



Proposed Policy Resolutions and Platform Changes

National Association of Counties (NACo)

2017 Annual Conference

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1 **ADMINISTRATIVE CHANGES TO THE NACo POLICY PROCESS**

2
3 **PROPOSED POLICY PROCESS CHANGES**

4
5 **NACo POLICY PROCESS**

6
7 ~~The National Association of Counties (NACo) is the only national organization representing county~~
8 ~~government in the United States. Its membership includes urban, suburban, and rural counties.~~

9
10 ~~NACo is governed by its member counties through a weighted voting system based on dues, which~~
11 ~~are based on population. Member counties elect officers and a board of directors at the annual~~
12 ~~conference.~~

13
14 **NACo VISION**

15 ~~NACo, with the creative involvement of its membership, will develop the leadership, programs, and~~
16 ~~services necessary to enable counties to:~~

- 17
18 ~~• meet the challenges of the 21st century;~~
19 ~~• manage rapid change; and~~
20 ~~• assist their citizens in achieving a better quality of life.~~

21
22 ~~A collaborative partnership, involving government, health, education, business, and the community is~~
23 ~~essential to achieve this vision.~~

24
25 ~~NACo recognizes that economic opportunity, environmental integrity, and societal equity are the~~
26 ~~foundation upon which counties can build a better quality of life for our citizens. As locally elected~~
27 ~~representatives, county officials have a significant responsibility to provide leadership that will seek~~
28 ~~community based solutions to strengthen their own counties. NACo supports the following values that~~
29 ~~can lead to the development of sustainable communities:~~

- 30
31 ~~• Economic vitality is crucial to the health of every community.~~
32 ~~• Natural, scenic, cultural, and historic resources are important community assets.~~
33 ~~• Choices should be made to accommodate economic development while also preserving~~
34 ~~vital natural environmental systems.~~
35 ~~• The process of arriving at a community vision should be open and inclusive and reflect the~~
36 ~~diverse population of the community.~~
37 ~~• Because communities and their surrounding areas are interdependent, there is a need for~~
38 ~~collaborative approaches to problem solving.~~
39 ~~• Safe, healthy, and clean communities are necessary to ensure a high quality of life for their~~
40 ~~citizens.~~
41 ~~• Community stability and social well being go hand in hand.~~

42
43 **ABOUT NACo**

44 ~~The National Association of Counties (NACo) unites America’s 3,069 county governments. Founded in~~
45 ~~1935, NACo brings county officials together to advocate with a collective voice on national policy,~~
46 ~~exchange ideas and build new leadership skills, pursue transformational county solutions, enrich the~~
47 ~~public’s understanding of county government, and exercise exemplary leadership in public service.~~

1 **MISSION**

2
3 Through NACo, county officials:

- 4
- 5 • Advocate with a collective voice on national policy
- 6 • Exchange ideas and build new leadership skills
- 7 • Pursue transformational, cost-effective solutions
- 8 • Enrich the public’s understanding of county government, and
- 9 • Exercise exemplary leadership in public service.

10
11 **VISION**

12 Healthy, vibrant and safe counties across the United States.

13
14 **BOARD OF DIRECTORS**

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

19
20 **POLICY MAKING**

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

- 24
- 25 **1.** The *American County Platform* is NACo’s permanent policy document. When necessary, it is
26 amended at the annual meeting. Divided into substantive policy areas covered by ten policy
27 steering committees, the platform reflects the philosophy and overall objectives of NACo’s
28 membership.
- 29
- 30 **2.** Policy resolutions are generally single-purpose documents addressing a specific issue or piece of
31 legislation. Resolutions draw attention to a topic of current concern, clarify parts of the broadly
32 worded platform, or set policy in areas not covered by the platform. These resolutions are valid until
33 the next annual meeting, at which time they are reviewed by the appropriate steering committee and
34 considered for inclusion in the platform. If they are not readopted or included in the platform, they
35 expire.
- 36
- 37 **3.** Board resolutions are passed by the board between annual meetings and are valid until the next annual
38 meeting, at which time they are reviewed by the appropriate steering committee and considered by
39 the board of directors and the general membership or they expire.

40
41 When necessary, the executive committee may make interim policy decisions between board
42 meetings, provided the policy is not in opposition to an adopted policy of the board of directors or the
43 membership.

44
45 The ten steering committees propose platform changes and resolutions to the board of directors, sitting
46 as a resolutions committee, which reports the proposals to the membership at the annual business
47 meeting. No platform change or resolution can be brought before the full NACo membership for
48 discussion or debate unless it has been submitted to the appropriate steering committee. However,
49 issues which clearly do not fit within the jurisdiction of an established steering committee may, at the

1 discretion of the president, be brought before the resolutions committee. Because issues can be
2 crosscutting among policy steering committees, more than one committee may review a resolution or
3 platform change.

4
5 Issues which have been addressed by the resolutions committee may then be brought before the general
6 meeting. The membership is the ultimate arbiter of what will or will not be NACo policy. The NACo
7 staff carries out the policy of the association and represents counties only on those issues which have
8 been approved through the policy process.

9
10 LUCc and RAC may propose policy to the appropriate committee of jurisdiction, but do not have the
11 authority to enact or recommend policy to the board of directors.

12
13 The *American County Platform* and policy resolutions contained in this volume have been adopted by
14 NACo members. The platform and resolutions are carefully considered statements of the needs and
15 interests of county governments throughout the nation and will serve as a guide for NACo members and
16 staff in the year ahead as they appear before legislative and administrative agencies to present the views
17 of county governments.

18 **PROCEDURES FOR SUBMITTING AND CONSIDERING NACo RESOLUTIONS**

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

23
24
25 **Submitting Resolutions:** Resolutions and platform changes must be ~~sent~~ submitted to submitted
26 electronically in an editable format to resolutions@naco.org, to the steering committee staff person or
27 NACo Legislative Director ~~at NACo headquarters~~ 30 no later than 30 days prior to a NACo conference.
28 These resolutions may be introduced at NACo conferences, including the Annual Conference,
29 Legislative Conference or, in some cases, any other conference where the NACo Board of Directors
30 convenes.

31
32 Resolutions should, if possible, be no more than one page in length and be simply and directly written.
33 They should include an “**Issue**” statement, a “**Proposed Policy**” statement, a factually accurate
34 “**Background**” statement and a “**Fiscal/Urban/Rural Impact**” statement if possible. For those without
35 a specific impact statement, the NACo steering committee staff will develop an appropriate statement
36 prior to submittal to the Board. For resolutions, the “Issue” statement should be a short sentence and
37 state the purpose of the resolution, the “Proposed Policy” section should specify a position or action by
38 NACo and/or other entities, the “Background” section should clearly outline the county interest in the
39 particular issue, and the “Fiscal/Urban/Rural Impact” section should attempt to address potential impacts
40 for counties in these areas, if known. Resolutions cannot overrule platform language, which has been
41 ratified by the membership. NACo staff may make necessary changes to the resolutions to ensure that
42 they are in the proper format.

43
44 The NACo Legislative Director, in consultation with the steering committee staff person, shall make a
45 preliminary decision as to which steering committee(s) to initially refer the proposed resolution, and
46 will be (?) subject to review by the Policy Coordinating Committee at the conference.

47
48 **Distribution of Resolutions:** No later than 14 days prior to the Legislative and Annual conferences, all
49 proposed resolutions pertinent to a steering committee and those acted upon at a previous NACo
50 conference which need final disposition by the NACo Board and general membership will be ~~mailed~~

1 sent to members of the appropriate steering committee. The steering committee chairs, vice-chairs,
2 subcommittee chairs and vice-chairs will be ~~mailed~~ sent material containing all steering committee
3 resolutions and platform changes to be considered at a conference.

4
5 **The Role of the Policy Coordinating Committee/Request for Referrals:** The Policy Coordinating
6 Committee (PCC) consists of the chairs of each of the policy steering committees and the NACo
7 Officers. It is the responsibility of this body to review all proposed resolutions and determine, prior to
8 the meetings of the full steering committees, whether there are resolutions which must be considered
9 by more than one steering committee because of a policy issue that cuts across steering committee
10 jurisdictions.

11
12 The first meeting of the PCC is typically held ~~at the end of the first day of the conference~~ prior to the
13 steering committee meetings. Prior to, or during the first PCC meeting, it is the responsibility of
14 steering committee chairs to request, through the NACo Legislative Director and the presiding NACo
15 Officer, the opportunity to consider a resolution that has not been previously referred to it by NACo
16 staff. If a subcommittee chair is interested in considering a resolution that was not referred to the full
17 steering committee, he/she must, prior to the first PCC meeting, ask the steering committee chair to
18 consider requesting a referral of the resolution.

19
20 For resolutions that have been referred to another committee, time must be made available at the steering
21 committee meeting for the sponsor of the resolution or his/her representative to explain its intent. This
22 presentation may also be made at a subcommittee meeting, but it shall not replace the presentation at the
23 full steering committee.

24
25 **Emergency Resolutions Submitted After the 30 Day Time Limit:** Steering committees may also
26 consider other resolutions or platform changes that were not submitted within the 30 day time limit.
27 These so-called “emergency” resolutions are federal legislative or regulatory matters that could not
28 have been foreseen 30 days prior to the conference, and is an issue of a timely nature that NACo should
29 consider action immediately. Inaction on the part of a submitter is not grounds for an emergency
30 resolution.

31
32 Steering committees receiving emergency resolutions or platform changes may consider them only if
33 two-thirds of the steering committee members present vote to review them. This vote and the vote
34 resulting in the adoption or defeat of the actual resolution must be tallied and reported to the PCC at the
35 conclusion of all steering committee meetings.

36
37 If a steering committee, after a two-thirds vote to take action, considered and ultimately adopted a
38 resolution that was not anticipated before the first PCC meeting, the PCC, at the request of any
39 steering committee chair, may table the resolution for consideration until the next NACo conference.
40 The request to table must be approved during the PCC meeting by a majority of the steering
41 committee chairs or their designees or officers present.

42
43 **The Subcommittee’s Role:** NACo subcommittees usually meet prior to their steering committee to
44 both receive specific, detailed information about their issues and to consider resolutions for later
45 disposition by the full steering committee. Most, but not all, resolutions are usually considered first in
46 a subcommittee. The subcommittee may consider the resolution referred to it by the steering
47 committee chair and make a recommendation, with a recorded vote, to the full steering committee on
48 the disposition of the resolution. A subcommittee does not have the ability to table or defeat a
49 resolution, thus prohibiting full committee consideration. There is no specific requirement for
50 subcommittees to make recommendations.

1
2 **Platform Changes/Existing Resolutions:** Platform changes are considered only at the Annual
3 Conference. As with resolutions, they must be submitted to the NACo legislative staff at least 30
4 days prior to the conference.

5
6 Each year resolutions will automatically be deleted from the *American County Platform* at the
7 following Annual Conference. At that conference, those resolutions that are still relevant must be
8 incorporated into platform language or offered 30 days in advance as a “new” resolution to be
9 considered by the appropriate steering committee. Resolutions passed by the NACo Board at the
10 Legislative Conference must be reviewed by the appropriate steering committee and recommended
11 for ratification by the general membership, or be dropped. Resolutions cannot be used to overturn or
12 modify existing language in the platform.

13
14 **Presentation of Resolutions and Platform Changes to the NACo Board of Directors Sitting as a**
15 **Resolutions Committee:** Each steering committee chair will report to the Resolutions Committee the
16 platform changes and resolutions adopted by the steering committee. They will also report on the
17 proposed disposition of resolutions adopted at any previous conference. Steering committees should
18 make every effort to settle disputes on resolutions before the meeting of the NACo Board of Directors.
19 They should consider blending and amending the resolutions into one compromise proposal or they
20 should table the issue for further discussion. If those alternatives are not acceptable to the steering
21 committees that have differing views, then the disputed resolution(s) shall be presented to the Board of
22 Directors after all other resolutions have been considered and acted upon. The representative of the
23 steering committee that originally drafted the resolution shall present their resolution first, followed by a
24 response and resolution from the other committee.

25
26 A steering committee chair shall report actions taken on all platform changes and resolutions, both as
27 part of the resolutions “package” and during the chair’s report to the Board of Directors when it sits
28 as a Resolutions Committee.

29
30 The chair’s report shall identify:

- 31
- 32 • those platform changes and resolutions that were adopted unanimously;
 - 33 • those platform changes and resolutions that were adopted with some unrecorded “nay” votes; and
 - 34 • those platform changes and resolutions that were adopted by roll call vote, announcing the “yeas”
35 and “nays”.
- 36

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

42

43 **STEERING COMMITTEE NOMINATIONS PROCESS**

44 Every spring, NACo calls for NACo steering committee nominations through the state associations of
45 counties. Approximately one month before the NACo annual conference, county officials must submit
46 their completed nomination forms to their state associations of counties. Generally, the President of the
47 state association, in consultation with the state executive director, appoints state members to NACo’s
48 steering committees. Nomination forms are sent to the state associations of counties, along with a list of
49 the current steering committee members

1 from their state and a sample announcement they may use to notify their membership about the
2 process and the deadlines for submitting nominations. Affiliate nominations to steering committees
3 must also follow the same process.

4
5 Applicants are urged to mark their first and second choices of steering committees on the nomination
6 form. The state associations of counties will submit names electronically by a deadline determined by
7 the NACo Legislative Director.

8
9 **The Eight and Two Rule:** NACo will make every effort to accommodate the nominee’s first choice of
10 steering committee assignments. NACo will consider the state and regional balance on the steering
11 committees and ensure that, at a minimum, the membership of each steering committee is at least two-
12 thirds elected county officials. Only eight county officials from the same state will be appointed to any
13 one steering committee, and no more than two persons from the same county may serve on any one
14 steering committee. This does not include NACo presidential appointments.

15
16 Prior to the mailing of the appointment letters, the NACo staff will review the new steering
17 committee rosters to ensure that there is geographic and demographic diversity within each
18 committee and the above guidelines for membership by a state or county are followed.

19
20 **Appointments:** The NACo president will send each appointee a letter announcing their appointment
21 to a steering committee. The NACo Legislative Director, Deputy Director, or an Associate Legislative
22 Director will contact appointees with relevant information regarding the NACo policy process,
23 committee membership links, schedules, the *American County Platform* and other relevant information.

24
25 Steering Committee appointees will serve on the committee for one year and cannot transfer
26 membership to another committee, or serve on more than one steering committee, during that year. (As
27 with any other NACo member, however, the appointee is welcome to attend any other steering
28 committee meeting to learn about its issues.) Committee appointees may serve simultaneously on NACo
29 caucuses, standing committees, task forces, or ad hoc committees.

30
31 **Steering Committee Roles and Responsibilities:** Each policy steering committee has members who
32 are nominated by the state associations of counties and appointed by the NACo president for one year.
33 The committee chair and subcommittee chair are generally elected officials who are appointed by the
34 NACo president for one year. At least two-thirds of the members of each steering committee should be
35 elected officials, but many committees have a much greater elected representation. Steering committees
36 are responsible for studying issues, recommending new policy positions, and carrying out the *American
37 County Platform* through advocacy activities.

38
39 Committees review problems facing counties, identify areas of concern to counties, and make
40 suggestions for federal, state, and county involvement. They build county and state support for
41 recommended revisions in federal rules and regulations and assist in building state association
42 participation in policy formulation and implementation processes. Committees also advise the NACo
43 board on priorities, strategies, and tactics involving federal legislation, rules, and regulations, and they
44 participate in special rallies, conferences, and meetings of the association to advance the objectives of
45 the committee.

46
47 Platform amendments and resolutions from member counties are submitted to the appropriate steering
48 committee for review and recommendation. At least one NACo staff member is assigned to each
49 steering committee to work with the committee chair in arranging meetings and determining agendas.
50 Each steering committee reviews legislation and issues within its jurisdiction. Committees usually

1 meet at least twice a year, always at the annual conference and legislative conference. In many cases,
2 informal arrangements are made for joint consideration of certain issues.

3
4 There are specific policy outreach expectations for every member of a steering committee. Each
5 steering committee member needs to read and understand the established policy positions in the
6 *American County Platform* within their respective jurisdictions. Each member also needs to be prepared
7 to contact members of Congress on important policy issues, both in Washington, D.C. and in their
8 districts and state. They should be prepared to discuss and inform constituents about the importance of
9 the policy positions taken by NACo, and suggest ways they can help. Steering committee members
10 should be ready and able to contact local and state media outlets to inform and impress upon them the
11 importance of the county positions on policy questions affecting their steering committee jurisdiction.
12 This includes writing op-eds, letter to the editor, editorial boards, etc.

13
14 Members should also be prepared to convene in meetings, participate in coalitions, and use the “bully
15 pulpit” of elected office to inform a broader audience of the importance of NACo’s policy issues.
16 Because many issues cut across jurisdictional lines, steering committees may provide oversight of
17 platform amendments and resolutions from other committees that affect their areas of jurisdiction.
18 The specific committee jurisdictions are:

- 19
20 • **Agriculture and Rural Affairs:** All matters pertaining to legislation and administrative
21 actions affecting agriculture; rural development programs; rural renewable energy
22 development; research and extension; food safety; and USDA conservation programs.
- 23 • **Community, Economic, and Workforce Development:** All matters pertaining to housing
24 programs; community and economic development; public works including the creation of
25 affordable housing and housing options for different populations; residential, commercial, and
26 industrial development; and building and housing codes.
- 27 • **Environment, Energy and Land Use:** All matters pertaining to air, water, energy, and land
28 use; including water resources/management, stormwater; pesticides; air quality standards;
29 climate change; solid, hazardous, and nuclear waste handling, transport, and disposal; national
30 energy policy; renewable/alternative energy; alternative fuel vehicles; energy facility siting;
31 electricity utility restructuring; pipeline safety; oil spills; superfund/brownfields; eminent
32 domain; land use; coastal management; oceans; parks and recreation.
- 33 • **Finance, Pensions Intergovernmental Affairs:** All matters pertaining to the financial
34 resources of counties; fiscal management; federal assistance; municipal borrowing; county
35 revenues; federal budget; federal tax reform; elections; and Native American issues.
- 36 • **Health:** All matters pertaining to public health and healthy communities, including disease
37 and injury prevention and health promotion; health disparities reduction; financing delivering
38 health care, including services for the uninsured, underinsured, and medically indigent;
39 Medicaid; Medicare; long-term care; behavioral health services; substance abuse prevention
40 and treatment; and services for persons with developmental disabilities.
- 41 • **Human Services and Education:** All matters pertaining to children’s issues; foster care; public
42 assistance and income support; services to senior citizens and individuals with disabilities;
43 immigration policy; social services; and elementary, secondary and post-secondary
44 education.
- 45 • **Justice and Public Safety:** All matters pertaining to criminal justice and public safety systems,
46 including criminal justice planning; law enforcement; courts; corrections; homeland security;
47 community crime prevention; juvenile justice and delinquency prevention; emergency
48 management; fire prevention and control; and civil disturbances.
- 49 • **Public Lands:** All matters relating to federally-owned public lands including federal land
50 management programs; natural resource revenue sharing payments; payments in lieu of taxes;
51 and property tax immunity concerns.

- 1 • **Telecommunications and Technology:** All matters pertaining to telecommunications and
2 technology policy, including, but not limited to, the county role as a telecommunications
3 regulator, service provider, and consumer; cable services technology and implementation;
4 information technology development and implementation; information technology
5 innovation; e-governance; and geo-spatial data collection and utilization.
- 6 • **Transportation:** All matters pertaining to federal transportation legislation, funding and
7 regulation and its impacts on county government, including highway and bridge
8 development, finance and safety; public transit development and finance; transportation
9 planning; airport development and service; passenger and freight railroads; ports and
10 waterways; freight movement; and research and development of new modes of
11 transportation.

12
13 **Task Forces:** In addition to the ten policy areas governed by steering committees, there are,
14 occasionally and periodically, issues which impact the jurisdictions of several steering committees.
15 Because these areas are not appropriate for limited consideration, they are often referred to special task
16 forces for broader policy consideration than that offered initially by a single steering committee.

17
18 These task forces or other special review bodies, like steering committees, report their findings to
19 the Board of Directors and the membership as a whole. Where permanent policy is required, the
20 policies so adopted may be inserted into appropriate locations within the platform. Temporary or
21 other impermanent policies are treated as general resolutions. Resolutions and platform changes
22 recommended by a task force must be considered and adopted by the relevant steering committee(s)
23 through the regular resolutions process.

1 **Fiscal/Urban/Rural Impact:** Rural economies rely on a robust farm bill which includes a strong
2 Rural Development title with accessible and flexible funding for key county priorities.

3

4 **Sponsor(s):** Bob Fox, Commissioner, Renville County, Minn.; Harrison Moody, Supervisor,
5 Dinwiddie County, Va.

6

1 **COMMUNITY, ECONOMIC AND WORKFORCE**
2 **DEVELOPMENT**

3
4 **PROPOSED PLATFORM CHANGES**

5
6 **Proposed Platform Changes to CEWD Housing Section**

7
8 **Page 19, Under Section A. The Need for Affordable, Workforce and Entry Level Housing**
9 **(after paragraph 2):**

10 NACo urges Congress and the U.S. Department of Housing and Urban Development (HUD) to
11 provide dedicated resources to enhance the ability of counties and local governments to comply
12 with HUD’s AFFH Final Rule and complete the required AFH planning process, including but
13 not limited to: increased flexibility to utilize Community Development Block Grant (CDBG)
14 funds beyond existing statutory and regulatory caps for fair housing planning and program
15 implementation; and dedicated funds for local governments to offset the increased costs
16 associated with undergoing the mandated AFH planning process. In addition, HUD is urged to
17 provide enhanced technical assistance to counties and local governments to aid them in
18 developing comprehensive AFHs, such as best practice guides, toolkits and sample agreements
19 for regional or multi-jurisdictional collaboration, fair housing program implementation guidance,
20 and specialized assistance for public housing authorities.

21
22 **Page 23, Under Section C13. Homeless Assistance (at end):**

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

27
28 **Sponsor(s):** Commissioner Renee Price, Orange County, N.C.

29
30 **PROPOSED RESOLUTIONS**

31
32 **Proposed Resolution on FY 2018 Appropriations for the U.S. Department of Housing and**
33 **Urban Development**

34
35 **Issue:** Support FY 2018 appropriations for the U.S. Department of Housing and Urban
36 Development (HUD).

37
38 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to support the
39 following levels of funding for core U.S. Department of Housing and Urban Development
40 (HUD) programs in the FY 2018 Transportation, Housing and Urban Development and Related
41 Agencies Appropriations bill: no less than \$3.3 billion in Community Development Block Grant
42 (CDBG) formula funding; no less than \$1.2 billion in formula funding for the HOME Investment
43 Partnership Program (HOME); no less than \$2.6 billion for Homeless Housing Assistance grants,
44 including at least \$270 million for the Emergency Solutions Grant program plus an amount to
45 fully fund expiring supportive housing and Shelter Plus Care rent subsidy contracts; full funding
46 for existing Section 8 project-based and tenant-based contracts; and \$500 million in Section 108

1 Loan Guarantee authority.

2
3 In addition, NACo opposes the imposition of a funding threshold to receive CDBG and HOME
4 Investment Partnerships program funds directly, or the revision of “grandfathering” provisions
5 that would remove participating jurisdictions from future funding eligibility.

6
7 **Background:** The CDBG and HOME programs have been model federal block grant programs
8 for improving the nation’s crumbling infrastructure, expanding affordable housing opportunities
9 and undertaking neighborhood revitalization. Despite the success of these programs, CDBG
10 funding has declined by 49 percent and HOME by 55 percent since 2000¹, which has severely
11 hampered the ability of local governments-to foster sustainable and economically resilient
12 communities. The Trump Administration’s FY 2018 budget proposal would eliminate both the
13 CDBG and HOME programs.

14
15 Local governments use CDBG funds for critical urban and rural improvement activities,
16 infrastructure improvements, and human resource development programs, including: road
17 construction; installation of water-and-sewer systems; expanding homeownership opportunities;
18 eliminating slum and blight; employment training; business and job creation; transportation
19 services; services at libraries, community centers, adult day care and child and after school care
20 facilities; homeless housing assistance; and crime awareness programs. According to HUD,
21 every \$1 million in CDBG funding supports approximately 26 jobs, and since 2005, CDBG
22 program resources have created over 300,000 jobs—thus proving that the program has been a
23 catalyst for economic growth and has helped local officials leverage funds for community needs.
24 The CDBG allocation continues to decline, however, at a time when the nation’s infrastructure is
25 failing and in dire need of improvements. Now more than ever before, local governments need
26 an increase in CDBG funding to give communities the ability to address their infrastructure and
27 economic development needs.

28
29 For counties across the nation, the HOME program is vital to increasing home-ownership and
30 expanding the availability of affordable rental housing. Since 1990, HOME funds have produced
31 over one million units of housing. HUD indicates that each dollar of HOME funding leverages
32 an additional \$4 in other public and private funding. Every \$1 billion in HOME funding creates
33 or preserves more than 17,000 jobs. Despite the good performance, HOME funding has been cut
34 in half since 2010. According to HUD, an estimated 12 million rental and homeowner
35 households now pay more than 50 percent of their annual incomes for housing. A family with
36 one full-time worker earning federal minimum wage of \$7.25 per hour cannot afford the local
37 fair-market rent for a two-bedroom apartment anywhere in the United States. It is imperative that
38 the HOME program be strengthened and expanded to help American families access decent and
39 affordable housing.

40
41 In May 2017, Congress passed the FY 2017 Consolidated Appropriations Act (P.L. 115-31). It
42 provided the CDBG program with \$3 billion; \$300 million in Section 108 loan guarantee
43 authority; the HOME program with \$950 million; \$2.1 billion in Homeless Assistance, including
44 \$250 million for the Emergency Solutions Grants (ESG); and full funding of Shelter Plus Care
45 and supportive housing rent subsidies.

¹ Adjusted for inflation

1
2 Last year, the administration’s FY 2017 proposed budget included provisions to amend the
3 HOME Investment Partnership program to include a funding threshold of \$500,000 for
4 communities to receive formula funding directly from HUD, and to revise “grandfathering”
5 provisions so that participating jurisdictions whose funding falls below the threshold three out of
6 five years would be ineligible to receive direct formula funds. HUD has indicated that more
7 than 250 participating jurisdiction would lose direct funding under the HOME threshold, which
8 would include numerous counties. Furthermore, the imposition of a similar funding threshold to
9 receive CDBG funds directly or the revision of “grandfathering” provisions would remove
10 numerous participating jurisdictions from future funding eligibility.

11
12 **Fiscal/Urban/Rural Impact:** Funding of HUD’s core programs is crucial to state and local
13 governments that provide services to communities at the grassroots level.

14
15 **Sponsor(s):** Renee Price, Commissioner, Orange County, N.C.

16
17 **Proposed Resolution to Maintain Current Funding for HUD-VASH Vouchers for Homeless**
18 **Veterans in FY 2018 Budget**

19
20 **Issue:** Support for federal funding for the HUD-Veterans Affairs Supportive Housing (HUD-
21 VASH) program.

22
23 **Proposed Policy:** NACo urges Congress to maintain current funding for the HUD-VASH
24 voucher program for homeless veterans at a level of not less than \$40 million for FY 2018.

25
26 **Background:** The President’s FY 2018 budget contains no funding for HUD-VASH vouchers;
27 \$7 million of funding for tribal HUD-VASH vouchers is contained in the President’s FY 2018
28 budget. The HUD-VASH program combines Housing Choice Voucher (HCV) rental assistance
29 for homeless Veterans with case management and clinical services provided by the Department
30 of Veterans Affairs (VA). VA provides these services for participating Veterans at VA medical
31 centers (VAMCs) and community-based outreach clinics (CBOCs).

32
33 Every year since 2008, HUD and the VA have awarded HUD-VASH vouchers based on
34 geographic need and public housing agency (PHA) administrative performance. The allocation
35 process for HUD-VASH vouchers is a collaborative approach that relies on three sets of data:
36 HUD’s point-in-time data, VAMC data on the number of contacts with homeless veterans, and
37 performance data from PHAs and VAMCs.

38
39 HUD has awarded \$75 million of annual funding for approximately 10,000 HUD-VASH
40 vouchers each year in 2008-2010 and 2012-2015. Congress appropriated \$50 million in 2011 to
41 serve approximately 7,000 voucher families and \$60 million in 2016 to serve approximately
42 8,000 families; \$40 million was appropriated in FY 2017 to serve approximately 5,000 families.
43 Since 2008, approximately 90,000 vouchers have been awarded.

44
45 HUD estimated that, as of January 2016, 39,471 veterans were homeless, which represented a 46
46 percent decline in veteran homelessness since 2009.

1 Under the CEWD Sections of NACo’s 2016-2017 Platform NACo supports: “14. Initiative to
2 End Veteran Homelessness: NACo supports the goal of ending homelessness among veterans
3 and military families, including using temporary assistance and shelter resources to assist with
4 permanent housing placement. NACo strongly recommends the continued appropriation of
5 resources through the Veterans Affairs Supported Housing (HUD-VASH) vouchers, Supportive
6 Services for Veteran Families (SSVF) grant program, and the Grants and Per Diem program to
7 accomplish this goal.” (page 23).

8
9 **Fiscal/Urban/Rural Impact:** Reducing funding from a level of \$40 million to \$7 million will
10 have a dramatic impact on our veterans (and their families) who face homelessness. Despite
11 progress in the recent decade, approximately, 40,000 veterans remain homeless and in need of
12 immediate help in cities, counties and rural areas across the nation.

13
14 **Sponsor(s):** Commissioner Martha Schrader (Clackamas Co., Ore.); Commissioner Rod Runyon
15 (Wasco Co., Ore.); Commissioner Stan Primozych (Yamhill Co., Ore.); Commissioner Pat Farr
16 (Lane Co., Ore.)

17 18 **Proposed Resolution on Affordable Housing**

19
20 **Issue:** Support an increase in the supply of affordable housing through the expansion of tools
21 such as the Low-Income Housing Tax Credit program.

22
23 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to increase the
24 allocation of Low Income Housing Tax Credits (LIHTCs) by 50 percent and enact a permanent 4
25 percent credit rate floor for acquisition and bond-financed projects, allowing the program to
26 create and preserve more affordable homes in the United States. Additionally, NACo urges
27 Congress to provide enhancements and increased funding levels to all programs aimed at
28 increasing the supply of affordable housing.

29
30 **Background:** The LIHTC program has been one of the most successful tools for boosting
31 private investment in the development and preservation of affordable rental housing in the
32 United States. Created by the Tax Reform Act of 1986, the LIHTC program has given LIHTC
33 state and local allocating agencies the equivalent of approximately \$8 billion in annual budget
34 authority to issue tax credits for the acquisition, rehabilitation, and new construction of rental
35 housing targeted to lower-income households. With these funds, approximately 6.5 million low-
36 income households have lived in affordable apartments financed by LIHTC from 1986 to 2013.

37
38 Despite the success of this and other housing programs, millions of families still struggle to find
39 decent and affordable housing. According to the Department of Housing and Urban
40 Development (HUD), an estimated 12 million renter and homeowner households spend more
41 than 50 percent of their annual incomes on housing. Families who pay more than 30 percent of
42 their income for housing are considered cost burdened and will likely have difficulty paying for
43 other necessities such as food, clothing, transportation and medical care.

44
45 Even the nearly 2.2 million households in the U.S. who receive housing vouchers to subsidize
46 their rent face many hurdles or obstacles in finding affordable housing under current market
47 conditions. Families under the Housing Choice Voucher Program must secure an apartment in

1 the private market within sixty days of receiving a voucher. The rents for their apartments must
2 fall within the Fair Market Rent guidelines established by HUD, but for many communities, the
3 Fair Market Rent threshold allows families to rent homes in only a handful of neighborhoods. If
4 a voucher holder fails to find housing at or below the Fair Market Rent amount, they must return
5 the voucher at the end of the 60-day period. In many markets, this has caused high return rates of
6 the vouchers as families are unable to find affordable housing in their communities. New York,
7 for example, has almost a 50 percent return rate due to the lack of affordable housing available to
8 voucher holders. The affordable housing crisis has left low and moderate income families
9 financially on edge and has compromised their ability to afford food, maintain a stable
10 environment for their children and find and retain employment.

11
12 Additionally, the Trump Administration’s proposed corporate tax rate drop will likely have
13 significant effects on LIHTC and other tax credit programs. This plan, released in Fall 2016,
14 proposes to drop the corporate tax rate to 15 percent from 35 percent, while House Republicans
15 have proposed a drop to 20 percent. In either case, a significant drop in the corporate tax rate
16 would likely make investment in LIHTC less appealing. When an investor purchases tax credits
17 from a developer under the LIHTC program, the investor can use those credits to lower his/her
18 annual federal tax bill. If an investor has a lower tax bill, he/she will not be willing to pay as
19 much for these tax credits. Developers will need to sell more credits in order to gain the equity
20 needed for low-income housing projects. Therefore, in order to maintain the production of
21 affordable housing with the LIHTC program under a corporate tax rate cut, more tax credits will
22 need to be allocated.

23
24 As affordable housing becomes more difficult to access and rents continue to increase, the
25 creation of more affordable housing units is necessary. With the affordable housing crisis in
26 combination with proposed corporate tax rate cuts, Congress now more than ever should provide
27 the tools and funding necessary to increase the nation’s affordable housing stock. The LIHTC
28 program has been one of the most successful tools for rental housing production, but the current
29 authority available is insufficient to respond adequately to affordable housing needs and
30 increasing demands. An increase in the allocation of LIHTC by 50 percent is critical to
31 preserving and creating more housing options for lower-income households in the United States.
32 Furthermore, a permanent 4 percent credit rate floor for acquisition and bond-financed projects
33 will empower states to allocate more credit equity to properties, provide more efficiency to
34 program administration and offer more predictability to the program.

35
36 **Fiscal/Urban/Rural Impact:** The expansion of affordable housing programs is crucial to state
37 and local governments that provide housing to communities at the grassroots level.

38
39 **Sponsor(s):** Patricia Ward, Director, Community Development and Housing Department,
40 Tarrant County, Texas

41 42 **Proposed Resolution to Support the Housing First Approach**

43
44 **Issue:** Housing First Approach

45
46 **Proposed Policy:** The National Association of Counties (NACo) strongly supports retaining

1 Housing First as the best practice approach to homeless assistance that prioritizes providing
2 permanent housing to people experiencing homelessness.

3
4 **Background:** In 2003, the George W. Bush Administration announced that ending “chronic
5 homelessness” would be a national goal, using permanent supportive housing (subsidized
6 housing combined with health care and supportive services) as the primary intervention. The
7 Housing First approach was articulated as an important part of that work. The reason was simple.
8 As one commentator noted, “Experts call this the ‘housing first’ strategy. It works.” Matthew
9 Continetti, *Conservative Successes: Some Domestic Policy Achievements to Be Proud Of*. The
10 *Weekly Standard*, January 5, 2009.

11
12 In June 2010, the Obama Administration released *Opening Doors: Federal Strategic Plan to*
13 *Prevent and End Homelessness*. In this document, the U.S. Department of Housing and Urban
14 Development and its federal partners developed a course to end homelessness in stages –
15 targeting ending Veteran and chronic homelessness by 2015 and ending family and youth
16 homelessness by 2020.¹ Housing First is an approach in which housing is offered to people
17 experiencing homelessness without preconditions such as sobriety, mental health treatment, and
18 employment. There are also no service participation requirements and in which rapid placement
19 and stabilization in permanent housing are primary goals.² Once the basic housing need is met,
20 then the homeless individuals/families are offered the appropriate supportive services needed to
21 address the barriers that impeded their housing. Homeless individuals/families have to agree to
22 follow the lease.

23
24 Under the Housing First model, homeless individuals and families are prioritized for services
25 based on vulnerability. They are placed from the street or short-term shelter directly into
26 permanent housing where they can remain without having to be transitioned from one program to
27 another when they show improvements to move to the next level. Success rates in these older
28 models are low when factored over time relative to long-term impact of keeping a household
29 housed. The cost of Transitional Housing and shelter exceeds that of Housing First models less
30 successful long term outcomes.

