conform to county privacy policies and practices to maximize
37 the security of private information. Franchise and other agreements should allow for contractual
38 requirements for maintaining privacy. At the same time, counties should consider policies that protect the
39 public's private information from the misuse by public employees. Counties should also consider adopting
40 "Freedom of Information Act" policies that provide for public disclosure without compromising private
41 information.

42
43 14. Taxation: The Telecommunications Act of 1996 did not change or impair any state or local government
44 authority to tax telecommunications providers. NACo needs to ensure:

- 45 • No actions are taken by Congress, the Federal Communications Commission, or the courts to preempt
- 46 local authority on either fees or taxes or land use authority.
- 47 • Any federal action that affects communications fees or taxes must be revenue neutral to the locality
- 48 generally, between providers, and allow for a growth in tax revenue as the service or industry grows.
- 49 • County tax policy should be technology neutral for like services.
- 50 • Tax policy must recognize the cost to local government of the use of public property or facilities.
- 51 • Use of advanced communications services should not be a means of escaping local taxation.
- 52 • There must be recognition of local diversity in the taxation of communications services.
- 53 • Tax simplification should not be a vehicle used by the federal government to undermine county
- 54 government's ability to retain taxing authority and revenue streams.

- Fees for specific uses, such as 911 centers and rights-of way should not be considered taxes when considering modifications to tax structures.

15. **Geospatial Information Systems:** Geospatial Information Systems (GIS) are critical tools for county officials to make appropriate land use decisions, manage existing infrastructure, and maintain adequate linkages between the county's land base and its government and maximize the use of resources as first responders to homeland security threats and events. NACo encourages member counties, other local governments, states, tribal entities and the private sector to engage in a coordinated effort that will lead to standardized best practices and land record modernization as well as a solid digital infrastructure, in particular cadastral data.

NACo supports the effort of the federal government to coordinate the collection and dissemination of GIS data (based on common interoperable data standards) by the federal, state, local and tribal governments through programs. The common data standards should be designed to:

- 1) maximize the degree to which unclassified GIS data from various sources can be made electronically available; and
- 2) promote the use of GIS for better governance due to increased data sources and sharing of geographic data by all levels of government. Congress should provide funding to facilitate this effort.

TELECOMMUNICATIONS AND TECHNOLOGY RESOLUTIONS

Proposed Resolution on Confidential Data Sharing

Issue: Confidential Data Sharing.

Proposed Policy: NACo supports the development of an act or provision that would allow public agencies to share information in order to improve services to clients, increase efficiencies in service provision, and facilitate communication among service providers.

Background: Local governments that engage in the provision of public benefits, social services 12 programs, and/or housing programs for low-income, disabled, and/or qualified senior persons within their jurisdiction, are unable to share client data with internal departments or with other local government service providers.

In 2008, through an inclusive community process with health and human services partners, 17 Boulder County developed a countywide Human Services Strategic Plan to serve as a guiding document for safety net services and to improve coordination among service providers. In 2009, the Boulder County Social Services Department and the Boulder County Housing Authority merged to create one department – the Housing and Human Services Department (HHS) – in order to streamline services and ensure that clients have access to the full array of public benefits for which they are qualified. In order to improve internal service delivery, Boulder County HHS established an “Any Door is the Right Door” approach to providing services to clients.

Permission for local government data sharing will further advance these efforts by serving:

1. To improve the ability of local governments to provide efficient and high quality human services to persons eligible for assistance through more than one local social services and housing program;
2. To facilitate communications and information-sharing between program technicians and supervisors of various benefits programs regarding applicants and recipient beneficiaries of those programs;
3. To assist applicants for social services benefits in applying for all social services programs for which they are eligible;
4. To make the process of inter-programmatic verification of eligibility more cost-effective and efficient; and
5. To preserve the confidentiality of applicants’ and benefits recipients’ personal information within a local governmental entity that elects to utilize the information-sharing permitted under this (Provision/Act).

Fiscal/Urban/Rural Impacts: This Adopted Policy would be permissive for local governments and would not require the implementation of any data sharing measures or technical systems. No fiscal impact has been identified.

Sponsor:

1 **Proposed Resolution on the Use of Spectrum for Interoperable IP-Based Public Safety Communication**

2 **Issue:** Use of D-Block spectrum for interoperable IP-based public safety communications.

3 **Proposed Policy:** NACo supports the use of D-Block wireless spectrum for interoperable IP-based public
4 safety communications.

5 **Background: The United States Senate has passed S.911 reallocating D-Block for public safety. The**
6 **U.S. House has not yet acted.** For many years public safety communications focused on voice over a traditional
7 mobile radio system. As technology moved forward, public safety agencies moved to “trunked” radio systems to
8 facilitate voice traffic. Often these systems were exclusive to the agency using them, and not interoperable with
9 other agency systems. With the experience of September 11, 2001, the inadequacy of the communications systems
10 became readily apparent. The responding public safety agencies could not talk to one another and could not share
11 data in real time in a meaningful way.

12 Nearly a decade later the technology has advanced sufficiently to allow public safety agencies to share
13 information over Internet Protocol (IP) based systems, both for voice (IP-based radios), and data (mobile data
14 terminals). What is needed is sufficient wireless spectrum to be dedicated to public safety uses, and on a sufficient
15 scale to allow for national interoperable response.

16 **Fiscal/Urban/Rural Impacts:** This would allow public safety agencies maximum flexibility to meet any
17 natural or man-made disasters more efficiently.

18 **Sponsor:**
19
20

TRANSPORTATION PROPOSED PLATFORM CHANGES AND RESOLUTIONS

Proposed Platform Changes

~~PRINCIPLES FOR FEDERAL SURFACE TRANSPORTATION LEGISLATION~~

~~MISSION STATEMENT~~

~~Local elected officials should have a stronger voice in influencing national transportation policy by participating in the development of transportation reauthorization legislation (TEA-21) that will result in a program that efficiently and safely moves people and goods across the USA and within urban and rural areas.~~

~~CRITICAL ISSUES~~

~~Congress is currently reviewing the nation's highway and transit systems to determine how they have performed under TEA 21. Counties have a major responsibility for highways, bridges and transit systems and the new federal surface transportation legislation needs to recognize that role. The following are the critical between the urban and rural areas and between the various federally designated systems.~~

~~**4. SAFETY/SECURITY/RELIABILITY**—All federal highway and transit programs must share in the objectives of safety, security, and reliability.~~

~~1. FUNDING~~

~~**A. Trust Fund**—The balances in the highway and transit trust fund accounts should be continued to be spent down quickly. Interest generated by trust fund accounts should be dedicated to trust funds.~~

~~**B. User Fees**—The highway program should be user fee based.~~

~~**C. Transit Subsidy**—The federal subsidy for public transit should come from the General Fund and/or the motor vehicle fuel tax.~~

~~**D. Match**—The federal local match for the highway and transit programs should remain unchanged.~~

~~**E. Funding Baseline**—The funding baseline for all programs should be no less than currently authorized under TEA 21. Any additional revenue generated to the Highway Trust Fund should be distributed according to existing distribution formulas/programs.~~

~~**F. Enhancements**—Funds allocated for the Enhancement Program shall be used for transportation projects based on local government or MPO discretion.~~

~~**G. Americans with Disabilities Act Funding**—Funding from the General Fund should be provided to recipients of federal highway and transit funding to meet the project specific requirements of the Americans with Disabilities Act.~~

~~**H. Turn-back**—Oppose the turn-back of the current federal fuel tax authority to the States.~~

~~**I. State Infrastructure Banks**—The state infrastructure bank program should be extended to all states, which would be allowed to spend up to 10 percent of their Surface Transportation Program (STP) and National Highway System (NHS) allocation for funding of an infrastructure bank. Projects funded using second-generation or loan repayment funds from a state infrastructure bank would be considered state funded and not subject to federal regulations.~~

~~**J. Access to Jobs**—Support continuation of the Access to Jobs program from the General Fund as a means of supporting county programs that encourage economically deprived individuals to return to work.~~

~~**K. Scenic By-Way Program**—Support the continuation of this program as an economic development tool for rural counties.~~

~~**L. Reservation Roads**—Support the continuation of funding for the improvement and maintaining of roads that are used to transport children to or from school or Head Start programs, on or near reservations.~~

~~**M. Tolls**—Toll roads and bridges should continue to be eligible for federal highway funding, including congestion priced toll roads.~~

~~**N. Ethanol**—The 2.5 cents of the tax on ethanol based fuels that currently goes into the General Fund should be transferred to the Highway Trust Fund and the General Fund should reimburse the Highway Trust Fund for the 5.3 cent subsidy of ethanol based fuels.~~

~~2. EFFICIENCY/STREAMLINING~~

~~A. Environmental Streamlining~~

- ~~● There should be a tiered approach to environmental permitting depending on size/scope of the project:~~

~~a. Minimum review/categorical exclusion;~~

~~b. Moderate review, and~~

~~c. Full review.~~

- ~~● All federal permitting agencies must coordinate and proceed concurrently to minimize delay in project approval.~~
- ~~● Ombudsmen should be created in each federal region to coordinate the permitting process.~~
- ~~● Streamlining regulations must be issued within 120 days of passage of reauthorization legislation.~~
- ~~● Streamlining of environmental approval should be incorporated in other relevant federal legislation.~~