31
32 For most people experiencing homelessness, however, such long-term services are not necessary.
33 The vast majority of homeless individuals and families fall into homelessness after a housing or
34 personal crisis. For these households, the Housing First approach provides them with short-term
35 assistance to find permanent housing quickly and without conditions. In turn, such households
36 often require only brief, if any, support or assistance to achieve housing stability and individual
37 well-being.³ Professor Dennis Culhane’s research (University of Pennsylvania) has shown that a
38 vast majority of people staying in shelters did so briefly and got on with their lives; ten percent
39 of those sheltered were in and out repeatedly for years, accounting for half of total bed use.

40
41 **Fiscal/Urban/Rural Impact:** Placement directly into permanent supportive housing has been
42 shown to be a cost effective approach to addressing the needs of those homeless who are high
43 utilizers of a county’s services. Providing access to housing typically results in cost savings for
44 communities; housed individuals and families are less likely to use emergency services,
45 including hospitals, jails, and emergency shelter, than those who are homeless. One study
46 showed that a Housing First program could cost up to \$23,000 less per household served per year

1 than a shelter program.¹ The Housing First method has had success rates ranging from 85 to 95
2 percent.

- 3
- 4 1. [http://www.endhomelessness.org/page/-/files/2016-04-](http://www.endhomelessness.org/page/-/files/2016-04-26%20Housing%20First%20Fact%20Sheet.pdf)
5 [26%20Housing%20First%20Fact%20Sheet.pdf](http://www.endhomelessness.org/page/-/files/2016-04-26%20Housing%20First%20Fact%20Sheet.pdf)
- 6 2. <https://portal.hud.gov/hudportal/documents/huddoc?id=14-12cpdn.pdf>
- 7 3. http://www.endhomelessness.org/pages/housing_first
- 8

9 **Sponsor(s):** Claudia Tuck, Director of Community Support Services, Alachua County, Fla.

10

11 **Proposed Resolution Supporting Reauthorization and Appropriations for the Department**
12 **of Commerce’s Economic Development Administration**

13

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

16

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

20

21 **Background:** The EDA provides direct resources to counties to support economic development
22 efforts through planning grants to regional economic development districts, in order to support
23 comprehensive economic development strategy planning and implementation, as well as
24 financing for public works and technical assistance projects. It focuses solely on private sector
25 job creation and retention.

26

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

31

32 NACo supports at least maintaining EDA’s FY 2017 funding level of \$276 million. EDA is
33 currently funded at \$276 million in the FY 2017 Omnibus Appropriations package.

34

35 At a time when the nation must make the regional and local investments necessary to compete in
36 the modern global economy, the flexibility, partnership structure and accountability of EDA
37 programs should be at the forefront of the federal strategic plan. EDA’s portfolio of economic
38 development infrastructure, business development finance, regional innovation strategies and
39 public-private partnerships are tailored to support the unique needs of each region.

40

41 EDA grants are awarded on a competitive basis to local governments, nonprofits and 45
42 communities by the agency’s six regional offices. By federal law, EDA projects typically require
43 a local cost share and significant private sector investment, ensuring that local leaders and
44 businesses are committed to project success. EDA investments focus on high quality jobs,
45 especially in advanced manufacturing, science and technology and emerging knowledge-based
46 industries and sectors.

1 EDA and its local partners direct their attention to the fundamental building blocks for economic
2 development. EDA’s infrastructure projects target essential facilities and assets, such as water
3 and wastewater systems, middle mile broadband networks, workforce training centers, business
4 incubators, intermodal facilities and science and research parks. These assets often are lacking in
5 the nation’s most distressed areas, yet they are a prerequisite for private industry to remain or
6 locate in these areas.

7
8 The keys to EDA’s repeated successes remain its flexible program tools, its long-standing
9 partnerships with regional and local economic development organizations, and its focus on
10 investing in locally and regionally-driven strategies and infrastructure projects that are tied to
11 leveraging private sector job creation and retention activities.

12
13 **Fiscal Urban/Rural Impact:** EDA’s programs provide critical funding for economic and
14 community development initiatives and key projects important for creating and retaining jobs.

15
16 **Sponsor(s):** Renee Price, Commissioner, Orange County, N.C.

17
18 **Proposed Resolution on FY 2018 Appropriations for the Workforce Innovation and**
19 **Opportunity Act (WIOA)**

20
21 **Issue:** Support FY 2018 Appropriations for the Workforce Innovation and Opportunity Act
22 Funding

23
24 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to provide
25 adequate resources for Workforce Innovation and Opportunity Act (WIOA) programs and fund
26 the Title I and Title II accounts at the level authorized by the Act:

27
28 Title I – Department of Labor

- 29 • \$861.1 million for Adult Employment and Training Services, \$922.2 million for the
30 Youth Activities, and \$1.37 billion for Dislocated Worker Employment and Training
31 Services

32
33 Title II – Department of Education

- 34 • \$649.287 million for Adult Education

35
36 In addition, NACo supports only a WIOA formula allocation funding approach. NACo supports
37 local control and investment at the county and municipality level, and rejects any mechanism
38 that gives States more authority than WIOA intends.

39
40 **Background:** The 40 percent cuts to workforce training funds for Adults, Dislocated Workers
41 and Youth and nearly 20 percent cuts to Adult Education funds proposed in President Trump’s
42 FY 2018 budget would harm the federal workforce system. Workforce Development Boards
43 serving businesses in communities across the country would be forced to eliminate critical
44 services, disproportionately impacting small to medium sized firms desperate for a skilled
45 workforce.

1 Cuts of any magnitude at this early point of the WIOA implementation will erase the strides
2 already made. There is a bipartisan focus on economic growth and that can only be realized with
3 a skilled and trained workforce to fill the jobs of today and the future.

4
5 WIOA funding is invested through direct consultation with private sector needs in local areas by
6 private sector-led Workforce Development Boards that play a critical role in the promised
7 economic growth under this Administration. Indeed, local boards are the access points of
8 apprenticeship training opportunities.

9
10 Access to these services through the federal workforce system allows our businesses to focus on
11 innovation and expansion. The Workforce Development Boards convene the stakeholders across
12 the private and public sector to make the necessary connections to close that noted ‘skills gap.’

13
14 **Fiscal/Urban/Rural Impact:** Funding of the WIOA Titles I and II services is crucial to state and
15 local governments that provide services to communities at the grassroots level.

16
17 **Sponsor(s):** Mark Jacobs, Director of Workforce Services, Dakota County, Minn.; Orrin Bailey,
18 NACo Board Member

19 20 **Proposed Resolution on Registered Apprenticeships Program Flexibility**

21
22 **Issue:** Support flexibility for registered apprenticeships, academic and hands-on training.

23
24 **Proposed Policy:** NACo urges Congress to provide more flexibility for the Registered
25 Apprenticeships Program to allow for more hours to be achieved through relevant college and
26 workshop classroom instruction, rather than all hours having to be recorded working with a
27 journeyman.

28
29 **Background:** The regulations relating to registered apprenticeships have been in place for 80
30 years and state that, to be a registered apprentice, you must work 40 hours per week, and all
31 hours of the apprenticeship should be spent under the tutelage of a journeyman. Additionally,
32 during the period of the apprenticeship, an additional 144 hours per year of related instruction
33 must be completed.

34
35 Many apprentices wish to combine schooling with an apprenticeship and, consequently, work
36 part time and attend college. For example, a Mechatronics Technician needs to have a thorough
37 knowledge of automation and controls technology. Certain aspects of the required training are
38 better taught in a classroom environment, rather than under a journeyman in the workshop.

39
40 **Fiscal/Urban/Rural Impact:** This change would allow for more registered apprenticeships in
41 local areas. There are many students working part time, but also attending classes for an AA or
42 AS degree, who are unable to be recognized as a registered apprentice because of this outdated
43 requirement.

44
45 **Sponsor(s):** Commissioner Kathryn Starkey, Pasco County, Fla.

ENVIRONMENT, ENERGY AND LAND USE

PROPOSED PLATFORM CHANGES

Proposed Platform Change on National Flood Insurance Program Environmental Consideration

Proposed Platform Change: Clarifies some of the language and intent of this section in context of appropriate environmental considerations related to reauthorization of the National Flood Insurance Program (NFIP).

WATER QUALITY

C. Watershed and Wetlands Management:

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

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

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

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

NACo supports federal government efforts to discourage residential, commercial, or industrial development in floodplains and wetlands, when feasible, because NACo recognizes these areas are of great natural productivity, hydrological utility and environmental diversity, and provide natural flood mitigation, improved water quality, recharged aquifers, and flow stabilization of streams and rivers. Flood risk analysis and environmental impact analysis should be performed for development activities, including flood mitigation measures, in these high-risk, sensitive areas.

Background: NFIP reauthorization is before the Congress. The NFIP is viewed by many as enabling if not incentivizing development in high flood-risk hazard areas, which often are environmentally vulnerable areas. Beyond the impacts to public safety addressed in the NFIP

1 authorizing legislation, such development often has associated negative short- and long-term
2 environmental consequences. Among the positive proposed new legislative provisions are
3 resources for implementation of flood-risk mitigation measures and preparedness strategies.
4 These must be implemented with care. Recent court cases have highlighted the intersection
5 between the NFIP and its putative environmental effects. It is appropriate for NACo to address
6 this emerging issue.

7
8 **Fiscal/Urban/Rural Impact:** Could increase development costs. Could reduce development-
9 related flood risks, environmental risks, social costs.

10
11 **Sponsor(s):** Larry Schoen, Commissioner, Blaine County, Idaho

12 13 **PROPOSED RESOLUTIONS**

14 15 **Proposed Resolution on the EPA and the Corps' Waters of the U.S. Definition Rulemaking**

16
17 **Issue:** The EPA is seeking county input on the appropriate definition of “Waters of the United
18 States” within the Clean Water Act (CWA) in new rulemaking.

19
20 **Proposed Policy:** NACo supports withdrawal of the Environmental Protection Agency (EPA)
21 and Army Corps of Engineers' 2015 "Waters of the U.S." (WOTUS) rule and a restart of the
22 rule-making process, limited to the scope allowed under the "Interstate Commerce Clause"
23 within the United States Constitution. NACo recommends that the agencies to work closely with
24 state and local governments to develop consensus in the development of a new WOTUS rule.
25 NACo additionally supports the reliance on a rebuttable presumption that all waters are “waters
26 of the states” unless and until the EPA and Corps can prove implicated waters satisfy the
27 definition for “Waters of the United States.”

28
29 **Background:** The term “waters of the United States” was interpreted broadly by the majority of
30 federal courts and agencies between the 1970’s and 90’s. The Supreme Court’s decisions in 2001
31 and 2006 held that the scope of what constitutes a WOTUS needed to be linked to the waters
32 used in navigation. However, the justices in the 2006 *Rapanos* decision were split on how to
33 determine jurisdiction. Justice Scalia’s plurality opinion stated that only waters with a relatively
34 permanent flow and wetlands with a continuous surface connection to relatively permanent
35 waters should be under federal jurisdiction while Justice Kennedy’s concurrent opinion stated
36 that waters with a “significant nexus” with a navigable water should be under federal
37 jurisdiction. In 2015, the Clean Water Rule sought to clarify the term according to Justice
38 Kennedy’s concurring opinion, and it was met with concerns from many states and local
39 governments. On February 28, 2017, the “Executive Order on Restoring the Rule of Law,
40 Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule” was
41 signed. The executive order directs the EPA and Corps to develop a new WOTUS definition
42 consistent with Justice Scalia’s opinion in *Rapanos*. The EPA is consulting with local
43 governments to create a new definition based on Justice Scalia’s opinion. Further, in contrast to
44 the previous WOTUS rule that would have assumed most waters are waters of the U.S. unless
45 proven otherwise, this proposal recommends the opposite: that waters should be presumed to be
46 waters of the state.

1 **Fiscal/Urban/Rural Impact:** Support for the proposed revision to the regulation that defines
2 “waters of the United States” under the CWA will increase the opportunity and role of local
3 governments in the rulemaking process. In developing the 2015 rule, the EPA and Corps’
4 numerous briefings and conversations with local governments failed to meaningfully engage the
5 states and local governments in their obligation under the CWA and Executive Order 13132 –
6 Federalism (August 4, 1999). NACo supports the concerted effort by EPA and Corps to engage
7 local governments in a manner of cooperative federalism that conforms to the ambitions of the
8 CWA and E.O. 13132 – Federalism.

9
10 **Sponsor(s):** Loren Grosskopf, Commissioner, Park County, Wyo.; Julia Fisher-Perrier,
11 Councilmember, St. Charles Parish, La.; Marnie Winter, Assistant Director—Environmental
12 Affairs, Jefferson Parish, La.

13
14 **Proposed Resolution Supporting the Regulation of Certain Functional Wetlands within**
15 **Section 404 of the Clean Water Act**

16
17 **Issue:** Provide clarity for certain types of wetlands under the “Waters of the U.S. (WOTUS)”
18 definition within the Clean Water Act (CWA).

19
20 **Proposed Policy:** Support for adding clarity to the definition of "Waters of the United States"
21 (WOTUS) to include jurisdiction similar to “relatively permanent” natural streams for naturally
22 occurring intermittent streams (not irrigation ditches) in alpine or subalpine headwaters
23 watersheds where precipitation feeding the streams primarily falls as snow. Support to include
24 jurisdiction for functional wetlands in alpine or subalpine headwaters watersheds for naturally
25 occurring depressional wetlands classified as fens and bogs which are essential for carbon
26 sequestration in peat and discharge to groundwater systems. Fens and bogs are traditionally
27 considered "isolated" wetlands because their discharge path is too complex for regulatory
28 understanding. This proposed policy is limited to alpine and subalpine ecosystems in headwaters
29 watersheds where precipitation occurs primarily as snowfall and the length of the average frost
30 free season is less than 100 days per year.

31
32 **Background:** Federal agencies are exploring developing a new WOTUS definition based on
33 Supreme Court Justice Scalia’s plurality opinion that federal jurisdiction should only include
34 waters with a relatively permanent flow. Relatively permanent must take into consideration the
35 great diversity of climate, length of growing season, type of precipitation, topography, geology,
36 hydrology, soils and other factors and not treat all areas from coast to plains to tundra the same.
37 Specifically, in alpine and subalpine headwaters areas such as near the continental divide, where
38 annual precipitation falls primarily as snow, depressional wetlands and intermittent natural
39 streams are essential for providing source waters for ground and surface water systems that affect
40 counties far downstream. Section 404 of the CWA is the only federal protection for wetlands
41 and under *Rapanos* does not include many fens, bogs, marshes, alpine snow glades, wet
42 meadows, and intermittent streams that carry snowmelt.

43
44 Under the American County Platform, the proposed policy will not affect the current EELU
45 platform. NACo recognizes that the availability of an adequate supply of clean water is vital to
46 our nation. Water quality degradation can impose human health risks through contaminated
47 drinking water supplies, diseased fish, and unsafe or polluted water bodies used for recreation,

1 and can lead to the loss of valuable wildlife habitat. NACo believes management of watersheds,
2 wetland areas, and coastal watersheds are approaches used to address public health,
3 environmental protection, and restoration issues within hydrologically-defined geographic areas.
4 NACo supports keeping the terms navigable and/or navigable waters in the CWA to protect
5 intrastate waters, including wetland habitats, rivers, and streams within the United States and to
6 protect the basic, fundamental principles of local land use control in accordance with the goals of
7 the CWA. NACo will oppose any effort to remove the term “navigable” from the CWA. The
8 proposed policy is limited to natural streams and functional wetlands within alpine and subalpine
9 areas located in headwaters watersheds, where precipitation predominantly falls as snow and the
10 number of average frost free days is less than 100 days/year.

11
12 There have been recent federal efforts to add clarity to the definition of WOTUS while ensuring
13 adequate water quality protection for the headwaters region. EPA has reported that the lack of
14 clarity as to what waters would be jurisdictional after the *Rapanos* decision has resulted in waters
15 not receiving water quality protection under the CWA, additional burdens on federal agencies,
16 and delayed timelines for permit-seekers. Increased clarity for the definition of WOTUS should
17 not mean reduced water quality protection under the CWA for headwaters functional wetlands.
18 Instead, CWA jurisdiction should be based on scientific evidence of hydrological connections
19 between rivers, streams, and wetlands. In the case of some "isolated wetlands" more scientific
20 study is needed to understand the complex hydrology of wetlands such as fens which discharge
21 to groundwater in alpine areas and then groundwater discharges at the ground surface as springs,
22 seeps, or base flow far downslope.

23
24 Wetlands cover about two percent of the earth's surface, but store over twenty percent of the
25 earth's carbon. Less than two percent of Colorado's lands are riparian wetlands, which support
26 seventy-five percent of the state's specie and are used by more than ninety percent of the state's
27 wildlife. Eighty percent of all bird species in the Rocky Mountains breed in wetland/riparian
28 habitats. Water from the Colorado headwaters region flows downstream to six other states and
29 Mexico, providing water for use by more than 30 million people. Local governments are charged
30 with protecting water quality through their stormwater, wastewater and water treatment systems.
31 CWA protections help to ensure safe drinking water and robust economies, and ensure that local
32 governments do not incur higher costs for water treatment of waters that are degraded from
33 actions of others upstream. Simplifying and clarifying the jurisdictional scope of federal
34 authority over water bodies is essential to this goal, as is continued protection of headwaters
35 streams and wetlands which impact downstream rivers that flow through headwaters
36 communities.

37
38 WOTUS should include in the definition of “relatively permanent” streams, natural waters and
39 wetlands located within alpine and subalpine environments, where most precipitation falls as
40 snow and most flow is the result of snowmelt during a few months of the year. Protection of
41 natural alpine and subalpine functional wetlands and such natural intermittent streams, where the
42 frost free season is typically less than 100 days a year, is vital to water quantity and water quality
43 downstream as well as providing hardrock mining districts where wetlands provide natural
44 filtering and buffering of acidic waters containing dissolved heavy metals. This policy avoids
45 conflicts and opposition to treating intermittent streams such as washes and gullies where
46 precipitation is primarily monsoonal rain as jurisdictional and is limited to natural streams and
47 wetlands, not those related to manmade stormwater structures or irrigation ditches.

1
2 In the Colorado headwaters, almost all precipitation comes in the form of snow, which melts and
3 creates headwaters streams that may not have year-round flows. Protecting these headwaters
4 streams is just as important as protecting streams with equivalent year-round flows, as the impact
5 to the downstream communities, environment, and economy is the same. Excluding headwaters
6 streams could have negative consequences for the headwaters environment and economy.

7
8 Streams and wetlands may be hydrologically connected in different ways, not necessarily
9 through a surface water connection. The exact means of the connection for natural alpine and
10 subalpine headwaters should not affect whether the water receives protection under the CWA.
11 The nexus between headwaters streams and wetlands and CWA goals is aptly described in a
12 paper published in the Journal of the American Waters Resources Association: “[H]ydrological
13 connectivity allows for the exchange of mass, momentum, energy, and organisms longitudinally,
14 laterally, vertically, and temporally throughout stream networks and the underlying aquifers.

15
16 Hillslopes, headwater streams, and downstream waters are best described as individual elements
17 of integrated hydrological systems.” Thus, CWA protection for natural waters at the top of the
18 watershed is essential because these waters affect the biologic, chemical, and physical integrity
19 of downstream navigable waters. There is no rational basis to exclude these waters from CWA
20 protection because they always are functionally interconnected to the waters that they join.

21
22 Special wetlands such as fens in alpine headwaters areas must be protected. Fens are important,
23 unique wetlands in the Rocky Mountains. They are ancient ecosystems 8,000 to 12,000 years
24 old. Even though they occupy less than 0.5% of the landscape, they “provide important
25 headwater quality functions,” including carbon storage, water storage, wildlife habitat, and
26 biodiversity. Headwaters counties in the San Juan Mountains have partnered with federal land
27 management agencies, academia, ski resorts to study and protect these wetlands.

28
29 **Fiscal/Urban/Rural Impact:** Positive for local government, as functional alpine/subalpine
30 depressional wetlands and snow-fed intermittent streams provide resiliency and natural mitigation
31 from flooding, drought, water for agriculture, recreation and tourism important to many local
32 economies, special habitats, water quality enhancement which are costly for local governments to
33 mitigate. Without healthy headwaters providing year-round water to downstream counties with good
34 water quality, there is great fiscal impact to all the counties within the larger basin.

35
36 **Sponsor(s):** San Miguel County, Colo. Board of County Commissioners

37
38 **Proposed Resolution on U.S. Army Corps of Engineers Section 404 Permits**

39
40 **Issue:** It is difficult to get U.S. Army Corps of Engineers (Corps) Section 404 permits approved
41 in a timely manner.

42
43 **Proposed Policy:** NACo supports legislative and regulatory efforts to improve and shorten the
44 Corps timeline to review and issue Section 404 permits.

1 **Background:** It takes too long and too many delays in issuing permits, whether it is government
2 or private industry, when other agencies have a restrictive timeline the Corps seems to be able to
3 avoid being held to a reasonable time cap.
4

5 **Fiscal/Urban/Rural Impact:** Delays in any project or costly, lengthening of time to completion
6 could mean loss of jobs, escalation of cost, or even loss of grants due to timelines. To have the
7 Corps follow a reasonable timeline as do other departments and agencies would lead to more
8 efficient planning and eliminate costly delays.
9

10 **Sponsor(s):** Bob Cole, Commissioner, Santa Rosa County, Fla.
11

12 **Proposed Resolution Supporting Codification of EPA’s Integrated Planning Framework** 13 **and Related Demonstration Projects** 14

15 **Issue:** Clean Water Act (“CWA”) compliance for sewer districts across the county is too costly.
16

17 **Proposed Policy:** NACo urges the passage of legislation that codifies the U.S. Environmental
18 Protection Agency’s (“EPA”) 2012 Integrated Municipal Stormwater and Wastewater Planning
19 Approach Framework (“Integrated Planning Framework”), under which sewer districts can seek
20 more efficient and affordable solutions to CWA compliance, and that creates demonstration
21 projects under which local communities will be allowed more flexibility in their efforts to
22 comply with the regulatory requirements of the CWA.
23

24 **Background:** There are at least 781 sewer districts across the country that are under a consent
25 decree, in litigation or under threatened litigation for CWA compliance issues. The litigation
26 and/or the cost of implementing a consent decree is extremely expensive and ratepayers are often
27 forced to shoulder the cost, as there are no federal funds (other than a limited amount for loans
28 from the State Revolving Fund program) to assist sewer districts to achieve compliance.
29

30 In 2012, the EPA issued its Integrated Planning Framework, which was intended to help local
31 governments seek more efficient and affordable solutions to wastewater, stormwater
32 management issues, and meet the requirements of the CWA in a more flexible, affordable and
33 cost-effective manner. Unfortunately, the agency has not fully implemented the policy and has,
34 instead, continued to enforce costly mandates and consent decrees.
35

36 NACo urges Congress to swiftly pass legislation that would codify the Integrated Planning
37 Framework to help local governments comply with the CWA in a more flexible and cost
38 effective manner. Moreover, NACo urges Congress to create demonstration projects around the
39 use of the Integrated Planning Framework to ensure that the EPA is working with local
40 communities in a meaningful manner to encourage the use of innovative and flexible approaches
41 in meeting compliance obligations under the CWA. Priority should be given to communities that
42 are hardest hit by the cost and unaffordability of consent decree managed programs and the
43 demonstration program should include data collection to support green infrastructure CWA
44 programs. Finally, the legislation should direct the EPA to review and revise their guidance on
45 affordability of CWA compliance measures to better gauge a community’s true financial
46 capability to pay for these CWA mandates.
47

1 There have been legislative proposals to address this matter in previous sessions of Congress and
2 currently pending in this session of Congress is, “The Water Quality Improvement Act of 2017.”
3 It is anticipated that other integrated planning legislation will be introduced. NACo should
4 explore supporting legislative proposals to ensure the expeditious passage of integrated planning
5 legislation given the pressing need and cost savings attributed to such legislation.
6

7 **Fiscal/Urban/Rural Impact:** Integrated planning legislation would save counties and rate
8 payers, both urban and rural, millions of dollars at no cost to the federal government. For
9 example, in Hamilton County, Ohio, the Metropolitan Sewer District of Greater Cincinnati has
10 been required to construct over \$3.2 billion in sewer improvements to ensure CWA compliance
11 under a consent decree. As a result, sewer rates for residents and businesses in Hamilton County
12 are exponentially higher. In fact, sewer rates have more than doubled in the past 10 years, and
13 are expected to increase substantially in the future. The Hamilton County Board of County
14 Commissioners estimates that this legislation could save county ratepayers approximately one
15 billion dollars.
16

17 **Sponsor(s):** Todd Portune, President/Commissioner, Hamilton County, Ohio
18

19 **Proposed Resolution on EPA’s Imposition of Numeric Water Quality-Based Effluent** 20 **Limitations on Local Governments** 21

22 **Issue:** The U.S. Environmental Protection Agency (EPA) is imposing watershed-wide water
23 quality standards on all localities within the Chesapeake Bay watershed, which will have
24 implications on other counties across the nation when such standards are imposed in other
25 watersheds.
26

27 **Proposed Policy:** NACo opposes U.S. EPA’s efforts to implement localized numeric water
28 quality-based effluent limitations or area pollution targets. NACo opposes any provisions of any
29 watershed-wide strategy that penalizes local governments by withdrawing current forms of
30 financial assistance or imposing monitoring, management or similar requirements on localities
31 without providing sufficient resources to achieve water quality objectives.
32

33 **Background:** On June 15, 2014, Delaware, Maryland, New York, Pennsylvania, Virginia and
34 West Virginia signed the Chesapeake Bay Watershed Agreement with the U.S. Environmental
35 Protection Agency (EPA). The plan provides for collaboration across political boundaries to
36 work toward restoration of the Bay.
37

38 By the end of 2018, the states of Virginia, Maryland, Pennsylvania, West Virginia, Delaware,
39 New York and the District of Columbia are required to submit to the EPA their final “Phase 3”
40 Chesapeake Bay Watershed Implementation Plans (WIP). The chief purpose of these plans will
41 be to promulgate strategies for all states in the Chesapeake Bay watershed to implement all
42 measures necessary to meet specific pollution reduction goals for the Chesapeake Bay by the
43 year 2025.
44

45 As part of a watershed wide strategy for meeting Chesapeake Bay improvement goals, a Local
46 Area Targets Task Force was convened to assess whether WIPs for the states should include
47 local area targets (LATs). While the task force was still working to determine whether LATs

1 should be included in state plans, EPA informed local governments that WIPs will include LATs,
2 imposing specific numerical water pollution limits, regardless of the Task Force’s
3 recommendations. This imposition is counter to other Clean Water Act requirements which
4 require “maximum extent practicable” measures.

5
6 Despite EPA’s pronouncement, the LAT Task Force completed its work and recommended
7 removal of LAT provisions from the Phase 3 Chesapeake Bay WIP. In the alternative, should
8 LATs be imposed despite the Task Force’s recommendation, the Task Force recommended that
9 each individual state be permitted to determine how best to implement a LAT program in its
10 jurisdiction since a one-size-fits-all approach is impractical. In accepting the LAT Task Force’s
11 recommendations, the EPA affirmed its pronouncement that LATs will be included in the WIP
12 expectations document to be issued.

13
14 The establishment of LATs will have a significant and unintended financial consequence on
15 local governments since the majority of costs to comply with watershed-wide clean up goals will
16 fall on local governments. Adding specific LATs to stormwater management programs and
17 wastewater treatment plant plans will be especially burdensome for counties of all sizes,
18 especially if the federal government does not provide funding to meet these federal goals.
19 President Trump’s FY 2018 budget proposed to eliminate all Chesapeake Bay grant funding; this
20 funding helps states and localities meet these federally determined goals.

21
22 The Chesapeake Bay clean-up efforts and EPA’s imposition of LATs will serve as a model for
23 other watershed-wide improvement programs across the country. Counties with watersheds
24 feeding Long Island Sound, Albemarle Sound, Puget Sound, the Great Lakes, the Gulf of Mexico
25 and others will be impacted when EPA’s program is implemented in these areas.

26
27 **Fiscal/Urban/Rural Impact:** Rural, agricultural, and urban counties and cities in large
28 watersheds and regional estuaries will be severely impacted by increased compliance costs,
29 economic development impacts, and negative impacts on federal funding if EPA is successful in
30 imposing watershed-wide water quality standards upon county governments and their citizens.

31
32 **Sponsor(s):** Ruby Brabo, Supervisor, King George County, Va.; Penny Gross, Supervisor,
33 Fairfax County, Va.; Paul Trampe, Supervisor, Spotsylvania County, Va.; Claire Collins,
34 Supervisor, Bath County, Va.; Erick Coolidge, Commissioner, Tioga County, Pa.; Todd Devlin,
35 Commissioner, Prairie County, Mont.; and Russell Clark, Supervisor, Yuma County, Ariz.

36
37
38 **Proposed Resolution Urging Congress to Provide Funding for Local Efforts to Address Sea**
39 **Level Rise**

40
41 **Issue:** Addressing the threat posed by rising sea levels to the built environments of coastal
42 communities across the country.

43
44 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to provide
45 appropriate financial assistance and support to local governments for sea level rise related
46 initiatives and projects that aim to develop adaptive solutions to the potentially devastating
47 impacts of sea level rise.

1
2 **Background:** Sea level rise is an inevitable consequence of the warming of the oceans and the
3 accelerated melting of the planet’s ice sheets – regardless of cause. It is a measurable, trackable
4 and relentless reality. Without innovative adaptive capital planning it will threaten trillions of
5 dollars of built environments in coastal communities across the country, as well as water
6 supplies, unique natural resources, agricultural soils and local economies.

7
8 Innovative solutions are needed to prevent catastrophic damage from rising sea levels, and
9 federal assistance to local governments – with appropriate state and local matching funds – is
10 pivotal for purposes of developing and implementing solutions. Such federal assistance would
11 accelerate the development of successful models that could be copied and used by scores of
12 similarly situated communities throughout the country.

13
14 **Fiscal/Urban/Rural Impact:** Unaddressed sea level rise could have catastrophic consequences
15 on local economies in coastal communities across the country.

16
17 **Sponsor(s):** Sally Heyman, Commissioner, Miami-Dade County, Fla.; Harvey Ruvin, Clerk of
18 the Court, Miami-Dade County, Fla.

19
20 **Proposed Resolution in Support of Affordable Beach Renourishment Projects**

21
22 **Issue:** Allowing local governments to purchase sand from countries outside of the U.S. to
23 replenish shorelines due to beach erosion.

24
25 **Proposed Policy:** NACo supports enabling the Secretary of the Army Corps of Engineers to
26 allow counties to acquire sand by purchase, exchange or otherwise from non-domestic sources
27 for the purpose of beach re-nourishment.

28
29 **Background:** On February 2, the Sand Acquisition, Nourishment, and Development (SAND)
30 Act of 2017 (H.R. 833/S.279) was introduced in both the U.S. House of Representatives and the
31 U.S. Senate. The SAND Act will repeal law that does not allow communities to buy sand from
32 foreign countries to replenish shorelines due to beach erosion.

33
34 In Miami-Dade and Broward Counties, the limited supply of suitable offshore sands has been
35 depleted, increasing the need for cost-effective options to replenish Florida’s beaches. Current
36 beach projects are using sand trucked from upland mines over 100 miles away while the ban on
37 federally-funded non-domestic (foreign) sand prevents the possible use of Bahamian sand from
38 60 miles away. Florida’s economically critical beaches increasingly need unrestricted sand
39 sources kept affordable by free-market competition.

40
41 Although a study by the Army Corps of Engineers found that sand is available offshore of St.
42 Lucie & Martin Counties, those sands are planned for use by other counties, may not be a good
43 match for southern beaches, create public and political concerns over using “their” sand, and
44 cannot be purchased with state funds for use in South Florida. Therefore, Miami-Dade County
45 supports lifting the ban on federally-funded non-domestic sand.

1 **Fiscal/Urban/Rural Impact:** Potential impacts if federal funding is authorized for non-domestic
2 sand include:

- 3 • Expanding the opportunities for competing vendors to cost-effectively maintain Florida’s
4 beaches.
- 5 • Providing a sand source similar to native Miami sand in content and color
- 6 • Using barged non-domestic sources is less disruptive than hundreds of trucks per day at
7 truck-hauled projects
- 8 • Eliminating the Corps’ need to take offshore sand from one county for use in another
- 9 • Reducing competition between counties for the same upland and offshore sand sources
- 10 • Impacts of beach re-nourishment (not differentiating source) include:
 - 11 ○ Coastal storm risk management
 - 12 ○ Beach erosion control
 - 13 ○ Hurricane storm protection
 - 14 ○ Protect infrastructure
 - 15 ○ Preserve the environment for wildlife (e.g., sea turtles)
 - 16 ○ Support the economy
 - 17 ○ Build coastal resiliency

18
19 **Sponsor(s):** Sally Heyman, Commissioner, Miami-Dade County, Fla.; Audrey M. Edmonson,
20 Commissioner, Miami-Dade County, Fla.; Barbara Sharief, Mayor, Broward County, Fla.; and
21 Chip LaMarca, Commissioner, Broward County, Fla.

22 **Proposed Resolution on Compensatory Mitigation In-lieu Fee Programs**

23
24
25 **Issue:** Ensuring that mitigation programs occur in the watershed or region where the impact
26 occurred.

27
28 **Proposed Policy:** NACo believes that in-lieu fees for compensatory mitigation should be used in
29 the watershed where the fee was collected.

30
31 **Background:** Counties own and manage 45 percent of the nation’s road miles and compensatory
32 mitigation programs directly impact local governments who are charged with protecting public
33 safety. But, in recent years, it has become more and more difficult for local and state
34 governments and their citizens to mitigate environmental impacts to road and other infrastructure
35 projects. That’s where payment in-lieu fees come into play.

36
37 Under the Clean Water Act’s (CWA) Section 404 program dredge and fill program, steps must
38 be taken to avoid and minimize impacts to aquatic resources. For projects with unavoidable
39 wetlands loss, compensatory mitigation is required to replace the loss of a wetland, stream and/or
40 other aquatic resource. The Army Corps of Engineers (Corps) or the state permitting authority is
41 responsible for determining the amount of water resources lost and the extent of compensatory
42 mitigation required. There are several types of compensatory mitigation: permittee-responsible
43 mitigation, mitigation banks and in-lieu fee mitigation.

1 However, while in-lieu fees have promise, the fees collected are often not used in the same
2 watershed where the project occurred. Many in-lieu fees are collected in rapidly growing areas
3 and it doesn't make sense to use the fees in areas outside the impacted watershed.
4

5 Entities that are recipients of the in-lieu fees could be better stewards of the environment if the
6 improvement projects funded were within the same watershed as the impacted area. If the
7 mitigation cannot occur within the same watershed, the project should occur in an adjoining
8 watershed or within the same county or region.
9

10 **Fiscal/Urban/Rural Impact:** Funds are being assessed to mitigate the impact of a project upon
11 the environment when the impacts cannot be accomplished on-site. These funds should not
12 leave the impacted watershed, county, or region. Dollar amounts greatly vary from project to
13 project so an estimated dollar amount is difficult to predict.
14

15 **Sponsor(s):** Gary Moore, Judge/Executive, Boone County, Ky.
16

17 **Proposed Resolution in Opposition to Material Preference Legislation**

18

19 **Issue:** There is a national effort to eliminate local control of water, wastewater and stormwater
20 (water) infrastructure systems, and it would deny engineers, utility managers, and local
21 government officials the ability to design water systems in the manner that best serves the needs
22 of their communities.
23

24 **Proposed Policy:** Current NACo policy supports local control of decisions related to water
25 infrastructure and thus opposes Material Preference Legislation, or so-called "open procurement"
26 legislation. Local communities and their professionals are in the best position to determine the
27 types of water infrastructure investments that are most appropriate for their respective
28 communities. State and federal governments should not pass laws or regulations that restrict or
29 limit local governments' ability to invest in the types of water infrastructure that suit their
30 specific needs. NACo is neutral as to which materials are selected by community officials for
31 their water infrastructure projects. NACo recognizes that communities have unique needs
32 regarding water infrastructure decisions, and autonomy to address those needs should not be
33 restricted or limited.
34

35 **Background:** Our nation has a history of recognizing water infrastructure as a long-term
36 investment, and allowing local communities to make investments based on their unique needs.
37 We have numerous water systems with pipes that have lasted for many, many years – in some
38 instances, more than 100 years. NACo supports significant reinvestments in water infrastructure
39 at all levels of government, and in a manner that preserves both a long-term investment approach
40 and local control.
41

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

1
2 The legislation’s language has evolved since 2014, but its core tenets have remained the same –
3 to restrict the ability of local communities to design water systems in the manner they believe
4 best meets their communities’ needs, and to use state government to benefit one industry. The
5 legislation has the practical effect of forcing communities to select water pipeline materials
6 based on initial acquisition costs instead of the current process, which allows local professionals
7 and officials to properly evaluate the suitability of materials based on critical factors such as
8 lifecycle costs, durability, reliability, performance and local conditions. The short-sighted
9 approach in this legislation will likely cost our communities much more in the long-run through
10 increased expenses, project delays and potential litigation.