~~**B. Mandates** Federal mandates attached to high way and transit funding should be reviewed. Those that impose undue regulatory burdens on county governments or waste finite resources should be eliminated or reformed. Particular attention should be paid to the Americans with Disabilities Act, the Davis Bacon Act, and 13-C.~~

~~**C. Research and Development** The federal government should take a more active role in transferring the results of its research and development directly to local governments. Technology deployment and training to local government officials and professionals is critical to achieving efficiency improvements. The Local Technical Assistance Program (LTAP) program should be increased to \$20 million annually for the period 2004-2009.~~

~~**D. Air Quality Policy** Initiate the use of incentives to improve and maintain air quality through the Congestion Mitigation and Air Quality (CMAQ) program.~~

~~3. EQUITY AND BALANCE~~

~~**A. Planning/Funding Allocation Process** The planning and funding allocation process needs to be strengthened. Counties should be considered as equal partners in the federal surface transportation program. Many of the problems that need to be addressed in the future are local in nature. Therefore, the process must be strengthened to ensure that county governments, both urban and rural, are consulted and treated as equal partners with the state governments in the planning, funding allocation, and other decision making processes.~~

- ~~● The new legislation should require that state and local governments cooperate in the planning and funding allocation process.~~
- ~~● Metropolitan Planning Organizations (MPOs) in areas between 50,000 and 200,000 should have the same authority as the large urban MPOs.~~
- ~~● Each state should have a process in place that affords local elected officials or their designees, in areas of 50,000 or less, comparable authority in the planning process as is given to officials in the large metropolitan areas.~~
- ~~● The U.S. Department of Transportation should implement the rural consultation requirements included in TEA 21 through the immediate issuance of regulations.~~
- ~~● Additional funding should be made available to rural local governments to assist them in the planning process.~~

~~**B. National Highway System** The National Highway System (NHS) program should continued to provide federal funds to maintain and upgrade the major highway network of the nation.~~

~~**C. Surface Transportation Program** The Surface Transportation Program (STP) should be continued with the goal of providing maximum funding to county governments with a minimum of interference by state officials concerning spending decisions.~~

~~**D. Rural Set Aside** In those states with a county road system, the rural set aside in the Surface Transportation Program should be restricted to county roads functionally classified as arterials or major and minor collectors that are administered by local governments.~~

~~**E. Bridge Program**~~

- ~~● The Highway Bridge Replacement and Rehabilitation Program (HBRRP) must retain its separate identity with greater funding.~~
- ~~● The minimum percentage of funds dedicated to off system bridges should be increased from 15 percent to 30 percent, unless the state and local officials agree to another method.~~
- ~~● No change to the sufficiency rating system that determines which bridges are eligible for federal funds.~~
- ~~● Bridge allocation to local governments should be in the same proportion as deficiencies for both on-system and off-system local bridges.~~

~~**F. Demonstration Projects** Criteria should be set for demonstration projects including a requirement that a project be on a region or state's long range plan.~~

~~**G. Mass Transit Program**~~

- ~~● The mass transit program must retain its separate identity~~
- ~~● Funding for mass transit should be increased either through its existing share of the Highway Trust Fund or through the general fund.~~

- 1 ● More flexibility should be given to the recipients of transit funding as to how the funds should be
- 2 allocated, including whether funds are spent for operating or capital expenses.
- 3 ● The Federal Transit Administration should distribute funds within six months of approval.
- 4 ● Transit benefit subsidy should be equal to the subsidized parking benefit.
- 5 ● Before a transit system receives funds, at least a five year plan for that system must be in place.

6 **H. High-Speed Rail**—The High Speed Rail program should be extended. Highway Trust Fund funding
7 should be limited to research and development only for high speed rail and a source of funding for construction of
8 such systems needs to be developed.

9 **4. SAFETY/SECURITY/RELIABILITY**

10 **A. Safety**—Federal aid requirements must be simplified and each county government should be
11 permitted the flexibility to focus federal highway safety resources on its most pressing problems. The existing
12 categories eligible for safety funds should be eliminated and a list of eligible functions/purposes should be
13 substituted.

14 **B. Rural Transportation Safety Program**—A new program should be created that would spend federal
15 highway funds for safety purposes on rural two lane highways. These are the most dangerous roads in America in
16 terms of fatalities. Funding for this program should be \$1 billion annually from 2004-2009.

17 **C. Congestion**—New initiatives should be developed to combat increasing urban and suburban
18 congestion.

19 **D. Intermodalism**—Acceleration of the goals of intermodalism should be pursued, seeking to ensure the
20 implementation of systems, facilities, and transportation funding that would strengthen the connection between
21 modes of transportation.

22 **E. Operations**—Counties are concerned about solving congestion and systems efficiency problems
23 associated with travel in urban and suburban areas.

- 24 ● A new program should be developed addressing both project specific and operational funding that
25 solves congestion and improves systems management efficiencies.
- 26 ● A partnership between state and local governments must be created and funding should go directly
27 to the implementing state or local agency.
- 28 ● Operations should be a separate program or should be an eligible activity in all federal aid
29 highway programs.

30 **F. Homeland Security**—Encourage improvements to highways and bridges that are used for access to
31 and from federal facilities, nuclear plants and other high security sites. These security improvements should be
32 funded from the Homeland Security budget.

33 **G. Aging Population**—Consideration needs to be given to our aging population as we continue to
34 improve and expand our transportation infrastructure.

35
36 **AIRPORT DEVELOPMENT**

37 **Operating Assistance for Airlines—Essential Air Service**—the federal and state government should
38 continue subsidies for assisting airlines serving small communities **and fully fund the program from the \$50**
39 **million in funds that comes from the international over flight fee and \$150 million in appropriated funds.**

40
41 **RAILROADS**

42 **Amtrak**—Congress should continue to provide subsidies to Amtrak at a level consistent with maintaining a
43 reasonable level of service and to provide necessary capital improvements with appropriate accountability controls.
44 However, none of the transportation trust funds should be used to address Amtrak’s financial problems.

45
46 **WATERWAYS**

47 **Local Notification and Input Regarding the Foreign Sale of U. S. Ports---** Legislation should be passed
48 ensuring that state and local officials responsible for administration and security at U.S. ports are consulted and
49 given an opportunity to provide input when sales of port facilities in their jurisdiction to foreign, state-owned entities
50 are proposed.

51
52 **Proposed Resolution on High-Speed Intercity Rail for the 21st and 22nd Centuries**

53 **Issue:** High-Speed Intercity and Interstate Passenger Rail for the 21st and 22nd centuries.

54 **Proposed Policy:** NACo supports a national dialogue to establish a new high performance national
55 standard for high speed intercity and interstate passenger rail and a corresponding vision and implementation plan
56 for the 21st and 22nd centuries.

1 **Background:** Over the last several decades, the FRA has overseen the deployment of conventional diesel
2 powered heavy passenger rail vehicles on freight railroad owned tracks with speeds typically averaging between 20
3 and 50 mph. While such a model can be successful for commuter rail applications in urban corridors of less than 100
4 miles, this is a very challenging model for intercity passenger corridors of 100 to 500 miles and longer. Slow
5 average speeds and excessive travel times undermine the ability of intercity passenger rail to compete with other
6 modes of transportation for ridership and revenue and mandate low fares in order to attract consistent ridership.
7 When low fares and the resulting revenue fail to cover operating expenses, large annual operating subsidies are
8 required at the local level. State and local taxpayer support for continued annual operating subsidies for poor
9 performing intercity passenger rail systems is uncertain.

10 The USDOT through the FRA High Speed Intercity Passenger Rail (HSIPR) grant program has awarded
11 individual grants to states and encouraged states to develop their own intercity passenger rail programs. The
12 majority of these programs rely heavily on freight railroad infrastructure which was never intended for high speed
13 passenger rail operation in excess of 90 mph. As a result, participating states are moving forward with
14 “Intermediate-Speed” or “Higher-Speed” passenger rail service with average speeds in the 40 mph to 60 mph range
15 which may still require significant annual operating subsidies at the local level.

16 The USDOT has an opportunity to move high performance, high speed intercity and interstate passenger
17 rail forward as part of a comprehensive 21st and 22nd century multi-modal transportation network for America,
18 however it has not yet created a vision and plan for developing completely dedicated and grade separated electric
19 guideways that are required for high speed intercity passenger rail operation in the 200 to 300 mph range. These
20 speeds are necessary to compete with automobile and commercial air travel in long distance intercity corridors and
21 will provide the ridership and fare revenue required to cover operational costs and sustain intercity passenger rail
22 service well into the future. The USDOT has an opportunity to set a true high speed intercity and interstate
23 passenger rail national standard which will allow for the interoperability of high speed passenger rail systems
24 between states and across the country. Federal leadership is necessary to create this exciting vision and develop an
25 implementation plan that all states can strive to achieve.

26 **Fiscal/Urban/Rural Impacts:** The creation of a new national standard for high speed intercity passenger
27 rail is not likely to fiscally impact local governments directly; however federal policies could ultimately result in
28 direct or indirect fiscal impacts to local governments. At this time it is difficult to quantify a fiscal impact to local
29 governments.

30 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington

31 32 **Proposed Resolution on Railroad Relations**

33 **Issue:** Relations between local governments and freight railroads.

34 **Proposed Policy:** NACo supports a Congressional Budget office study that examines the imbalance of
35 power between railroads and local government.

36 **Background:** The powers and duties granted to railroads during the Civil War create an imbalance of
37 power in many regions of the country. That imbalance hinders the ability of local governments to develop modern
38 commuter rail, address the nuisances caused by or on property owned by freight rail companies, and deal with
39 abandoned and disconnected spurs.