11
12 **Fiscal/Urban/Rural Impact:** Opposition to this special interest legislation would allow counties
13 and local communities to maintain their autonomy with respect to water infrastructure decisions.

14
15 **Sponsor(s):** Mike McArthur, Executive Director, Association of Oregon Counties; Martha
16 Schrader, Commissioner, Clackamas County, Ore.

17
18 **Proposed Resolution in Support of Liquid Natural Gas Export Facilities Nationally**

19
20 **Issue:** Increasing liquid natural gas (LNG) infrastructure nationally will help stabilize the
21 economic impacts in communities of impact; greater utilization of LNG as a source of domestic
22 and international energy has the potential to reduce the carbon footprint and decrease air quality
23 impacts; and exporting LNG to countries politically aligned with the United States increases
24 global security.

25
26 **Proposed Policy:** The National Association of Counties (NACo) supports development of liquid
27 natural gas infrastructure and export facilities.

28
29 **Background:** LNG is a stable energy source of domestic and international energy that has the
30 potential to reduce the carbon footprint and decrease air quality issues. LNG extraction activity
31 provides greater economic stability to impacted areas within the United States and provides
32 desirable employment. Multiple LNG deposits are found within the United States, such as the
33 Piceance Basin in Western Colorado. This basin is a tight sands formation which is part of the
34 Mancos Shale formation. The U.S. Geological Survey estimates the Mancos Shale formation
35 holds about sixty-six trillion cubic feet of natural gas, making it the second largest deposit of
36 natural gas reserves in the United States. Without LNG export facilities, this resource cannot be
37 fully utilized, thereby not providing beneficial economic return for impacted communities, not
38 allowing for greater potential to reduce the carbon footprint and decrease air quality impacts, nor
39 allowing increased global security by providing the resource to countries politically aligned with
40 the United States.

41
42 **Fiscal/Urban/Rural/Impact:** Counties that have natural resource assets, including LNG
43 resources, can experience positive and negative impacts. If the resource is allowed to be
44 extracted, and if export facilities exist to allow LNG to be exported internationally, these
45 communities experience great financial gains in the way of Severance Tax, Federal Mineral
46 Lease payments, increased values for property tax assessments, greater employment
47 opportunities, greater economic stimulus and more. If the resource is not extracted these

1 communities are deeply hit with financial burdens, and many counties are faced with extreme
2 budget cuts, decreased economic stability, and deeply struggling communities that are not able to
3 provide required services for their constituents.

4
5 **Sponsor(s):** Shawn Bolton, Commissioner, Rio Blanco County, Colo.

6
7 **Proposed Resolution on Supporting the Use of Woody Biomass as an Energy Source**

8
9 **Issue:** Urge the federal government to recognize that energy derived from woody biomass
10 sources is renewable and carbon neutral.

11
12 **Proposed Policy:** NACo supports and encourages the further use, including government policies
13 which foster the development, of woody biomass energy sources, like wood chips and wood
14 pellets, because they are reliable, and renewable, and carbon neutral consistent with established
15 and well-support science.

16
17 **Background:** As we transition away from fossil fuel energy sources like coal, it is imperative
18 that counties aim to encourage and foster the development of energy sources that are
19 environmentally beneficial and reliable. Woody biomass energy, like compressed wood pellets,
20 are formed by heating wood trimmings, brush, or sawdust left over from harvesting processes.
21 The materials are plentiful and would often otherwise be burned in slash piles or landfilled if it
22 were not used to create this carbon-neutral and abundant energy.

23
24 Over half of Oregon is designated as forestland and eighty percent of that considered timberland;
25 it is imperative that we use our precious natural resources efficiently. By utilizing woody
26 biomass to produce clean energy, Oregon gets the most from the trees which were already
27 selected for harvest by using limbs, trimmings and other non-lumber by-products. Further, this
28 carbon neutral energy source and the industry it supports provide and promote greener energy in
29 general by setting an example and helping us bridge the gap between fossil fuels and a more
30 diverse and clean energy portfolio.

31
32 **Fiscal/Urban/Rural Impact:** Woody biomass as an energy source supports many existing
33 forestry jobs and creates entirely new opportunities for Oregon and other timber states including
34 the production and transport of woody biomass chips or pellets. Woody biomass offers timber
35 states a rare opportunity to leverage its resources more efficiently so that forest impact is
36 negligible however the output from what is taken is enhanced. More generally, the construction
37 and operation of biomass plants will provide a means to address forest health. Over the long-
38 term, thinning operations and reduction of combustible materials will reduce fire danger, lower
39 firefighting costs, and help restore forests. New biomass facilities and an increase in biomass
40 demand will boost both job creation and property tax revenues for counties. The size of the
41 impact will depend upon the number and location of biomass facilities.

42
43 **Sponsor(s):** Larry Givens, Commissioner, Umatilla County, Ore.; Association of Oregon
44 Counties

45
46 **Proposed Resolution to Allow Construction of the Keystone XL Pipeline**

1 **Issue:** Construction of the Keystone XL Pipeline will create jobs and strengthen the tax base of
2 counties.

3
4 **Proposed Policy:** The National Association of Counties (NACo) supports construction of the
5 Keystone XL Pipeline.

6
7 **Background:** A pipeline project that could create thousands of American construction jobs and
8 lessen the country's dependence on foreign oil is essential to ensure a strong U.S. economy. The
9 Keystone XL Pipeline project has this potential. By green-lighting the project, counties become
10 winners through job growth and an increased property tax base where the pipeline runs.

11
12 The Keystone XL pipeline would transport 830,000 barrels of crude oil per day from the oil
13 sands region of Alberta, Canada to refineries in the U.S. TransCanada, a Canadian pipeline
14 company, filed an application with the U.S. Department of State to build the pipeline. The
15 proposed pipeline would bring oil sands from Canada, and an on-ramp at Baker Montana will
16 allow 100,000 barrels of Bakken Oil to be transported all of the way to Gulf Coast refineries.

17
18 The United States and Canada are major trading partners. The development of Northern
19 American energy, like Canadian oil sands will create and preserve thousands of jobs and strongly
20 benefit US energy security and our nation's economy. It is likely that if the U.S. declines the
21 project, Canada will look to export the oil to other less environmentally conscious countries.

22
23 **Fiscal/Urban/Rural Impact:** Approving this pipeline would be a boon for counties, leading to
24 increased jobs and a stronger tax base, in these tight fiscal times.

25
26 **Sponsor(s):** Richard Dunbar, Commissioner, Phillips County, Mont.

27
28 **Proposed Resolution on the Administration's FY2018 Budget Request to Eliminate**
29 **GOMESA Revenue Sharing Funds**

30
31 **Issue:** Amending or modifying the Gulf of Mexico Energy Security Act of 2006 (GOMESA) to
32 redirect Outer Continental Shelf (OCS) oil and gas leasing activities and revenue sharing to the
33 U.S. Treasury and away from eligible coastal states and their counties, parishes and boroughs.

34
35 **Proposed Policy:** NACo urges that Congress oppose the Administration's FY 2018 budget
36 request to eliminate GOMESA's revenue sharing with eligible states, counties, parishes and
37 boroughs and redirect the funds to the U.S. Treasury.

38
39 **Background:** On December 20, 2006, the President signed into law the Gulf of Mexico Energy
40 Security Act of 2006 (Pub. Law 109-432). The Act significantly enhances OCS oil and gas
41 leasing activities and revenue sharing in the Gulf of Mexico (GOM). The Act:

- 42
43
 - 44 • Shares leasing revenues with Gulf producing states and the Land & Water Conservation
 - 45 • Bans oil and gas leasing within 125 miles off the Florida coastline in the Eastern
 - 46 Planning Area, and a portion of the Central Planning Area, until 2022.

47

1 The Act created revenue sharing provisions for the four Gulf oil and gas producing states of
2 Alabama, Louisiana, Mississippi and Texas, and their coastal political subdivisions (CPS's).
3 GOMESA funds are to be used for coastal conservation, restoration and hurricane protection.
4 There are two phases of GOMESA revenue sharing:

5
6 Phase I: Beginning in Fiscal Year 2007, 37.5 percent of all qualified OCS revenues, including
7 bonus bids, rentals and production royalty, will be shared among the four States and their coastal
8 political subdivisions from those new leases issued in the 181 Area in the Eastern planning area
9 (also known as the 224 Sale Area) and the 181 South Area. Additionally, 12.5 percent of
10 revenues are allocated to the Land and Water Conservation Fund (LWCF). The final regulations
11 for Phase I revenue sharing were issued on December 23, 2008 and specify that the Bureau
12 intends to disburse funds on or before March 31st of the fiscal year following the fiscal year to
13 which the qualified OCS revenues were attributed.

14
15 Phase II: The second phase of GOMESA revenue sharing begins in Fiscal Year 2017. It expands
16 the definition of qualified OCS revenues to include receipts from GOM leases issued either after
17 December 20, 2006, in the 181 Call Area or in 2002–2007 GOM Planning Areas, subject to
18 withdrawal or moratoria restrictions. A revenue sharing cap of \$500 million per year for the four
19 Gulf producing States, their CPS's and the LWCF applies from fiscal years 2016 through 2055.
20 The \$500 million cap does not apply to qualified revenues generated in those areas associated
21 with Phase I of the GOMESA program. The final regulations to implement Phase II of the
22 GOMESA legislation were published in the Federal Register on December 30, 2015.

23
24 **Fiscal/Urban/Rural Impact:** If adopted and followed NACo's resolution would make no change
25 in GOMESA revenue sharing.

26
27 **Sponsor(s):** Jeff R. Branick, Judge, Jefferson County, Texas

28 29 **Proposed Resolution to Oppose EPA's Efforts to Tighten Ozone Air Quality Standards**

30
31 **Issue:** The U.S. Environmental Protection Agency's (EPA) effort to tighten ozone air quality
32 standards.

33
34 **Proposed Policy:** NACo opposes implementation of the EPA's proposed 2015 National Ambient
35 Air Quality Standards (NAAQS) for ozone until the 2008 NAAQS for ozone have been fully
36 implemented and analyzed for impact.

37
38 **Background:** In December 2015, the EPA finalized its new rule to tighten the National Ambient
39 Air Quality Standards (NAAQS) for Ozone from 75 parts per billion (ppb), last set in 2008, to 70
40 ppb. Since the 2008 standards are only now being fully implemented, the EPA's initial timeline
41 included determining which counties were in non-attainment of the new, 2015 standard
42 sometime in October of 2017. However, the EPA has delayed implementation of the ozone rule
43 for one year.

44
45 Ozone designations can have a significant impact on county governments. Currently, 227
46 counties, primarily urban and in the East, are regulated under ozone air quality standards. If the

1 ozone standards were implemented today, the number would rise to over 350 counties using
2 2011-2013 air quality data.

3
4 Under the Clean Air Act, states and counties serve as both the regulator and regulated entity of
5 clean air, and they are responsible for ensuring that the Clean Air Act's goals are achieved and
6 constituents are protected. However, a more stringent ozone standard could have a significant
7 effect on counties nationwide. Counties in non-attainment for ozone must undertake
8 transportation conformity plans for projects that receive federal funding dollars. This can be both
9 time-consuming and expensive.

10
11 Additionally, a more stringent ozone standard challenges local governments' ability to keep and
12 attract jobs to their region because industry will also be required to comply with tighter air
13 requirements. Areas designated as "in nonattainment" can have difficulty attracting industry to
14 their counties due to concerns that permits and other approvals will be too expensive or even
15 impossible to obtain.

16
17 **Fiscal/Urban/Rural Impact:** Left unchanged, the 2015 NAAQS for ozone will immediately
18 place hundreds of counties across the nation into non-attainment status and effectively halt
19 economic development projects, which will negatively impact the lives of the residents of those
20 regions. Transportation patterns will be impacted, resulting in less driving. If there is less
21 driving, less revenues will be collected from the gas tax further reducing the funding available
22 for transportation projects in addition to the loss of employment revenue and work hours.

23
24 **Sponsor(s):** Loren Grosskopf, Commissioner, Park County, Wyo.; Julia Fisher-Perrier,
25 Councilmember, St. Charles Parish, La.; Marnie Winter, Assistant Director—Environmental
26 Affairs, Jefferson Parish, La.

27
28 **Proposed Resolution Supporting Counties' Ability to Join the "We Are Still In" Coalition**
29 **of States and Cities Committing to the Paris Climate Accord**

30
31 **Issue:** Support for policy statement by NACo condemning the federal government's pulling out
32 of the Paris Climate Agreement, and urging counties to join the many other public bodies that
33 have committed to meet the greenhouse gas reductions.

34
35 **Proposed Policy:** The National Association of Counties (NACo) supports mechanisms where
36 states, cities, and counties can join together in commitment to the Paris Agreement and goals.

37
38 **Background:** Existing NACo Platform statements include "Urge urges the federal government
39 to work closely with counties on climate change initiatives". The Federal Government has
40 headed in exactly the other direction, and is not only ignoring the concerns of many states, cities,
41 and counties, but is reducing funding for programs that mitigate or even report on the existence
42 of climate change.

43
44 In the winter of 2016-2017, the Ouray Ice Park in Colorado closed six weeks earlier than normal
45 due to abnormally high winter temperatures. As its name indicates, the Ice Park is a venue for the
46 sport of ice climbing, and attracts visitors from around the world, and is a substantial component
47 of the wintertime economy in Ouray County. Because ice melts in warm temperatures, it was not

1 possible to keep the park open as usual into late March, and it closed in early February instead.
2 Ouray County sales tax receipts for February, March and April saw a steep decline directly
3 related to the very early closure of its principal wintertime attraction.
4

5 The Paris Climate Agreement is a mechanism whereby commitments can be made towards
6 reduction of the causes of climate change. Counties are affected in many ways by climate
7 change, whether by coastal erosion, increasing severity of tornadoes and hurricanes; and shorter
8 winters and longer, hotter summers.
9

10 **Fiscal/Urban/Rural Impact:** Declining sales tax receipts due to the impact of shorter, warmer
11 winters on counties that depend on wintertime visitors can be crippling.
12

13 **Sponsor(s):** Ouray County Board of County Commissioners, Colo.
14

15 **Proposed Resolution in Support of President Trump’s Decision on the Paris Climate**
16 **Accord**
17

18 **Issue:** Support the President of the United States in our country's actions addressing climate
19 concerns.
20

21 **Proposed Policy:** The membership of NACo supports the President of the United States in
22 renegotiation of a fair version of the United States participation in the Paris Climate Agreement
23 and any future global accords.
24

25 **Background:** Climate concerns are of major importance to everyone; however; in some cases,
26 rulemaking cost the American citizens in the lessening of our usage of vast available natural
27 resources such as natural gas, coal and pipeline oil of which all create jobs and lessen the United
28 States’ dependency on foreign sources.
29

30 **Fiscal/Urban/Rural Impact:** A fair playing field to address the world climate issues will allow
31 the citizens of the United States of America to be more competitive in all areas of energy.
32 Whether it be our portfolio of resources or the development of new technologies. The U.S.
33 should not have the brunt of the cost occurred by our citizens.
34

35 **Sponsor(s):** Bob Cole, Commissioner, Santa Rosa County, Fla.

1 **FINANCE, PENSIONS AND INTERGOVERNMENTAL**
2 **AFFAIRS**

3
4 **PROPOSED RESOLUTIONS**

5
6 **Proposed Resolution in the Matter of Full Funding of the 2002 Help America Vote Act**

7
8 **Issue:** States and localities have used or obligated funds appropriated by the Help America Vote
9 Act of 2002 (HAVA) to implement the requirements of the law and to improve the
10 administration of elections. However, fulfilling the original intent of HAVA and fully funding
11 the law is necessary to ensure states and local governments have the financial resources they
12 need to sustain the improvements they made since 2002.

13
14 **Proposed Policy:** NACo urges Congress to fully fund the requirements payments of the Help
15 America Vote Act. These funds are allocated to states to continuously upgrade voting systems,
16 register voters in statewide voter registration databases, provide provisional voting options,
17 improve voter accessibility and implement other improvements to the administration of elections.

18
19 **Background:** HAVA established a program to provide funds to states to replace punch card and
20 other inaccessible voting systems as well as fund general improvements to federal elections,
21 establish the Election Assistance Commission to assist in the administration of federal elections,
22 provide assistance with the administration of certain federal election laws and programs, to
23 establish minimum election administration standards for states and units of local government
24 with responsibility for the administration of federal elections, to test and certify voting systems
25 to be used by states and for other purposes.

26
27 The Help America Vote Act authorized \$3.86 billion in funding to comply with its requirements
28 regarding election reform. To date, Congress has only appropriated \$3.54 billion and White
29 House budgets have not included any of the remaining funds since 2010.

30
31 Title I, Section 104, Authorization of Appropriations, subsection (e) Authorization of
32 Appropriations of Administrator, states “in addition to the amounts authorized under subsection
33 (a), there are authorized to be appropriated to the Administrator such sums as may be necessary
34 to administer the programs under this title.” Full Federal funding of HAVA will ensure that the
35 programs continue to be administered as set forth in the Act.

36
37 Continuous funding of election administration, beyond the one-time infusion of federal dollars
38 from HAVA, is critical. Many counties are faced with replacing first-generation, post-HAVA
39 voting machines and systems, which are reaching the end of their life cycles. Without a
40 comparable infusion of federal funds, counties will be on their own to replace aging voting
41 machines and technology.

42
43 **Fiscal/Urban/Rural Impact:** Full funding of the Help America Vote Act will provide states
44 with the ability to meet the requirements of the Act without detriment to state and local agency
45 budgets. These funds represent the difference between what Congress promised for

1 comprehensive, long-term assistance to states in adopting HAVA mandates and the very real
2 possibility that such reforms cannot be sustained or fully realized.

3
4 **Sponsor(s):** Kristina K. Swanson, County Auditor, Cowlitz County, Wash.

5
6 **Proposed Resolution Supporting the Designation of Election Systems as Critical**
7 **Infrastructure**

8
9 **Issue:** On January 6, 2017, the U.S. Department of Homeland Security designated election
10 systems as critical infrastructure, a designation that prioritizes systems used to manage elections
11 for ongoing assistance with cybersecurity from the federal government.

12
13 **Proposed Policy:** NACo appreciates the role of the U.S. Department of Homeland Security
14 (DHS) in providing cybersecurity assistance and protections to state and local governments.
15 NACo supports efforts by DHS to assist states in protecting voters' personal data from hacking
16 threats and considers it appropriate for DHS to work primarily with state officials to secure voter
17 registration databases that are required by federal law to be maintained and administered at the
18 state level. DHS should also work directly with county officials to support the security of polling
19 places, storage facilities, voting equipment, vote tabulation and other systems that are
20 administered at the county level. County officials have experience working with the Department
21 of Homeland Security to protect other subsectors of the nation's critical infrastructure and should
22 be included in the establishment of an Election Infrastructure Subsector Coordinating Council.
23 NACo also requests that DHS work with the U.S. Election Assistance Commission to improve
24 information sharing with local officials about alleged hacking attempts and to inform election
25 officials of any federal grant opportunities or other resources available to strengthen the security
26 of county-managed election systems.

27
28 **Background:** The U.S. Department of Homeland Security (DHS) allocates its staffing and
29 resources to support the nation's critical infrastructure. Designated critical infrastructure sectors
30 are:

- 31
- 32 • Chemical
 - 33 • Commercial Facilities
 - 34 • Communications
 - 35 • Critical Manufacturing
 - 36 • Dams
 - 37 • Defense Industrial Base
 - 38 • Emergency Services
 - 39 • Energy
 - 40 • Financial Services
 - 41 • Food and Agriculture
 - 42 • Government Facilities
 - 43 • Healthcare and Public Health
 - 44 • Information Technology
 - 45 • Nuclear Reactors, Material, and Waste
 - 46 • Transportation Systems
 - 47 • Water and Wastewater Systems

1
2 Within each sector, DHS facilitates information sharing and planning through a Coordinating
3 Council of infrastructure owners and operators, trade associations, and industry representatives.
4 Participation in the Election Infrastructure Subsector Coordinating Council would allow NACo
5 to assist counties in leveraging cybersecurity resources from the federal government to protect
6 systems used to conduct elections.

7
8 **Fiscal/Urban/Rural Impact:** Both urban and rural counties would benefit from enhanced
9 information sharing and coordination to ensure that federal resources are targeted appropriately
10 to meet cybersecurity threats.

11
12 **Sponsor(s):** Alysoun McLaughlin, Deputy Election Director, Montgomery County, Md.

13 14 **Proposed Resolution Supporting the U.S. Election Assistance Commission**

15
16 **Issue:** H.R. 634 has been proposed to terminate the U.S. Election Assistance Commission, which
17 provides assistance to state and local jurisdictions with the administration of federal election
18 laws and programs. The legislation would transfer certain functions of the Election Assistance
19 Commission (EAC) to the Federal Election Commission (FEC).

20
21 **Proposed Policy:** NACo opposes the termination of the U.S. Election Assistance Commission.
22 NACo recognizes the importance of rigorous testing of voting equipment and appreciates the
23 efficiencies and cost savings of voluntary federal certification. NACo appreciates the important
24 role that the EAC plays in coordinating collaborative efforts among local, state and federal
25 government officials in addressing issues from the accessibility of polling places to the
26 cybersecurity of voting equipment and voter registration databases.

27
28 **Background:** The U.S. Election Assistance Commission was established under the Help
29 America Vote Act of 2002 to provide a range of services to state and local governments relating
30 to federal involvement in election administration. The establishment of a dedicated federal
31 agency, outside of the FEC, whose sole function was to focus on the improvement of the election
32 process, was supported by a broad coalition of election reform stakeholders, including NACo.

33
34 While the EAC also serves as an information clearinghouse, conducts research and provides
35 other services such as webinars and best practices awards, its primary duty is to oversee a
36 rigorous testing process for voting equipment. While the federal standards and independent
37 testing by federally certified laboratories is voluntary, 47 states use some or all of the EAC's
38 standards, testing and certification program.

39
40 Representative Gregg Harper of Mississippi, the Chairman of the Committee on House
41 Administration, has repeatedly introduced legislation to terminate the U.S. Election Assistance
42 Commission. When the legislation was first introduced in 2011, there was a split among
43 organizations representing state and local officials with the National Association of Secretaries
44 of State calling for termination of the EAC, but NACo and many other stakeholders strongly
45 opposed. The EAC has reformed its management and honed its services since that time and many
46 critics now consider the EAC to have proved its worth, including Secretaries of State who had

1 previously voted for its termination. Many observers considered the threat to the existence of the
2 agency to have waned significantly.

3
4 H.R. 634 was approved by the Committee on House Administration on February 7, 2017, on a
5 party line vote of 6-3. In response, many individuals and organizations representing county
6 officials have sent letters of opposition to H.R. 634, including the California Association of
7 Clerks and Election Officials, the Maryland Association of Election Officials, the Ohio
8 Association of Election Officials, the League of Women Voters, the National Disability Rights
9 Network, the NAACP, Common Cause and many other civic groups. The National Association
10 of Counties also reiterated its opposition to the termination of the U.S. Election Assistance
11 Commission with an emergency resolution at its 2017 legislative conference. This proposed
12 resolution would continue that policy statement through 2017-2018.

13
14 The Election Assistance Commission is a nonregulatory agency with both commissioners and
15 staff who have experience in state and local election administration. In contrast, the Federal
16 Election Commission is a regulatory body staffed by attorneys whose expertise is in campaign
17 finance. The EAC was developed to address the unique concerns facing election administrators
18 rather than as an afterthought to campaign finance regulations.

19
20 Furthermore, county officials have strong representation in an advisory capacity to the EAC in
21 the development of guidelines, reports and performance of clearinghouse functions. In addition
22 to representation by numerous organizations representing local officials on the EAC's Board of
23 Advisors, including two appointees from NACo, one half of the 110-member Standards Board is
24 by law also comprised of local election officials.

25
26 Without the strong collaborative partnerships that currently exist between counties and the
27 Election Assistance Commission, it is likely that not only the Federal Election Commission but
28 also other regulatory agencies – such as the Department of Homeland Security and the
29 Department of Justice – will take a more one-size-fits-all, top-down regulatory approach to
30 exercising policy leadership on issues of the conduct of elections for federal office, an outcome
31 that Congress specifically intended to avoid in the Help America Vote Act by establishing the
32 EAC. This is a particular concern to many county officials in light of the recent designation of
33 election systems as critical infrastructure by the Department of Homeland Security.

34
35 **Fiscal/Urban/Rural Impact:** Both urban and rural counties have benefited from programs
36 advanced by the EAC. The EAC has made extensive efforts to seek input from a broad range of
37 counties when developing management guidelines, best practices and equipment standards.

38
39 **Sponsor(s):** Alysoun McLaughlin, Deputy Election Director, Montgomery County, Md.

40
41 **Proposed Resolution to Oppose the ACA's 40 Percent Excise Tax on High-Cost and**
42 **Employer-Provided Health Benefits**

43
44 **Issue:** Resolution to Oppose the ACA's 40 percent Excise Tax on High-Cost and Employer-
45 Provided Health Benefits

1 **Proposed Policy:** The National Association of Counties (NACo) opposes the taxation of health
2 insurance benefits to county employees through the application of the ACA excise tax on health
3 insurance benefits for county employees, the capping of the tax exclusion for employer-based
4 defined contributions made by counties and any new taxes which would apply to the health
5 benefits that counties provide to their employees.
6

7 **Background:** The Affordable Care Act (ACA) includes a 40 percent excise tax on the cost of
8 health insurance that exceeds \$10,200 for individual coverage and \$27,500 for family coverage,
9 beginning in 2020. These thresholds are indexed to CPI, which has increased less rapidly than
10 the cost of medical care, thereby ensuring additional plans will be subject to the tax each year.
11

12 According to the Center for Medicare and Medicaid Services (CMS) Actuary, 12 percent of
13 insured workers will be in plans affected by the excise tax in 2019, and this percentage will
14 “increase rapidly” after 2019. Many county employees will be in plans affected by the excise tax,
15 forcing public officials to pass the costs on to their employees or to reduce the scope of benefits
16 included in their plan’s coverage – such as reducing covered services or increasing cost-sharing
17 requirements. Such decisions will unquestionably make it more difficult for counties to hire and
18 retain good workers, many of whom were attracted to public service because of its health
19 insurance package.
20

21 Other proposals to tax employee health benefits are also circulating in Washington, DC. The
22 House budget for fiscal year 2014 proposes capping the tax exclusion for employer-based health
23 insurance through defined contributions made by employers. A recent Center for American
24 Progress proposal would limit the health coverage tax exclusion for families with incomes above
25 \$250,000 to the value of the Silver Level of coverage that will be subsidized in the health
26 insurance marketplaces (exchanges) established by the ACA. The Simpson-Bowles illustrative
27 plan caps the tax exclusion for workplace coverage at the 75th percentile in 2014 (about \$20,000
28 for family coverage), freezes the cap until 2018, and then phases out the exclusion over 20 years.
29 This proposal would tax more and more benefits each year until all benefits are taxed in 2038.
30

31 Current health care proposals in Washington to repeal and replace the Affordable Care Act,
32 including the House-passed American Health Care Act, only delay, rather than repeal, the excise
33 tax.
34

35 Limiting the health care tax exclusion would lead to more cost-sharing (deductibles, copays,
36 coinsurance). The economic theory behind taxing benefits is that health care cost inflation is
37 driven by “excess insurance,” which leads to excess demand, utilization, and spending. Taxing
38 health benefits is intended to reduce this “excess insurance” by leading to more cost-sharing and
39 reduced coverage. However, the enormous waste and expense of the U.S. health care system is
40 not driven by consumers. Access to health care is unlike other market places. Health consumers
41 rely on providers to tell them what to consume, and providers have market power and the ability
42 to steer consumers towards higher-cost care.
43

44 About 80 percent of U.S. health care spending is for 20 percent of the population, so whether the
45 remaining 80 percent of the population has low or high cost sharing has little to do with this key
46 cost driver. Research has found that overall costs can increase, especially for people with chronic
47 conditions, when cost-sharing forces people to self-ration their care.

1
2 Forcing county tax payers to cover increased costs or asking county employees to pay more out-
3 of-pocket for reduced coverage is not the answer to escalating costs of health care. All of these
4 proposals result in the shifting of costs to public employees, rather than any real cost reduction.
5

6 **Fiscal/Urban/Rural Impact:** The ability of counties, especially in rural areas, to recruit and
7 retain good employees is based in large measure on the access to quality health insurance
8 coverage for the employees and their families. The impact of these potential tax measures would
9 be amplified in rural American where the county’s inability to offer attractive health insurance
10 coverage will directly influence the quality of the workforce and the county’s ability to deliver
11 quality services to the citizens.
12

13 **Sponsor(s):** Commissioner Christian Leinbach, Berks County, Pa.
14

15 **Proposed Resolution on the Marketplace Fairness Act and Remote Transactions Parity Act**
16

17 **Issue:** Remote Sales Tax Legislation
18

19 **Proposed Policy:** The National Association of Counties (NACo) encourages and supports
20 efforts to permit the collection of sales and use taxes from remote sellers and endorses remote
21 sales tax legislation like the Marketplace Fairness Act or Remote Transactions Parity Act to
22 provide states with the ability to enforce their existing state and local sales and use tax laws.
23

24 **Background:** For over a decade, NACo has worked with other state and local government
25 representatives to champion for the collection of remote sales taxes, emphasizing that the taxes
26 are not new and that the same rules should apply to all retailers, whether they conduct business
27 completely online or in a brick-and-mortar setting. The Marketplace Fairness Act and Remote
28 Transactions Parity Act seek to provide state and local governments with the necessary authority.
29 The Senate passed a bill during the 113th Congress and S. 976 (Marketplace Fairness Act of
30 2017) was introduced earlier and currently has twenty-three bi-partisan cosponsors. H.R. 2193
31 (Remote Transactions Parity Act of 2017) was also introduced earlier this year and has twenty
32 bipartisan co-sponsors.
33

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

43 However, NACo will continue to be vigilant and urge Congress to refrain from using tax
44 simplification as a vehicle to preempt local taxing authority and revenue streams.
45
46

1 **Fiscal/Urban/Rural Impact:** The Marketplace Fairness Coalition estimates that states lost \$23.1
2 billion in online sales taxes that they did not collect in 2012.

3
4 **Sponsor(s):** Daniel Troy, Commissioner, Lake County, Ohio

5
6 **Proposed Resolution on Federal Government Nonpayment of Special District Fees**

7
8 **Issue:** In some county special districts, the federal government refuses to pay its fair share,
9 arguing that it is a tax, rather than a fee.

10
11 **Proposed Policy:** NACo supports federal regulatory and legislative efforts to ensure that the
12 federal government pays for their fair share of special district fees.

13
14 **Background:** Under law, many states allow counties and other local governments to create
15 special purpose taxing districts to fund specific services, such as drinking water, sewer, road
16 construction, police and fire and other purposes, as defined under state law. Through these
17 districts, real estate parcels, which are owned by residents, businesses and other entities, are
18 assessed costs for certain public projects that benefit that region. For example, in Iowa, under
19 state law, private land owners have the ability to create drainage districts for agricultural and
20 sanitary purposes. When the drainage district undertakes drainage improvements, all landowners
21 in the drainage district are required to pay their share of the expense of this improvement.

22
23 However, in recent years, the federal government has refused to pay many types of special costs,
24 including the Iowa counties' drainage district bills, arguing that it is a tax, rather than a payment
25 for services. Under federal law, the federal government is not required to pay state and local
26 taxes. In Iowa specifically, the U.S. Fish and Wildlife Service is refusing to make their
27 payments. This has repercussions not only on the private landowners, but also on other entities
28 such as railroads and county and state roads departments within the district who must then pay
29 for the federal government's share.

30
31 Notwithstanding, the fee is not a tax, nor is it an actual assessment; it is a payment due from all
32 who benefit from contracted work done within the district. For an Iowa drainage district, this
33 could encompass ditch maintenance, levee repair, tree removal, engineering or even attorney
34 fees. Some districts are overseen by elected trustees, others by the County Supervisors acting as
35 trustees. Regardless, the real estate division of the County Auditors Office and the County
36 Treasurer are responsible for the administration of all matters of the drainage district and
37 payment of warrants.

38
39 **Fiscal/Urban/Rural Impact:** If the federal government does not pay their share, then all other
40 private landowners pick up the difference or, as some counties have done, pay from their general
41 fund.

42
43 **Sponsor(s):** Melvyn Houser, County Auditor, Pottawattamie County, Iowa; Bob Fox,
44 Commissioner, Renville County, Minn.

1 **Proposed Resolution to Preserve Municipal Investment Options and Access to Capital for**
2 **Public Infrastructure and Economic Development**

3
4 **Issue:** State and local governments rely on access to robust capital markets to finance the
5 construction and maintenance of schools, roads, public transportation systems, affordable
6 housing, airports and other important infrastructure projects. Money market funds facilitate that
7 access by investing in short-term municipal debt that is normally held to maturity. That access
8 has been put at risk by a Securities and Exchange Commission (SEC) rule that requires prime
9 and tax-exempt money market funds offered to institutional investors to no longer use amortized
10 cost accounting to operate on a stable net asset value (NAV) basis. Instead, beginning October
11 14, 2016, such funds would be required to use a floating NAV. Bipartisan and bicameral
12 legislation has been introduced in Congress to permit money market funds that invest in the
13 short-term debt of commercial entities and state and local governments to continue to use
14 amortized cost accounting for valuing fund assets. The legislation would preserve money market
15 funds as a source of liquidity and capital for the public infrastructure needs of our citizens.

16
17 **Proposed Policy:** NACo urges Congress to enact S. 1117/H.R. 2319, the Consumer Financial
18 Choice and Capital Markets Protection Act. The legislation will preserve communities' access to
19 capital and promote economic development by expressly permitting any money market fund with
20 the choice to operate on a stable net asset value (NAV) basis if it adheres to certain requirements
21 and restrictions. The legislation would not have any impact on the other changes to the regulation
22 of money market funds that were adopted by the Securities and Exchange Commission (SEC) in
23 2010 and 2014.

24
25 **Background:** The Securities and Exchange Commission (SEC) has taken important actions
26 since the financial crisis of 2008 to strengthen the resiliency of money market funds, reduce
27 systemic risk, and protect investors. In 2010, the SEC adopted new rules to require money
28 market funds to have a minimum percentage of their assets in highly liquid securities so that
29 those assets can be readily converted to cash to pay redeeming shareholders. The rules also
30 shortened the average maturity limits to limit the exposure of funds to certain risks such as
31 sudden interest rate movements. In July 2014, the SEC also adopted additional obligations on
32 money market funds, including enhanced disclosures, stress testing, and increased portfolio
33 diversification requirements, among other things. Like the 2010 reforms, these are welcome
34 changes that have strengthened the ability of money market funds to safely meet the cash
35 management and short-term investment needs of businesses, state and local governments, and
36 other institutions.

37
38 However, as part of the July 2014 amendments to Rule 2a-7 governing the regulation of money
39 market funds, the SEC also adopted a requirement, which will take effect on October 14, 2016,
40 that is having significant negative consequences for institutions that invest in money market
41 funds, and well as on public infrastructure financing. Under the new rule, non-government
42 money market funds serving investors who are not “natural persons” will no longer be able to
43 offer and redeem shares based on amortized cost to produce a stable net asset value (NAV).
44 Instead, such funds will have to apply a floating NAV using market-based estimated values.