40 **Fiscal/Urban/Rural Impacts:** Depends largely on how the imbalance of power is addressed. However,
41 any progress in this area is better than what currently exists and thus likely to benefit local governments across the
42 nation.

43 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington

44 45 **Proposed Resolution on Safe Highways and Infrastructure Preservation Act (SHIPA, H.R. 1574/ S. 876)**

46 **Issue:** Safe Highways and Infrastructure Preservation Act (SHIPA, H.R. 1574/S.876).

47 **Proposed Policy:** NACo supports the Safe Highways and Infrastructure Preservation Act (SHIPA, H.R.
48 1618/S. 779) and strongly opposes any legislation that seeks to increase truck size or weight beyond the current
49 federal standards, thereby capacity of our road systems and putting highways, roads, and bridges at risk of increased
50 damage or deterioration.

51 **Background:** There is concern that attempts are being made at the federal level to increase the federal
52 standards for size, weight and allowable number of trailers beyond the capacity of existing road infrastructure. H.R.
53 1574 and S. 876 would maintain the current federal size and weight standards on the Interstate System and extend
54 these standards to the National Highway System. Bigger and heavier trucks cause greater acceleration of the
55 deterioration of states’ highways, roads, and bridges, putting further pressure on local taxpayers to fund
56 infrastructure. Investments in our county, state and federal road systems have not kept up with the increased traffic

1 levels. Current funding for roads and bridges across all government levels in the state is inadequate and investments
2 by local governments have been curbed by cuts in municipal state aid, county state aid and a shrinking federal
3 highway program fund. NACo, along with many county and municipal associations, strongly opposes all legislation
4 that attempts to shift costs and liability of private business on to local governments and threatens local control of
5 local roads

6 Longer Combination Vehicles, LCVs, have an 11 percent higher fatal accident involvement rate than single
7 tractor trailers. Triples have poor stability performance and create a larger crash area when involved in an accident.
8 Heavier tractor trailers have an increase risk of rollover because they have a higher center of gravity. Increasing
9 truck weight likely will lead to brake maintenance problems and longer stopping distances. Larger trucks are harder
10 to steer because of their extra axle. These trucks are responsible for close to 2.4 deaths for every 100 million vehicle
11 miles which is a 50 percent higher rate than smaller trucks.

12 **Fiscal/Urban Rural Impact:** Maintaining current federal truck size and weight standards on the Interstate
13 System and imposing similar standards on the rest of the National Highway System would limit the increased risk of
14 damage or deterioration of highways, roads and bridges and the associated costs with maintaining state and local
15 highways, roads and bridges in both urban and rural counties and limit the increased safety risks such as accidents
16 due to rollovers, stopping problems, steering problems, and increased risks of deaths in accidents involving these
17 vehicles.

18 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington

20 **Proposed Resolution on Commuter Rail Trackage and Operating Rights**

21 **Issue:** Provision of Commuter Rail Service.

22 **Proposed Policy:** NACo supports access for commuter and intercity rail providers to freight rail tracks for
23 the provision of commuter rail service in return for reasonable compensation and terms and recommends the Surface
24 Transportation Board have jurisdiction therein.

25 **Background:** Many county and other local and state governmental agencies are interested in providing
26 expanded or new commuter rail service in order to provide another alternative to commuters in the region and to
27 reduce congestion on the highway system. One of the major impediments to offering more commuter rail service is
28 access to freight rail tracks and the reluctance of the freight rail companies to make trackage available. The
29 companies regard their tracks as private property, believe commuter rail will interfere with freight rail service, and
30 have general concerns about the liability issues associated with commuter rail usage of their tracks.

31 For providers of commuter rail, it is unrealistic and cost prohibitive to purchase and develop rights-of-way
32 dedicated only to commuter rail. It makes much more sense to use the existing tracks owned by freight rail
33 companies and to develop cooperative relationships that address the companies concerns. Under federal law,
34 Amtrak has access to the freight rail infrastructure and it makes sense for commuter rail to have the same access.

35 If commuter rail was granted similar authority, under this scenario a provider of commuter rail services
36 would negotiate for track access with a freight railroad. However, if an agreement could not be reached, the
37 commuter rail provider would appeal to the Surface Transportation Board, which then would have the authority to
38 order that the facilities be made available and prescribe reasonable terms and compensation within 90 days.

39 **Fiscal/Urban/Rural Impact:** Adoption of this change in federal law would allow any urban or rural
40 county government seeking to provide commuter rail service on freight rail infrastructure to do so at a fair and
41 reasonable cost.

42 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington

44 **Proposed Resolution on Mitigation of Impact of Rail Mergers and Buyouts on Local Communities**

45 **Issue:** Impacts on a county or other local government and its residents of a freight rail merger or buyout.

46 **Proposed Policy:** NACo support a change in federal law requiring the Surface Transportation Board
47 (STB), in a proceeding involving the merge or control of at least one Class I railroad, to consider the effect on the
48 public interest, including the safety and environmental effect of the proposed merger on local communities, intercity
49 rail passenger transportation, and commuter rail passenger transportation; prohibiting the STB from approving
50 mergers if a cost-benefit analysis of their impact on safety, rail service and resulting public investments for
51 infrastructure upgrades on all affected communities outweigh the transportation benefits, and authorizes the STB to
52 impose conditions to mitigate the effect of mergers on local communities.

53 **Background:** When freight rail mergers or buyouts occur, there may be substantial community impacts
54 and a community's citizens may often look to county government to assist them. Often these mergers and buyouts
55 result in significantly increased rail traffic which has a substantial affect on grade crossing and traffic as well as
56 increased noise.

1 Given that county and other local governments have no regulatory authority over freight railroads and no
2 standing in federal courts, there is little they can do to either challenge these mergers and buyouts or require
3 mitigation of the community impacts. The result is that if any mitigation is to occur it must be done by local
4 governments. This is often impossible due to the substantial costs connected with the improvement of grade
5 crossings and the results are substantial negative effects on the local community in terms of traffic delays and
6 congestion.

7 **Fiscal/Urban/Rural Impact:** Adoption of proposed changes in federal law relating to mitigation of
8 community impact of freight rail mergers and buyouts could result in substantial savings to both urban and rural
9 county governments.

10 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington

11 **Proposed Resolution on the Rulemaking Establishing Minimum Levels of Retroreflectivity for Pavement** 12 **Markings**

13 **Issue:** Establishing minimum levels of retroreflectivity for pavement markings.

14 **Proposed Policy:** The National Association of Counties (NACo) requests Congress to repeal the mandated
15 standards for retroreflectivity for pavement markings and would recommend that such issues be left to the user
16 organizations that are most knowledgeable of the issues concerning pavement markings. NACo urges county
17 officials to comment in opposition to any USDOT rulemaking on mandatory standards of reflectivity.

18 **Background:** Congress has required the Secretary of the U. S. Department of Transportation (USDOT) to
19 establish minimum levels of retroreflectivity. Rulemaking was recently completed for minimum levels of
20 retroreflectivity for sign faces and legend products.

21 Several years ago Congress passed an amendment requiring the U. S. Department of Transportation to
22 establish minimum levels of reflectivity for highway signs and pavement markings. Counties believe they are
23 performing adequately in this area without federal guidance and that sufficient information currently exists to allow
24 states and local governments to provide reasonable and proper guidance, warning and traffic control for motorists.

25 Furthermore, minimum level of retroreflectivity cannot be assured in the various climatic regions of the
26 country where frost, snow and other environmental elements negatively impact retroreflectivity. If implemented,
27 this would be an unfunded mandate.

28 **Fiscal/Urban/Rural Impact:** Significant but undetermined fiscal impact in both urban and rural counties.

29 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington

30 **Proposed Resolution on Transportation Trust Fund**

31 **Issue:** Retaining current budgetary treatment of the Highway Trust Fund and the Airport and Airways
32 Trust Fund.

33 **Proposed Policy:** The National Association of Counties strongly urges the Administration and the
34 Congress to retain the existing budget treatment of the highway, mass transit and airport programs that are funded
35 through the mandatory spending of funds collected in the Highway Trust Fund and Airport and Airways Trust Fund.

36 **Background:** Congress enacted funding guarantees in the Transportation Equity Act for the 21st Century
37 in 1998 and the Aviation Investment and Reform Act for the 21st Century in 2000 that ensured that taxes collected
38 from users of the highway system and aviation system would be spent for the intended purpose of improving our
39 nation's infrastructure. The guarantees in these laws, supported by NACo, made sure that funded deposited in these
40 two Trust Funds would not be used to off-set any budget deficit but rather be spent to support the programs they
41 were intended to fund. Prior to these changes, highway, transit and airport spending was discretionary and subject to
42 the annual appropriations process even though users of the system were told that they were paying a tax or fee to use
43 and maintain the system.

44 **Fiscal/Urban/Rural Impact:** Retaining the existing treatment of transportation Trust Funds would be of
45 benefit to urban and rural counties by guaranteeing all funds collected are spent for their intended purpose.

46 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington

47 **Proposed Resolution on the Highway Trust Fund**

48 **Issue:** Financial status of the Highway Trust Fund.

49 **Proposed Policy:** NACo urges Congress to take the necessary steps to foreclose the possibility that the
50 Highway Trust Fund will reach a negative balance prior to the reauthorization of a new surface transportation law
51 and also ensure that SAFETEA-LU is fully funded at its authorized levels for the life of the current program.
52 However, Congress should not repeal the exemption from the federal fuel tax for state and local governments as a
53 means of raising funds for the Highway Trust Fund.
54
55
56

1 **Background:** Due to the current recession fuel tax revenue flowing into the Highway Trust Fund has
2 decreased with the result that it has become uncertain whether there will be enough revenue to support the fully
3 authorized levels of the highway program until the time arrives when Congress reauthorizes the federal surface
4 transportation program and includes either an increase in the federal fuel tax or another approach to bring in
5 additional revenue. There have been several infusions of general fund revenue that has resulted in a fully funded
6 program but that may not continue if Congress is required to adopt additional short term extensions of SAFETEA-
7 LU beyond the end of 2010. If the Highway Trust Fund approaches a negative balance and Congress has not acted,
8 it seems likely that the Department of Transportation would make cuts to the obligation levels on its own. Such cuts
9 could negatively impact many of the federal highway programs that counties are eligible for and create problems for
10 the next reauthorization.

11 **Fiscal/Urban/Rural Impact:** Counties could experience a reduction in federal highway funds, including a
12 disproportionate cut to those highway programs that provide funding for county highway, bridge, and safety
13 projects.

14 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington
15

16 **Proposed Resolution for Support of the Railroad Competition Act**

17 **Issue:** Support Railroad Competition Act.

18 **Proposed Policy:** NACo supports the passage of the Railroad Competition Act. The Railroad Competition
19 Act would require railroads to quote rates to their customers. It would provide arbitration for certain rail rates,
20 services, and other disputes. It would allow the Surface Transportation Board (STB) to identify areas that lack
21 adequate rail competition, resulting in market remedies for rail customers in those areas.

22 **Background:** Under current regulations, the railroad industry has developed a monopoly on rail service
23 leaving many industries as captive shippers with no competition for freight delivery. This lack of competition
24 allows for exorbitant pricing and poor service and is a deterrent to economic development and has caused, in some
25 regions of the nation, the loss of jobs. In 1980, the Staggers Act deregulated the rail industry. The intention of the
26 Staggers Act was largely met and successful. However, since 1980, when there were over 40 Class I railroads,
27 mergers and consolidations have reduced that number of Class I railroads to seven. Four major railroads account for
28 95 percent of the railroad shipping.

29 The Staggers Act mandated protection of captive shippers. However, despite congressional intent,
30 remedies for exorbitant pricing and the lack of access to viable competition do not exist. The Surface Transportation
31 Board that administers the Staggers Act has produced rulings that have skewed the freight rail market place creating
32 a federally-protected monopoly. The rail industry also enjoys exemption from federal antitrust laws. Today, whole
33 states, whole regions, and whole industries are often captive to a single railroad.

34 In the 111th Congress, the Railroad Competition Act was introduced in the House and Senate with
35 bipartisan support. The legislation has not been enacted.

36 **Fiscal/Urban/Rural Impact:** Significant positive fiscal impact to most counties.

37 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington
38

39 **Proposed Resolution Supporting Customs Fees Being Used for Port Infrastructure Development**

40 **Issue:** Inadequate investment in the maintenance and improvement of coastal and inland port
41 infrastructure.

42 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to support a policy that
43 would dedicate a percentage of the custom duties attributable to maritime port activity to improve the maintenance
44 and development of coastal and inland ports and waterways.

45 **Background:** There are 126 public seaport agencies, established by state law, owned and operated by
46 state, county, city governments and port authorities that develop, manage and promote the flow of waterborne
47 commerce and act as catalysts for economic growth. These ports handle in excess of \$600 billion in international
48 trade and the volume of this trade is expected to double by 2020. In terms of employment, 4.9 million jobs
49 accounting for \$44 billion in personal income is generated by ports.

50 Further investment in port infrastructure, such as berths, intermodal connections, and channel dredging, is
51 necessary to maintain this economic engine of the U.S. economy. During the past five years, the port industry has
52 invested more than \$8 billion in modernizing and upgrading facilities. However, much needs to be done and there is
53 currently inadequate federal investment in these facilities.

54 Customs duties, based on the value of cargo, are a potential source of federal infrastructure investment.
55 Generating \$17.5 billion annually from seaport activities, none of these funds, paid by the users of the port system,
56 are dedicated to infrastructure investment. Customs duties go directly into the general fund of the U.S. Treasury

1 where a portion goes toward the promotion of agricultural exports and most goes toward deficit reduction and the
2 funding of other federal discretionary spending.

3 **Fiscal/Urban/Rural Impact:** Urban and rural counties and their economies would benefit from increased
4 federal investment in port infrastructure.

5 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington
6

7 **Proposed Resolution in Support of Short Sea Shipping Initiative**

8 **Issue:** Promoting the use of the waterways as one method of easing traffic congestion and alleviating air
9 pollution.

10 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to support the
11 development of a robust short sea shipping system to aid in the reduction of greater freight congestion on our
12 Nation's highway systems, with an additional benefit of reducing air pollution.

13 **Background:** International trade is projected to reach two billion tons within the next twenty years-twice
14 today's level. This increase will place significant stress on an already overloaded landside transportation system.
15 Nowhere is this stress more evident than at our major port gateways and coastal transportation corridors. According
16 to some sources, absent major changes as many as 10,000 more trucks each day will end up on I-95 alone.

17 Water transportation, especially along our coasts and inland waterways is a sensible, economical, and
18 environmentally sound solution to many of our congestion problems and the related issue of air pollution. Short sea
19 shipping is defined as commercial waterborne transportation that does not transit an ocean. It is an alternative form
20 of commercial transportation that utilizes inland and coastal waterways to move commercial freight from major
21 domestic ports to its destination. Short sea shipping creates a supplemental system to simply unloading a ship and
22 placing the cargo on trucks, which will further congest our highways and increase deterioration. It takes advantage
23 of the 25,000 miles of inland and coastal waterways in the United States. A single barge can carry the equivalent
24 load of 58 tractor-trailers while 15 barge tows can provide the equivalent of 870 trucks.

25 **Fiscal/Urban/Rural Impact:** Urban and rural counties would benefit from increased use of coastal and
26 inland waterways to move freight and it would lessen the requirements for local investments in highways and reduce
27 the costs associated with air pollution.

28 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington
29

30 **Proposed Resolution on the Reauthorization of the Federal Airport and Aviation Program**

31 **Issue:** The Federal Airport and Aviation Program and the user fees that support it expired on September
32 30, 2007 and must be extended.

33 **Proposed Policy:**

- 34 • The new legislation must include a level of funding to meet future airport infrastructure development
35 requirements, reflecting increased enplanements and congestion, and also reflect the need for a
36 modernized air traffic control system.
- 37 • Airport Trust Fund revenue sources must be indexed yearly, to address the outstanding capital needs of
38 airports and the current low balance in the Trust Fund.
- 39 • The Airport Improvement Program (AIP) must be funded at a level of no less than \$4 billion annually,
40 and guaranteed each year at the authorized level.
- 41 • Airport sponsors must be allowed to increase the Passenger Facility Charges (PFCs) to a level of no
42 less than \$6.00, and the PFC maximums must be then indexed yearly.
- 43 • Airport sponsors must be given increased flexibility in allocating AIP and PFC funds to finance
44 projects they determine to be a priority, including using such funds for safety improvements.
- 45 • General Fund contributions should be increased as a percentage of the FAA's operations budget and be
46 used for a modernized national air traffic control system.
- 47 • A user fee based on air traffic control usage is counterproductive for General Aviation Airports
48 because it will lead to lower use of such facilities and should not be considered as a revenue source to
49 either pay for FAA operations or a modernized national air traffic control system.
- 50 • Essential Air Service (EAS) must be re-evaluated and a sufficient and guaranteed funding source be
51 identified to subsidize air service to eligible small and rural communities and should not include a local
52 match requirement.
- 53 • Small Community Air Service Development Program (SCASDP) must be continued with sufficient
54 and guaranteed funding to meet the needs of small and rural communities to allow them to have the
55 resources and flexibility to retain, expand, and attract air service.

- 1 • Airport sponsors must have authority to impose and enforce rates and charges and dedicate all revenue
- 2 to airport development, capital financing and operations.
- 3 • Airport sponsors must have the flexibility to invest AIP and PFC funds and local rates and charges for
- 4 the financing of intermodal transportation facilities, including but not limited to roads, interchanges
- 5 and public transit that are an integral component to the growth and sustainability of the airport.
- 6 • To ensure that projects are completed in a timely and efficient manner, there should be a tiered
- 7 approach to environmental permitting depending on the size and scope of the project and all federal
- 8 agencies involved in permitting should coordinate and proceed concurrently.
- 9 • New sources of funds for Security//Safety programs must be provided to airport sponsors and no new
- 10 federal security mandates or programs which impose financial burden shall be required of airport
- 11 sponsors.
- 12 • Modify the AIP Block Grant program for GA airports currently in place in eight states to allow reliever
- 13 airports to opt out and work directly with the Federal Aviation Administration.
- 14 • The new legislation must uphold the current federal standards for fire protection, which appropriately
- 15 focus attention on airside safety within our nation's airports while respecting the diverse needs and
- 16 resources of rural, suburban and urban airports.

17 **Background:** In 2011 the Congress has continued the process of reauthorizing the federal airport and
 18 aviation programs, which expired at the end of September 2007 and has now been extended numerous times. The
 19 House and Senate passed their respective bills in early 2011 and Congressional committees are currently attempting
 20 to work out compromises on various sections of the bills.