45
46 On September 17, 2013, NACo cosigned a letter to the SEC with other state and local
47 government organizations expressing concerns with their proposed rule at that time to change

1 fixed net asset value of money market funds to a floating net asset value. Such a move, the letter
2 notes, would eliminate the market for money market funds, and would leader to higher debt
3 issuance costs for many state and local governments across the country, which could force the
4 delay or cancellation of much-needed infrastructure projects that would have otherwise helped
5 drive and support national economic output. Consistent with that assessment, the Government
6 Accounting Standards Board (GASB), which sets accounting and financial reporting standards
7 for external investment pools and pool participants, issued accounting statement No. 79 in
8 December 2015. It requires LGIPs to meet many of the requirements of Rule 2-7a, such as
9 average investment maturity, quality of portfolio assets, diversification of investments, and
10 portfolio liquidity, but permits LGIPs to continue to transact with participants at a stable net asset
11 value per share.

12
13 **Fiscal/Urban/Rural Impact:** Municipal financing authorities and their non-government conduit
14 borrowers benefit tremendously from short-term financing provided by money market funds. At
15 the end of 2015, tax-exempt money market funds held about \$263 billion in assets, which
16 represents about two-thirds of the short-term municipal debt market. Currently, all issuers of
17 municipal debt and non-government conduit borrowers are feeling the impact of the shrinkage in
18 tax-exempt money market fund assets as a result of the floating NAV rule. A recent study by
19 Treasury Strategies, a treasury management consulting firm, found that more than 40 percent of
20 tax-exempt money market fund assets are directly at risk of disappearing due to the floating
21 NAV rule. So far in 2016 alone, at least 19 tax-exempt money market funds holding about \$17
22 billion in assets have closed or announced they will close, and the pace of liquidations is
23 expected to accelerate as the compliance date approaches. These disruptions are occurring on top
24 of other regulatory actions that are impacting liquidity in the municipal debt market, including
25 the Basel III bank capital rules and the SEC’s proposed liquidity standards for mutual funds.

26
27 According to statistics released on April 20 by the SEC, gross yields on tax-exempt money
28 market funds shot up from eight basis points in February to 35 basis points in March. While that
29 benefits investors in those funds if they can meet the definition of “natural person,” harms state
30 and local governments, school districts, port authorities, hospitals, universities and others that
31 have to pay more for working capital or to finance infrastructure and economic development
32 projects. Without enactment of S. 1802/H.R. 4216, tax-exempt money market fund assets will
33 continue to shrink, and some financing authorities will have to use other, potentially more
34 expensive borrowing sources.

35
36 **Sponsor(s):** Daniel Troy, Commissioner, Lake County, Ohio

37
38 **Proposed Resolution Supporting U.S. Census Bureau’s Local Update of Census Addresses**
39 **(LUCA) Program**

40
41 **Issue:** Supporting U.S. Census Bureau Local Update of Census Addresses (LUCA) Program

42
43 **Proposed Policy:** NACo supports the U.S. Census Bureau’s Local Update of Census Addresses
44 (LUCA) Program and encourages county governments to participate in the 2020 LUCA program
45 to ensure that all addresses in their communities appear in the Census Bureau’s Master Address
46 File. A complete and accurate address list will ensure that every household can be enumerated
47 during the 2020 Census.

1
2 **Background:** The Census Address List Improvement Act of 1994 (P.L. 103-430) authorized the
3 Census Bureau to provide individual addresses to officials of tribal, state, county, and local
4 governments who agreed to the conditions of confidentiality required to review and comment on
5 the Census Bureau’s Address List. The Act strengthened the Census Bureau’s partnership
6 capabilities with participating governments by expanding the methods that the Census Bureau
7 could offer to exchange address information. The Census Bureau developed the LUCA Program
8 to meet the requirements of the Census Address List Improvement Act of 1994, Public Law 103-
9 430. There have been two prior versions of the LUCA Program in support of the 2000 and 2010
10 Censuses.

11
12 The Census Bureau uses information collected through the LUCA Program to help develop the
13 housing unit and group quarters (e.g., college dormitory, nursing home, correctional facility)
14 address information that it needs to conduct the 2020 Decennial Census. Participation in LUCA
15 is voluntary for all governments. Participating governments may review the Census Bureau's
16 address list and provide new addresses, corrections, deletions, latitude/longitude coordinates
17 structures, as well as road updates.

18
19 There are over 1,000 programs in 26 different federal agencies that rely on Census data to
20 allocate or distribute funds. Census data also provides the statistical framework for grant
21 applications that fund local social, economic, and environmental programs, as well as other
22 needed community improvements and enhancements. The LUCA Program helps ensure a solid
23 geographic foundation for 2020 Census data collection in the Nation’s counties.

24
25 **Fiscal/Urban/Rural Impact:** LUCA participation ensures that the Census Bureau has an
26 accurate address list, and offers county governments an opportunity to provide detailed feedback
27 to the Census Bureau on their addresses prior to the 2020 Census.

28
29 **Sponsor(s):** Mike McArthur, Director, Association of Oregon Counties, Ore.

30
31 **Proposed Resolution to Support Reauthorization of the Volunteer Responder Incentive**
32 **Protection Act**

33
34 **Issue:** Tax protections of incentives for volunteer firefighters and emergency medical services
35 (EMS) personnel expired in 2010 and must be reauthorized.

36
37 **Proposed Policy:** NACo urges Congress to reauthorize the Volunteer Responder Incentive
38 Protection Act (VRIPA), which would waive federal income taxes on nominal recruitment and
39 retention incentives provided by local jurisdictions to volunteer firefighters and EMS
40 personnel.

41
42 **Background:** Volunteer and combination fire departments across the United States continue
43 to struggle with recruiting and retaining volunteer firefighters and EMS personnel. According
44 to the National Fire Protection Association (NFPA), there were approximately 788,250
45 volunteer firefighters in 2014 which is a significant decrease from the 880,000 volunteer
46 firefighters in 1984. The National Volunteer Fire Council reports that, on average, the service
47 of each volunteer is valued at more than \$18,000 per year. The declining number of volunteer

1 firefighters and EMS personnel poses a critical risk to public safety in rural and suburban
2 communities as it leads to slower response times and fewer first responders to mitigate natural,
3 man-made, and medical emergencies. Many local jurisdictions have begun offering nominal
4 incentives such as local property tax waivers, per-shift and per-call stipends, reduced
5 municipal water rates, and uniform allowances.

6
7 Current Internal Revenue Service (IRS) regulations classify volunteer firefighters as employees
8 of their fire departments. As a result of this status, any incentives that a local jurisdiction
9 chooses to offer is considered taxable income for the volunteer and must be reported on a Form
10 W-2. Small volunteer and combination fire departments often struggle to comply with the IRS’
11 burdensome regulations. The IRS has continued to levy costly fines against fire departments that
12 fail to comply with all IRS regulations. Congress previously passed legislation which allowed
13 volunteer first responders to receive tax-based incentives and up to \$360 of other incentives
14 without being considered taxable income. This regulation expired in 2010. Several national fire
15 service and local government organizations are urging Congress to pass the VRIPA which
16 would reauthorize this tax provision and increase the tax exclusion for non-tax based incentives
17 to \$600 per year.

18
19 **Fiscal/Urban/Rural Impact:** Passage of the VRIPA would strengthen incentives to recruit and
20 retain volunteer first responders and simplify the management of volunteer and combination
21 fire departments.

22
23 **Sponsor(s):** Affiliate IAFC; Steven Singer, Fire and Rescue Chief, Powhatan County, Va. Fire
24 and Rescue Dept.

25 26 **Proposed Resolution on the Stop Settlement Slush Funds Act**

27
28 **Issue:** A bill that may restrict or disallow Department of Justice from giving settlements funds
29 from federal cases to states, counties, parishes and boroughs that are impacted from the lawsuits.

30
31 **Proposed Policy:** NACo opposes regulatory actions or bills, such as the Stop Settlement Slush
32 Funds Act (H.R. 732), that would disallow funds derived from court settlements from being
33 distributed to states, counties, parishes and boroughs, including those for injuries related to the
34 environment.

35
36 **Background:** On Jan 30, 2017, Representative Goodlatte, along with 34 other cosponsors,
37 introduced the Stop Settlement Slush Funds Act of 2017 (H.R. 732). Under existing laws, as part
38 of a settlement agreement from a federal enforcement action related lawsuit, the settlement may
39 include payments to third parties such as states and local governments. The settlement would lay
40 groundwork for these third parties to help with recovery and relief for communities harmed by
41 the party and further advance the federal government’s policies. However, H.R. 732 would
42 eliminate all payments to third parties, except for a narrow set of circumstances. This will
43 hamstring the ability of the federal government to negotiate settlements and limit their options
44 for providing relief to those communities impacted by the incidence(s) that led to the lawsuit.
45 H.R. 732 has been referred to the U.S. House of Representatives Judiciary Committee and
46 assigned to the Regulatory Reform, Commercial & Antitrust Law Subcommittee.

1
2 H.R. 732 is especially relevant for those counties that experience an environmentally-related
3 disaster, such as the Exxon Valdez and Deepwater Horizon oil spill. As it stands now, the bill
4 could ban or restrict the current practice of distributing court settlements associated from federal
5 regulatory actions to states, counties, parishes and boroughs. This is particularly important in the
6 environmental context, in which the injury to the environment may be diffuse and there may be
7 no identifiable victims. Currently, the U.S. Department of Justice and the Congress may both
8 have roles in determining eligibility for states, counties, parishes and boroughs in proximity to a
9 pollution event for receiving funds from a settlement agreement. H.R. 732 is unclear on this
10 issue, prompting dissenting opinions about whether the bill prevents states, counties, parishes
11 and boroughs in proximity to pollution from receiving funds derived from court
12 settlements. NACo should oppose any provision in H.R. 732 that modifies or restricts current
13 practice in distributing proceeds from court settlement agreements.
14

15 **Fiscal/Urban/Rural Impact:** Immeasurable. If states and counties are unable to receive third
16 party settlements, this limits their ability to appropriately respond and mitigate any challenges at
17 the local level.
18

19 **Sponsor(s):** Jeff R. Branick, Judge, Jefferson County, Texas
20

21 **Proposed Resolution Supporting the Goals of the Dodd Frank Act**

22
23 **Issue:** On July 21, 2010, President Obama signed the Dodd Frank Wall Street Reform and
24 Consumer Protection Act (P.L. 111-203) into law. On June 8, 2017, the U.S. House of
25 Representatives passed the Financial CHOICE Act (H.R. 10), which alters the Dodd Frank Act
26 and repeals some of its functions.
27

28 **Proposed Policy:** NACo acknowledges and supports the goals of the Dodd Frank Act, and
29 encourages Congress to maintain and pursue policies that promote equity and transparency within
30 the nation’s financial services industry. Financing details, both in counties and in financial
31 institutions, should remain open to the public, and Dodd Frank’s work aids counties in maintaining
32 their transparency. NACo also supports the current construction and role of the Consumer
33 Financial Protection Bureau (CFPB), which helps regulate large banks and payday lenders,
34 sometimes in conjunction with counties. The CFPB should continue to be able to closely monitor
35 financial firms for compliance with consumer protection laws and issue regulations on payday and
36 car title loans. Finally, NACo opposes any legislation that would impact the funding model for the
37 Governmental Accounting Standards Board (GASB), which NACo strongly supports.
38

39 **Background:** Following the Great Recession of 2008, Congress passed and President Obama
40 signed the Dodd Frank Act to put tighter regulations on the financial services and banking
41 industries to prevent another financial crisis, protect American consumers and avoid future market
42 collapses. The legislation established, among other things, the Consumer Financial Protection
43 Bureau (CFPB) to regulate lending activity, and a dedicated funding stream for the Governmental
44 Accounting Standards Bureau (GASB).
45

1 In some cases, counties can serve as financial protection agencies, especially in more rural areas.
2 In these instances, Dodd Frank standards assist counties in regulating lenders, banks and insurers
3 within their boundaries. The standards set forth by Dodd Frank also promote best practices among
4 counties as financial institutions, encouraging equity, fairness and transparency, all of which are
5 critical for properly serving residents. The standards set forth in Dodd Frank also assists in the
6 transparency of any type of financial advisors working under contract with any government entity.

7
8 The U.S. House of Representatives passed legislation to undo some of these vital components, and
9 the bill has been referred to the Senate Committee on Banking, Housing and Urban Affairs.

10
11 **Fiscal/Urban/Rural Impact:** The Dodd Frank Act protects consumers and citizens, shielding
12 them from detrimental fiscal impacts. It also promotes fair financial standards for all regulators.
13 Without the Dodd Frank Act, consumer protections would be removed and banks would be
14 allowed to make risky investments that may require taxpayers to come to the rescue of the nation's
15 largest financial institutions. The Dodd Frank Act prohibits predatory practices that harm our
16 communities and families.

17
18 **Sponsor:** Laura Montoya, Treasurer, Sandoval County, N.M.

HEALTH

PROPOSED RESOLUTIONS

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

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

Proposed Policy: NACo supports an amendment to 42 Code of Federal Regulations (CFR) Part 2 privacy provisions to explicitly allow information sharing between behavioral health and law enforcement in order to best serve individuals with substance abuse issues.

Background: The privacy provisions in 42 CFR were motivated by the understanding that stigma and fear of prosecution might dissuade persons with substance use disorders from seeking treatment. 42 CFR laws protect substance abusers' rights and, in cases where it is more stringent, overrule HIPAA regulations. HIPAA laws were passed to protect personal health information from being disclosed electronically on an unsecured site and without consent. As a result, confidentiality is two-fold: 1) all information identifying a person as a substance abuser is confidential (42 CFR, Part 2), and 2) all personal health information, including demographic data, that is created by the provider and relates to the person's medical or mental health, services provided, and payment falls under the protection of HIPAA and may not be released without consent by the client or legal guardian. In most cases, addiction treatment providers fall under the more stringent laws of 42 CFR, Part 2, but there is still confusion about the two sets of laws that define who and what is to be protected. Recent rule changes allow for information sharing between providers in order to ensure coordination of care. However, greater specificity is needed regarding the sharing of information between behavioral health providers and law enforcement. In order to develop and support multidisciplinary teams that coordinate, implement, and administer community-based crisis responses and long-term plans for high utilizers, public safety officers need to have the ability to find out if an individual has a substance abuse disorder prior to booking them into jail. This would better facilitate connection with recovery services and specialty courts.

Fiscal/Urban/Rural Impact: Individuals with mental illnesses are overrepresented at every stage of the criminal justice process. In response, many jurisdictions have developed a range of policy and programmatic responses that depend on collaboration among the criminal justice, mental health, and substance abuse treatment systems. A critical component of this cross-system collaboration is information sharing, particularly information about the health and treatment of people with mental illnesses who are the focus of these responses. At the program level, this information can be used to identify target populations for interventions, evaluate program effectiveness, and determine whether programs are cost-efficient. However, legal and technical

1 barriers, both real and perceived, often prevent a smooth exchange of information among these
2 systems and impede identifying individuals with mental illness or substance abuse issues and
3 developing effective plans for appropriate diversion, treatment, and transition from a criminal
4 justice setting back into the community.

5
6 **Sponsor(s):** The Association of Oregon Counties.

7
8 **Proposed Resolution on the Importance of the ACA and Medicaid Expansion**
9

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

15
16 **Proposed Policy:** The National Association of Counties (NACo) supports maintaining the
17 Medicaid program as a means tested entitlement and further supports provisions in current law
18 that allow for expanded program eligibility and coverage standards. NACo urges Congress and
19 the administration not to repeal the Medicaid expansion. Maintaining the current eligibility and
20 coverage under the current program is essential for maintaining a strong federal-state-local
21 partnership that underpins our nation’s health system
22

23 **Background:** Medicaid was created in 1965 as a joint federal-state-county partnership. Under
24 the Affordable Care Act (ACA), the program was expanded to include adults up to 138% of the
25 federal poverty level. Thirty-one states and the District of Columbia have expanded their
26 Medicaid programs and more than 8 million people are now eligible for Medicaid who were
27 previously not eligible. Six million additional individuals would be eligible if the 19 states that
28 have thus far not expanded their Medicaid programs would choose to do so. Millions more have
29 benefited from premium subsidies when purchasing a plan on the marketplace exchanges.
30 Under the ACA, and specifically in states that have expanded Medicaid, providers are changing
31 the way that they deliver health care. Patients who have traditionally used the emergency room
32 for primary care are now covered by Medicaid and they receive primary, preventative and
33 wellness care, lowering costs. Medicaid is the largest source of federal, state and county funding
34 for behavioral health. Prior to the ACA’s Medicaid expansion provisions, uninsured individuals
35 were not receiving medications in a coordinated way. Covering new individuals through
36 Medicaid has enabled counties to help more individuals reduce substance use and/or avoid
37 returning to jail.
38

39 The new administration and congressional Republicans have made repealing the ACA a top
40 priority. However, without a replacement framework, many counties will be forced to reassume
41 the cost of caring for medically indigent adults, our public hospitals will see increases in
42 uninsured patients, and the private insurance market will collapse without the ACA’s individual
43 and small business mandate penalties.
44
45

1 **Fiscal/Urban/Rural Impact:** Repealing the ACA and its Medicaid expansion without a similar
2 replacement would remove millions of people from the Medicaid rolls who would have been
3 otherwise uninsured without the ACA.

4
5 **Sponsor(s):** Toni Preckwinkle, President, Board of Commissioners Cook County, Ill.;
6 Supervisor Keith Carson, Alameda County, Calif.

7
8 **Proposed Resolution to Extend Federal Medical Payments to Detainees in County Jails who**
9 **are Pre-adjudicated**

10
11 **Issue:** Extending federal Medicaid payments to detainees in county jails who are pre-
12 adjudicated.

13
14 **Proposed Policy:** Seek a federal legislative change to require the federal Medicaid program to
15 contribute the federal Medicaid match for health and mental health care that is provided while a
16 pre-adjudicated detainee is actually incarcerated.

17
18 **Background:** Recently, CMS issued a letter to State Medicaid Directors clarifying that the
19 federal Medicaid match can be used for all detainees and prisoners who are not actually
20 incarcerated, that is, persons who are on home detention, on probation, on parole, etc.

21
22 A federal legislative change will be required to extend these same benefits to pre-adjudicated
23 detainees who are actually incarcerated in a county jail cell.

24
25 The purpose of this resolution is to make this request formal NACo policy.

26
27 **Fiscal/Urban/Rural Impact:** If successful, more federal Medicaid dollars would be available to
28 counties for the health, mental health, and substance use care of detainees.

29
30 **Sponsor(s):** Ron Manderscheid, Executive Director, NACBHDD and NARMH

31
32 **Proposed Resolution to Extend the New Medicaid IMD payment provisions**

33
34 **Issue:** Extending New CMS IMD Provisions to Non-Managed Care Entities

35
36 **Proposed Policy:** Request that CMS extend the new Medicaid IMD payment provisions
37 permitting up to 14 days per month of inpatient/residential care to IMD organizations that are not
38 part of Medicaid managed care systems.

39
40 **Background:** Recently, CMS extended Medicaid payments to Institutions for Mental Disease
41 (IMDs) that are part of Medicaid managed care systems. This was done as part of the new
42 Medicaid Managed Care Regulation issued in April 2016.

43
44 Under this regulation, only IMD organizations that are part of a Medicaid managed care system
45 can receive these federal payments. A significant number of organizations operated
46 by/contracted with counties are excluded.

1 The purpose of this resolution is to extend these federal Medicaid payments to IMDs that are
2 outside of a Medicaid managed care arrangement.

3
4 **Fiscal/Urban/Rural Impact:** This resolution would provide additional resources to counties for
5 their mental health and substance use services.

6
7 **Sponsor(s):** Ron Manderscheid, Executive Director, NACBHDD and NARMH
8

9 **Proposed Resolution on Flagged Organ Transplant Programs**

10
11 **Issue:** Organ transplant programs are being flagged by the Centers for Medicare and Medicaid
12 Services (CMS) for having under 95% survival rates

13
14 **Proposed Policy:** NACo urges Congress and CMS to reduce the number of organ transplant
15 programs being flagged. Lowering the number of programs being flagged would allow these
16 organ transplant programs to accept more marginal organs for transplant.

17
18 **Background:** An average of twenty one people die every day while waiting for an organ
19 transplant and due to CMS flagging organ transplant centers, these centers will not accept organs
20 that are considered to be marginal, that is have less than 70% functionality. This results in many
21 donated organs being discarded by organ transplant centers even though they can still be used.

22
23 Every six months, 12% of all transplant programs are flagged by CMS for having an under 95%
24 survival rate. These flagged programs decrease transplants by 30-40% resulting in a drastic
25 shortage of organs. As a result many minority communities that would normally be served by
26 the County hospital system are not receiving the transplants that they require and are dying of
27 diseases that they would not otherwise be dying of if these organs were accepted.

28
29 The rejection of organs resulted from an outcome management system put into place by CMS
30 eight years ago. Gift of Hope is advocating that CMS stop the flagging program due to these
31 unintended consequences

32
33 **Fiscal/Urban/Rural Impact:** Many people who would not otherwise be able to receive organ
34 donations would now receive the organs that they need.

35
36 **Sponsor(s):** Toni Preckwinkle, President, Board of Commissioners, Cook County
37

38 **Proposed Resolution on the National Health Service Corps Loan Repayment Program**

39
40 **Issue:** County prisons are not eligible for designation as health professional shortage areas for
41 the purpose of the National Health Service Corps.

42
43 **Proposed Policy:** NACo urges Congress to amend the National Health Service Corps loan
44 repayment program and allow County and municipal jails to be eligible for the program. Current
45 law excludes County jails from being designated as health professional shortage areas and NACo
46 urges Congress to review this designation and allow County and municipal jails to be named
47 health professional shortage areas.

1
2 **Background:** The National Health Service Corps was established in 1970 and is a scholarship
3 and loan repayment program that helps underserved communities across the nation receive
4 medical care. Since 2011 County and municipal prisons have not been eligible to take part in
5 this program even if the County is in a health professional shortage area and additionally, federal
6 and state prisons are still eligible for this program.

7
8 Not being eligible for loan repayment hurts in recruitment and as a result there are many medical
9 professional positions that County jails are no longer able to fill as providers who are interested
10 in filling positions inquire about National Health Service Corps eligibility and acknowledge that
11 ineligibility is a major factor in not accepting a position at a County jail. This difficulty in
12 recruiting medical professionals could jeopardize access to much needed care at County jails as
13 prisoners tend to be in poorer health than other age matched local populations.

14
15 Jails tend to have sizeable populations with behavior health issues. Adequate staffing in jails is
16 critical in serving the mentally ill and substance abusers that are a significant proportion of the
17 local jail population.

18
19 **Fiscal/Urban/Rural Impact:** Would allow medical professionals at County jails to be eligible
20 for loan repayment programs.

21
22 **Sponsor(s):** Toni Preckwinkle, President, Board of Commissioners, Cook County, Ill.

23
24 **Proposed Resolution on Proposed Changes to Health Insurance Portability and**
25 **Accountability Act (HIPAA)**

26
27 **Issue:** Treatment providers for substance abuse disorders are not always fully aware of what the
28 Health Insurance Portability and Accountability Act (HIPAA) does/does not allow when
29 disclosing patient safety concerns to appropriate parties (i.e., family members or law
30 enforcement officials). Furthermore, treatment providers are confined by strict language within
31 HIPAA, which indicates disclosure is limited to when there is a threat of both “serious **and**
32 imminent” danger to the patient or others.

33
34 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to amend
35 language in HIPAA to clarify that treatment providers may disclose their concerns about a
36 patient’s safety to appropriate parties when they believe in “good faith” that there is a threat of
37 “serious **or** imminent” danger to the patient or others. Currently, disclosure is limited to when
38 there is a threat of “serious **and** imminent” danger to the patient or others.

39
40 **Background:** The usage of opiates is a growing concern among residents of communities across
41 the United States. According to the 2016 United Nations’ World Drug Report, the number of
42 heroin users in the US reached around 1 million in 2014, almost three times the amount in 2003.
43 That same study found heroin-related deaths have also increased by five times since 2000. More
44 locally, in January 2014, a 23-year-old male from Illinois passed away due to a relapse and
45 subsequent overdose on heroin. The young man’s treatment providers did not notify his parents
46 that he had signed himself out of treatment against medical advice. If treatment providers had a

1 clear understanding of when they can disclose their concerns to his parents or law enforcement,
2 the young man may be alive today.

3
4 **Fiscal/Rural/Urban Impact:** This policy change would better enable local substance abuse
5 providers and law enforcement officials to address the increasing abuse of opiates and help
6 prevent unnecessary relapses, recidivism, and even fatalities. When substance abuse providers
7 are able to disclose to appropriate parties (including local law enforcement officials) when their
8 patients are in “serious or imminent” danger, individuals have a better chance of getting the help
9 they need and preventing harm to themselves and members of the public. In the long run, they
10 have a better chance of overcoming their addiction and not being unnecessarily involved in the
11 county justice system. These changes to HIPAA will work in concert with other efforts at local,
12 state, and federal levels to comprehensively address opiate abuse and overdose deaths that are
13 devastating our nation’s counties.

14
15 **Sponsor(s):** Hon. Aaron Lawlor, Board Chair, Lake County, Ill.; Hon. Carol Calabresa, Board
16 Vice-Chair, Lake County, Ill.; Hon. Mary Ross Cunningham, Board Member, Lake County, Ill.

17
18 **Proposed Resolution to Prohibit Insurers from Denying Health Benefits to Preadjudicated**
19 **Persons**

20
21 **Issue:** Private insurance companies’ “inmate exclusion” shifts health care costs from
22 preadjudicated inmates to counties.

23
24 **Proposed Policy:** The National Association of Counties (NACo) urges the Department of Health
25 and Human Services (HHS) to prohibit insurers from denying reimbursement under health
26 benefit plans for covered services provided to preadjudicated persons in the custody of local
27 supervisory authorities.

28
29 **Background:** Local governments are obligated to provide medical care to the people they
30 incarcerate. Counties hire nurses, doctors, dentists, and mental health staff who have the same
31 experience, credentials, and ability to improve care as in our county clinics or our hospitals.

32
33 As a result, counties throughout the United States are shouldering a tremendous cost for inmate
34 health care. According to the Urban Institute, “Typically 9 to 30 percent of corrections costs go
35 to inmate health care.

36
37 This amounts to hundreds of millions of dollars annually, and is an aspect of corrections of
38 which the public and many decision makers are largely unaware. Inmate care costs are high in
39 both prisons and jails.”

40
41 According to the State of Oregon Legislative Counsel, “The Affordable Care Act requires all
42 nonexempt individuals to have health insurance. Preadjudicated inmates are inmates who have
43 not been convicted and who are being held pending disposition of charges. Such inmates are not
44 excused from the requirement to have insurance until after they have been convicted and are
45 incarcerated as a result of a conviction.”

1 Legislative Counsel continues by explaining, “Insurance companies are required to provide
2 health insurance to anyone who applies for insurance. An inmate may enroll in insurance that is
3 offered in the private market outside of the exchange. Prior to conviction, an eligible inmate also
4 may enroll in insurance through the health insurance exchange. Therefore, an insurance company
5 must provide insurance to preadjudicated inmates and may not deny coverage for any service
6 that is an essential health benefit.”
7

8 Though some preadjudicated people who enter jails have private insurance, most insurers have
9 an “inmate exclusion” and do not pay for health care services provided to their insured while
10 they are in county jails. For those inmates pending disposition of charges, counties are paying
11 their health costs despite the fact that their private insurer is collecting a premium. As a result,
12 taxpayers bear the cost that otherwise would be paid by insurance companies.
13

14 An example of this issue is illustrated in Oregon. A recent survey of counties found an average
15 of eight percent of inmates have private health insurance and 61 percent of inmates in jail are
16 pre-adjudicated. Multnomah County, Oregon, estimates that they could save up to \$1 million
17 annually by billing private insurers for preadjudicated inmate health costs. Requiring counties to
18 pay for health care for inmates who have private health care coverage is neither a good use of
19 taxpayer dollars nor good public policy.
20

21 **Fiscal/Urban/Rural Impact:** If counties were able to bill private insurers for the health costs of
22 their preadjudicated, insured clients, counties could shift the burden from taxpayers. Counties
23 can use these funds for other critical services, including public safety.
24

25 **Sponsor(s):** Loretta Smith, Commissioner, Multnomah County, Ore.
26

27 **Proposed Resolution Supporting Improved Quality in Nursing Homes through Workforce** 28 **Development and Creative Staffing Models** 29

30 **Issue:** Supporting Improved Quality in Nursing Homes through Workforce Development and
31 Creative Staffing Models
32

33 **Proposed Policy:** The National Association of Counties urges Congress to authorize innovative
34 demonstration projects to test models of care that use direct-care workers (DCWs) in advanced
35 roles.
36

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

1
2 **Fiscal/Urban/Rural Impact:** Exploring innovative staffing models through demonstrations may
3 improve care coordination; improve positive outcomes for adults with chronic illnesses or at risk
4 of re-hospitalization and lower care costs for both older Americans and the health care industry.
5 Facilities that have incorporated other aspects of innovative staffing practices such as those who
6 embrace culture change including the neighborhood and small house models have noted their
7 initiatives yielded benefits such as improved staff retention and improved operational costs.
8 Moreover, the most important positive outcome may be improved resident and family
9 satisfaction.

10
11 **Sponsor(s):** Renee Beniak, Executive Director, NACHFa

12
13 **Proposed Resolution Urging CMS to Remove Barriers that Hinder Improving Nursing**
14 **Home Culture**

15
16 **Issue:** Regulatory barriers to improving nursing home culture

17
18 **Proposed Policy:** NACo urges the Centers for Medicare and Medicaid Services (CMS) to
19 remove barriers and regulations that hinder providers from making transformative
20 environmental, administrative and care practice changes that promote positive outcomes to
21 resident and family satisfaction and improved quality of care and quality of life.

22
23 **Background:** The current survey and certification system for nursing homes supports but does
24 not widely promote transformative change in how services are provided. The philosophy that
25 drives operational decisions away from institutional practices and toward practices that both
26 improve quality of care and quality of life is dampened by the current survey, certification and
27 life safety code processes.

28
29 In 1991, Dr. Bill Thomas, a Harvard-educated physician founded the Eden Alternative. The Eden
30 Alternative along with many other organizations and models now work to assist providers to
31 remake the aging experience in thousands of nursing homes across the country. Over 16 years
32 later, in a 2007 report, The Commonwealth Fund conducted a national study of nursing homes
33 and found that 56 percent of nursing homes surveyed still viewed regulation as a major or minor
34 barrier to change.

35
36 **Fiscal/Urban/Rural Impact:** Changing Nursing Home culture engages all facility staff in a total
37 transformation of thinking and practice. The systematic rebuilding of resident-directed
38 approaches to care, responsive to residents' individual life experiences and needs, leads to many
39 improved outcomes.

40
41 Facilities that incorporate some aspects of culture change noted their initiatives yielded benefits
42 such as improved staff retention, higher occupancy rates, better competitive position, and
43 improved operational costs. Moreover, the most important positive outcome may be improved
44 resident and family satisfaction.

45
46 **Sponsor(s):** Renee Beniak, Executive Director, NACHFa

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

3
4 **Issue:** Medicaid benefits may be withdrawn when an individual is incarcerated as opposed to
5 convicted.

6
7 **Proposed Policy:** Urge Congress to pass legislation that: a) amends federal law to prohibit states
8 from terminating eligibility for individuals who are inmates of public institutions or residents of
9 Institutes for Mental Disease based solely on their status as inmates or residents; and b) requires
10 states to establish a process under which an inmate or resident of an Institute for Mental Disease,
11 who continues to meet all applicable eligibility requirements, is placed in a suspended status so
12 that the state does not claim FFP for services the individual receives, but the person remains on
13 the state's rolls as being eligible for Medicaid; and c) Once release or discharge from the facility
14 is anticipated, require states to take whatever steps are necessary to ensure that an eligible
15 individual is placed in payment status so that he or she can begin receiving Medicaidcovered
16 services immediately upon leaving the facility.

17
18 **Background:** Medicaid benefits may be withdrawn when an individual is incarcerated.
19 Currently, the Centers for Medicare and Medicaid Services (CMS) allows for and encourages
20 states to suspend rather than terminate Medicaid eligibility when a person is incarcerated or
21 detained in a public institution or Institute for Mental Disease (IMD). The suspension of
22 Medicaid coverage allows for quicker reinstatement of benefits when a person leaves a public
23 institution or IMD and fewer challenges in obtaining mental health, substance abuse, and other
24 health services upon community re-entry.

25
26 When a state terminates instead of suspends coverage, it can take months for an individual to be
27 reapproved for Medicaid upon release from custody. Thirty-eight states and the District of
28 Columbia terminate Medicaid coverage when an individual is incarcerated. Terminating instead
29 of suspending creates a disruption in access to needed medical, mental health, and substance
30 abuse treatment services for individuals to re-enter the community, which can impact health
31 outcomes, lead to re-arrest, and contribute to homelessness. Federal law currently prohibits the
32 use of federal funds for individuals while they are incarcerated, with the exception of 24-hour
33 inpatient care provided to inmates outside of a jail. The statutory federal financial participation
34 (FFP) exclusion applying to inmates of public institutions and residents of IMDs affects only the
35 availability of federal funds under Medicaid for health services provided to that individual while
36 he or she is an inmate of a public institution or a resident of an IMD. The payment exclusion
37 under Medicaid that relates to individuals residing in a public institution or an IMD does not
38 affect the eligibility of an individual for the Medicaid program. Individuals who meet the
39 requirements for eligibility for Medicaid may be enrolled in the program before, during, and after
40 the time in which they are held involuntarily in secure custody of a public institution or as a
41 resident of an IMD.

42
43 States that currently suspend Medicaid benefits when an individual is incarcerated include:
44 California, Colorado, Florida, Iowa, Maryland, Massachusetts, Minnesota, New York, North
45 Carolina, Ohio, Oregon and Texas. Suspension of Medicaid coverage permits an individual
46 incarcerated or detained in a public institution or IMD to remain on the Medicaid rolls in a

1 suspended status, which retains his or her eligibility for Medicaid coverage while cutting off
2 payment of benefits during incarceration or detention.

3
4 **Fiscal/Urban/Rural Impact:** The importance of suspension instead of termination to Counties
5 includes ensuring access to care which improves public safety, public health and county budgets.
6 A recent study found that inmates from a county jail who received treatment for behavioral
7 health disorders after release spent an average of 51.74 fewer days in jail per year, thus costing
8 taxpayers less.

9
10 **Sponsor(s):** Commissioner Sally Heyman, Miami-Dade County, Fla.

11
12 **Proposed Resolution on the National Health Service Corps Loan Repayment Program**

13
14 **Issue:** County prisons are not eligible for designation as health professional shortage areas for
15 the purpose of the National Health Service Corps.

16
17 **Proposed Policy:** NACo urges Congress to amend the National Health Service Corps loan
18 repayment program and allow County and municipal jails to be eligible for the program. Current
19 law excludes County jails from being designated as health professional shortage areas and NACo
20 urges Congress to review this designation and allow County and municipal jails to be named
21 health professional shortage areas.

22
23 **Background:** The National Health Service Corps was established in 1970 and is a scholarship
24 and loan repayment program that helps underserved communities across the nation receive
25 medical care. Since 2011 County and municipal prisons have not been eligible to take part in
26 this program even if the County is in a health professional shortage area and additionally, federal
27 and state prisons are still eligible for this program.

28
29 Not being eligible for loan repayment hurts in recruitment and as a result there are many medical
30 professional positions that County jails are no longer able to fill as providers who are interested
31 in filling positions inquire about National Health Service Corps eligibility and acknowledge that
32 ineligibility is a major factor in not accepting a position at a County jail. This difficulty in
33 recruiting medical professionals could jeopardize access to much needed care at County jails as
34 prisoners tend to be in poorer health than other age matched local populations.

35
36 Jails tend to have sizeable populations with behavior health issues. Adequate staffing in jails is
37 critical in serving the mentally ill and substance abusers that are a significant proportion of the
38 local jail population.