21 While these programs include the Federal Aviation Administration facilities and equipment program and
 22 operations of the air traffic control system, much of NACo's focus is on the Airport Improvement Program (AIP),
 23 Essential Air Service (EAS) and the Small Community Air Service Development Program. AIP currently provides
 24 about \$3.5 billion annually in grants for capital improvements to commercial, cargo and general aviation airports
 25 and is funded primarily through the Airport and Airway Trust Fund, which gets most of its money from the air
 26 passenger ticket tax. AIP eligible airports include 558 facilities with commercial service and approximately 2556
 27 general aviation airports. It is estimated that counties are involved in about one-third of the nation's airports, either
 28 through direct ownership or participation on airport authorities that govern many of these facilities.

29 There has been an ongoing concern since airline deregulation in 1978 to ensure that small and rural
 30 communities continue to receive air service. Essential Air Service has been the backstop for these communities.
 31 Despite many challenges to its survival, EAS has continued to make subsidy payments to air carriers serving small
 32 communities and, in fact, has seen the number of communities served jump by 40 since 9/11 to approximately 150
 33 smaller communities. Annual funding for EAS has been around the \$115 million level for many years but was
 34 increased to \$200 million in 2010.

35 In the 2003 airport legislation, Congress created the Small Community Air Service Development Program.
 36 Its purpose is to provide grants to small and rural communities to maintain and attract expanded air service through a
 37 variety of innovative techniques, including the marketing of the airports and air carriers and subsidy of service.
 38 Airports applying for the \$10-\$20 million in grants available annually can be no larger than a small hub.

39 Other issues of concern to NACo include Passenger Facility Charges, the viability of the Airport Trust
 40 Fund, and the contribution of the General Fund to aviation programs.

41 **Fiscal/Urban/Rural Impact:** Reauthorization could mean substantial additional resources available to
 42 county-owned airports and increased service to small and rural communities.

43 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington

44
 45 **Proposed Resolution to Create a National Indemnity Liability Fund for Public Transit Agencies Authorities**

46 **Issue:** National indemnity liability fund for transit agencies/authorities.

47 **Proposed Policy:** NACo supports the creation of a national indemnity liability fund for public transit
 48 agencies/authorities that wish to operate commuter rail services in freight rail corridors. NACo further supports an
 49 initial federal appropriation of \$200 million that will be used to establish an initial reserve for this fund that will
 50 subsequently be managed and maintained by fund participants through premium payments and a professional risk
 51 management program.

52 **Background:** It is in the nation's interest to use freight rail corridors for commuter rail service. More
 53 communities are doing this in metropolitan areas as one approach to improve mobility and reducing congestion.
 54 This is normally far less expensive than purchasing a dedicated right-of-way. Freight railroads now require public
 55 transportation entities to purchase insurance to indemnify and hold freight railroads harmless as a condition for use
 56 of such rights of way for publicly sponsored and funded commuter rail service. It is in the local and national interest

1 that a national liability fund be created so that all public transportation entities who wish to operate commuter rail
2 services could buy into such a fund and secure required coverage at rates less expensive than purchases of first
3 dollar coverage by each individual transit agency.

4 **Fiscal/Urban/Rural Impact:** It would assist local governments keep down the cost of operating commuter
5 rail services. It would likely continue inter-urban rail lines operable for years to come.

6 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington
7

8 **Proposed Resolution on the Timely Passage of the Airport and Aviation Legislation**

9 **Issue:** The Airport and Aviation legislation expired on September 30, 2007 and needs to be reauthorized
10 by Congress as soon as possible.

11 **Proposed Policy:** NACo strongly urges the Senate and House conferees to convene and quickly agree on a
12 conference report for the Federal airport and aviation legislation that can be adopted by the full Senate and House
13 and be sent to President Obama for his signature.

14 **Background:** The federal airport and aviation programs expired on September 30, 2007. Because
15 Congress has been unable to complete action on this legislation, there have been a series of extensions passed by
16 Congress to keep the programs operating. In the current Congress, the House and Senate passed their respective bills
17 in early 2011 and Congressional committees are working to resolve the differences in the two bills. Reauthorization
18 of these programs has been a Legislative Priority for NACo in 2007, 2008, 2009, 2010 and 2011, in part, because
19 counties are estimated to be involved in about one-third of the nation's airports, either through direct ownership or
20 participation on airport authorities that govern many of these facilities. Much of NACo's focus has been on the
21 Airport Improvement Program (AIP) that provides grants for capital improvements to commercial, cargo and
22 general aviation airports, Essential Air Service (EAS) that subsidizes air service to small and rural communities and
23 the Small Community Air Service Program that provides grants to small airports to assist them in attracting,
24 retaining and expanding air service.

25 **Fiscal/Urban/Rural Impact:** Reauthorization could mean substantial additional resources available to
26 county-owned airports and increased and improved service to small and rural communities.

27 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington
28

29 **Proposed Resolution on the Future of the Federal Surface Transportation Program**

30 **Issue:** SAFETEA-LU, the federal surface transportation program and the user fees that support it, expires
31 on September 30, 2009, and must be reauthorized.

32 **Proposed Policy:**

33 **Metro Congestion**

- 34 • A new federal program should be created to reduce urban and suburban congestion in metropolitan
35 regions.
- 36 • Each existing federal highway program should have a component that reduces congestion.
- 37 • A broad-based congestion plan needs to be developed in each metropolitan area.
- 38 • Incident management must be considered a priority. An incentive grant program should be created that
39 funds counties/metropolitan region that implement a comprehensive incident management plan.
- 40 • Innovative approaches, such as short sea shipping, should be developed.
- 41 • Each metro area needs to develop a plan to manage trucks, including a priority to segregate freight.
- 42 • Intermodal facilities should be developed to facilitate movement of freight by rail to the extent
43 possible.
- 44 • There should be increased federal funding for grade separation improvements.
- 45 • The Surface Transportation Board, in making decisions regarding railroad ownership and expansion,
46 must consider impact of grade crossings.
- 47 • Congestion pricing should be examined as way to reduce congestion and raise additional revenue.
- 48 • A focus on decreasing congestion to reduce emissions should be emphasized.

49 **Planning**

- 50 • The new legislation must require that state and local governments cooperate in the planning and
51 funding allocation process. This process should establish project priorities for both state and local
52 governments and include recognition of the fiscal capacity of all levels of government to finance
53 improvement to the surface transportation system.
- 54 • All federal categorical programs should be allocated through the planning process.
- 55 • Metropolitan Planning Organizations (MPOs) in areas between 50,000-200,000 should have the same
56 authority as the large urban MPOs.

- 1 • Additional funding should be made available to MPOs so they have the capacity to coordinate with
- 2 state officials and do the necessary planning to address congestion.
- 3 • In metropolitan regions, project reviews should include climate change impacts and the degree to
- 4 which transportation projects are integrated with land use.
- 5 • Economic development and job creation should be included when a federal, state or regional agency is
- 6 evaluating a project.
- 7 • There should be a standardization of what is an acceptable level of consultation in the rural
- 8 consultation process, recognizing that one size does not fit all situations.
- 9 • The rural planning process needs to be upgraded and additional funding should be made available to
- 10 rural local governments to assist them in the planning process.
- 11 • States and regional planning agencies must consider the economic development impacts of a proposed
- 12 highway project in making a decision on whether or not to fund a specific project with federal –aid
- 13 highway funds.

14 **Highways and Bridges**

15 **Bridge Program**

- 16 • The federal Highway Bridge Replacement and Rehabilitation Program (HBRRP) must retain its
- 17 current structure to continue the progress being made to reduce the backlog of deficient bridges. It
- 18 should continue to be a separate category with greater funding.
- 19 • The minimum percentage of funds dedicated to off-system bridges should be increased from 15
- 20 percent to 25 percent.
- 21 • No change to the sufficiency rating system that determines which bridges are eligible for federal funds.
- 22 • Enhanced maintenance should be an eligible activity when using federal bridge funds.
- 23 • Allocation of bridge funds among the state and local governments within a state should be data driven
- 24 and reflect the number of deficient bridges for both the on-system and off-system programs.
- 25 • Federal funding for Forest Service bridges should not come from the off-system bridge program.

26 **Rural Roads**

- 27 • Additional federal highway funds should be available for rural projects on county-owned systems.
- 28 • There needs to be a simplified system of project approval on rural and other projects related to the cost,
- 29 design and complexity of a project.
- 30 • The High Risk Rural Road Program should be continued with at least \$1 billion annually in funding
- 31 and an enhanced process developed for county officials to approve funding decisions. Funding for
- 32 projects should be targeted toward proven and cost-effective safety improvements. Projects should be
- 33 restricted to rural major or minor collector or rural local roads.
- 34 • Rural Set-Aside-In those states with a county road system, there should be a rural set-aside in the
- 35 Surface Transportation Program and it should be restricted to county roads functionally classified as
- 36 arterials or major and minor collectors that are administered by local governments.
- 37 • The Scenic By-Way Program should be continued as an economic development tool for rural counties.

38 **National Highway System**

- 39 • The National Highway System (NHS) program should be continued to provide federal funds to
- 40 maintain and upgrade the major highway network of the nation.

41 **Surface Transportation Program**

- 42 • The Surface Transportation Program (STP) should be continued with the goal of providing maximum
- 43 funding to county governments with a minimum of interference by state officials concerning spending
- 44 decisions.

45 **Enhancements**

- 46 • Funds allocated for the Enhancement Program shall be used for transportation projects based on local
- 47 government or MPO discretion.

48 **Reservation Road Program**

- 49 • Reservation road funding should be continued for the improvement and maintaining of roads that are
- 50 used to transport children to or from school or Head Start programs on or near reservations.

51 **Federal Lands Highway Program**

- 52 • The Federal Lands Highway Program should be amended to make it available to fund improvements to
- 53 any road that accesses or passes through federally managed forest lands, specifically including lands
- 54 managed by the U.S Forest Service and the Bureau of Land Management.

1 **Safety**

- 2 • Increase funding for safety projects aimed at reducing fatalities, especially on those rural roads where
- 3 fatality rates are the highest.
- 4 • The Highway Safety and Improvement Program (HSIP) should be continued with more funding. The
- 5 HSIP program should be targeted to cost-effective safety improvements; there must be a greater access
- 6 for counties to HSIP funding, clear deadlines for project approval and the inclusion of county officials
- 7 in each state's development of the Strategic Highway Safety Plan.
- 8 • Safety funding must be focused on those highways and roads with the highest incident levels.
- 9 • Transfer of funds from the HSIP to other federal categories should not be permitted.
- 10 • The Safe Routes to School program should be continued with additional funding.
- 11 • Additional technology should be used to improve transportation safety.
- 12 • Federal policy on truck weight/size shall not preempt local authority to regulate trucks. A study of the
- 13 impact of truck weight/size shall be undertaken.
- 14 • Federal incentives should be created to reduce speeding and impaired driving.

15 **Transit**

- 16 • The mass transit program must retain its separate identity.
- 17 • The transit program should include the goals of improving metropolitan and rural mobility, reducing
- 18 congestion, conserving energy resources, reducing greenhouse gases and serving the needs of
- 19 underserved populations.
- 20 • Funding for mass transit should be increased either through its existing share of the Highway Trust
- 21 Fund or through the general fund.
- 22 • More flexibility should be given to the recipients of transit funding as to how the funds should be
- 23 allocated, including whether funds are spent for operating or capital expenses.
- 24 • The Federal Transit Administration should distribute funds within six months of approval.
- 25 • Transit benefit subsidy should be equal to the subsidized parking benefit.
- 26 • Before a transit system receives funds, at least a five-year strategic plan for that system must be in
- 27 place.
- 28 • The project approval/development process must be simplified.
- 29 • Indemnification of shared railroad rights of way-create a national indemnity liability fund for public
- 30 transit agencies/authorities that wish to operate commuter rail service in freight rail corridors.
- 31 • Standards for approving transit projects need to be reevaluated.
- 32 • The Access to Jobs program should be continued as a means of supporting county programs that
- 33 encourage economically deprived individuals to return to work and be funded from the General Fund.
- 34 • Connectivity should be included as a criterion in approving expenditure of federal funds on transit
- 35 projects.
- 36 • The Transit in the Parks Program to permit operations and maintenance as eligible activities.

37 **Financing**

- 38 • For the next reauthorization, the gas tax should remain a major source of funding.
- 39 • There needs to be an immediate increase in the federal gas tax and indexing to address the outstanding
- 40 needs of the surface transportation systems.
- 41 • The interest generated by the trust funds needs to be credited back to the trust fund.
- 42 • The Federal-local match should remain the same.
- 43 • User pay should continue to be the cornerstone of transportation financing.
- 44 • There should be no devolution/turn back of current federal gas tax authority to the States.
- 45 • The revenue base for federal transportation programs should be broadened to reduce the reliance on the
- 46 traditional fuel tax and on fossil fuels. The current gasoline tax is not sustainable in the future due in
- 47 part to increasing fuel efficiency, alternative fuels, and potential lower consumption of fuel due to
- 48 increasing prices.
- 49 • The reauthorization needs to examine alternative sources of funding and should include pilot projects
- 50 and research to address the future financing needs of the transportation system.
- 51 • All fuels should be taxed the same-if a fuel source powers vehicles, it should be taxed equally and
- 52 deposited into the Highway Trust Fund.
- 53 • Additional revenue sources should be available in congested areas, such as congestion pricing.
- 54 • The movement of freight should be subject to federal taxes/impact fees that reflect the damage their
- 55 weight imposes on the infrastructure.
- 56 • A national sales tax for transportation should be explored.

- Tolling of new interstate capacity should be permitted, including new capacity on existing interstates, such as HOV lanes. Proceeds from tolling should be used for capital costs but not for operations. County governments should be reimbursed for any diversion of traffic due to tolling.
- Debt financing through a bonding/federal infrastructure financing authority proposal should be included that would complement the existing highway and transit programs and provide an additional source of funding for large projects, particularly those that reduced bottlenecks in the system, expedite the movement of freight and address congestion.

Funding

- Federal funding for highways, bridges and transit needs is currently inadequate and needs to be increased substantially to reflect the future needs of the surface transportation system.
- More funding needs to be directed to county-owned roads, either through a federal sharing formula or as a direct pass through.
- To eliminate delays in project implementation, a funding mechanism needs to be created that would allow projects below a certain funding level to bypass the states and come directly to county government.

Research

- The Local Technical Assistance Program (LTAP) and its 58 centers are the prime source available to counties in training and technical transfer of best practices. Funding should be expanded to \$15 million in FY2010 and gradually be increased to \$20 million by FY2015.
- The Vehicle Infrastructure Integrations (VII) Initiative- should be supported with the understanding and assurance that no new federal mandates on local government are imposed.
- Substantial funding from the General Fund needs to be available for research into alternative fuels.

Accountability

- Standard reporting forms must be used by state agencies in reporting to the US Department of Transportation.
- New requirement for detailed data collection.
- A complete data base on all federal programs should be developed.
- To measure success, performance measures need to be part of all federally funded projects.
- Allocation of federal funds within a state should be needs based using a rating system.

Regulatory Process

- While concerns about the environment should be part of the project decision making, a balance needs to part of the process.
- There should be a simplified and integrated approach to environmental permitting related to the size and scope of the project and which focuses on saving time and dollars.
- To save time and money, timelines must be established for regulatory permitting review process.
- A "simple project" component must be developed that focuses on funding project improvement directly to local governments and has an outcome based accountability.
- Clear rules need to be created and agreed to by all agencies. Permitting agencies must coordinate and proceed concurrently to minimize delay in project approval.
- To resolve environmental impact statement and permitting issues, there must be a required point of contact within each state and on the federal level.

Mandates

- All new federal mandates in the transportation area should have specific funding streams attached. Current federal mandates attached to highway and transit funding should be reviewed.
- Land use regulation, a major consideration in transportation, should remain the responsibility of county and other local governments.

Background: There is a crisis in surface transportation and it is time to challenge the traditional approach to the authorization of the federal surface transportation program. The federal program must be improved to solve the congestion and safety challenges of the 21st century and the financial integrity of the financing system must be addressed. Counties are a key part of the nation's integrated transportation system and must part of the solution. A highway, bridge and transit program must be developed for the future that focuses on reliability, system preservation, innovative solutions and partnerships. An improved system of project delivery, flexibility and improved accountability will contribute to a better federal program.

Congress periodically reviews and considers new surface transportation legislation that provides for the authorization of the federal highway and transit programs. These programs are very important to county governments that own 1.8 million miles of roads, 256,000 bridges, and one-third of the nation's transit systems. The

1 current federal program, SAFETEA-LU, became law in 2005 and has provided \$287 billion in funding for
2 highways and transit over its 2005-2009 authorization period. It is primarily financed by the federal 18.3 cent fuel
3 tax. Issues under consideration for the reauthorization include the adequacy of current funding in face of the
4 substantial needs of the system; adequacy of the fuel tax as a future funding source; more funding for county-owned
5 highways, bridges and transit systems; concerns about highway safety and the 37,000 fatalities each year on the
6 system, a disproportionate number of which occur on two lane rural roads; increasing congestion in the nation's
7 metropolitan regions, and the need to streamline the regulatory system so that projects can delivered more quickly
8 and at a lower cost.

9 **Fiscal/ Urban/Rural Impact:** Reauthorization could mean substantial additional resources and regulatory
10 relief to highways, bridges and transit systems owned by urban and rural county governments.

11 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington
12

13 **Proposed Resolution on the Revised Surface Transportation Policy**

14 **Issue:** SAFETEA-LU, the federal surface transportation program and the user fees that support it, expires
15 on September 30, 2009, and must be reauthorized.