39
40 **Fiscal Impact:** Would allow medical professionals at County jails to be eligible for loan
41 repayment programs.

42
43 **Sponsor(s):** Toni Preckwinkle, President, Board of Commissioners, Cook County, Ill.

1 **Proposed Resolution Supporting Local Efforts for Mobile Support Teams**
2

3 **Issue:** Address the need for local health departments’ mobile support teams to work closely with
4 law enforcement agencies to promote safety and emotional stability when a behavioral health
5 crisis occurs.
6

7 **Proposed Policy:** NACo supports legislative efforts at the federal and state levels to fully fund
8 and promote mobile support teams within a local health department. NACo urges federal and
9 state matching funds to maximize financial support for local jurisdictions in implementing
10 mobile support teams.
11

12 **Background:** Law enforcement officers routinely provide the first line of crisis response for
13 situations involving persons with mental illness. These calls for service are common but pose
14 operational problems for officers and agencies, as they are not always the best equipped to
15 respond to individuals in crisis. Because of this, these situations can often result in significant
16 negative outcomes to the lives of persons with mental illness and their families (due to an
17 increased risk of injury to the person with mental illness) and/or to the officers responding to
18 these events.
19

20 Mobile support teams allow law enforcement organizations to call upon mental health
21 professionals to assist them in the field with individuals who may be experiencing mental health
22 crises. The two major goals of these mental health mobile support teams are to *resolve the crisis*
23 and to *reduce criminalization*. Studies that have evaluated such teams found that they had arrest
24 rates ranging from 2 to 13 percent (with an average of less than 7 percent) in contrast to an arrest
25 rate of 21 percent for contacts between non-specialized police officers and persons who were
26 apparently mentally ill.
27

28 **Fiscal/Urban/Rural Impact:** Would require federal and state funding for local jurisdictions.
29

30 **Sponsor(s):** Supervisor Shirlee Zane, Sonoma County, Calif.
31

1 **HUMAN SERVICES AND EDUCATION**

2
3 **PROPOSED PLATFORM CHANGES**

4
5 **Proposed Platform Change to Allow Electronic Visitation of Older Foster Youth**

6
7 **Under CHILDREN’S SERVICES:**

8
9 **Section B. Child Welfare Services, 1. Foster Care, Guardianship and Adoption Assistance,**
10 **add (eleventh bullet):**

11
12 Allowing child welfare staff to conduct visits through computer technology, rather than in-
13 person, with older youth (over 18 years of age) in extended foster care who are attending college
14 out of state or connecting with relatives.

15
16 **Sponsor(s):** Cathy Senderling-McDonald, County Welfare Directors Association of California,
17 National Association of County Human Services Administrators (NACHSA)

18
19 **Proposed Platform Change to Clarify and Expand NACo Policy on the**
20 **Supplemental Nutrition Assistance Program (SNAP)**

21
22 **Under SELF-SUFFICIENCY PROGRAMS, edit to read as follows:**

23
24 **D. Supplemental Nutrition Assistance Program (SNAP):** The SNAP program provides
25 nutrition assistance funding to low income families and individuals to support better support
26 healthy and adequate eating habits. SNAP is critical to struggling families and has proven to be
27 one of the most countercyclical federal programs because benefits can reach families quickly
28 during economic downturns as well as natural disasters. The program serves diverse populations
29 with a wide range of needs, and is administered by counties in a variety of states across the
30 country. NACo supports moving a SNAP reauthorization in conjunction with a reauthorization
31 of the Farm Bill.

32
33 **1. Program and Funding Structure:** NACo supports the current SNAP entitlement
34 program and funding structure, including maintaining the 50 percent federal
35 administrative match for states given that counties contribute to the administrative costs
36 of the SNAP program in many county-administered states. SNAP should not be block
37 granted, since such a policy change would place additional strain on both recipients and
38 state and local governments. As the introductory statement states, SNAP is indeed a very
39 responsive countercyclical program, as evidenced by the large increases in SNAP
40 participants during the great recession in the late 2000’s and early 2010’s. Block granting
41 would seriously undermine that responsiveness, leaving struggling families with less
42 access to food and further weakening the economy since SNAP families redeem their
43 benefits quickly and locally. Moreover, counties would see shifts in costs to support those
44 households if the already low benefit is reduced under a block grant.

1 **2. Streamlining SNAP**
2

3 **a. Administratively and Across Programs:** NACo encourages Congress to
4 increase the options available to state and local administrative bodies in
5 streamlining applications and administrative processes. Local social services
6 departments see many individuals and families that are eligible for multiple
7 programs, but requirements are often slightly different for each program,
8 generating significant work for staff and applicants alike. All states should be
9 allowed to seamlessly enroll Supplemental Security Income (SSI) participants in
10 the SNAP program. In general, as additional programs are streamlined, barriers to
11 entry for participants should be reduced, and Congress and states should not make
12 the most restrictive elements of each program the qualifications required for
13 approval.
14

15 **b. For Recipients:** Congress and the U.S. Department of Agriculture Food and
16 Nutrition Service (FNS) should work to reduce “churn” – the rolling of recipients
17 on and off of the program – in the SNAP program, which can be a burden for
18 recipients and administrators alike. Administration and application processes
19 should be simplified to allow individuals reapplying for benefits to enter a
20 streamlined process, reducing the time between application and receiving benefits
21 while also reducing administrative costs.
22

23 **3. Importance to Children:** Proper nutrition is crucial to high quality early childhood
24 development goals and ensures children are mentally and physically prepared to learn
25 when entering school. SNAP benefits for families should be at an adequate level so that
26 all children have healthy diets.
27

28 **4. Work Requirements and Time Limits:** NACo opposes arbitrary and counterproductive
29 work and participation requirements and supports a strong county role in mutually
30 negotiated outcome measures in which states are judged by their progress toward
31 achieving agreed upon goals. NACo supports greater flexibility in the SNAP work
32 requirements in order to allow counties and states to meet the individual needs of their
33 caseloads.
34

35 **a. SNAP Employment and Training (SNAP E&T) Program:** NACo supports
36 enabling individuals to find and secure long-term employment and encourages
37 Congress to acknowledge the reality that for time-limited assistance to be
38 successful, it must be accompanied by adequate federal and state funding for a
39 wide range of supportive services. The SNAP E&T program should receive more
40 realistic funding levels from the federal government to ensure states and counties
41 have the proper resources to assist individuals in finding work and remaining
42 employed, including increasing the reimbursement rate, since SNAP E&T is an
43 employment program. SNAP E&T should also be further integrated with existing
44 workforce programs at the federal, state and local level, including local workforce
45 development boards.
46

1 **b. Able-Bodied Adults Without Dependents (ABAWDs):** In addition to the
2 increased reimbursement rates for employment programs, NACo supports
3 lengthening the time limit for ABAWDs and making the work requirements more
4 flexible. Often, rapid attachment employment programs are short term, and
5 individuals who find work do not remain employed because they have not
6 developed the required skills. Allowing for increased training and an extended
7 time limit would make employment goals more realistic. Additionally, NACo
8 supports a tax incentive for employers who hire ABAWD SNAP participants for
9 20 hours or more each month, which could be increased based on the number of
10 ABAWD participants hired. NACo also supports allowing counties in county-
11 administered states to apply for a waiver for the ABAWD time limits if the state
12 does not apply for a state-wide or partial waiver.
13

14 **5. Disqualifications:** Lifetime disqualification from the SNAP program can have a lasting
15 effect not just on the individual, but also on his or her family. NACo supports additional
16 flexibility in disqualification determinations for states and local governments. NACo also
17 supports lifting the lifetime ban on individuals with felony drug convictions in all states.
18

19 **6. Phasing-out of benefits:** Recipients of federal benefits programs often face a financial
20 “cliff” as they gain employment – the boundary line at which point individuals or
21 families lose benefits given their rise in income. NACo urges Congress to consider
22 gradual phase outs of certain programs, including SNAP, to ease the transition from
23 benefits to income, especially for families.
24

25 **7. Rural Solutions:** NACo urges Congress and the Food and Nutrition Service to pursue
26 solutions that address the specific obstacles rural communities face in ensuring access to
27 food and healthy eating habits in rural areas, which often lack access to healthy food
28 options. States with large rural populations and rural counties should be afforded
29 additional flexibility in the administration of the SNAP program to help combat these
30 challenges.
31

32 **8. Use of Technology:** Among federal benefits programs, SNAP is already a leader in
33 innovation and simplification of benefits, including the use of SNAP EBT cards. The
34 federal government should continue to play a leading role in developing technology that
35 makes program administration more seamless. By pioneering advances at the federal
36 level, the program would be streamlined in states and local jurisdictions across the
37 country.
38

39 **9. Program Integrity:** NACo supports the goals of maintaining low levels of fraud and
40 error rates within the SNAP program. Counties believe that a federal commitment to
41 streamlining the program, increased technological advances, and additional flexibility to
42 eliminate systemic program issues (including program churn) will help achieve this goal.
43

44 **Sponsor(s):** Katie Boyle, Director of Government Affairs, Virginia Association of Counties
45 (VACo); Cathy Senderling-McDonald, County Welfare Directors Association of California;
46 National Association of County Human Services Administrators (NACHSA)
47

1
2
3 **PROPOSED RESOLUTIONS**

4 **Proposed Resolution to Support Full Funding for the Community Services Block Grant**
5 **(CSBG)**

6 **Issue:** The Administration’s Fiscal Year (FY) 2018 budget proposal calls for the elimination of
7 the Community Services Block Grant (CSBG).

8
9 **Proposed Policy:** NACo supports full funding for the Community Services Block Grant.

10
11 **Background:** CSBG is administered by the U. S. Department of Health and Human Services’
12 (HHS) Administration for Children and Families (ACF) and supports activities that reduce the
13 causes of poverty. CSBG-eligible activities vary depending on local needs, but often include
14 services related to educational attainment, obtaining and maintaining employment and self-
15 sufficiency, budget planning, obtaining adequate housing and greater community participation.
16 Most CSBG funding is distributed to states, which must pass through 95 percent of the funds to
17 eligible local entities. In FY 2015, 1,026 CSBG entities served 99 percent of the nation’s
18 counties through public or private entities, many of which are community action agencies.

19
20 The president’s FY2018 budget request proposes to eliminate the \$714 million program. It
21 asserts: ‘In a constrained budget environment, difficult funding decisions were made to ensure
22 that federal funds are being spent as effectively as possible. The CSBG accounts for
23 approximately five percent of total funding received by local agencies that benefit from these
24 funds’.

25
26 **Fiscal/Urban/Rural Impact:** This resolution would preserve funding to county community
27 action agencies (CAAs).

28
29 **Sponsor(s):** National Association of County Human Services Administrators (NACHSA)

30
31 **Proposed Resolution Opposing the Elimination of the Social Services Block Grant (SSBG)**

32
33 **Issue:** The Administration’s FY 2018 budget proposal calls for the elimination of the Social
34 Services Block Grant (SSBG).

35
36 **Proposed Policy:** NACo strongly supports SSBG and opposes any efforts to eliminate or reduce
37 its funding.

38
39 **Background:** SSBG was signed into law by President Ronald Reagan in 1981 (P.L. 97-35) and
40 combined several social services programs into one block grant, providing states with flexibility
41 and no matching funding requirements. The program is an entitlement to states and not subject to
42 the annual appropriations process. Ten states provide SSBG funds directly to counties: Colorado,
43 Minnesota, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Virginia
44 and Wisconsin and counties in other states also access SSBG funding.

1 SSBG can be used for nearly 30 different types of services; a survey conducted by NACo in
2 2012 revealed that counties most commonly use SSBG for adult protective services, which
3 benefit elderly and disabled adults, and child protective services. Services provided to these
4 vulnerable populations aim to prevent and remedy abuse, neglect and exploitation. In FY 2014,
5 the last year for which data is available, SSBG served 30 million people, 44 percent of whom
6 were children.

7
8 SSBG has repeatedly been targeted for cuts, and complete elimination of the program was
9 approved by the House Ways and Means Committee in 2016 and Health and Human Services
10 Secretary Tom Price included it in House budget resolutions when he chaired the Budget
11 Committee. SSBG is and will remain extremely vulnerable, especially in the context of
12 entitlement reform and deficit reduction proposals.

13
14 **Fiscal/Urban/Rural Impact:** Would preserve county funding for a wide variety of social
15 services.

16
17 **Sponsor(s):** National Association of County Human Services Administrators (NACHSA)

18
19 **Proposed Resolution to Fully Fund and Update the Temporary Assistance for Needy**
20 **Families (TANF) Block Grant**

21
22 **Issue:** The Temporary Assistance for Needy Families Block Grant (TANF) program expires at
23 the end of the fiscal year and the Administration's FY 2018 budget proposal would cut the block
24 grant by ten percent and eliminate the Contingency Fund.

25
26 **Proposed Policy:** NACo urges Congress to reject the Administration's proposed ten percent cut
27 to the Temporary Assistance for Needy Families (TANF) program and the accompanying
28 proposal to eliminate the \$608 million Contingency Fund. NACo also urges that a
29 reauthorization of the current TANF program provide greater state and county flexibility to
30 create and provide services that support families and help move them off welfare, including
31 allowing more flexibility in TANF program design such as allowing higher education to count as
32 work; realistic time limits on education; allowing states to use TANF funds to support post-
33 secondary educational expenses and giving states and TANF recipients partial credit for part-
34 time work. NACo urges Congress to, at a minimum, retain and enhance state flexibility to use
35 TANF funds for subsidized employment. Given the demonstrated success of TANF subsidized
36 employment programs, NACo urges Congress to increase funding for those programs. Given that
37 Congress has not increased the \$16.5 billion TANF program since its enactment in 1996, NACo
38 urges Congress to ensure that reauthorization includes a provision increasing TANF funds
39 annually at an amount commensurate with the rate of inflation.

40
41 **Background:** TANF was created in 1996 and replaced the Aid to Families with Dependent
42 Children (AFDC) program. It is administered by the U.S. Department of Health and Human
43 Services (HHS) and features four program goals: providing assistance to needy families so that
44 children can be cared for in their own homes; reducing the dependency of needy parents by
45 promoting job preparation, work and marriage; preventing and reducing unplanned pregnancies
46 among single young adults and encouraging the formation and maintenance of two-parent
47 families.

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

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

16 Designed to assist states experiencing economic stress, the proposed elimination of the
17 Contingency Fund would affect 19 states as of 2016, including the county-administered states of
18 Colorado, New York, North Carolina, and Wisconsin.
19

20 **Fiscal/Urban/Rural Impact:** Cost savings related to long-term impacts on inter-generational
21 poverty and child well-being.
22

23 **Sponsor(s):** National Association of County Human Services Administrators (NACHSA)
24

25 **Proposed Resolution to Enact the DREAM Act or Similar Legislation**

26
27 **Issue:** NACo should support the Development, Relief, and Education for Alien Minors
28 (DREAM) Act or similar legislation.
29

30 **Proposed Policy:** NACo calls upon Congress and the president to enact the DREAM Act or
31 similar legislation that, without imposing costs on counties, would allow certain undocumented
32 immigrants who entered the country as children to attain legal status if they pass background
33 checks, demonstrate good moral character and meet education requirements.
34

35 **Background:** Under the 1982 Supreme Court decision Plyler v. Doe, state and local education
36 districts are required to provide children with a free primary and secondary education regardless
37 of their immigration status. NACo believes that it is in the best interest of counties to ensure that
38 all children maximize their potential, which would include higher education opportunities.
39

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

1 ability to determine who is and who is not eligible for in-state tuition and that it should be
2 repealed.

3
4 The DREAM Act would restore the flexibility that states had prior to 1996 to determine who
5 should receive in-state tuition. The bill would apply to students who have been in the country
6 prior to their 16th year of age, have been in the country for at least five consecutive years, have
7 graduated from high school or have a high school equivalent diploma, have been accepted to an
8 institution of higher education, are not subject to an order of deportation, and are of good moral
9 character.

10
11 **Sponsor(s):** Human Services and Education Leadership Committee Leadership

12 13 **Proposed Resolution on Early Childhood Development**

14
15 **Issue:** Increased funding for early childhood development

16
17 **Proposed Policy:** NACo supports legislation to increase investments in early childhood
18 development, including greater coordination among pre-school programs in schools and county
19 run programs such as home visitation, child wellness, Head Start, Early Head Start and quality
20 childcare.

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

29
30 Research has demonstrated the importance of the early years in child development. Additionally,
31 investment in early childhood development programs can reduce future expenditures in chronic
32 health care services, child welfare, the juvenile justice system, and welfare.

33
34 **Fiscal/Urban/Rural Impact:** Would provide additional funds for county early childhood
35 development efforts, which would in turn reduce long-term costs in juvenile justice, public
36 assistance and other programs.

37
38 **Sponsor(s):** Debbie Lieberman, Commissioner, Montgomery County, Ohio

39 40 **Proposed Resolution Supporting Two-Generation Efforts to Reduce Poverty**

41
42 **Issue:** Poverty is a national problem and requires a national solution. In order to combat the
43 harmful impacts of intergenerational poverty, federal, state and local partners should promote
44 new methods of addressing these issues.

1 **Proposed Policy:** The National Association of Counties (NACo) encourages the federal
2 government to pursue policies that support and enable state and local jurisdictions to coordinate a
3 two-generation approach to combat poverty. Federal efforts to reform public assistance must
4 recognize that poverty is influenced by national economic factors that are not within the control
5 of local or state governments, and that local and state governments are best positioned to help
6 their citizens when federal programs are flexible and support all generations within a family.
7

8 **Background:** A two-generation approach to supporting families focuses on creating
9 opportunities for and addressing the needs of children and their parents together. These
10 approaches can be found along a continuum, with some being child-focused with parent
11 elements, and others being parent-focused with child elements. Aspects of a two-generation
12 approach include but are not limited to: early childhood education, child care, asset building,
13 housing, mental health and substance abuse counseling, access to health care, employment
14 pathways and others.
15

16 Counties are well positioned to deploy two-generation programs and many already are. To boost
17 these efforts, NACo encourages an intentional effort by federal stakeholders to help align and
18 link systems and funding streams and ensure equity across programs. Additional steps to help
19 individuals and families access multiple programs at once, rather than needing duplicative
20 applications, is also encouraged.
21

22 **Fiscal/Urban/Rural Impact:** No new funds are being requested
23

24 **Sponsor(s):** Debbie Lieberman, Commissioner, Montgomery County, Ohio
25

26 **Proposed Resolution to Address Sexual Abuse in Families**

27

28 **Issue:** Sexual Abuse in Families
29

30 **Proposed Policy:** The National Association of Counties strongly supports starting the dialog and
31 pursuing types of education to assist counties, states, and federal government in helping prevent
32 child sexual abuse (CSA) in families.
33

34 **Background:** CSA in families has been in existence all through recorded history, often
35 occurring generationally. It occurs at every income level and negatively impacts every aspect of
36 society. Yet despite significant punishment for perpetrators, one in four girls and one in seven
37 boys are sexually abused within their own family before eighteen. A 2012 study shows that each
38 CSA victim costs society \$210,000*. The annual cost of each victim, assuming a life expectancy
39 of 70 years, is \$3,000. Of that cost, a major portion is the cost to government at the federal, state,
40 and local level. The remaining portion of the cost to society is mostly due to the loss of
41 productivity and the healthcare of victims of CSA. The estimated average lifetime cost include
42 \$32,648 in childhood health care costs; \$10,530 in adult medical costs; \$144,360 in productivity
43 losses; \$7,728 in child welfare costs; \$6,747 in criminal justice costs; and \$7,999 in special
44 education costs. The estimated average lifetime cost per death is \$1,272,900, including \$14,100
45 in medical costs and \$1,258,800 in productivity losses. The total lifetime economic burden
46 resulting from new cases of fatal and nonfatal child maltreatment in the United States in 2008 is
47 approximately \$124 billion. These are conservative numbers. In sensitivity analysis, the total

1 burden is estimated to be as large as \$585 billion**.

2
3 CSA causes a lifetime of dramatic and costly emotional and physical issues, including eating
4 disorders, sleep apnea, PTSD, stress, bi-polar, substance abuse, including opioid addiction,
5 prostitution, to name a few. Because of false shame and fear of destroying the family, most
6 familial CSA is unreported and underreported, meaning the incidence is in fact much higher.
7 Given the unfortunate secrecy in so many families and the devastating cost to individuals and to
8 society, it only makes sense, from both a humanitarian and a fiscal standpoint, to prevent sexual
9 abuse in families from happening in the first place.

10
11 Easy access to online pornography that both perpetuates and stimulates CSA creates even greater
12 urgency to address this.

13
14 **Fiscal/Urban/Rural Impact:** Estimated cost to society in the United States is \$137 Billion per
15 year of which a major portion are costs are the burden of federal, state, and local governments.

16
17 *Fang, X., Brown, D., Florence, C., Mercy, J. (2012) The economic burden of child
18 maltreatment in the United States and implications for prevention.

19
20 **The Economic Burden of Child Maltreatment in the United States And Implications for
21 Prevention.

22
23 **Sponsor(s):** Todd Devlin, Commissioner, Prairie County Mont.

24
25 **Proposed Resolution Urging Congress to Maintain County Child Welfare Flexibility and**
26 **Funding**
27

28 **Issue:** The 115th Congress may enact legislation changing federal financing of child welfare
29 services. In January, the Family First Prevention Services Act (FFPSA) (H.R. 253) was
30 reintroduced. Identical to last year's measure (H.R. 5456), the bill would deny Title IV-E foster
31 care and adoption assistance eligibility to many children who are eligible under current federal
32 and state laws, and, effective in FY 2020, provides new federal entitlement funding for optional
33 foster care prevention services. It would also impose new federal requirements relating to
34 congregate (group home) care that would reduce federal IV-E reimbursement and shift costs to
35 states and counties. The FFPSA also assumes that federal IV-E waivers would expire on
36 September 30, 2019. Waivers give counties and states flexibility to test innovative approaches to
37 child welfare service delivery and financing. Under waivers, states design and demonstrate a
38 wide range of approaches to reforming child welfare and improving outcomes in the areas of
39 safety, permanency, and well-being. Finally, Congress is also considering entitlement reform,
40 including block granting health and human services programs such as Title IV-E foster care
41 which would shift costs to states and counties.

42
43 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to amend the
44 Family First Prevention Services Act so that it would not shift increased costs to states and
45 counties by denying Title IV-E eligibility to children who would remain eligible for state or
46 county-funded foster care and adoption assistance. In doing so, Congress should also provide
47 states and counties with sufficient flexibility to serve and protect abused and neglected children

1 as done currently under some state laws. NACo further urges that the bill’s proscriptive
2 provisions intended to reduce the use of congregate care be amended so that states and counties
3 already proceeding with similar efforts may continue to do so. Additionally, Congress should
4 extend federal IV-E waiver authority through September 30, 2024 unless comprehensive child
5 welfare finance reform that reflects NACo’s priorities is passed and implemented before that
6 time. Finally, NACo opposes any congressional effort to block grant IV-E foster care financing.
7

8 **Background:** Despite efforts over six months of some states and counties to amend last year’s
9 FFPSA, the bill died on the Senate floor. Counties finance and provide services to about 42
10 percent of the nation’s federal foster care population and over 53 percent of federal foster care
11 expenditures are in counties with child welfare responsibilities. County agencies work with
12 individuals and entities in a child’s life to identify and provide prevention services or, as a last
13 resort, a range of foster care placements that are in the best interest of the child.
14

15 As currently drafted, the FFPSA does not invest any new funds in child welfare. The bill’s new
16 prevention services are funded in two ways: 1) by delaying financial eligibility and support for
17 adoption assistance and; 2) by not reimbursing group homes for care provided to about 70
18 percent of children in homes presently due to homes being unable to meet the new federal
19 mandates.
20

21 Counties in a number of states are implementing similar provisions contained in the bill and
22 called for changes to last year’s measure so that child welfare agencies could continue to support
23 relative families while the child’s parent(s) become more stable. Additionally, counties urged
24 Congress to amend the FFPSA so that youth over age 16, some of whom were sex trafficked,
25 could continue to receive federal support in supervised independent living arrangements.
26

27 Without IV-E Waivers, IV-E funding can only be used for monthly maintenance payments for
28 the daily care and supervision of eligible children; administrative costs to manage the program;
29 training of staff and foster care providers; recruitment of foster parents; and costs related to the
30 design, implementation and operation of a state-wide data collection system. Through Federal
31 IV-E Waivers, states have developed innovative practices to prevent children from entering out-
32 of-home placement including residential/congregate care.
33

34 To reduce federal costs, Congress may consider block granting federal financial support for Title
35 IV-E foster care. U.S. House and Senate leadership have already signaled support for Medicaid
36 and Supplemental Nutrition Assistance Program block grants. A federal foster care block grant
37 would shift costs to states and counties.
38

39 In June, the House adopted by voice vote five non-controversial and bipartisan bills representing
40 sections of the FFPSA. They included extending the competitive grant program for initiatives
41 providing substance abuse treatment grants to entities serving families who have children
42 involved in the child welfare system (HR 2834); implementing model foster home licensing
43 standards similar to California’s system (HR 2866); using existing funding, extending Chafee
44 independent living supports from age 21 to 23, and allowing educational vouchers to remain
45 available up to age 26 instead of 23 (HR 2847); allowing states to use federal foster care funds to
46 cover the cost of children living with their parents in family-based substance abuse treatment

1 facilities (HR 2857); and, establishing an electronic case management system for expedited
2 cross-state placement of children with relatives or an adoptive family (HR 2742).

3
4 **Fiscal Impact:** As currently drafted, the FFPSA would shift costs to states and counties unable
5 to meet the congregate care requirements. Federal IV-E waivers are ‘cost neutral’ to the federal
6 government and provide states and counties with the flexibility to design their prevention
7 systems to meet local needs. A Title IV-E foster care block grant would also shift costs to states
8 and counties if caseloads increase.

9
10 **Sponsor(s):** National Association of County Human Services Administrators (NACHSA); Mark
11 Waller, Commissioner, El Paso County, Colo.; Julie Krow, Executive Director, El Paso County,
12 Colorado Department of Human Services; Cathy Senderling-McDonald, County Welfare
13 Directors Association of California

14 15 **Proposed Resolution to Repeal and Reform the Social Security COLA Formula**

16
17 **Issue:** The Social Security Cost of Living Adjustment (COLA) Formula, which is designed to
18 reflect increases in the cost of living, will not increase in 2016.

19
20 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to repeal and
21 reform the Social Security Cost of Living Adjustment (COLA) Formula to ensure that the
22 program properly accounts for the true cost of living of Social Security Benefits recipients –
23 many of whom rely solely on these benefits to provide for their everyday needs in 2016 and
24 beyond.

25
26 **Background:** In 1975, Congress passed an important provision for the Social Security program
27 to authorize annual cost-of-living adjustments, or COLAs, for Social Security benefit recipients
28 based on the actual computed increase in the cost of living according to the Consumer Price
29 Index for Urban Wage Earners and Clerical Workers (CPI-W). The index includes price changes
30 for food, housing, clothing, transportation, energy, medical care, recreation, education and gas.
31 Many individuals who are dependent on Social Security Benefits are on fixed incomes, and
32 therefore rely on the COLA formula to keep up with rising prices. 2016 will mark only the third
33 time in 40 years that the COLA formula will not provide an increase in part due to lower gas
34 prices across the country. However, many Social Security recipients do not drive.

35
36 The lack of a proper inflation adjustment for Social Security benefits in 2016 will affect more
37 than 70 million people – more than one-fifth of the nation’s population. This absence of an
38 increase in COLA will influence millions of Medicare Part B recipients and impacts the ability
39 of many seniors and disabled to access proper care, while failing to accurately reflect many other
40 rising expenses. Local communities often bear increased costs when residents are not financially
41 able to provide their own needs.

42
43 NACo supports repealing and replacing the formula used by the Social Security Administration
44 to determine the annual COLA rates.

45
46 **Fiscal/Urban/Rural Impact:** Ripple effects of the COLA formula are felt all over America,
47 both in large cities and in rural counties. Counties are the organizations which step up to assist

1 those who cannot provide for themselves. It is in the best interest of all counties to ensure our
2 elderly and disabled receive appropriate COLA determinations. This also includes those who are
3 receiving survivor benefits.

4
5 **Sponsor(s):** Drew R. Campbell, Commissioner, Blue Earth County, Minn.
6

7 **Proposed Resolution to Oppose the Proposed FY 2018 Budget Cuts to the Supplemental**
8 **Nutrition Assistance Program (SNAP)**
9

10 **Issue:** The Administration’s FY 2017 budget proposes an average 25 percent cut in the federal
11 contribution to Supplemental Nutrition Assistance Program (SNAP) benefits by 2023 and other
12 administrative changes resulting in a reduction of \$194 billion in federal contributions to SNAP
13 over ten years. SNAP is critical to struggling families and has proven to be one of the most
14 effective countercyclical federal programs because benefits reach families quickly during
15 economic downturns as well as natural disasters.
16

17 **Proposed Policy:** The National Association of Counties (NACo) opposes the Administration’s
18 FY 2018 proposed cuts to the Supplemental Nutrition Assistance Program (SNAP) which would
19 ultimately shift 25 percent of the benefit costs to states and counties and/or reduce benefit levels.
20

21 **Background:** The Administration’s proposed budget has several cost-saving proposals that aim
22 to reduce long-term SNAP spending. The proposals include tightening certain eligibility and
23 benefit calculation standards; establishing fees for retailers applying and recertifying to accept
24 SNAP benefits; and implementing a SNAP benefit cost-sharing requirement for States, phased in
25 to reach an average of 25 percent by 2023. Total savings over 10 years for all nutrition program
26 proposals (including, but not limited to, SNAP) is estimated at \$194 billion.
27

28 The federal government has always paid for 100 percent of the benefit costs, with some
29 exceptions for states opting to pay for benefits for some individuals not otherwise eligible. The
30 costs of administering SNAP are shared between the federal government, state and county
31 governments, with the federal government reimbursing states at 50 percent of those costs. Ten
32 states are county administered (CA, CO, MN, NJ, NY, NC, ND, OH, VA, WI).
33

34 According to the USDA, 44 percent of the families receiving SNAP have at least one person
35 working, and in those households with children, 55 percent are earning wages. SNAP requires
36 able-bodied adults without children to find a job within three months and to work at least 20
37 hours a week or lose their benefits. One in every five SNAP households contain a person with
38 disabilities. SNAP serves over 4 million seniors. In FY 2015, one in four children received
39 SNAP. All told, about 42 million people receive SNAP benefits.
40

41 **Fiscal/Urban/Rural Impact:** The proposal will shift billions of dollars in costs to state and
42 county governments and/or will reduce benefits to SNAP recipients.
43

44 **Sponsor(s):** National Association of County Human Services Administrators (NACHSA)
45
46

1 improved the services it delivers to children and families and responded to the changing needs of
2 local communities.

3
4 In 1969, Head Start was transferred from the Office of Economic Opportunity to the Office of
5 Child Development in the U.S. Department of Health, Education and Welfare, and is now a
6 program within the Administration on Children, Youth and Families in the Department of Health
7 and Human Services. A well-established, though still innovative program, Head Start has had a
8 strong impact on communities and early childhood programs across the country. The program is
9 locally administered by community-based organizations and school systems. Grants are awarded
10 directly by the Department of Health and Human Services Regional offices, except for the
11 American Indian and Migrant programs, which are administered from Washington, D.C.

12
13 Head Start now serves more than one million children and their families each year in urban and
14 rural areas in all 50 States, the District of Columbia, Puerto Rico, and the U.S. Territories,
15 including many American Indian, Alaska Native, and migrant children.

16
17 **Fiscal/Rural/Urban Impact:** Would preserve the current federal-to-local funding structure for a
18 wide variety of services for children and families.

19
20 **Sponsor(s):** Jewel Ware, Commissioner, Wayne County, Mich.

1 **JUSTICE AND PUBLIC SAFETY**

2
3 **PROPOSED PLATFORM CHANGES**

4
5 **Proposed Platform Change on Victims of Domestic Violence**

6
7 **UNDER CRIMINAL JUSTICE SYSTEM:**

8
9 **L. Victims of Domestic Violence:** NACo supports federal legislation that encourages a
10 comprehensive approach to domestic and intimate partner violence against women that
11 incorporates offender accountability and programs for victims’ services. County governments are
12 urged to develop a broad-based system of response to domestic violence including financial
13 support for shelters, crisis lines, and other programs offering advocacy, support and counseling,
14 public education and prevention activities, safety for victims of crime and emergency medical
15 services. County officials are also urged to examine the response of various criminal justice
16 agencies to cases of domestic violence. Law enforcement and prosecutorial policies and practices
17 should ensure the protection of the victim and reflect the serious criminal nature of acts of
18 domestic violence. County governments are encouraged to incorporate non-gender specific
19 language regarding both the victim and the perpetrator to recognize that domestic and
20 intimate partner violence knows no bounds of sexual orientation, gender identify, or gender
21 expression.

22
23 **Sponsor(s):** Michael Daniels, Justice Policy Coordinator, Department of Homeland Security and
24 Justice Programs, Franklin County, Ohio; Marilyn Brown, Commissioner, Franklin County,
25 Ohio

26
27 **PROPOSED RESOLUTIONS**

28
29 **Proposed Resolution on Facilitating Diversion of Individuals struggling with Substance Use**
30 **Disorder from Jails to Treatment by Promoting Parity in Health Information**

31
32 **Issue:** Currently, use and storage of health information is governed by both the Health Insurance
33 Portability and Accountability Act of 1996 (HIPAA) for physical and mental health information,
34 and by HHS Rule 42 CFR Part 2 for alcohol or drug abuse diagnosis, treatment, or treatment
35 referral. In an era where data-driven decisions and evidenced-based programming are best
36 practices, sharing of data among entities becomes highly complicated for patients who have both
37 a physical and/or mental health diagnosis and a co-occurring substance use disorder.

38
39 **Proposed Policy:** NACo urges Congress and the department of Health and Human Services to:

- 40
41
42
43
44
45
- Develop, implement, and codify a standard set of rules for sharing, accessing, and storing all patient health information that brings substance abuse disorder to parity with physical and mental health conditions.
 - Implement rules which protect patient rights and prevent inappropriate use and distribution of health information in the least restrictive and most consistent manner possible.

- 1 • Create, certify, and distribute language which can be used universally to allow patients to
2 release and disclose health information to improve the quality of healthcare and improve
3 the efficiency and effectiveness of health care delivery.
- 4 • Implement clear exemptions for use by law enforcement, first responders, hospital ER
5 staff, and front-line mental health and substance abuse workers to enable real-time access
6 to health information which can be used to make emergency decisions regarding
7 incarceration or diversion to crisis detoxification and mental health evaluation.
8

9 **Background:** Counties take our responsibility for protecting the health and well-being of our
10 305 million residents seriously, and helping to finance the Medicaid program by contributing \$28
11 billion to the non-federal share in 2012. In addition to \$83 billion spent on community health,
12 counties spend another \$93 billion annually on justice and public safety services. Confusing and
13 conflicting privacy requirements, not technology, are major barriers to data sharing and data-
14 driven decision making which are critical to providing the best care for county residents while
15 protecting public safety.
16

17 **Fiscal/Urban/Rural Impact:** Counties stand to save substantial money that is currently devoted
18 to physical and mental health expenses by diverting residents to appropriate treatment and away
19 from incarceration. Counties also stand to provide substantially better health care and outcomes
20 to residents by ensuring a continuity of care across first responders, providers, and local
21 institutions.
22

23 **Sponsor(s):** Marilyn Brown, Commissioner, Franklin County, Ohio; Michael Daniels, Justice
24 Policy Coordinator, Department of Homeland Security and Justice Programs, Franklin County,
25 Ohio
26

27 **Proposed Resolution on Restoring Equity in Medicaid Coverage to Pretrial Inmates in** 28 **County Jails** 29

30 **Issue:** Under current law (Centers for Medicare & Medicaid Services, HHS § 435.1009, 1010),
31 “Individuals who are inmates of public institutions” are not eligible to receive Medicaid federal
32 financial participation (FFP), even though these individuals have not been adjudicated guilty of
33 the crime with which they have been charged and for which they are being held in incarceration.
34

35 **Proposed Policy:** NACo urges the department of Health and Human Services to:

- 36 • Allow states and counties to use FFP to work with Medicaid providers to identify patients
37 in county jails who are receiving community-based care and then to maintain their
38 treatment protocols.
- 39 • Allow states and counties to use FFP for Medicaid providers to work with county jails to
40 develop treatment and continuity of care plans for released or diverted individuals.
- 41 • Allow states and counties to use FFP to initiate medication-assisted therapy or other
42 forms of medically necessary and appropriate intervention for jailed individuals whose
43 release is anticipated within 30 days.
- 44 • Allow states and counties to use FFP to reimburse peer counselors to facilitate reentry
45 and increase jailed individuals’ health literacy.