16 **Proposed Policy:**

17 **Metro Congestion**

- 18 • A top priority for the new act new federal program should be created to reduce urban and suburban
19 congestion in metropolitan regions to reduce emissions, ease travel and promote economic
20 competitiveness. Among the priority actions should be grade separation improvements, intermodal
21 facilities to promote freight movement and innovative approaches such as short sea shipping and plans
22 to manage trucks, including a priority to separate freight.
- 23 • ~~Each existing federal highway program should have a component that reduces congestion.~~
- 24 • A broad-based congestion plan needs to be developed in each metropolitan area.
- 25 • Incident management must be considered a priority. An incentive grant program should be created that
26 funds counties/metropolitan region that implement a comprehensive incident management plan.
- 27 • ~~Innovative approaches, such as short sea shipping, should be developed.~~
- 28 • ~~Each metro area needs to develop a plan to manage trucks, including a priority to segregate freight.~~
- 29 • ~~Intermodal facilities should be developed to facilitate movement of freight by rail to the extent~~
30 ~~possible.~~
- 31 • There should be increased federal funding for grade separation improvements.
- 32 • The Surface Transportation Board, in making decisions regarding railroad ownership and expansion,
33 must consider impact of grade crossings.
- 34 • Congestion pricing should be promoted examined as a cost effective way to reduce congestion, more
35 efficiently use existing ad new capacity and raise additional revenue.
- 36 • ~~A focus on decreasing congestion to reduce emissions should be emphasized.~~

37 **Planning**

- 38 • The new legislation must require that state and local governments cooperate in the planning and
39 funding allocation process. Large metropolitan areas should retain their independence in planning and
40 allocation of federal funds. A guiding principle should be local discretion with accountability to
41 federal goals and priorities. This process should establish project priorities for both state and local
42 governments and include recognition of the fiscal capacity of all levels of government to finance
43 improvement to the surface transportation system.
- 44 • Local elected officials must remain a majority on whatever decision making body succeed the current
45 MPO. Allocation of votes within the MPOs must reflec the population of the region.
- 46 • All federal categorical programs should be allocated through the planning process.
- 47 • Metropolitan Planning Organizations (MPOs) in areas between 50,000-200,000 should have the same
48 authority as the large urban MPOs.
- 49 • Additional funding should be made available to MPOs so they have the capacity to coordinate with
50 state officials and do the necessary planning to address congestion.
- 51 • In metropolitan regions, project reviews should reflect the goals of the federal Sustainable
52 Communities partnership, reflect a strong linkage with land use and include climate change impacts
53 and the degree to which transportation projects are integrated with land use.
- 54 • Economic development, access to jobs and job creation should be included when a federal, state or
55 regional agency is evaluating a project.

- There should be a standardization of what is an acceptable level of consultation in the rural consultation process, recognizing that one size does not fit all situations.
- The rural planning process needs to be upgraded and additional funding should be made available to rural local governments to assist them in the planning process.
- States and regional planning agencies must consider the economic development impacts of a proposed highway project in making a decision on whether or not to fund a specific project with federal –aid highway funds.

Highways and Bridges

Bridge Program

- The federal Highway Bridge Replacement and Rehabilitation Program (HBRRP) must retain its current structure to continue the progress being made to reduce the backlog of deficient bridges. It should continue to be a separate category with greater funding.
- The minimum percentage of funds dedicated to off-system bridges should be increased from 15 percent to 25 percent.
- No change to the sufficiency rating system that determines which bridges are eligible for federal funds.
- Enhanced maintenance should be an eligible activity when using federal bridge funds.
- Allocation of bridge funds among the state and local governments within a state should be data driven and reflect the number of deficient bridges for both the on-system and off-system programs.
- Federal funding for Forest Service bridges should not come from the off-system bridge program.

Rural Roads

- Additional federal highway funds should be available for rural projects on county-owned systems.
- There needs to be a simplified system of project approval on rural and other projects related to the cost, design and complexity of a project.
- The High Risk Rural Road Program should be continued with at least \$1 billion annually in funding and an enhanced process developed for county officials to approve funding decisions. Funding for projects should be targeted toward proven and cost-effective safety improvements. Projects should be restricted to rural major or minor collector or rural local roads.
- Rural Set-Aside-In those states with a county road system, there should be a rural set-aside in the Surface Transportation Program and it should be restricted to county roads functionally classified as arterials or major and minor collectors that are administered by local governments.
- The Scenic By-Way Program should be continued as an economic development tool for rural counties.

National Highway System

- The National Highway System (NHS) program should be continued to provide federal funds to maintain and upgrade the major highway network of the nation.

Surface Transportation Program

- The Surface Transportation Program (STP) should be continued with the goal of providing maximum funding to county governments with a minimum of interference by state officials concerning spending decisions.
- Improved pedestrian facilities should be an eligible activity

Enhancements

- Funds should continued to be allocated for the Enhancement Program ~~shall be~~ and used for transportation projects based on local government or MPO discretion.

Reservation Road Program

- Reservation road funding should be continued for the improvement and maintaining of roads that are used to transport children to or from school or Head Start programs on or near reservations.

Federal Lands Highway Program

- The Federal Lands Highway Program should be amended to make it available to fund improvements to any road that accesses or passes through federally managed forest lands, specifically including lands managed by the U.S Forest Service and the Bureau of Land Management.

Safety

- Increase funding for safety projects aimed at reducing fatalities, especially on those rural roads where fatality rates are the highest.
- The Highway Safety and Improvement Program (HSIP) should be continued with more funding. The HSIP program should be targeted to cost-effective safety improvements; there must be a greater access for counties to HSIP funding, clear deadlines for project approval and the inclusion of county officials in each state's development of the Strategic Highway Safety Plan.

- Safety funding must be focused on those highways and roads with the highest incident levels.
- Transfer of funds from the HSIP to other federal categories should not be permitted.
- The Safe Routes to School program should be continued with additional funding.
- Additional technology should be used to improve transportation safety.
- Federal policy on truck weight/size shall not preempt local authority to regulate trucks. A study of the impact of truck weight/size shall be undertaken.
- Federal incentives should be created to reduce speeding and impaired driving.

Transit

- The mass transit program must retain its separate identity.
- The transit program should include the goals of improving metropolitan and rural mobility, reducing congestion, conserving energy resources, reducing greenhouse gases and serving the needs of underserved populations and communities.
- Funding for mass transit should be increased either through its existing share of the Highway Trust Fund or through the general fund.
- More flexibility should be given to the recipients of transit funding as to how the funds should be allocated, including whether funds are spent for operating or capital expenses.
- The Federal Transit Administration should distribute funds within six months of approval.
- Transit benefit subsidy should be equal to the subsidized parking benefit.
- Before a transit system receives funds, at least a five-year strategic plan for that system must be in place.
- The project approval/development process must be simplified.
- Indemnification of shared railroad rights of way-create a national indemnity liability fund for public transit agencies/authorities that wish to operate commuter rail service in freight rail corridors.
- Standards for approving transit projects need to be reevaluated. Standards and processes for approving transit projects need to be simplified with the goal of increasing the speed at which projects can be built and decreasing the costs.
- The Access to Jobs program should be continued as a means of supporting county programs that encourage economically deprived individuals to return to work and be funded from the General Fund.
- Connectivity should be included as a criterion in approving expenditure of federal funds on transit projects.
- The Transit in the Parks Program to permit operations and maintenance as eligible activities.

Financing

- For the next reauthorization, the gas tax or a national sales tax on gasoline sales should remain a major source of funding.
- There needs to be an immediate increase in the federal gas tax and indexing to address the outstanding needs of the surface transportation systems.
- The interest generated by the trust funds needs to be credited back to the trust fund.
- The Federal-local match for highways should remain the same. The federal-local match for transit projects should be equalized with the highway match.
- User pay should continue to be the cornerstone of transportation financing.
- There should be no devolution/turn back of current federal gas tax authority to the States.
- The revenue base for federal transportation programs should be broadened to reduce the reliance on the traditional fuel tax and on fossil fuels. The current gasoline tax is not sustainable in the future due in part to increasing fuel efficiency, alternative fuels, and potential lower consumption of fuel due to increasing prices.
- The reauthorization needs to examine alternative sources of funding and should include pilot projects and research to address the future financing needs of the transportation system.
- All fuels should be taxed the same-if a fuel source powers vehicles, it should be taxed equally and deposited into the Highway Trust Fund.
- Additional revenue sources should be available in congested areas, such as congestion pricing.
- The movement of freight should be subject to federal taxes/impact fees that reflect the damage their weight imposes on the infrastructure.
- ~~A national sales tax for transportation should be explored.~~
- Tolling of new interstate capacity should be permitted, including new capacity or converted capacity on existing interstates, such as HOV lanes. Proceeds from tolling should be used for capital and

1 ~~operations costs but not for operations.~~ County governments should be reimbursed for any diversion
2 of traffic due to tolling.

- 3 • Debt financing through a bonding/federal infrastructure financing authority proposal should be
4 included that would complement the existing highway and transit programs and provide an additional
5 source of funding for large projects, particularly those that reduced bottlenecks in the system, expedite
6 the movement of freight and address congestion.

7 **Funding**

- 8 • Federal funding for highways, bridges and transit needs is currently inadequate and needs to be
9 increased substantially to reflect the future needs of the surface transportation system.
- 10 • More funding needs to be directed to county-owned roads, either through a federal sharing formula or
11 as a direct pass through.
- 12 • To eliminate delays in project implementation, a funding mechanism needs to be created that would
13 allow projects below a certain funding level to bypass the states and come directly to county
14 government.

15 **Research**

- 16 • The Local Technical Assistance Program (LTAP) and its 58 centers are the prime source available to
17 counties in training and technical transfer of best practices. Funding should be expanded to \$15
18 million in FY2010 and gradually be increased to \$20 million by FY2015.
- 19 • The Vehicle Infrastructure Integrations (VII) Initiative- should be supported with the understanding and
20 assurance that no new federal mandates on local government are imposed.
- 21 • Substantial funding from the General Fund needs to be available for research into alternative fuels.

22 **Accountability**

- 23 • Standard reporting forms must be used by state agencies in reporting to the US Department of
24 Transportation.
- 25 • New requirement for detailed data collection.
- 26 • A complete data base on all federal programs should be developed.
- 27 • To measure success, performance measures need to be part of all federally funded projects.
- 28 • Allocation of federal funds within a state should be needs based using a rating system.