- Allow states and counties to waive the state-wide requirement in order to permit implementation of the new Inmate Waiver in counties with the capacity and desire to implement and test the demonstration projects.

NACo further supports legislation such as S.2863, introduced in the 114th Congress, to permanently codify equity in pretrial Medicaid coverage to non-convicted inmates in county jails and facilities.

Background: Counties take our responsibility for protecting the health and well-being of our 305 million residents seriously, and helping to finance the Medicaid program by contributing \$28 billion to the non-federal share in 2012.

In addition to \$83 billion spent on community health, counties spend another \$93 billion annually on justice and public safety services, including the entire cost of medical care for all arrested and detained individuals in jails. Counties are required by federal and state law to provide adequate health care for the approximately 11.4 million individuals who pass through county jails each year, two-thirds of whom are held in pre-trial detention, often because they are mentally ill, addicted to drugs or alcohol, or simply cannot afford to post bond. Serious mental illnesses are three to four times more prevalent among inmates than the general population, and almost three quarters of those inmates have co-occurring substance abuse disorders. The current inmate exception only allows for Medicaid to pay for any care when an inmate is admitted as an inpatient and kept for more than 24 hours.

Fiscal/Urban/Rural Impact: Counties stand to save substantial money currently devoted to physical and mental health expenses for non-convicted inmates as well as collateral savings associated with reductions in returns to jail and management of chronic medical conditions over time.

Sponsor(s): Marilyn Brown, Commissioner, Franklin County, Ohio; Michael Daniels, Justice Policy Coordinator, Department of Homeland Security and Justice Programs, Franklin County, Ohio

Proposed Resolution Supporting Adequate Funding for the Legal Services Corporation

Issue: President Trump is proposing steep budget cuts and elimination of the federal Legal Services Corporation

Proposed Policy: NACo supports continued adequate funding for the Legal Services Corporation (LSC). LSC promotes fair and efficient operation of our nation’s county courts by funding local civil legal aid organizations in every state.

Background: County judges and court clerks in virtually every county struggle with providing access to the civil justice system for unrepresented low-income litigants who cannot afford an attorney. These include family law, domestic relations, housing, income maintenance, consumer issues and other civil cases. This “access to justice” challenge would be made significantly more problematic for county courts if the Legal Services Corporation were to be eliminated. At the 2013 NACo Legislative Conference, the NACo Board adopted the following policy resolution:

1 “NACo urges Congress to fulfill our nation’s promise of “Equal Justice Under Law,” by
2 restoring funding for the LSC to the level necessary to provide critically needed services to low-
3 income and vulnerable Americans.”

4
5 Legal service needs far exceed the LSC appropriation of \$385 million in FY 2017; studies
6 indicate that 50-80% of clients are turned away due to a lack of resources. Over 95.2 million
7 Americans – one in three – qualified for civil legal aid at some point in 2014. As noted by
8 American Bar Association President Linda Klein on May 23, 2017, “Steep budget cuts proposed
9 today by the White House would severely undermine the fairness of the legal system and deny
10 access to justice for some of society’s most vulnerable individuals.”

11
12 **Fiscal/Urban/Rural Impact:** All counties would benefit by continued funding of the Legal
13 Services Corporation. LSC-funded clients include low-income veterans, seniors, domestic
14 violence survivors, women (70% of clients), and natural disaster victims. Urban, rural and
15 suburban courts would likely see a major increase in the number of unrepresented litigants if the
16 Legal Services Corporation were to be eliminated.

17
18 **Sponsor(s):** Gregg Moore, County Board Chair, Eau Claire County, Wis.; Sally Heyman,
19 Commissioner, Miami-Dade County, Fla.

20
21 **Proposed Resolution Urging Continued Federal Support for Local and State Efforts to**
22 **Reduce Rates of Opioid Dependence, Overdose and Fatalities**

23
24 **Issue:** County agencies throughout the country are struggling to find sufficient resources to
25 provide the treatment, recovery and prevention services needed to stem the tide of the opioid
26 epidemic.

27
28 **Proposed Policy:** NACo urges Congress to continue its support for local and state efforts to
29 reduce rates of opioid dependence, overdose and fatalities in local communities by providing
30 additional emergency supplemental funding through existing federal grant programs.

31
32 **Background:** County agencies are at the heart of our nation’s response to the opioid epidemic.
33 Public health departments provide training on the administration of anti-overdose medication;
34 law enforcement officials and other first responders administer that medication to save lives;
35 local judges operate drug courts and other diversion programs; county jails provide treatment
36 services for inmates struggling with addiction; social services departments provide support to
37 individuals attempting to get their lives back on track; and in the most tragic cases, coroners
38 work to identify causes of fatal overdose so that law enforcement is better able to target drug
39 traffickers.

40
41 Although the 21st Century Cures Act and other federal legislation have provided important
42 assistance to these county agencies as they work to overcome the opioid epidemic, escalating
43 rates of overdoses and fatalities continue to strain local resources, limiting the ability of counties
44 to provide the treatment and prevention services needed to move our nation past this crisis.
45 Additional federal support for local and state efforts to fight the opioid epidemic is critical.

1 **Fiscal/Urban/Rural Impact:** Additional federal support for local and state efforts related to
2 overcoming the opioid epidemic would alleviate the fiscal strain on various county agencies.

3
4 **Sponsor(s):** Commissioner Brownyn Asplund-Walsh, Merrimack County, N.H.; Commissioner
5 Sally Heyman, Miami-Dade County, Fla.

6
7 **Proposed Resolution Supporting the Emergency Management Performance Grant**
8 **Program**

9
10 **Issue:** The Emergency Management Performance Grant (EMPG) is the sole all-hazards grant
11 currently extant, and the most demonstrably successful DHS grant program. However, in light of
12 state funding shortfalls, state Emergency Management Agencies have reduced the amounts of
13 EMPG funding passed through to local government in many places, often with little or no input
14 from or notice to counties. The President has proposed drastic reductions in the EMPG program.
15 Such reductions will compromise the capabilities of emergency management agencies
16 nationwide and their capacity to render assistance to each other as part of the national response to
17 major incidents.

18
19 **Proposed Policy:** The National Association of Counties (NACo) requests that Congress
20 guarantee that the Emergency Management Performance Grant (EMPG) remain a separate
21 program, separately funded from all other grants that specifically address terrorism or other
22 specific issues (remaining, then, a truly all-hazards program), at or above current funding levels,
23 and require that a minimum of 70 percent of EMPG funds be passed through to local government
24 with a 50-50 match requirement.

25
26 **Background:** NACo has had policy supporting the EMPG in place for several years and it is
27 expiring this year. The Emergency Management Performance Grant is the only all-hazard
28 funding program for county Emergency Management agencies. In recent years, states such as
29 Alabama, Louisiana, Minnesota and others, have significantly reduced the pass-through amount
30 to counties without notice. The EMPG program is critical to the foundation of Emergency
31 Management across the nation and to the resilience of America's counties. NACo has joined in
32 letters to Congress on this and related issues in the past.

33
34 **Fiscal/Urban/Rural Impact:** Policy impacts all counties.

35
36 **Sponsor(s):** Judson Freed, Director, Emergency Management and Homeland Security, Ramsey
37 County, Minn.

38
39 **Proposed Resolution on Fair Restructuring of Homeland Security and Emergency**
40 **Management Grants**

41
42 **Issue:** The nation's capability to response to major catastrophes and acts of terror is based on the
43 ability of local public safety programs to provide assistance to each other. The President has
44 proposed major reductions in the Homeland Security and Emergency Management grant
45 programs and addition of match requirements that cannot be sustained by most jurisdictions. If
46 enacted, the cuts and match requirements will make it impossible for most counties to sustain or
47 build capability that is needed to ensure local resistance and the ability to send aid to other

1 jurisdictions. Consolidation of Homeland Security and Emergency Management grants into
2 block grants, particularly if these grants are administered solely by the states, will decrease local
3 resilience and negatively impact national preparedness for disasters and emergencies of all types.
4

5 **Proposed Policy:** The National Association of Counties (NACo) requests that Congress
6 continue to provide adequate grant funding to build and sustain the nation’s homeland security
7 and emergency management capabilities. NACo continues to oppose the complete consolidation
8 of the existing Homeland Security and Emergency Management grant programs into block grant
9 programs, and requests that Congress mandate that the Department of Homeland Security (DHS)
10 and Federal Emergency Management Agency (FEMA) actively include county Emergency
11 Managers in creating alternatives that will better address the needs of all levels of government
12 and that does not discard the advances gained through past grants.
13

14 NACo asks that Congress preserves, maintains, and enhances the Emergency Management
15 Performance Grant and other all-hazard grants related to disaster recovery and mitigation as
16 separate, fully funded programs.
17

18 NACo asks that Congress works with DHS and FEMA to ensure that Homeland Security and
19 Emergency Management grant programs address realistic risks from all hazards including, but
20 not limited to, terrorism. State Administrative Agencies must make grant related prioritization
21 decisions in transparent consultation and with the consent of local governments, and Congress
22 should continue to require that no less than 80% of these funds be passed to local government in
23 each state based on their realistic risk.

24 NACo asks Congress to require DHS to maintain the Urban Area Security Initiative (UASI)
25 specific funding to the 35 urban areas at greatest risk of disastrous event from all hazards,
26 including terrorism. In light of the significant populations, density, infrastructure and economic
27 drivers of these areas and the fact that the populations of large urban counties and cities are often
28 least able to financially address these risks without federal assistance. The UASI program should
29 remain jointly administered by the State Administrative Agency and the existing UASI
30 organizational units and continue to require that no less than 80 percent of these funds be passed
31 through to the Urban Areas.
32

33 NACo will work with Congress and the other stakeholders to prepare updated legislative
34 language to accomplish these goals.
35

36 **Background:** NACo has had this policy in place for several years and it is expiring this year.
37 NACo has provided testimony to Congress on this issue in 2012. This submission simply updates
38 the policy to reflect current Homeland Security realities and legislative activity.
39

40 **Fiscal/Urban/Rural Impact:** Policy impacts all counties. There will be disproportionate impact
41 to poorer and smaller counties.
42

43 **Sponsor(s):** Judson Freed, Director, Emergency Management and Homeland Security, Ramsey
44 County, Minn.
45

1 **Proposed Resolution on FEMA’s Deobligation of Approved Disaster-Relief Funds**

2
3 **Issue:** Since 2010, the Federal Emergency Management Agency (FEMA) has aggressively
4 sought to recover and deobligate previously-approved recovery funds distributed to local
5 governments by FEMA through the Robert T. Stafford Disaster Relief Act. The process has
6 created growing uncertainty in counties’ ability to accept disaster-relief funds.

7
8 **Proposed Policy:** The National Association of Counties (NACo) supports legislation that would
9 establish a 3-year statute of limitation on deobligation of FEMA Public Assistance funds from
10 the date a project is certified complete by the state (grantee).

11
12 The National Association of Counties (NACo) also urges the federal government to clarify the
13 process whereby FEMA can declare that funds distributed to local governments and approved by
14 FEMA for disaster relief efforts are deobligated; so as to ensure that:

- 15 1. The deobligation process includes a reasonable timeframe for counties to respond to
16 information requests;
- 17 2. FEMA makes timely decisions on appeals filed by counties that face the potential
18 rescission of previously appropriated federal funds; and,
- 19 3. Precludes FEMA from immediately rescinding previously obligated funds from the
20 grantee, once the subgrantee has stated its intent to appeal, in a timely fashion, FEMA’s
21 decision.

22
23 **Background:** The issue of deobligation of approved funds for disaster relief comes as a great
24 concern for counties across the nation. Deobligation is when FEMA requires grant recipients to
25 return funds intended to provide relief after disaster. The deobligation process is often initiated
26 following a rules change at FEMA that disallows the agency to provide funding, or following an
27 internal review performed by an auditor that finds that grant funding was improperly awarded.

28
29 **Fiscal/Urban/Rural Impact:** Would help a counties ability to respond to information request, as
30 well as properly prepare to reduce the chances of funding being deobligated.

31
32 **Sponsor(s):** Sally Heyman, Commissioner, Miami Dade County, Fla.

33
34 **Proposed Resolution to Modify the “Individual Assistance” Criteria Used by the Federal**
35 **Emergency Management Agency (FEMA) to Ensure that Rural Residents are Treated in a**
36 **Fair and Equitable Manner**

37
38 **Issue:** Current FEMA criteria requiring “concentration of damage” for access to Individual
39 Assistance Programs and its impact on rural residents.

40
41 **Proposed Policy:** FEMA and/or Congress should take immediate action to modify existing
42 “concentration of damage” criteria for Individual Assistance Programs, so that these criteria do
43 not unjustly deny rural residents critically needed access to Individual Assistance Programs.

44
45 **Background:** The Individual Assistance Program provides housing and unemployment
46 assistance, counseling, and other personal support to families and individuals in the wake of a
47 federally declared disaster. However, the current formula FEMA uses to evaluate damages and

1 send disaster declaration recommendations to the President frequently leaves smaller towns and
2 communities out. The assistance cannot be utilized without a federal disaster declaration.
3 Further, even with a federal disaster declaration, the requirement for “concentration of damage”
4 virtually eliminates rural areas being eligible for Individual Assistance Programs.

5
6 From wildfires to landslides, flooding to earthquakes, natural disasters cause significant damage
7 to residents and businesses across Washington State. Over the past several years, it has become
8 very apparent that rural communities in Washington State need to be assured that they are not
9 left out when recovering from disasters and are treated equitably as urban areas.

10
11 Over the past several years rural communities in Washington State were dramatically impacted
12 by:

- 13
- 14 • Wildfires that burned more than one million acres and left 46 families without temporary
- 15 housing in Central and north Central Washington.
- 16 • On the Olympic Peninsula severe storms triggered flooding and mudslides that caused
- 17 significant damage to residential property.
- 18 • In Snohomish County, the Oso landslide resulted in 30 families displaced.
- 19 • Chelan County lost 122,845 acres to wildfires, and over \$4.7 million in structural
- 20 damages.

21
22 Many other smaller communities in Washington State and the country are impacted by wildfires
23 and other disasters every year but do not receive the same FEMA consideration for Individual
24 Assistance as more urban communities do. It is important that through either policy or
25 legislation, this shortcoming in existing law and interpretation is corrected to ensure that rural
26 communities receive the financial support they need in order to help them pick up the pieces and
27 rebuild after devastating disasters.

28
29 Washington State has had two successive years of historic catastrophic wildfires. Hundreds of
30 homes have been lost. 1.4 million acres have burned. Despite this, residents of these fire ravaged
31 counties have repeatedly been denied access to Individual Assistance aid without an adequate
32 explanation.

33
34 Current rules for disaster aid prioritize relief efforts to “areas of concentration”, or urban areas.
35 This means even after a major federal disaster is declared all too often residents in devastated
36 rural communities are left to fend for themselves. No family facing the aftermath of a wildfire, or
37 any natural disaster, should be denied federal aid simply because they live in a rural community.
38 Policy changes, or legislative relief, is needed to revise eligibility criteria, providing much-
39 needed clarity and objective standards for the formula used for federal assistance. It is important
40 to ensure rural communities are not unfairly excluded from federal aid.

41
42 Due to the manner in which FEMA administers the Individual Assistance Program, it is
43 necessary to improve the opportunity for folks living in rural areas to benefit from the federal
44 Individual Assistance Program that provides housing assistance and other personal needs
45 following a disaster.

1 Okanogan County, Stevens County, Chelan County, and the Washington State Association of
2 Counties asks NACo to adopt a policy that assures FEMA Individual Assistance Programs are
3 applied in a fair, consistent and equitable manner to all communities – urban and rural.
4

5 **Fiscal/Urban/Rural Impact:** This policy intends to assure that residents in urban and rural
6 counties are treated equitably.
7

8 **Sponsor(s):** Wes McCart, Commissioner, Stevens County, Wash.
9

10 **Proposed Resolution on the 2017 Reauthorization of the National Flood Insurance** 11 **Program** 12

13 **Issue:** County priorities in the reauthorization of the National Flood Insurance Program.
14

15 **Proposed Policy:** NACo urges congressional committees of jurisdiction to include local and
16 state stakeholders in the process of drafting legislation to craft an affordable and sustainable
17 reauthorization of the National Flood Insurance Program, the current authorization of which is
18 set to expire in 2017. NACo’s positions on the following issues are as follows:

- 19 • Enhancing National Flood Insurance Program Solvency and Sustainability
- 20 • Enhancing Flood Insurance Affordability and Accessibility
- 21 • Reducing Premium Costs Through an Agreed Value Pilot Program.
- 22 • Providing Private Market Access, Accountability and Competition
- 23 • Modernizing Flood Mapping and Flood Risk Accuracy
- 24 • Enhancing National Flood Insurance Program Transparency and Accountability
25

26 Specifically:

- 27 • Rates – should be publicly disclosed and affordable. Section 205 (Pre-FIRM) subsidies
28 should be applied to all categories of property;
- 29 • Program Administration – Write Your Own (WYO) payments must be capped, and risk
30 should be spread by increasing the pool of policyholders;
- 31 • HFIAA – key provisions from the Homeowner Flood Insurance Affordability Act (P.L.
32 113-89), namely grandfathering, premium increase caps and the reserve fund set-aside
33 should be retained, and the 1 percent limit on premium to coverage ratio should be
34 changed to a hard cap;
- 35 • Mapping – should be transparent and fair to local communities, appeal caps must be
36 lifted and a method to pay for elevations should be developed;
- 37 • Mitigation – funding for mitigation should be increased, and NFIP premiums should be
38 allowed to count as community and homeowner mitigation efforts;
- 39 • Consumer Protection – a policy review process should be created, Flood Insurance
40 Advocates should be regionalized, and Force-Placing provisions should be amended to
41 keep policyholders in NFIP instead of surplus line
42

43 (All of these can be found in the proposed Cassidy/Gillibrand Flood Insurance Affordability &
44 Sustainability Act of 2017)
45

1 **Background:** The National Flood Insurance Program’s current authorization will expire in 2017.
2 Several national groups, such as the NACo NFIP Task Force and the Coalition for Sustainable
3 Flood Insurance, have formed to work with Congress in drafting legislation that would strike a
4 balance between the affordability of the program with the need for fiscal solvency. NACo is
5 committed to working with Congress and stakeholders on determining the which elements of the
6 original legislation, the Biggert-Waters Act, and the Homeowner Flood Insurance Affordability
7 Act should be kept, amended, or discarded during the reauthorization process. Key issues must
8 be properly handled during the reauthorization process to avoid the unintended consequences felt
9 in 2013 following the passage of the Biggert-Waters Act. Unless reauthorized properly, the loss
10 of the NFIP or drastic premium increases will threaten all of coastal and riverine America as new
11 FEMA flood maps are unveiled in the coming years. The NFIP must be reauthorized such that
12 the public’s trust and reliance on the program to provide affordable flood insurance protection
13 for prior investments in their homes and businesses is affirmed. In addition, the implementation
14 of a transparent and fair process of amending flood maps is vital to the successful
15 implementation of the program.

16
17 **Fiscal/Urban/Rural Impact:** Unless reauthorized in a responsible and affordable way, the loss
18 of the National Flood Insurance Program would severely impact the housing markets throughout
19 the country, make flood insurance premiums unaffordable, and improperly place properties in
20 risk categories due to faulty flood risk maps. Without a strong flood insurance program, local tax
21 revenue could be greatly impacted as home values plummet and markets collapse.

22
23 **Sponsor(s):** Police Jury Association of Louisiana (collectively); Julia Fisher-Perrier, Council, St.
24 Charles Parish, La.; Timmy Roussel, Parish President – St. James Parish, La.; Marnie Winter-
25 Assistant Director Department of Environmental Affairs, Jefferson Parish, La.; Pat Brister,
26 Parish President, St. Tammany Parish, La.; Natalie Robottom, Parish President, St. John the
27 Baptist Parish, La. Arlanda Williams, Council, Terrebonne Parish, La.; Heather Carruthers,
28 Commissioner, Monroe County, Fla; Guy Cormier, President, St. Martin Parish, La.; Dennis
29 Scott, District 6 Police Juror, Calcasieu Parish, La.; James Cantrelle, President, Lafourche
30 Parish, La.; Robby Miller, President, Tangipahoa Parish, La.; Benedict Rousselle, District 5
31 Councilman, Plaquemines Parish, La.; Paul Naquin, District 9 Councilman At-Large, St. Mary
32 Parish, La.; Marty Black, Director of Coastal Restoration & Preservation, Terrebonne Parish,
33 La.; Larry Cochran, Parish President, St. Charles Parish, La.

34 35 **Proposed Resolution on the National Flood Insurance Program and the Endangered** 36 **Species Act**

37
38 **Issue:** The Federal Emergency Management Agency (FEMA) administers the National Flood
39 Insurance Program (NFIP). The National Marine Fisheries Service (NMFS) has issued
40 Biological Opinions in several states (Washington and Oregon) under the Endangered Species
41 Act (“ESA”) mandating that FEMA make significant changes to its floodplain mapping program
42 and how it regulates floodplains. Many of these changes would be directly applicable in all
43 NFIP participating communities, and would severely restrict (and, in some cases, prohibit)
44 development in the floodplain in an effort to protect listed species.

45
46 **Proposed Policy:** NACo recommends that to the extent FEMA implements the Reasonable and
47 Prudent Alternatives (RPAs) set forth in either of the NMFS’ Biological Opinions, FEMA should

1 undertake such implementation only after extensive input from local and state governments.
2 NMFS’s Biological Opinions fails to consider existing local land use laws and ordinances, which
3 need to be evaluated in order to understand the protections that are already in place for ESA
4 listed species and designated critical habitat. NACo recommends that FEMA does not
5 unnecessarily overreach in its implementation stage.
6

7 **Background:** In July 2010 the Federal Emergency Management Agency (FEMA) entered into a
8 settlement agreement with Audubon Society of Portland, North West Environmental Defense
9 Center, the National Wildlife Federation, and Association of Northwest Steelheaders. FEMA
10 agreed to initiate consultation with the National Marine Fisheries Service (NMFS) regarding the
11 effects of implementation of the NFIP in Oregon on ESA listed species and their designated
12 critical habitat. The interagency consultation process between NMFS and FEMA, which
13 followed, is required by section 7 of the Endangered Species Act (ESA) and is intended to ensure
14 that federal actions do not contribute to habitat loss or increase the risk of species extinction. A
15 biological opinion (or BiOp) is the document produced as a result of the process.
16

17 On April 14, 2016, the National Marine Fisheries Service (NMFS) delivered to the Federal
18 Emergency Management Agency (FEMA) a jeopardy biological opinion (BiOp) regarding
19 implementation of the NFIP in Oregon. The BiOp includes a set of recommendations for
20 reducing the impact of NFIP related development on ESA-listed salmon and Orca whales.
21

22 A BiOp is a scientific judgment about the potential effects of a federal action on an ESA listed
23 species and designated critical habitat. Although the document is called an “opinion,” it has the
24 force of a decision document. FEMA must respond to the findings in the BiOp. This BiOp is a
25 “jeopardy opinion” to which NMFS has attached a set of revisions, or “reasonable and prudent
26 alternatives” (RPAs), to FEMA’s February 2013 proposal for reducing the impacts of the NFIP
27 on salmon. Essentially, NMFS has concluded that development in floodplains displaces
28 important habitat, which salmon utilize during flood events, and contributes to instream water
29 quality and hydrologic conditions that are unfavorable for fish.
30

31 FEMA has stated that the actions taken on this BiOp will be a model for how they will be
32 addressing flood plain development nationwide.
33

34 **Fiscal/Urban/Rural Impact:** By limiting the ability to build on otherwise buildable land, or the
35 ability to build at all, the impact of the implementation of the RPAs could have tremendous fiscal
36 impact on both urban and rural communities. Better mapping could limit future flood damages
37 and save the community money but limits on development based on arbitrary setbacks or other
38 development restrictions could have significant negative impacts.
39

40 **Sponsor(s):** Commissioner Larry Givens, Umatilla County, Ore.; Association of Oregon
41 Counties
42

43 **Proposed Resolution Supporting Legislation Providing Mitigation Funds for Certain Areas** 44 **Affected by Wildfires** 45

46 **Issue:** Support for Legislation Providing Mitigation Funds for Certain Areas Affected by
47 Wildfires

1
2 **Proposed Policy:** The National Association of Counties (NACo) supports legislation that
3 provides dedicated mitigation funds by providing up to 15% of the cost of a Fire Mitigation
4 Assistance Grant (FMAG) to support wildfire mitigation projects.

5
6 **Background:** Recent mega-fires in the West have illuminated the fact that the Federal
7 Emergency Management Association (FEMA) programs and policies for disaster and emergency
8 assistance for wildfires do not work well, primarily because they were developed to address
9 natural disasters such as hurricanes, floods, and tornadoes. For example, there is a minimal role
10 for mitigation work, which is critical for communities vulnerable to wildfires.

11
12 Mitigation is proven to reduce the costs and long-term impacts of wildfires on communities,
13 property, and water supplies. The long-term savings that mitigation represents are well
14 documented; for every dollar spent on hazard mitigation, there is an average savings of four
15 dollars. With conditions such as persistent drought, coupled with a growing wildland urban
16 interface (WUI), mitigation financial assistance is a low cost, common-sense way to protect life
17 and property while saving taxpayer dollars.

18
19 This legislation provides parity for wildfires with other natural disasters by providing up to 15%
20 of the cost of a Fire Mitigation Assistance Grant (FMAG) to support statewide wildfire
21 mitigation projects. Based on averages since 1990, this would cost less than 0.01% of the
22 Disaster Relief Fund (DRF).

23
24 Counties who have approved FMAG's will be eligible for Hazard Mitigation Assistance Grants
25 Program (HMAGP) funds to be used for post-fire flooding mitigation and pre-fire mitigation to
26 help reduce the severity of fires before they happen.

27
28 FEMA's Stafford Act programs already recognize the importance of mitigation for other natural
29 disasters such as hurricanes, floods, and tornadoes by providing 15% of the total FEMA disaster
30 cost to states to support mitigation programs statewide. However, FEMA handles most wildfires
31 through the Fire Management Assistance Grant (FMAG) program (P.L. 93-288, § 404), which
32 supports "grants, equipment, supplies and personnel" to assist states and local governments
33 attempting to control fires on state and private property, and to prevent fires from becoming
34 major disasters. Unlike disaster declarations for other natural disasters, FMAG currently only
35 provides assistance while the fire is burning and does not have the authority to assist in post-
36 disaster mitigation.

37
38 **Fiscal/Urban/Rural Impact:** Mitigation funds for certain areas affected by wildfires will have a
39 positive fiscal impact on affected counties. As observed during the NACo Western Interstate Region
40 (WIR) conference field trip in Coconino County in May 2013 and other counties such as El Paso
41 County, Colorado; Boulder County; Colorado; and Larimer County, Colorado; the financial burden
42 from post-fire mitigation for fires such as the Waldo Canyon, High Park, and Schultz fires is
43 crippling. Legislation providing mitigation funds will help lessen the post-fire burden on counties
44 and lessen the chances of big catastrophic fires by providing an avenue for pre-fire mitigation.

45
46 **Sponsor(s):** San Miguel County Board of County Commissioners (presented by Lynn Padgett,
47 Director of Government Affairs/Natural Resources, San Miguel County, Colo.)

1
2 **Proposed Resolution on Executive Order Establishing a Federal Flood Risk Management**
3 **Standard**
4

5 **Issue:** The President issued an executive order creating a Federal Flood Risk Management
6 Standard (FFRMS) that directs all agencies to use one of three resiliency criteria in their policies,
7 projects, and programs receiving federal funding.
8

9 **Proposed Policy:** The National Association of Counties (NACo) urges the President and
10 Congress direct all federal agencies to engage NACo and state and local government agencies
11 prior to implementation of Executive Order 13690.
12

13 **Background:** On January 30, 2015 President Obama signed an Executive Order “*Establishing a*
14 *Federal Flood Risk Management Standard and a process for further soliciting and considering*
15 *stakeholder Input*”. Among other things, this EO made amendments to a May, 1977 EO 13690
16 on Federal Policy on Floodplain Management. As part of the implementation of this process,
17 FEMA, on behalf of the Mitigation Framework Leadership Group (MitFLG, the multi-agency
18 group that developed the standard) has published a draft of the Guidelines for implementing the
19 amended EO 11988 by all federal agencies consistent with the FFRMS. This draft Guideline has
20 been released for a 60 day Public Comment Period for consideration of implementation by the
21 agencies.
22

23 The EO supplants an overarching shift in Federal Policy:
24

- 25 **1. Away from flood control and protection to a risk management strategy:** *From the*
26 *Guidelines:* “... the FFRMS reflects a transition beyond a former emphasis on “*flood*
27 *control and protection*” to a broader focus on “*flood risk management.*” “Changes in
28 terminologies from “protection” to a broader focus on resilience and risk management
29 reflect the recognition that floodwaters cannot be fully controlled, full protection from
30 floods cannot be provided by any measure or combination of measures, and risk cannot
31 be completely eliminated.”
32
- 33 **2. To avoid directly or indirectly encouraging development in a floodplain:** *From the*
34 *EO:* “... requires executive departments and agencies (agencies) to avoid, to the extent
35 possible, the long- and short-term adverse impacts associated with the occupancy and
36 modification of floodplains and to avoid direct or indirect support of floodplain
37 development wherever there is a practicable alternative.” *From the Guidance:* “The
38 preferred method for satisfying this requirement is to avoid sites in the base
39 floodplain.” “The Guidelines do not intend to prohibit floodplain development in all
40 cases, but rather to create a consistent government policy against such development
41 under most circumstances.”
42
- 43 **3. The new standard is intended for all federal agencies in all actions:** *From the*
44 *Guidance:* “The basic concepts expressed in Section 1 of the Order are: (1) all agencies
45 are covered; (2) all actions are covered; (3) all agencies are to affirmatively carry out
46 efforts to, and provide a good example of, sound floodplain management practices; and

1 (4) all agencies are required to act, not merely consider, reducing risk, minimizing
2 adverse impacts, and restoring and preserving floodplain values.”
3

4 **4. Where the previous EO relied on the use of the FEMA derived 1% annual flood**
5 **Plain (100yr.) for federal agency consideration, the new EO broadens the**
6 **floodplain by directing the agency to consider any and all actions against a**
7 **floodplain defined by one of the following:**
8

- 9 a. A climate informed science approach that uses best available actionable data
10 and methods that integrate current and future changes in flooding based on
11 climate science
12 b. Expanding the horizontal and vertical size of the flood plain by adopting a 2
13 foot freeboard above the FEMA NFIP base flood Elevation for non-critical
14 actions and a 3 foot freeboard for critical actions
15 c. Using the 0.2 percent annual chance flood (500 yr.)
16 d. Using another elevation and flood hazard area identified in a future update of
17 the FFRMS
18

19 **Fiscal/Urban/Rural Impact:** If Implemented, Executive Order 13690 could prohibit federal
20 agencies from making any federal investment in the expanded floodplain through any policy,
21 project, or program. Possible federal programs/projects impacted could include: SBA, HUD,
22 DOTD, TIGER grants, the National Flood Insurance Program, Federally backed home and
23 business loans, Army Corps of Engineers, USDA, and Disaster Response.
24

25 **Sponsor(s):** Julia Perrier, Council, St. Charles Parish, La.; Marnie Winter, Assistant Director,
26 Jefferson Parish Environmental Affairs, La.
27

28 **Proposed Resolution Supporting the Reauthorization of the Assistance to Firefighters**
29 **Grant Program, Including the Safer Grant Program**
30

31 **Issue:** U.S. Department of Homeland Security grant programs that support local fire
32 departments.
33

34 **Proposed Policy:** NACo urges Congress to reauthorize the U.S. Department of Homeland
35 Security’s Assistance to Firefighters Grant program, including the SAFER grant program, so that
36 local fire departments can continue to receive federal support for their efforts to provide all-
37 hazards response to their communities.
38

39 **Background:** The Assistance to Firefighters Grant (AFG) program provides matching grants to
40 local career, volunteer, and combination fire departments for firefighting equipment, training and
41 apparatus. The AFG program also provides grants for fire prevention and firefighting research
42 programs. The SAFER grant program, which falls under the umbrella of the AFG program,
43 provides matching grants to local career, volunteer, and combination fire departments to hire
44 firefighters. The SAFER grant program also provides recruitment and retention grants to
45 volunteer fire departments.
46

1 The authorization of funding for these programs expires at the end of Fiscal Year 2017 and the
2 sunset date for these programs is January 2, 2018. Consequently, these programs must be
3 reauthorized in the 115th Congress. Even though Congress has appropriated more than \$6 billion
4 for the AFG program and over \$2 billion for the SAFER grant program, many fire departments
5 still struggle to meet basic baseline capabilities. For example, according to the National Fire
6 Protection Association, 49 percent of all fire departments have not formally trained all of their
7 personnel involved in structural firefighting and 63 percent of all fire departments that provide
8 wildland firefighting have not formally trained all of their personnel involved in wildland
9 firefighting. In addition, 50 percent of all fire departments do not have enough portable radios to
10 equip all emergency responders on a shift, and 53 percent of all departments cannot equip all
11 firefighters on a shift with self-contained breathing apparatus.

12
13 **Fiscal/Urban/Rural Impact:** Reauthorization of the AFG and SAFER grant programs would
14 continue to provide federal assistance to local fire departments for all-hazards response.

15
16 **Sponsor(s):** Affiliate IAFC; Steven Singer, Fire and Rescue Chief, Powhatan County, Va. Fire
17 and Rescue Dept.

18
19 **Proposed Resolution on Reauthorization of the Juvenile Justice Delinquency Prevention**
20 **Act**

21
22 **Issue:** The Juvenile Justice Delinquency Prevention Act has not been reauthorized since 2002

23
24 **Proposed Policy:** The National Association of Counties (NACo) urges the U.S. Senate to
25 approve S. 860 or similar legislation reauthorizing the Juvenile Justice and Delinquency
26 Prevention Act (JJDP A), and to conference approved legislation with H.R. 1809, the legislation
27 passed in the U.S. House of Representatives to reauthorize JJDP A.

28
29 **Background:** The Juvenile Justice and Delinquency Prevention Act (JJDP A) is the principal
30 federal law through which the federal government sets standards for the care and custody of
31 juveniles. JJDP A also improves juvenile justice systems at the state and local levels by providing
32 direct funding to states and counties for research, training, technical assistance and evaluation of
33 the entire youth system. Originally enacted in 1974, JJDP A has been amended several times over
34 the past 30 years, but its basic framework has remained largely the same and has proven to be
35 effective.

36
37 Since its inception, JJDP A has provided critical federal funding to counties to help them comply
38 with a set of guidelines that aim to shield youth from the dangers of adult jails, keep status
39 offenders out of locked custody and address the disproportionate treatment of minorities in the
40 justice system. Title II of the law establishes State Formula Funds to support state compliance
41 with these guidelines, helping to ensure that states have the resources to build effective statewide
42 systems that reduce recidivism and promote public safety.

43
44 **Fiscal/Urban/Rural Impact:** Funding for many county juvenile justice programs is allocated
45 through the Reauthorization of the Act.

1 **Sponsor(s):** Kay Cashion, Commissioner, Guilford County, N.C.; Commissioner Sally Heyman,
2 Miami-Dade County, Fla.