29 **Regulatory Process**

- 30 • While concerns about the environment should be part of the project decision making, a balance needs
31 to part of the process.
- 32 • There should be a simplified and integrated approach to environmental permitting related to the size
33 and scope of the project and which focuses on saving time and dollars.
- 34 • To save time and money, timelines must be established for regulatory permitting review process.
- 35 • A "simple project" component must be developed that focuses on funding project improvement
36 directly to local governments and has an outcome based accountability.
- 37 • Clear rules need to be created and agreed to by all agencies. Permitting agencies must coordinate and
38 proceed concurrently to minimize delay in project approval.
- 39 • To resolve environmental impact statement and permitting issues, there must be a required point of
40 contact within each state and on the federal level.

41 **Mandates**

- 42 • All new federal mandates in the transportation area should have specific funding streams attached.
43 Current federal mandates attached to highway and transit funding should be reviewed.
- 44 • Land use regulation, a major consideration in transportation, should remain the responsibility of county
45 and other local governments.

46 **Workforce**

- 47 • Local hiring preference should be permitted on highway and transit projects to encourage employment
48 of local workers on projects.

49 **Background:** There is a crisis in surface transportation and it is time to challenge the traditional approach
50 to the authorization of the federal surface transportation program. The federal program must be improved to solve
51 the congestion and safety challenges of the 21st century and the financial integrity of the financing system must be
52 addressed. Counties are a key part of the nation's integrated transportation system and must part of the solution. A
53 highway, bridge and transit program must be developed for the future that focuses on reliability, system
54 preservation, innovative solutions and partnerships. An improved system of project delivery, flexibility and
55 improved accountability will contribute to a better federal program.

1 Congress periodically reviews and considers new surface transportation legislation that provides for the
2 authorization of the federal highway and transit programs. These programs are very important to county
3 governments that own 1.8 million miles of roads, 256,000 bridges, and one-third of the nation's transit systems. The
4 current federal program, SAFETEA-LU, became law in 2005 and has provided \$287 billion in funding for
5 highways and transit over its 2005-2009 authorization period. It is primarily financed by the federal 18.3 cent fuel
6 tax. Issues under consideration for the reauthorization include the adequacy of current funding in face of the
7 substantial needs of the system; adequacy of the fuel tax as a future funding source; more funding for county-owned
8 highways, bridges and transit systems; concerns about highway safety and the 37,000 fatalities each year on the
9 system, a disproportionate number of which occur on two lane rural roads; increasing congestion in the nation's
10 metropolitan regions, and the need to streamline the regulatory system so that projects can delivered more quickly
11 and at a lower cost.

12 **Fiscal/ Urban/Rural Impact:** Reauthorization could mean substantial additional resources and regulatory
13 relief to highways, bridges and transit systems owned by urban and rural county governments.

14 **Sponsor:** Peter McLaughlin, County Commissioner, Hennepin County, Minnesota
15

16 **Proposed Resolution on the Federal Highway Bridge Program**

17 **Issue:** Elimination of the Federal Bridge Program.

18 **Proposed Policy:** NACo opposes the elimination of the federal highway bridge program and the Off-
19 System Bridge Set Aside as part of the surface transportation reauthorization.

20 **Background:** It is possible that the surface transportation bills being drafted by the House and Senate may
21 recommend elimination of the federal bridge program as a separate program. Even if these bills continued making
22 bridges an eligible expenditure in other highway programs, the absence of a bridge program or the requirement that
23 a specific amount of federal funds be spent to bridges would have a negative impact on counties, which depend on
24 the 15 per cent set aside in the current law, much of which goes to county governments. The bridge program has
25 been in law since 1978 and was created in response to the recognition that there were many state and local bridges in
26 poor condition. That continues to be an issue. The Government Accountability Office has stated that more local
27 rural bridges have been improved with federal bridge funds than bridges owned by state agencies, likely due to the
28 off-system bridge set aside. Continued federal investment on county bridges is essential. Over one-third of the
29 283,000 bridges on non-Federal-aid highways are deficient. Over 80 percent of county bridges are on non-Federal-
30 aid roads.

31 **Fiscal/Urban/Rural Impact:** Counties are likely to lose a substantial amount of federal funds if the
32 federal bridge program and the off-system bridge set aside are eliminated.

33 **Sponsor:** Leo Bowman, Commissioner, Benton County, Washington
34

35 **Proposed Resolution on Flexible Transit Funding**

36 **Issue:** Lack of flexibility that denies local transit operators from using federal funds to provide service for
37 special events

38 **Proposed Policy:** The National Association of Counties supports amending Title 49 and revising federal
39 transit regulations to allow more flexibility for transit operators in the spending of federal transit funds when
40 providing service for special events.

41 **Background:** Transit operators are often constrained from providing certain types service when utilizing
42 federal funds. Maximum flexibility would assist local transit systems in better serving their communities and riders
43 as long as there is a demonstrated public purpose such as significant traffic reduction, reduction of parking demands,
44 sustainability, including lowering of fuel consumption, and the introduction of residents to public transit ridership.

45 **Fiscal/urban/Rural Impact:** Urban and rural counties would benefit from better transit service and
46 counties would be able to spend federal transit funds where the needs exist.

47 **Sponsors:** Sally Heyman, County Commissioner, Metro-Dade County, Florida; Peter McLaughlin,
48 County Commissioner, Hennepin County, Minnesota; Peter Corroon, Mayor, Salt Lake County, Utah
49

50 **Proposed Resolution on Maintaining Metropolitan Planning Organization (MPO) Designation Threshold 51 Levels**

52 **Issue:** Maintaining current Metropolitan Planning Organization (MPO) designation threshold levels.

53 **Proposed Policy:** The National Association of Counties (NACo) opposes legislation or regulation directing
54 the MPO population threshold to be raised from its current level of 50,000 people.

55 **Background:** Current regulation sets the MPO population threshold for designation at 50,000, and takes
56 into account factors such as density and contiguity. Current draft highway reauthorization legislation sets a new

1 threshold of 100,000 with a grandfathering of MPO's under the new threshold. Other proposals exclude
2 grandfathering and others set the threshold at 200,000 with no grandfathering. Currently, the Flagstaff MPO
3 (FMPO) represents a coordinated effort between the city of Flagstaff, Coconino County, the Arizona Department of
4 Transportation (ADOT), Northern Arizona University, and Northern Arizona Intergovernmental Public
5 Transportation Authority (NAIPTA), to provide superior transportation services to a diverse area. The area the
6 FMPO currently serves encompasses 525 square miles and provides the highest level of transit, pedestrian and
7 bicycle systems. Many of these developments were only made possible through the funding received through the
8 FMPO, and there are many other small MPO's that would be adversely affected by this proposed highway
9 reauthorization legislation

10 **Fiscal/Urban/Rural Impact:** Counties could see a significant fiscal impact due to the transportation
11 funding that will be redirected, if the draft proposals mentioned above are signed into law. In addition, counties
12 could see a reduced quality in transportation services provided throughout incorporated areas of the county, and
13 these impacts may be even more pronounced in the unincorporated or rural areas of counties.

14 **Sponsor:** Matt Ryan, County Supervisor, Coconino County, Arizona
15

16 **Proposed Resolution on the Transportation Infrastructure Finance and Innovation Act (TIFIA)**

17 **Issue:** Support expansion of the Transportation Infrastructure Finance and Innovation Act (TIFIA) during
18 reauthorization of surface transportation legislation.

19 **Proposed Policy:** NACo supports expanding the Transportation Infrastructure Finance and Innovation Act
20 (TIFIA) of 1998 which is a financing mechanism that allows local jurisdictions that dedicate a portion of locally-
21 based funding streams to infrastructure improvements to leverage Federal financing to speed the completion of
22 eligible transportation projects.

23 **Background:** NACo policy supports financing incentives which allow local jurisdictions such as counties
24 to leverage Federal financing for capital projects, including transportation improvements. Congress established the
25 TIFIA program in 1998 to permit the U.S. Department of Transportation (USDOT) to provide three forms of credit
26 assistance – secured (direct) loans, loan guarantees, and standby lines of credit – which could be used as a means of
27 accelerating the completion of transportation projects of national and regional significance. TIFIA's fundamental
28 goal is to leverage Federal funds by attracting substantial private or other non-Federal investment in critical
29 improvements to the nation's surface transportation system. Each dollar of Federal funds can provide up to \$10 in
30 TIFIA credit assistance and leverage \$30 in total transportation infrastructure investment.

31 Senator Barbara Boxer (D-CA) and Representative John Mica (R-FL), the respective chairs of the Senate
32 Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure, have
33 indicated their support for increasing the TIFIA program when Federal surface transportation legislation is
34 reauthorized. NACo urges Congress to significantly increase annual funding for the TIFIA program from its
35 currently authorized level of \$122 million per year, which will create additional financing options to complete
36 transportation improvement projects. Resolutions supporting the expansion TIFIA and similar innovative financing
37 mechanisms have been endorsed by the U.S. Conference of Mayors, the U.S. Chamber of Commerce, and the
38 American Public Transit Association.

39 **Rural/Urban/Fiscal Impact:** Expanding TIFIA within the context of surface transportation legislation
40 would allow local governments to leverage Federal financing to reduce the time needed to complete regionally
41 significant infrastructure projects.

42 **Sponsor:** Los Angeles County, California
43