3
4 **Proposed Resolution Urging Federal, State and Local Adoption of a Presumption against**
5 **the Use of Indiscriminate and Unnecessary Restraints of Juveniles in Court**
6

7 **Issue:** Many youth in custody are forced to appear in court proceedings in restraints that
8 unnecessarily humiliate, stigmatize and traumatize young people. Restraining youth who pose no
9 safety threat is inconsistent with the rehabilitative goals of juvenile justice.

10
11 **Proposed Policy:** The National Association of Counties (NACo) urges federal, state and local
12 government adoption of a presumption against the use of unnecessary restraints of juveniles in
13 court and to only allow restraints after an in-person opportunity to be heard and a finding that
14 restraints are the least restrictive means necessary to prevent flight or harm to the juvenile or
15 others.

16
17 **Background:** Models for Change states that: “Many youth in custody are forced to appear in
18 court shackled with leg irons, belly chains, and handcuffs. The practice of restraining youth who
19 pose no safety threat unnecessarily humiliates, stigmatizes, and traumatizes young people.
20 Shackling youth is inconsistent with the rehabilitative goals of the juvenile justice system and
21 offends due process.” Additionally, the Campaign against Indiscriminate Juvenile Shackling
22 notes the following harms when youth are restrained in court proceedings: “The indiscriminate
23 shackling of youth unnecessarily humiliates, stigmatizes, and traumatizes the. The practice
24 impedes the attorney-client relationship, chills juvenile’ constitutional right to due process, runs
25 counter to the presumption of innocence, and draws into question the rehabilitative ideals of
26 juvenile court.

27
28 **Fiscal/Urban/Rural Impact:** Fiscal impact, if it exists, is minimal. No difference among urban
29 and rural impacts.

30
31 **Sponsor(s):** Kay Cashion, Commissioner, Guilford County, N.C.; Commissioner Sally Heyman,
32 Miami-Dade County, Fla.

33
34 **Proposed Resolution Supporting the Stopping Tax Offenders and Prosecuting Identity**
35 **Theft Act (Stop Identity Theft Act) and Similar Legislation**
36

37 **Issue:** Misuse of taxpayer identity.

38
39 **Proposed Policy:** NACo supports all legislation in the U.S. House of Representatives and the
40 U.S. Senate that would reduce tax crimes and identity theft and would halt the victimization of
41 millions of U.S. taxpayers through losses due to several billion dollars in fraudulent claims. Such
42 legislation would encourage the U.S. Department of Justice (DOJ) to dedicate additional
43 resources, including the use of investigative task forces, to address tax return identity theft. The
44 legislation would ask DOJ to focus resources in areas with a high rate of tax return identity theft,
45 coordinate investigations with state and local law enforcement agencies, and protect vulnerable

1 victims, including veterans, seniors and minors. The legislation would increase penalties to help
2 deter this type of crime and protect victims.

3
4 **Background:** Identify theft can result in the filing of a fraudulent tax return and the subsequent
5 refund to individuals who are stealing the names, addresses, and social security numbers, which
6 can harm the victims credit which could take years to rectify. Further, deceased individuals,
7 whose records are maintained in the Social Security Death Master File, which is made public by
8 the Social Security Administration, are also susceptible to unlawful tax claims as well.

9
10 **Fiscal/Urban/Rural Impact:** Would allow for the disclosure of tax return information to
11 federal, state, and local law enforcement personnel who are personally and directly engaged in
12 the investigation of identity theft. The bill would impose a fine and/or prison term on any person
13 who knowingly or willfully misappropriates another person's tax identification number and
14 would increase the civil and criminal penalties for improper disclosure or use of tax information
15 by tax return preparers. Additionally, the legislation would require the Commissioner of the
16 Internal Revenue Service (IRS) to report to Congress on the number of reported tax fraud cases
17 and on actions taken in response to such reports and require the head of the Federal Bureau of
18 Prisons to submit to Congress a detailed plan on how it will use tax information provided by the
19 IRS to reduce prison tax fraud. Authorizes the Commissioner to transfer appropriated funds to be
20 used solely to prevent and resolve potential tax fraud cases which can in turn make victims
21 whole again. Prohibits the Secretary of Commerce from disclosing information contained on the
22 Death Master File relating to a deceased individual to persons who are not certified to access
23 such information. The Attorney General would also be authorized to award grants to state and
24 local law enforcement agencies for the investigation and prosecution of tax crimes.

25
26 **Sponsor(s):** Commissioner Sally Heyman, Miami-Dade County, Fla.

27
28 **Proposed Resolution Urging Congress to Provide Full Funding for the Mentally Ill**
29 **Offender Treatment and Crime Reduction Act**

30
31 **Issue:** Improving access to mental health services for people in the criminal justice system that
32 need treatment.

33
34 **Proposed Policy:** NACo urges appropriators in Congress to provide full funding for the
35 Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), which assists local
36 efforts that aim to improve access to mental health treatment for individuals who come into
37 contact with the criminal justice system.

38
39 **Background:** MIOTCRA was enacted in 2004 and reauthorized in 2008 and 2016 with broad
40 bipartisan support. The program was reauthorized as part of 21st Century Cures Act, which
41 incorporated two bills, the Comprehensive Justice and Mental Health Act and the Mental Health
42 and Safe Communities Act. The provisions in the 21st Century Cures Act made improvements to
43 the program that would support state and local efforts to identify people with mental health
44 conditions at each point in the criminal justice system in order to appropriately direct them to
45 mental health services; increase focus on corrections-based programs, such as transitional
46 services that reduce recidivism rates and screening practices that identify inmates with mental
47 health conditions; support the development of curricula for police academies and orientations;

1 and develop programs to train federal law enforcement officers in how to respond appropriately
2 to incidents involving a person with a mental health condition. It also expands treatment and
3 transitional services for people reentering society from prison and jail with mental illness,
4 substance use problems or chronic homelessness, and it also creates the National Criminal
5 Justice and Mental Health Training and Technical Assistance Center, for which we support
6 continued funding.

7
8 **Fiscal/Urban/Rural Impact:** Diverting individuals struggling with mental illness from local
9 jails helps to alleviate fiscal strain on local criminal justice systems.

10
11 **Sponsor(s):** Commissioner Sally Heyman, Miami-Dade County, Fla.; Commissioner Audrey M.
12 Edmonson, Miami-Dade County, Fla.; Commissioner Bryan Desloge, Leon County, Fla.

13 14 **Proposed Resolution to Support Programs Preventing Human Trafficking**

15
16 **Issue:** Human trafficking is a modern form of slavery that affects every community across our
17 country.

18
19 **Proposed Policy:** The National Association of Counties (NACo) supports legislation and
20 programs designed to prevent trafficking, protect victims, prosecute traffickers, and create
21 partnerships across all levels of government, the private sector, and international agencies in
22 order to enhance the collection, use and sharing of data. NACo supports victim centered and
23 trauma informed programs designed to meet the needs of the victim including safe housing,
24 mental health assistance and access to education.

25
26 NACo also supports programs that eradicate the root causes of vulnerability among trafficking
27 victims - poverty and discrimination. Furthermore, NACo supports programs that strengthen our
28 legal network and those that provide training opportunities for local government employees and
29 their agents on recognizing the signs of trafficking including government inspectors, law
30 enforcement, criminal justice, health care, transportation and public transit, educational partners,
31 and employees working with vulnerable populations.

32
33 **Background:** Local government is on the frontline of human trafficking. Often times a victim
34 comes in contact with a local agency whether it be law enforcement, social services or health
35 care. It is imperative that local government employees are properly trained in recognizing the
36 signs and symptoms of trafficking. Once a victim has been identified, victim services programs,
37 law enforcement agencies, and our judicial systems need to be properly funded and trained to
38 assist victims and/or prosecute traffickers. Shelter services, mental health counseling,
39 educational and training programs, and a victim centered approach need to be in place to assist
40 victims. Since so many victims cross state or international lines as well as children from our
41 child welfare systems being particularly vulnerable to becoming trafficking victims, it is
42 imperative that programs and protocols be supported by not only our state and local agencies, but
43 also by our federal partners.

44
45 Some statistics taken from the US Department of State's Trafficking in Persons Report and other
46 publications:

1 Human Trafficking Worldwide:

- 2 • Human trafficking is a \$32,000,000,000 per year industry and is tied with drugs for the
- 3 most profitable criminal endeavor, having passed illegal weapons.
- 4 • 27,000,000 people in modern-day slavery around the world.
- 5 • 800,000 people trafficked across international borders every year. 35% are children,
- 6 80% are women and girls.
- 7 • 1,000,000 children exploited by the international sex trade.
- 8 • 70% of female victims are trafficked into the sex trade. 30% into forced labor.

9
10 Domestic Minor Sex Trafficking in the United States:

- 11 • There are 100,000 to 300,000 underage girls being sold for sex in America.
- 12 • The average age of entry into prostitution is 12-14 years old.
- 13 • 50,000 women and children are trafficked into the United States each year.
- 14 • 1 out of every 3 teens on the street will be lured toward prostitution within 48 hours of
- 15 running away from home.
- 16 • Minor victims were sold an average of 10-15 times a day, 6 days a week.

17
18 **Fiscal/Urban/Rural Impact:** Human trafficking impacts counties through funding for victim

19 needs including social services, health care, housing, and education. It impacts funding for the

20 arrest and prosecution of traffickers including law enforcement, judicial proceedings, and

21 incarceration. No community - urban or rural - is exempt from human trafficking.

22
23 **Sponsor(s):** Melissa McKinlay, Commissioner, Palm Beach County, Fla.; Sally Heyman,

24 Commissioner, Miami-Dade County, Fla.

25
26 **Proposed Resolution on Improving Pretrial Justice**

27
28 **Issue:** Confinement of county and regional pretrial detainees who do not present an

29 unmanageable risk of failure to appear or a threat to public safety, but do lack the financial

30 means to secure release.

31
32 **Proposed Policy:** The National Association of Counties (NACo) urges the Department of Justice

33 to continue efforts to advise state, county and municipal courts to acknowledge that the

34 principles of due process and equal protection require that courts not employ bail and bond

35 practices that cause indigent defendants to remain incarcerated even for a few days solely

36 because they cannot afford to pay for their release.

37
38 NACo further urges DOJ to advise that all county or state pretrial justice systems:

- 39 1. Promote and support the adoption of evidence-based risk assessment completed prior to
- 40 initial appearance and risk management strategies in setting of non-monetary and least
- 41 onerous conditional release bail determination;
- 42 2. Eliminate practices that cause defendants to remain incarcerated even for a few days
- 43 solely because they cannot afford to pay for their release;
- 44 3. Call for the elimination of commercially secured bonds at any time during the pretrial
- 45 phase;
- 46

- 1 4. Call for the shift from secured to unsecured money bond at any time during the pretrial
- 2 phase;
- 3 5. Promote and support the practice of least restrictive graduated conditions of release
- 4 which can be adjusted according to the compliance or non-compliance of the individual;
- 5 6. Call for the ability of every judge to conduct a preventive detention hearing with full due
- 6 process protections so that detention eligible defendants are detained under accepted
- 7 evidentiary standards;
- 8 7. Promote judicial training and development that addresses how best practices and
- 9 identifying sources of implicit bias can reduce racial and gender disparities.

10
11 **Background:** Confinement of county and regional pretrial detainees who not present an
12 unmanageable risk of failure to appear or a threat to public safety, but lack the financial means to
13 secure release, costs counties \$14 billion a year and results in defendants who are more likely to
14 plead guilty, receive more severe sentences, are offered less attractive plea bargains and are more
15 likely to become ‘reentry’ clients because of their pretrial detention regardless of charge or
16 criminal history.

17
18 **Fiscal/Urban/Rural Impact:** Counties stand to save money currently devoted to managing jail
19 systems (overtime, consumables, health care), as well as collateral savings associated with
20 reductions in recidivism over the long term.

21
22 **Sponsor(s):** Chris Rodgers, Commissioner, Douglas County, Neb.

23 24 **Proposed Resolution to Support National Standards for Emergency Management** 25 **Programs and the Emergency Management Accreditation Program**

26
27 **Issue:** Since 2001 Congress has sought metrics for understanding the capabilities and capacities
28 of local government to respond to, and be resilient in the face of, terrorism and other
29 emergencies and disasters. NACo recognizes that the capacities and resources of county
30 programs for emergency management will always vary. However, NACo has long invested time
31 and effort into the development and maintenance of national standards for emergency
32 management programs through involvement with the Emergency Management Accreditation
33 Program Commission and the *Emergency Management Standard*. Use of the *Emergency*
34 *Management Standard* as a measure of capability that provides a significant set of metrics for
35 Congress and others to assess the capacity of county government to handle emergencies of all
36 types. In addition, the EMAP *Emergency Management Standard* provides measures of capability
37 that are independent of the size or finances of a county.

38
39 **Proposed Policy:** The National Association of Counties (NACo) supports the use of the national
40 EMAP *Emergency Management Standard* administered through the Emergency Management
41 Accreditation Program as a means of measuring the capability of emergency management
42 programs. Additionally, NACo supports the current processes and procedures the EMAP
43 Commission uses to update and evaluate the Standard. The Standard should be free from
44 requirements not supported in the ANSI standard setting guidelines or the EMAP Commission
45 management process. The Standard is a stand-alone document that is developed through the due
46 process and consensus body of EMAP and should have no undo influence from any outside
47 entity imposing rules, guidelines, auditing principles within the process.

1
2 **Background:** NACo has a seat on the board of commissioners of the Emergency Management
3 Accreditation Program (EMAP). NACo has been actively involved with EMAP on the
4 development, maintenance and administration of the national *Emergency Management Standard*.
5 The Standard was developed in partnership with the Federal Emergency Management Agency,
6 the International Association of Emergency Managers and NACo representing local government,
7 the National Emergency Management Association and the National Governors Association
8 representing the states, as well as, academia and the private sector. The standard is approved
9 through the American National Standards Institute (ANSI).

10
11 EMAP offers an objective and independent accreditation of emergency management programs
12 regardless of size or resources. Application of the Standard as a measurement of capability does
13 not require accreditation or other outside involvement. The Standard is reviewed and maintained
14 with public comment following transparent policies from ANSI, and provides a means of
15 independent measure.

16
17 **Fiscal/Urban/Rural Impact:** Policy impacts all counties.

18
19 **Sponsor(s):** Nick Crossley, Director, Hamilton County Ohio Emergency Management
20

21 **Proposed Resolution on National Flood Insurance Program Reauthorization and Program** 22 **Improvements**

23
24 **Issue:** National Flood Insurance Program Reauthorization and Program Improvements
25

26 **Proposed Policy:** The National Association of Counties supports reauthorization of the National
27 Flood Insurance Program (NFIP) with legislative, policy and programmatic modifications to
28 improve the affordability and transparency of the program through reforms in the following
29 areas:
30

31 1) Affordability/Rate Structure

- 32 a. Maintain a focus on affordability; however, if rates must rise, provide a reasonable glide
33 path for all properties
- 34 b. Ensure rates are consistent for all properties, including second homes and businesses
- 35 c. Ensure NFIP rates are not excessive or unfair by making the rate-setting process more
36 transparent

37 38 2) Programmatic Modifications to Enhance NFIP's Financial Sustainability

- 39 a. Consider Write-Your-Own reforms, including capping commissions, while further
40 incentivizing NFIP policy sales efforts
- 41 b. Encourage greater participation by those outside of the 100-year floodplain via
42 expanded use of the Preferred Risk Policy
- 43 c. Further strengthen enforcement responsibilities to ensure those in the 100-year
44 floodplain have and maintain flood insurance
- 45 d. Privatization that maintains affordability and requires whole profile of risk (no cherry
46 picking)

1 3) Mitigation

- 2 a. Increase funding for existing flood mitigation programs
- 3 b. Establish tax credits for mitigation efforts
- 4 c. Consider voucher/loan programs to further emphasize mitigation, particularly for lower-
- 5 income participants
- 6 d. Oppose unfunded mandates requiring local governments to undertake new flood
- 7 mitigation activities

8
9 4) Mapping

- 10 a. Ensure the mapping process is transparent and is inclusive of local governments
- 11 b. Use the most effective technology available, such as LiDAR to ensure accurate maps

12
13 **Background:** With nearly 5 million policies nationwide, responsible reauthorization of the NFIP
14 is essential to the stability of the real estate market and to ensure public trust in the program. The
15 National Association of Counties supports a sustainable, fiscally responsible NFIP that protects
16 businesses and homeowners.

17
18 In 1968, Congress established the National Flood Insurance Program (NFIP) to address the
19 nation’s flood exposure. Until 2005, the NFIP was self-supporting, as policy premiums and fees
20 covered expenses and claim payments. Currently, the program is roughly \$25 billion in debt due
21 to a number of large storms.

22
23 In mid-2012, Congress passed, and the President signed, the Biggert-Waters Flood Insurance Act
24 (BW12), a 5-year reauthorization of the NFIP that attempted to restore the program to firmer
25 financial footing by making several changes to the program. Then, in early 2014, the
26 Homeowner Flood Insurance Affordability Act (HFIAA), was enacted to address some of the so-
27 called unintended consequences of BW12. HFIAA delayed many of the premium increases
28 implemented by BW12 and reinstated grandfathering. This provision, originally ended by BW12,
29 allows property owners to pay flood insurance rates based on original risk, not that which is
30 determined by new community flood maps. The current authorization of the NFIP expires on
31 September 30, 2017.

32
33 Today, the NFIP provides nearly all of the flood insurance policies in the United States, with
34 coverage provided to communities in all 50 states.

35
36 **Fiscal/Urban/Rural Impact:** The NFIP has direct impact on local tax revenue through its
37 impact on the real estate market and on individual policy holders. In addition to the housing
38 market impacts, any unfunded mandates for flood mitigation that may be created in the bill
39 would have a detrimental impact on the budgets of Counties and Parishes. Flood insurance
40 impacts both rural and urban communities throughout the country.

41
42 **Sponsor(s):** Commissioner Heather Carruthers, Monroe County, Fla.

PUBLIC LANDS

PROPOSED PLATFORM CHANGES

Proposed Platform Change on Funding for Public Lands Infrastructure

Issue: Rural county public lands gateway communities, especially in the west, rely on healthy, accessible parks and forests for their recreation and tourism-based economies. Use of and visitation to our nation’s public lands continues to grow, yet the National Park Service, Forest Service, Bureau of Land Management and other agencies are facing significant budget cuts and have a backlog of deferred maintenance needs that could negatively impact access to and use of public lands.

Proposed Platform Change: Change language to the Public Lands Platform, Federal Land Management Item N to address need for reliable funding for other agencies beyond the National Park Service. Current language reads as follows: NACo calls on Congress to adequately fund America’s national parks. NACo supports maintaining adequate funding for the National Park Service (NPS), recognizing that national parks provide recreation, economic and tourism opportunities for counties, and gateway communities. NACo also urges Congress to provide full funding for the NPS to address the dire backlog of maintenance projects, which includes critically needed road access and bridge maintenance projects.

The proposed platform change reads as follows:

Funding for Our Public Lands Infrastructure: NACo calls on Congress to adequately fund infrastructure in its national parks, national forests, and other public lands. This includes funding to support roads, bridges, trails, campgrounds, visitor centers, interpretive projects, and related facilities. NACo supports at a minimum, maintaining adequate funding, and preferably increasing funding, for overdue capital and deferred maintenance projects for the National Park Service, US Forest Service, Bureau of Land Management, and other public lands agencies. NACo reminds the Congress these public lands agencies provide recreation and tourism opportunities for millions of visitors that make a substantial economic impact on our county and gateway communities. The significant federal investment in public lands infrastructure over the years is at risk due to the lack of funding for needed repair and replacement projects.

Background: For many years, public land management agencies have faced budget cuts and diversion of operational funds for fighting wildfire; the current federal budget proposal includes a 21 percent cut to funding for the Department of Agriculture. Meanwhile, more Americans are using their public lands, and these lands are generating positive economic impact: national parks, wildlife refuges and other public lands and waters account for \$45 billion in economic output and about 396,000 jobs nationwide. Outdoor recreation on Forest Service lands contributes more than \$13 billion to the national economy and supports some 200,000 jobs annually.

Fiscal/Urban/Rural Impact: Failure to maintain public lands infrastructure would ultimately have a negative economic impact on rural county and public lands gateway communities as visitation to and use of public lands declines due to closed or deteriorating facilities. Rural

1 counties and public lands gateway communities could see economic benefit from better
2 managed, more accessible public lands.

3
4 **Sponsor(s):** Stacy Corless, Chair, Board of Supervisors, Mono County, Calif.
5

6 **Proposed Platform Change on Federal-County Receipts Sharing Under Stewardship**
7 **Contracting**
8

9 **Issue:** Define federal-county historical receipts sharing more precisely for the purpose of
10 stewardship contracting.
11

12 **Proposed Policy/Platform Change (additions underlined):**

13 PUBLIC LANDS

14 FEDERAL LANDS PAYMENTS

15 B. Resource Revenue Sharing Payments:
16

17 The U.S. Forest Service and Bureau of Land Management have permanent authority to enter into
18 stewardship contracts for management of federal forests and rangelands. This authority does not
19 include, however, traditional sharing with counties of revenues generated from these projects.
20 NACo supports stewardship end-results contracting projects as a tool to manage federal forests
21 and rangelands, but only if they retain the historical receipts sharing with counties. **Receipts**
22 **sharing should be based on the total merchantable value of the products, rather than**
23 **merely the net in excess of the contract amount.**
24

25 **Background:** The U.S. Forest Service and Bureau of Land Management have permanent
26 authority to enter into stewardship contracts for management of federal forests and rangelands.
27 However, this authority does not include traditional sharing with counties of revenues generated
28 by these projects. This Plank would provide a means to calculate the amount that should be
29 shared with counties.
30

31 **Fiscal/Urban/Rural Impact:** If implemented, this platform language would provide more
32 revenues to counties within which the US Forest Service or BLM have entered into stewardship
33 contracting.
34

35 **Sponsor(s):** The Association of Oregon Counties (Gil Riddell; Policy Director; Mike McArthur,
36 Executive Director)
37

38 **PROPOSED RESOLUTIONS**
39

40 **Proposed Resolution on Amendments to PILT Population Caps**
41

42 **Issue:** Counties, Boroughs, Townships, and Parishes with populations of under 5,000 have
43 monetary caps within the PILT formula that place them in an unfavorable position in relation to
44 counties with populations greater than 5,000.
45

1 **Proposed Policy:** The National Association of Counties (NACo) supports amending the PILT
2 formula to extend the population multipliers to include additional multipliers for local
3 governments with populations in the range of 4,000, 3,000, 2,000, and 1,000. The increase in the
4 4,000 multiplier when compared to 5,000 population would have the same ratios as the
5 difference in 50,000 and 40,000 population. The increase in the 3,000 multiplier when compared
6 to 4,000 population would have the same ratios as the difference in 40,000 and 30,000
7 population. This will continue on for counties with populations of 1,000 or less. All local
8 governments with enough qualified federal land acres would have a minimum payment no less
9 than the population cap of local governments of 1,000 population.

10
11 **Background:** In Oct. of 1976, Congress passed Public Law 94-565, commonly referred to as the
12 "Payments in Lieu of Taxes Act" (PILT). This Act provides for payments to local units of
13 government containing certain federally owned lands. At the establishment of the current PILT,
14 Congress put together a very complicated formula with deductions and caps. These restrictions
15 were added to reduce amount paid out because \$100 million was the allowed amount. NACo
16 has policy to decouple Prior Year Payments (deductions), but has never addressed the
17 "population caps".

18
19 Currently, local governments with populations under 5,000 have to use the same multiplier as
20 those with a population of 5,000. To show how unfair this is look at the following example. If a
21 county of 10,000 had to use the same multiplier as a county of 50,000, their population cap
22 would be reduced by 43%. So, if a county with a population of 10,000 currently has a cap of
23 \$1,000,000, that would be reduced to \$570,000!

24
25 The above example is what happens to every local government with a populations of less than
26 5,000 that qualify for PILT payments.

27
28 **NOTE OF CLARITY:** Population caps does not mean a county receives those population cap
29 amounts. In order for population caps to come into play, enough qualified federal land acres
30 must be within the said local government's jurisdictional boundaries.

31
32 **Fiscal/Urban/Rural Impact:** 1) This amendment would have no negative impacts to any
33 counties in context of the proposed said amendment and current statute. 2) According to the
34 Department of the Interior's calculations, 46 counties would have received an increase in PILT
35 payments in FY2014 with populations less than 5,000. This may vary from year to year because
36 of fluctuation of Prior Year Federal Revenue Sharing dollars. 3) According to the Dept. of
37 Interior, in FY2014 this would have been an increase in PILT dollars, nationwide, of \$3,663,349.
38 4) Would also give more certainty to rural counties when anticipating non-tax revenue for
39 budgets.

40
41 **Sponsor(s):** Todd Devlin, Commissioner, Prairie County, Mont.

42 43 **Proposed Resolution on Amending the Recreation and Public Purposes Act**

44
45 **Issue:** Support congressional action to amend the Recreation and Public Purposes Act to require
46 the Department of the Interior to establish a pilot program that authorizes commercial recreation

1 concessions on land patented or leased under the Act. Currently S.614 (Sen. Flake - AZ) has
2 been introduced to address this issue.

3
4 **Proposed Policy:** NACo supports passage of S.614 or similar legislation which would allow
5 counties which have federal lands within their park system the opportunity to offer concessions
6 operated by third party vendors. This would increase public recreational opportunities and
7 enjoyment of these lands operated by counties.

8
9 **Background:** The Maricopa County Park system contains over 120,000 acres of land, many of
10 which are included with a variety of agreements with federal agencies such as BLM, BOR and
11 the Forest Service. The County has been denied authorization by the BLM to bring third party
12 concessionaires into our parks to provide various recreational opportunities for our citizens and
13 visitors. By participating in the pilot program, Maricopa County will be able to open up
14 thousands of acres of land to the public for recreation.

15
16 **Fiscal/Urban/Rural Impact:** The proposal would offer both urban and rural counties with
17 federal land within their park system to expand recreational opportunities for the citizens that use
18 them. This should lead to an increase in dollars available to the park systems for operation and
19 maintenance costs.

20
21 **Sponsor(s):** Clint Hickman, Supervisor, Maricopa County, Ariz.; Tommie Martin, Supervisor,
22 Gila County, Ariz.

23 24 **Proposed Resolution on Wildland Fire Suppression Funding**

25
26 **Issue:** Fire suppression costs have steadily increased over the past several years reducing that
27 portion of the Forest Service budget used to manage the nation's natural resources on National
28 Forests and Grasslands.

29
30 **Proposed Policy:** NACo urges Congress to change the method of funding wildfire suppression
31 on National Forests and Grasslands by providing access to funding outside of the statutory
32 discretionary limits for emergency purposes. NACo further proposes that the Forests Service be
33 able to access a discretionary disaster cap adjustment after the amount spent on fire suppression
34 exceeds 70 percent of the 10-year average. This approach allows the agency to invest additional
35 resources in forest and rangeland restoration and management.

36
37 **Background:** Funding for non-fire programs has not kept pace with the increased cost of
38 fighting fire. In 1995, fire made up 16 percent of the Forest Service's annual appropriated budget.
39 In FY2015, more than 50 percent of the Forest Service's annual budget was dedicated to wildfire.
40 Along with this shift in resources, there has also been a corresponding shift in staff, with a 39
41 percent reduction in all non-fire personnel. Since 2000, fire seasons have grown longer, and the
42 frequency, size and severity of wildland fires has increased. As a result, fire suppression
43 consumes the Forest Service's resources earlier and longer each year.

44
45 The cost of the Forest Service's wildfire suppression reached a record \$1.7 billion last year. The
46 number of acres burned was also at a record level-over 10 million acres nationally. With a
47 record 52 percent of the Forest Service's budget dedicated to fire suppression activities last year,

1 compared to just 16 percent in 1995, the Forest Service's firefighting budget was exhausted in
2 2015. With the last two fire seasons, more than \$237 million will be diverted away from existing
3 work such as forest restoration projects that would help reduce the risk of future fires, in order to
4 cover the 10 year average cost of suppression. Congress relies on the 10-year average cost of fire
5 suppression to appropriate funds.

6
7 NACo urges Congress to create a separate fire suppression emergency fund the Forest Service
8 can utilize for further suppression activities once fire suppression expenditures exceed 70 percent
9 of the 10-year average.

10
11 **Fiscal/Urban/Rural Impact:** Would allow the Forest Service to accomplish much needed
12 management of many of the natural and mineral resources vital to the health of our Nation's
13 forests and to the health and well-being of rural communities adjacent to the public lands.
14 Additional projects would also likely increase job opportunities in rural communities.

15
16 **Sponsor(s):** Supervisor Liz Archuleta, Coconino County, Ariz.

17
18 **Proposed Resolution Urging Congress to Support the Return of 40% of Federal Mineral**
19 **Lease Revenue to The County in Which it Was Generated**

20
21 **Issue:** The right for a reasonable share of federal mineral lease and mineral lease bonus revenues
22 to be returned to the counties who are socially or economically impacted by mineral
23 development.

24
25 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to amend
26 the Federal Mineral Lease Act to clarify that the current percentage of a state's share
27 of federal mineral lease and mineral lease bonus revenue, or 40 percent of such share, whichever
28 is greater, shall be returned to the county of origin.

29
30 **Background:** The federal government collects Federal Mineral Lease revenue in the form of
31 royalties from oil and gas production on federal lands for the benefit of the American people.
32 Federal Mineral Lease revenues collected by the federal government are disbursed to a variety of
33 funds including American Indian Tribes and Allottees, Historic Preservation Fund, Land and
34 Water Conservation Fund, Reclamation Fund, State Share (offshore and onshore), and the US
35 Treasury. The original intent of the Federal Mineral Lease Act was to return forty nine percent of
36 Federal Mineral Lease revenue back to the state of origin for planning, construction and
37 maintenance of public facilities in areas socially and economically impacted by the mineral
38 leasing development that occurs on federal lands.

39
40 Counties with significant acreage of non-taxable federal public lands depend heavily on FML
41 revenue to function effectively as local governments. The infrastructure and public services
42 provided by these counties are also directly impacted by activities associated with energy
43 development. Despite the best intentions and assurances of state and federal agencies, counties
44 are ultimately responsible for the protection of their citizens and management of impacts related
45 to energy development. By the time Federal Mineral Lease funds have filtered through the
46 federal and state disbursement systems, the reality is that counties and districts are left with a

1 very small share, inhibiting their ability to engage in cooperative “on the ground” efforts to
2 mitigate impacts.

3
4 **Fiscal/Urban/Rural Impact:** Returning more of Federal Mineral Lease revenues to counties of
5 origin will allow them to better manage the impacts of energy development.

6
7 **Sponsor(s):** Shawn Bolton, Commissioner, Rio Blanco County, Colo.
8

9 **Proposed Resolution on Funding the National Park Service Deferred Maintenance Costs**

10
11 **Issue:** The National Park Service (NPS) totals more than 84 million acres and generates over \$18
12 billion in visitor spending last year. Yet nationally, the NPS reports that they are currently
13 underfunded by \$11.9 billion. The backlog negatively affects visitor services and the ability of
14 the NPS to interpret the sites, and affecting roads, bridges, tunnels, trails, and historic sites.
15 NACo encourages Congress to fully fund the NPS deferred maintenance costs.

16
17 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to address the
18 maintenance backlog, including increasing appropriations to meet deferred maintenance costs to
19 maintain America’s parks for historical preservation and direct and indirect economic benefits
20 generated by visits to national park sites.

21
22 **Background:** The NPS totals more than 84 million acres and nationally generated over \$18
23 billion in visitor spending last year. Over the last four years, visitor spending has increased year
24 over year. Lack of maintenance dollars risks that over-all trend and puts our local economies at
25 risk.

26
27 The National Park Service reports that they are currently underfunded by \$11.9 billion. The
28 backlog negatively affects visitor services and the ability of the NPS to interpret the sites, and
29 affecting roads, bridges, tunnels, trails, and historic sites. The current backlog threatens the
30 viability of economies across the country.

31
32 NACo urges Congressional action to address the chronic budget shortfalls and to put the NPS on
33 firm financial footing moving into the future. The deferred maintenance needs of the NPS is
34 reaching a critical point where cultural sites and natural areas are becoming inaccessible or
35 unsafe. The very resource that fuels tourist spending in these communities is at risk without the
36 resources to protect these investments.

37
38 **Fiscal/Urban/Rural Impact:** Would improve and provide for continued and possibly increased
39 tourism at national parks across the country and further fuel tourism’s positive economic impact
40 over time.

41
42 **Sponsor(s):** Liz Archuleta, Supervisor, Coconino County, Ariz.
43
44
45

1 **Proposed Resolution Supporting the Bureau of Land Management's (BLM) Methane and**
2 **Waste Prevention Rule and Similar Policies**

3
4 **Issue:** Support for Bureau of Land Management's (BLM) Methane and Waste Prevention Rule
5 and similar policies which aim to prevent methane venting, flaring and leakage during oil and
6 gas production, ensure that taxpayers get a fair return on the use of federal lands by capturing
7 flared gas that is not subject to royalty payments, and reduce methane and other pollutants which
8 are harmful to human health and the climate. This rule is needed because of the oil and gas
9 production on federal mineral estate occurs across state lines from affected communities.

10
11 **Proposed Policy:** NACo supports the Bureau of Land Management's (BLM) Methane and
12 Waste Prevention Rule and similar policies which aim to prevent methane venting, flaring and
13 leakage during oil and gas production, ensure that taxpayers get a fair return on the use of federal
14 lands by capturing flared gas that is not subject to royalty payments, and reduce methane and
15 other pollutants which are harmful to human health and the climate.

16
17 **Background:** Recent national polling found that there is a supermajority of Republican voters
18 who support this BLM rule. The “Conservation in the West” survey found that a full 83 percent
19 of Coloradans support this rule. State rules such as Colorado's do not have the positive impacts
20 intended if oil and gas production on public lands within Colorado and in adjacent states do not
21 have this common-sense rule applied.

22
23 The Methane and Waste Prevention Rule is our best chance of mitigating the largest source of
24 methane in the U.S., which is about a third of our methane emissions. For example, Colorado is a
25 leader on methane regulation, but methane impacts do not stop at state lines. While we
26 appreciate industry's account that they have been reducing the levels of emissions since 1990, we
27 rapidly need to do more. We urge you to consider the high altitude source areas of Colorado's
28 and the nation's water and the economic contributions of snow to our agricultural and
29 recreational economies. Methane is over twenty-five times more powerful as a heating agent than
30 CO2 at the same volume.

31
32 Regional examples of why this rule is needed:

- 33
- 34 • The large San Juan Basin methane plume demonstrates how a small percentage of
35 emitters can create a high concentration of methane, which crosses political boundaries
36 and economically impacts the entire region, not just the places which might have some
37 direct economic benefits from gas extraction and transportation. In other words, what
38 happens on BLM lands in Utah, New Mexico and Arizona, affects us in southwestern
39 Colorado.
 - 40
 - 41 • For the last century, average annual temperatures for Colorado have increased the most in
42 the highest altitudes of Colorado, such as found in San Miguel County, while areas like
43 the Eastern plains have experienced smaller temperature increases. Winter and summer
44 temperatures have increased more than spring and fall, and Colorado as a whole is
45 warming faster than the global and US averages. Less precipitation is falling as snow,
46 leading to decreased snowpack, earlier spring melting, and less water during the growing
47 season.

- 1 • Counties like San Miguel County are vulnerable to methane's significant impacts to our
2 climate. Methane is not only released from industry activities within Colorado but from
3 two nearby states, Utah and New Mexico that do not have Colorado's state regulations on
4 emissions. Methane from wells on BLM leases from other states would be unregulated if
5 the BLM Methane and Waste Prevention Rule is overturned.
6
- 7 • San Miguel County and the Telluride ski area have a lot to lose if there are warmer nights
8 or even rain in January, February and March, as we experienced this year. Mid-winter
9 freeze-thaw cycles and even rain create thick layers of ice where there should be snow in
10 the valley, which is costlier for our local governments' Road or Public Works
11 Departments to try to manage vehicle and pedestrian safety.
12
- 13 • The Norwood Ranger District of the U.S. Forest Service has indicated it is working on
14 planning summer outdoor recreation, amenities with the ski area because it will be costly
15 for the U.S. Forest Service if our Colorado ski areas go out of business due to shortened
16 winter seasons.
17
- 18 • In neighboring Ouray County, the ice climbing park that turned Ouray into a year-round
19 destination, melted six weeks early this year, devastating the local economy. Colorado is
20 the number one ski and snowboard state in the US with almost two billion dollars in
21 winter revenue generated annually from recreation and \$42 billion in related insurance,
22 real estate, and leasing. The snow line is increasing in altitude and the snow season is in
23 danger of becoming 30 days shorter.
24

25 Immediate outcomes from this rule that are vital to high altitude areas, headwaters areas, and
26 areas having ski resorts or a winter recreation, and agricultural economic engines include:
27

- 28 • Reduction of flaring by an estimated 41-60% and venting by roughly 44-46%;
- 29
- 30 • Reduction of flaring, venting and leaking of methane from federally managed oil and gas
31 wells, which would save federal taxpayers up to \$188 million annually by allowing more
32 natural gas to be sold and preventing the escape of methane and other pollutants;
33
- 34 • Savings of approximately 40-75 billion cubic feet (bcf) of natural gas per year that is
35 currently wasted;
36
- 37 • Reduction in methane emissions that would likely reduce volatile organic compounds
38 along with ozone levels in the San Juan Basin and four Corners Region, which could also
39 lead to reduced frequency of emergency room visits by residents of the region on high
40 ozone days;
41
- 42 • Prevention of unnecessary leakage of benzene, toluene, ethylbenzene, xylene (BTEX)
43 chemicals from contaminating our air and soils
44

45 **Fiscal/Urban/Rural Impact:** Positive for local government, as there are increased odds of having
46 municipal, agricultural, industrial, and in-stream water for human, industry, environmental and
47 regulatory needs. Positive for local government as there are decreased odds of having citizens on

1 Medicaid for chronic diseases impairing their ability to work. Positive for individuals who will not
2 bear the cost of human health impacts on an individual basis through higher cost insurance
3 premiums or out of pocket health care and pharmaceutical costs.
4

5 **Sponsor(s):** San Miguel County Board of County Commissioners (presented by Lynn Padgett,
6 Director of Government Affairs/Natural Resources, San Miguel County, Colo.)
7

8 **Proposed Resolution on Salt Cedar Removal**

9

10 **Issue:** An overabundance of salt cedar in river bottoms the southwest has negatively impacted
11 water tables and recharge abilities. Removal or efforts to confine this invasive species are often
12 delayed or resisted by the U.S. Army Corps of Engineers and other federal agencies.
13

14 **Proposed Policy:** NACo supports legislation that would allow county governments to ease the
15 process to comprehensively remove salt cedar from rivers within their jurisdiction.
16

17 **Background:** Salt Cedar (Tamarisk) was introduced decades ago to stabilize the riverbanks in
18 the southwest which are often dry due to weather conditions or hydroelectric dam use. The quick
19 spreading salt cedar have impacted local water tables and recharge abilities due to its high
20 consumption of water and has impacted land use by changing water flows and flood plain
21 designations. Maricopa County is constantly spending dollars to alleviate flooding and producing
22 new land use overlays as our river flows are changed by an overabundance of salt cedar in our
23 river bottoms. Most efforts to remove or confine the growth have met with resistance from the
24 U.S. Army Corps of Engineers and other federal agencies.
25

26 **Fiscal/Urban/Rural Impact:** The proposal would allow for a more concise federal permitting
27 process thus saving counties time and money when addressing the impacts of salt cedar in their
28 jurisdiction.
29

30 **Sponsor(s):** Clint Hickman, Supervisor, Maricopa County, Ariz.; Tommie Martin, Supervisor,
31 Gila County, Ariz.
32

33 **Proposed Resolution to Repair and Maintain the Public Land Survey System**

34

35 **Issue:** The Public Land Survey System (PLSS) is in a varying degree of deterioration nationwide
36 due to the lack of resources provided to Counties.
37

38 **Proposed Policy:** The National Association of Counties (NACo) urges Congress to provide
39 additional funding to counties to support the existing Public Land Survey System. NACo further
40 urges the federal government to enforce existing guidelines and rules for the PLSS.
41

42 **NOTE:** This policy was adopted as an interim policy resolution by NACo's Public Lands
43 Committee and supported by NACo EELU Committee on Feb. 27, at the 2017 Legislative
44 Conference.
45

46 **Background:** The Public Land Survey System or PLSS, is the land survey network created and
47 used historically and today to identify and locate land parcels, roadways, easements and natural

1 resources on the ground, in the vast majority of our country (approx. 72%). The land survey
2 system consists of a series of physically placed monuments identifying Sections, Townships and
3 Ranges. All public and private property is described and measured utilizing this system. Thus,
4 the PLSS is the foundation of property rights. NACo recognizes the federal government has a
5 substantial and common interest in the PLSS as the system relates to the location and utilization
6 of resources within federally owned lands as well as private lands.

7
8 The right to the “quiet enjoyment of property” is one of the basic founding principals in our
9 country. The system was originally proposed by Thomas Jefferson after the Revolutionary War
10 when the Federal Government became responsible for large areas of land west of the original
11 thirteen colonies. The Land Ordinance of 1785 was the beginning of the PLSS. Government used
12 the system to identify, locate and distribute/patent land to private ownership to facilitate raising
13 money and collecting taxes to run government and provide citizen services. As the U.S.
14 expanded Westerly, the system was perpetuated for these purposes. All States excepting the
15 lands that were within the original thirteen colonies, Texas and Hawaii rely on the PLSS for
16 property distinction.

17
18 The PLSS still functions as the foundation of property rights and the integrity of all land
19 boundaries in PLSS States. Every land deed describing property, easements, and road right of
20 ways, RS 2477 roads, and all publicly owned lands rely on the PLSS being intact and protected.
21 Additionally, the PLSS is the foundation of property tax collection for Counties, which relates
22 directly to providing many County services, utilities, economic development and utilization of
23 natural resources.

24
25 Just a few PLSS facts:

- 26
- 27 • All property is described and measured from the PLSS
- 28 • The PLSS is the foundation of property tax collection and many government services
- 29 • The PLSS is the foundation of the Recorder’s Parcel Map used by the Assessors
- 30 • It is the basis for property identification (addresses)
- 31 • It is the basis for accurate mapping, GIS layers, and aerial photography, which are all
- 32 utilized by emergency responders, planning, engineering and economic development
- 33 offices, voters, utility providers and various other government and private agencies relied
- 34 on be the public for health, safety and welfare.
- 35 • Impacts approximately 72 % of the total land mass of the U S.
- 36 • Critical for the proper identification, location and ownership of natural resources and
- 37 infrastructure.
- 38 • Government and private entities residing in Non PLSS states own land and many natural
- 39 resources that lie within PLSS areas.
- 40 • Care and maintenance of the PLSS within public lands is the responsibility of the Federal
- 41 Government. Where public lands are adjacent to private property, the PLSS, maintained
- 42 by federal and county government, is critical for location and ownership of the land rights
- 43 and natural resources.
- 44

45 **Fiscal/Urban/Rural Impact:** The PLSS is threatened on a daily basis by development,
46 construction, land owners, government land clearing and restoration projects and general neglect.
47 Many of the original monuments have already been lost, destroyed, or are decaying and

1 deteriorating from the lack of investment in this critical infrastructure. Therefore, the foundation
2 of property rights, location of resources, economic development and the tax base is in jeopardy.
3 This directly ties to the ability of government to provide protection and services to the public. In
4 other words, without these PLSS monuments, there can be no identification of what is rightfully
5 owned on the ground.
6

7 The responsibility of the caretaking of the PLSS on private lands has been delegated to Counties
8 through federal and state code. Many counties with high percentages of federally owned lands
9 lack the tax base, expertise, resources and funding to carry out these duties.
10

11 **Sponsor(s):** National Association of County Surveyors (NACS); Reid Demman PLS, Salt Lake
12 County Surveyor, Utah and Board Member NACS
13

14 **Proposed Resolution on Secure Rural Schools; Approval of Members for Resource**
15 **Advisory Committee**
16

17 **Issue:** The amount of time it takes to approve citizens as members of Resource Advisory
18 Committees (RAC) under the Secure Rural Schools Act results prevents projects from getting
19 accomplished in a timely manner, frustration of people who have volunteered to participate, and
20 a potential for loss of funding that goes unobligated. NACo's 2017 Resolution should encourage
21 alternative and innovative approaches that are not limited to the explicit proposals offered.
22

23 **Proposed Policy:** NACo urges Congress to amend the Secure Rural Schools and Community
24 Self Determination Act to exempt Resource Advisory Committees from adherence to the Federal
25 Advisory Committee Act, and to allow the Chief of the Forest Service to delegate appointment of
26 citizens to Resource Advisory Committees to the appropriate Regional Forester, or Forest
27 Supervisor. Additionally, NACO should advocate for other innovative solutions, such as
28 thresholds on populations or budget amounts, exemptions for certain entities or quorum
29 requirements in certain circumstances, a reduction in the size of RACs, and extension of the
30 terms, or some combination to permanently address the inability of some RACs to meet due to
31 lack of a quorum.
32

33 **Background:** The Secure Rural Schools and Community Self-determination Act of 2000,
34 provided for the formulation of Resource Advisory Committees under Title II of the Act. These
35 Committees, representing a broad spectrum of interests, identify land management projects on
36 the National Forests and certain Oregon and California Grant Lands managed by the Bureau of
37 Land Management. The success of these resource advisory committees to develop projects with
38 very little controversy has been remarkable.
39

40 Current language in the Act requires that these resource advisory committees be established as
41 federal advisory committees (FACA), thus requiring that citizens appointed to the committees
42 undergo an extensive vetting by the Department of Agriculture as prescribed in the Department's
43 own regulations on FACA. This has taken anywhere from 6-months to a year. During this time
44 citizens become discouraged while waiting to participate, and the ability to designate funding
45 and move forward with projects ceases.
46

1 NACo urges Congress to make changes to Title II of the Secure Rural Schools and Community
2 Self-determination Act to allow resource advisory committees to function as Congress intended.
3 Removing the requirement that these committees fall under the Federal Advisory Committee
4 Act, and allowing for appointment of citizens to these committees by local Forest Service and
5 BLM officials will greatly improve the ability to conduct land management projects.

6
7 **Fiscal/Urban/Rural Impact:** Would improve and provide for implementation of natural
8 resource projects on public lands that would create additional jobs, reduce hazardous fuels, and
9 improve wildlife and soil and water resources.

10
11 **Sponsor(s):** Liz Archuleta, Supervisor, Coconino County, Ariz.

12
13 **Proposed Resolution Opposing the Bureau of Land Management’s Duplicative Hydraulic**
14 **Fracturing Regulation, and Supporting the Department of the Interior’s Intention to**
15 **Rescind the Rule**

16
17 **Issue:** The Bureau of Land Management’s (BLM) previous intent to adopt duplicative hydraulic
18 fracturing rules has not been formally abandoned.

19
20 **Proposed Policy:** NACo is opposed to a BLM hydraulic fracturing rule that does not clearly and
21 fully defer regulation of hydraulic fracturing to states that already have in place comprehensive
22 regulations.

23
24 **Background:** In 2012, the BLM published an initial proposed hydraulic fracturing rule. After
25 reviewing and incorporating comments on the proposed rule, in 2013, the BLM published a
26 revised proposed hydraulic fracturing rule, and finalized that rule in 2015. In June of 2016, US
27 District Judge Scott Skavdahl ruled that the Department of the Interior had exceeded its authority
28 under the Clean Water Act in regulating fracking on federal lands. The Obama Administration
29 appealed the ruling to the 10th Circuit Court of Appeals. In March of 2017, the 10th Circuit asked
30 the Department of the Interior if the agency’s position had changed given the new
31 Administration. The Trump Administration responded that it intended to rescind the rule in the
32 Federal Register “soon.” To date it has not appeared in the Federal Register.

33
34 The BLM rule (now stayed) would apply to all wells administered by the BLM, including those
35 on Federal (including federal mineral only – i.e. split estate), tribal, and individual Indian trust
36 lands.

37
38 The rule acknowledges that some states (the rule lists Colorado, Wyoming, Arkansas, and Texas)
39 have issued their own regulations. However, the revised proposed rule also states that operators
40 with leases on federal lands would have to comply with both the BLM rules and regulations and
41 the states rules and regulations for hydraulic fracturing. This double layer of regulation is
42 duplicative and unnecessary.

43
44 The BLM’s rule does provide a provision which would allow the BLM to approve a variance that
45 would apply to state, tribal, or described as field-wide or basin-wide, that is commensurate with
46 the state or tribal regulatory scheme. The BLM would have to determine if the variance meet or
47 exceeded the effectiveness of the rule. The variance would apply only to operational activities

1 and not the actual approval process; also, the variance process would not apply to disclosure of
2 hydraulic fracturing chemical components or trade secret requests.

3
4 The BLM rule is extremely vague as to how the BLM will work with states to avoid duplication.
5 As written the rule provides only the following direction on the potential for State/tribal
6 variances: 43 CFR 3162.3-3(K) ... In cooperation with a State (for Federal lands) or a tribe (for
7 Indian lands), the BLM may issue a variance that would apply to all wells within a State or
8 within Indian lands, or to specific fields or basins within the State or the Indian lands, if the BLM
9 finds that the variance meets the criteria in paragraph (k)(2) of this section.” Additional language
10 states that the authorized office may only grant a variance if the BLM determines that the
11 proposed alternative meets or exceeds the objectives of the regulation for which the variance is
12 being requested. Further, the decision whether to grant to deny a variance is entirely within the
13 BLM’s discretion and the BLM may rescind a variance or modify any condition of approval due.
14 The language in the BLM rule does not defer to comprehensive regulations already in place in a
15 number of states, nor does it provide sufficient guidance as to how the BLM may defer in the
16 future. Therefore, the BLM’s hydraulic fracturing rule is unnecessarily duplicative of existing
17 comprehensive State regulation of hydraulic fracturing.

18
19 **Fiscal/Urban/Rural Impact:** Duplicative hydraulic fracturing rules may cause delays in permit
20 approval or perhaps discourage the development of some wells altogether. Most of the land and
21 minerals under the BLM’s control are located in the west. Many counties in the west rely upon
22 the revenue generated from the production of oil and gas development. Reductions in the
23 revenue generated from oil and gas development may have a direct impact on the services that
24 counties are able to provide.

25
26 BLM budgets and expertise are already stretched thin; the addition of additional regulatory
27 requirements may impact existing programs.

28
29 **Sponsor(s):** Joel Bousman, Commissioner, Sublette County, Wyo. and Loren Grosskopf,
30 Commissioner, Park County, Wyo.

31 32 **Proposed Resolution to Cease Wilderness Characteristic Inventory in Alaska**

33
34 **Issue:** Federal Land Policy Management Act of 1976 still allows wilderness characteristic
35 inventory in Alaska that is not allowed in the lower 48 and Hawaii.

36
37 **Proposed Policy:** NACo supports striking Section 603, 43 U.S.C. 1784. Lands in Alaska;
38 Bureau of Land Management Land Reviews. [P.L. 96-487, title XIII, §1320, 1980] of the Federal
39 Land Policy Management Act of 1976

40
41 **Background:** On October 21, 1976 the Federal Land Policy Management Act of 1976 (FLPMA)
42 was passed and signed by the President. That law allows for wilderness characteristic inventory
43 that would to be implemented to accomplish the intent and goals of the Wilderness Act of
44 1964. The federal land management agencies acknowledged that they would not be able to
45 complete the wilderness characteristic inventory within the statutory timeline of 15 years that
46 ended on October 21, 1991. An amendment was added to FLPMA in 1980 that allowed
47 continued wilderness characteristics inventory after 1991 for Alaska only.

1
2 The two parts of FLPMA that address wilderness characteristics are included below.
3

4 Sec. 603. [43 U.S.C. 1782] (a) Within fifteen years after the date of approval of this Act,
5 the Secretary shall review those roadless areas of five thousand acres or more and
6 roadless islands of the public lands, identified during the inventory required by section
7 201(a) of this Act as having wilderness characteristics described in the Wilderness Act of
8 September 3, 1964 ...
9

10 Sec 603. 43 U.S.C. 1784. Lands in Alaska; Bureau of Land Management Land Reviews.
11 [P.L. 96-487, title XIII, §1320, 1980]

12 Notwithstanding any other provision of law, section 1782 of the Federal Land Policy and
13 Management Act of 1976 shall not apply to any lands in Alaska. However, in carrying
14 out his duties under sections 1711 and 1712 of this title and other applicable laws, the
15 Secretary may identify areas in Alaska which he determines are suitable as wilderness
16 and may, from time to time, make recommendations to the Congress for inclusion of any
17 such areas in the National Wilderness Preservation System, pursuant to the provisions of
18 the Wilderness Act [16 U.S.C. 1131 et seq.]. In the absence of congressional action
19 relating to any such recommendation of the Secretary, the Bureau of Land Management
20 shall manage all such areas which are within its jurisdiction in accordance with the
21 applicable land use plans and applicable provisions of law.
22

23 **Fiscal/Urban/Rural Impacts:** No fiscal impacts to local government.
24

25 **Sponsor(s):** Todd Devlin, Commissioner, Prairie County, Mont.
26

27 **Proposed Resolution Supporting the Establishment of a Bureau of Land Management**
28 **Foundation.**
29

30 **Issue:** The Bureau of Land Management (BLM) has limited congressionally appropriated
31 resources, hindering its ability to fulfill its mission, which in turn negatively impacts public lands
32 counties across the nation in multiple ways, such as hindered access, decreased land management
33 activity, and a growing maintenance backlog.
34

35 **Proposed Policy:** The National Association of Counties (NACo) supports formation of a Bureau
36 of Land Management foundation to help advance the mission and support the activities of the
37 BLM.
38

39 **Background:** This action is proposed in the current Congress as Bureau of Land Management
40 Foundation Act. H.R. 1668 was introduced in the House, 115th Congress on March 22, 2017, co-
41 sponsored by Congressmen Jody Hice (GA-10) and Alan Lowenthal (CA-47). Similar legislation
42 passed the U.S. House of Representatives (H.R. 3844) in the 114th Congress, but did not pass the
43 Senate. According to CRS Bill Summary:
44

45 "This bill establishes the Bureau of Land Management Foundation as a charitable, nonprofit
46 organization to encourage, accept, obtain, administer, and use private gifts of money, devises,

1 and bequests of real and personal property for the benefit of, or in connection with, the activities
2 and services of the Bureau of Land Management (BLM).

3
4 The foundation shall conduct and encourage programs and activities that support:
5 educational, technical, scientific, and other assistance or activities to support the management of
6 BLM lands with regard to wild free-roaming horses and burros, fish and wildlife and their
7 habitats, National Conservation Lands, and recreation, cultural, and historic resources; and
8 activities that support the reclamation and remediation of specified abandoned mine lands,
9 specified orphaned oil and gas well sites, or public lands impacted by development connected to
10 mineral exploration and development activities. Reclamation activities are to include the
11 remediation of soil and water contamination; the restoration of wildlife habitat in order to restore
12 the natural, scenic, historic, cultural, and ecological values of those areas; or promotion of the
13 areas' economic potential."

14
15 The Act states: "There is established the Bureau of Land Management Foundation as a charitable
16 and nonprofit corporation that shall not be considered an agency or establishment of the United
17 States."

18
19 The USFS has the National Forest Foundation. In my County, for example, NFF helped facilitate
20 post-Beaver Creek Fire landscape-scale restoration. Many state and local agencies (Fish and
21 Wildlife, Parks and Recreation, School Districts) across the country have associated, but distinct
22 foundations with which they work to accomplish their missions locally. Problems addressed in
23 the Act have long gone unresolved to varying degrees in many of our public lands Counties. This
24 represents a new, engaging approach.

25
26 **Fiscal/Urban/Rural Impact:** The foundation would be funded entirely by charitable donations,
27 so there would be no negative fiscal impact to local, state or federal government. It may work
28 independently or in partnership with state and local agencies and the general public to address
29 the issues noted in the Act. It will bring additional financial and human resources to bear on
30 some of the most pressing resource management challenges, often in new, creative, more flexible
31 and productive ways. This will benefit the resources and the public and give the public new
32 opportunities to become directly involved in devising and implementing solutions on our BLM
33 lands.

34
35 **Sponsor(s):** Commissioner Larry Schoen, Blaine County, Idaho

36
37 **Proposed Resolution to Allow the Public and Public Entities to Comment on Wilderness**
38 **Characteristics Cataloging and Inventory by Federal Land Management Agencies**

39
40 **Issue:** Wilderness characteristics cataloging and inventory without the right of the public and
41 public entities to comment and challenge.

42
43 **Proposed Policy:** The National Association of Counties (NACo) opposes any continuing
44 wilderness characteristics inventory and cataloging by federal land management agencies
45 without input and consent of impacted county governments.

1 **Background:** On October 21, 1976 the Federal Land Policy Management Act of 1976 (FLPMA)
2 was passed and signed by the President. In that law it allows for wilderness characteristic
3 inventory that would to be implemented to accomplish the intent and goals of the Wilderness Act
4 of 1964:

5
6 Sec. 603. [43 U.S.C. 1782] (a) Within fifteen years after the date of approval of this Act, the
7 Secretary shall review those roadless areas of five thousand acres or more and roadless islands of
8 the public lands, identified during the inventory required by section 201(a) of this Act as having
9 wilderness characteristics described in the Wilderness Act of September 3, 1964.

10
11 **Fiscal/Urban/Rural Impact:** No fiscal impacts to local government.

12
13 **Sponsor(s):** Todd Devlin, Commissioner, Prairie County, Mont.

TELECOMMUNICATIONS AND TECHNOLOGY

PROPOSED RESOLUTIONS

Proposed Resolution Encouraging Congress to Undertake a Systemic Rewrite of the Telecommunications Act of 1996

Issue: The Federal Telecommunications Act has not been updated by congress since 1996. Since that time, there have been substantial changes in not only the telecommunications technology in use but the also the manner it is used in daily life. The lack of congressional attention to this matter has placed an inordinate burden on the FCC to set policy that is better suited to our elected representatives.

Proposed Policy: NACo believes that the time has come for Congress to engage in a systemic rewrite of the Telecommunications Act of 1996. We believe this action is necessary to realign the Telecommunications policies of the United States to match current and developing Technologies.

Additionally we believe that NACo can be a valuable resource during this process due to our unique relationship with this issue. NACo and its members are not only critical users of these Telecommunications systems, elected representatives of the consumers of these systems, facilitators of deployment of these systems but also in some state regulators of these systems.

Background: In the years since 1996 we have seen revolutionary change in telecommunications in general but particularly in the area of personal communications. In 1996 when the latest revision of the Telecommunications Act was passed the Internet was largely still as dream rooted in Military circles and Academia. Cell phones were analog, uncommon and limited to making and receiving voice calls. These bulky devices were a far cry from today's smart phones both in size and usefulness.

In the intervening years since 1996 the FCC and other regulatory agencies have done an admirable job of attempting to fit modern services within woefully out of date statutory definitions and policies but this has become increasingly difficult. The importance of these technologies requires our elected policy makers to reengage and set in place statutes and policies that not only address the current state of technology but also set the framework for future advances.

Further, we believe that NACO members can provide valuable assistance in the drafting of a revised Telecommunications Act and that it needs to be a priority for our association to continue to be involved in this process.

This policy is currently contained in the NACo Telecommunications and Technology policy statements.

1 **Fiscal/Urban/Rural Impact:** The US economy is now tied to the instant communication and
2 information resources made available by our telecommunications system and its continued
3 development and deployment are critical to every county in America.
4

5 **Sponsor(s):** Joe Briggs, Commissioner, Cascade County, Mont.
6

7 **Proposed Resolution in Support of Empowering Counties to Be Active in the Deployment**
8 **and Operations of High Speed Internet**
9

10 **Issue:** High Speed Internet is an essential element to modern commerce but local governments in
11 many states are prohibited from being an active participant in the deployment of these services.
12

13 **Proposed Policy:** NACo supports the removal of barriers to counties supplying infrastructure to
14 the private sector, partnering with the private sector or operating Internet services as a public
15 utility when no commercial service is available.
16

17 **Background:** High Speed Internet is becoming as essential as sewer, water and roads to the
18 commerce of our nation but unlike these classic infrastructures, the private sector does an
19 admirable job of supplying it in most cases. There are however specific areas in many counties
20 where due to terrain, low population density or other situation which contribute to a low potential
21 return on investment that the private sector alone is unable to provide High Speed Internet
22 service. Counties may in some cases be able to provide these services or partner with the private
23 sector to provide these services. However, state laws and Federal grant restrictions may prohibit
24 the county's involvement. While becoming an Internet Service Provider is very different from
25 providing water and sewer, it needs to be an option for counties to consider in underserved areas.
26 In some cases, the successful deployment may only require the use of a county owned asset such
27 as a tower or existing microwave system. It may be as simple as the county laying in Fiber as a
28 part of their road maintenance and then leasing the fiber to an ISP or in some cases; the county
29 may have to build the entire infrastructure needed to fill the gaps between commercial coverage.
30 Although NACo does not endorse the concept of all counties becoming ISPs we do support local
31 government's ability to enter into cooperative agreements with the Private sector and if
32 necessary act as a Public Utility to provide this crucial service.
33

34 Accordingly, we call on our member's State Associations to work to repeal any laws that restrict
35 their counties' activities concerning supplying Internet services. Further, we call for the Federal
36 government to remove any restrictions on the use of federally funded infrastructure for the
37 providing of Internet Service in underserved areas so long as this use would not adversely affect
38 National Security. This policy is currently contained in the NACo Telecommunications and
39 Technology policy statements.
40

41 **Fiscal/Urban/Rural Impact:** The US economy is now tied to the internet and as such,
42 nationwide access to High Speed Broadband has a positive impact on the economy as a whole.
43 Additionally, cost decreases in the overall cost of deployment of the High Speed reduces the
44 requirements on the Universal Service Fee which is paid by consumers of telecommunications
45 services such as wired and wireless phones.
46

47 **Sponsor(s):** Joe Briggs, Commissioner, Cascade County, Mont.

1
2 **Proposed Resolution of Support of the Recommendations of the Broadband Opportunity**
3 **Council**
4

5 **Issue:** The Broadband Opportunity Council studied ways to reduce barriers to broadband
6 deployment created by Federal Regulations and is now in the implementation phase of the effort.
7 It is important to America’s counties that this implementation effort continue under the new
8 administration.
9

10 **Proposed Policy:** NACo supports the implementation of the report generated by the Broadband
11 Opportunity Council (BOC). This report outlines ways to reduce federal regulatory barriers to
12 the ongoing deployment of broadband capability throughout the nation. Additionally, we
13 encourage the Federal government to facilitate the use of publicly held infrastructure via lease
14 and partnership arrangements with the private sector to increase the deployment of Broadband to
15 underserved areas. This is especially important in relation to any additional federally funded
16 build out required to meet First Net’s Public Safety requirements.
17

18 **Background:** The Broadband Opportunity Council, which is made up of 25 federal agencies,
19 was established to develop a framework of recommendations to explore ways to remove
20 unnecessary regulatory and policy barriers, incentivize investment, and align funding polices and
21 decisions to support broadband access and adoption. The Council has completed its preliminary
22 work and issued a report containing a list of recommendations for each federal agency as well as
23 timelines for these recommendations to be implemented.
24

25 Access to the Internet at High Speed has moved beyond the realm of luxury or convenience it is
26 rapidly becoming essential for economic competitiveness. This is especially true in less
27 populated areas where the cost of providing high-speed service exceeds the revenue potential.
28 Any reduction in cost realized by elimination of unnecessary and duplicative regulation or by the
29 leasing of Federal assets to the Private sector or by Public-Private Partnerships would serve to
30 accelerate the deployment of High Speed Broadband into underserved areas.
31

32 This policy is currently contained in the NACo Telecommunications and Technology policy
33 statements.
34

35 **Fiscal/Urban/Rural Impact:** The US economy is now tied to the internet and as such,
36 nationwide access to High Speed Broadband has a positive impact on the economy as a whole.
37 Additionally, cost decreases in the overall cost of deployment of the High Speed reduces the
38 requirements on the Universal Service Fee which is paid by consumers of telecommunications
39 services such as wired and wireless phones.
40

41 **Sponsor(s):** Joe Briggs, Commissioner, Cascade County, Mont.
42
43
44

1 **Proposed Resolution to Clarify that NACo’s Telecommunications and Technology Policies**
2 **and Practices Apply to “Small Cell” and “DAS” Technologies and to Oppose Efforts to**
3 **Preempt County Rights at the Federal or State Level**
4

5 **Issue:** The National Association of Counties (NACo) must clarify that its Telecommunications
6 and Technology policies and practices apply to new small cell technologies or shared wireless
7 infrastructure technologies such as distributed antennae systems (DAS), as there are proceedings
8 at the FCC, legislation being considered in Congress and legislative and regulatory actions at the
9 state level that seek to preempt local authority over the siting of small cell and DAS
10 technologies.

11
12 **Proposed Policy:** The American County Platform and Resolutions, specifically those
13 subsections listed below, shall be read to apply to all wireless technologies regardless of their
14 size and where within a county those technologies are deployed, including rights-of-way.
15

16 NACo has developed powerful and effective policy positions in the Telecommunications and
17 Technology area as reflected in the NACo American County Platform and Resolutions 2016-17,
18 specifically the Telecommunications and Technology policies and practices outlined in:
19

- 20 • Subsection A (Encouraging Competition and Development of New Technologies),
 - 21 • Subsection B (Opposing Preemption of Local Authority), and
 - 22 • Subsection E (Preserving the County Role in Wireless Communications Facilities Siting)
- 23

24 There are numerous proceedings at the FCC, legislation being considered in Congress and
25 legislative and regulatory actions at the state level that seek to preempt local authority over the
26 siting of small cell and DAS technologies and drastically reduce, if not eliminate, the rent, in-
27 kind benefits and public private partnerships that counties may now charge for the use of public
28 assets such as rights of way and above ground infrastructure. NACo’s voice is needed now more
29 than ever in calling on the FCC and Congress to make data driven decisions that respect local
30 rights and preserve local choice.
31

32 County governments have long supported and will continue to work with industry and other
33 stakeholders to support the deployment of next generation wireline and wireless networks and
34 the smart technologies they make possible and the meaningful role they may play in addressing
35 challenges such as: congested transportation, air quality, environmental sustainability, enhanced
36 public safety communications and Internet of Things connectivity.
37

38 **Fiscal/Urban/Rural Impact:** The preemption of county authority in this area could lead to:

- 39 • Preemption of county management and police powers over the operations of rights-of-
40 way and the resulting public safety challenges;
- 41 • Elimination of local control over the aesthetics of rights-of-way, especially in historic
42 districts and on scenic roads; and
- 43 • Losses of significant revenue (potentially billions) in rents provided by communications
44 providers in the rights-of-way, or alternative in-kind benefits and public-private
45 partnerships including, but not limited to, the expansion of public Wi-Fi, support for

1 emergency communications systems, the expansion of the “Internet of Things” and the
2 deployment of sensor infrastructure necessary for automated vehicle traffic.
3

4 **Sponsors(s):** Hans Riemer, Councilmember, Montgomery County, Md.; Roger Berliner, Council
5 President, Montgomery County, Md.; Isiah (Ike) Leggett, County Executive, Montgomery
6 County, Md.
7

8 **Proposed Resolution Encouraging Congress to Pass Legislation that Would Ensure Local**
9 **911 Service Fees are Only Used for Emergency Communications**
10

11 **Issue:** Funding for 911 comes for a variety of sources, including monthly fees that are set by the
12 state and paid on consumers’ telephone bills. Yet this rate may vary by phone type within a state.
13 As consumers shift their telecommunications preferences from wired to wireless phones, some
14 states have seen a dramatic decrease in dedicated 911 funding as existing statutes have not been
15 updated to account for these shifts. Subsequently, it is not uncommon for the revenue from 911
16 fees to fall short of the cost of running a 911 call center, also known as a public safety answering
17 point (PSAP). Additionally, many states collect 911 fees and remit the revenues to local
18 governments. However, in 2015 over \$220 million in 911 fees were diverted by states throughout
19 the country for purposes other than maintaining and upgrading PSAPs. As counties receive less
20 in dedicated 911 revenue due to both states withholding funds and shifts in telecommunications
21 preferences they must turn to general fund money.
22

23 **Proposed Policy:** NACo encourages Congress and the Federal Communications Commission
24 (FCC) to adopt legislation, or take regulatory action that ensures that fees collected for local 911
25 services are only used to repair, replace or improve communications technology at our nation’s
26 public safety answering points or 911 call centers.
27

28 **Background:** As telecommunications technology for consumers has changed exponentially
29 since the creation of Voice Over Internet Protocol (VoIP) phone services, as well as the
30 expansion of cellular telecommunications and smart phones our nation’s 911 call centers or
31 public safety answering points (PSAPs) have not kept pace with current technical advances.
32

33 Currently, many communities lack the funding necessary to update their PSAPs to receive
34 commonly used digital communications such as: text messages, voice recordings, pictures and
35 videos even though many States already collect 911 services fees directly from consumers that
36 should be used exclusively for updating and maintaining technology at Public Safety Answering
37 Points.
38

39 NACo believes that Congress and the Federal Communications Commission should act to ensure
40 that funding intended for technological upgrades at PSAPs can only be used for its designated
41 purpose.
42

43 **Fiscal/Urban/Rural Impact:** Increased access to funding for PSAPs across the country will help
44 counties in urban and rural areas upgrade their 911 systems, and enable them to receive better
45 information prior to dispatching first responders to the scene of an emergency.
46

47 **Sponsor(s):** Commissioner Joe Briggs, Cascade County, Mont.

1 **TRANSPORTATION**

2
3 **PROPOSED PLATFORM CHANGES**

4
5 **Proposed Platform Change to Include Unmanned Aerial System (UAS) Language**

6
7 Under Coordination and Connectivity, add:

8
9 **E. County Role in Unmanned Aerial Systems (UAS) Regulations**

10
11 Counties shall have the authority to regulate certain aspects of Unmanned Aerial System (UAS)
12 operations to ensure public safety and privacy. These aspects would include, but not be limited
13 to: certain lower levels of altitude, time-and-day of operation restrictions and enforcement
14 capabilities.

15
16 NACo urges the Federal Aviation Administration (FAA) and Congress to allow for local
17 governments to be able to govern certain UAS capabilities and work in collaboration with local
18 governments to ensure the safety of the national airspace as UAS technology is further
19 integrated.

20
21 **Sponsor(s):** Peter McLaughlin, Commissioner, Hennepin County, Minn.

22
23 **PROPOSED POLICY RESOLUTIONS**

24
25 **Proposed Resolution in Support of Fully Funding Federally Mandated Local Airport**
26 **Security**

27
28 **Issue:** Pursuant to 49 U.S.C. § 44903(c) and 49 C.F.R. Part 1542, Airport operators are required
29 to establish an air transportation security program that provides a law enforcement presence and
30 capability at the airport that is adequate to ensure the safety of air passengers. This program is
31 part of the cooperative effort between TSA and airports to support deployment of sufficient law
32 enforcement officers, by airports, to ensure passenger safety and counter risks to transportation
33 security. Local Airport Authorities are receiving insufficient funding from the Transportation
34 Security Administration to cover the cost of locally employed law enforcement officers for
35 airport security.

36
37 **Proposed Policy:** Increase the federal funding allocated for the Transportation Security
38 Administration Law Enforcement Reimbursement Program so that the maximum reimbursement
39 rate may be increased to cover the local airport’s actual cost of (non-TSA) law enforcement
40 officers employed by the local airport to fulfill federally mandated airport security requirements.

41
42 **Background:** It is the stated policy of the National Association of Counties to eliminate
43 unfunded federal government mandates. The placement and employment of first line law
44 enforcement officers is required by the federal government to assure the safe and secure
45 operation of airports. This federal mandate places an undue financial strain on county
46 governments responsible for financially supporting local airport operations.

1 Currently, the Transportation Security Administration maximum reimbursement rate is \$20 per
2 hour for expenses incurred to hire local (non-TSA) law enforcement officers in connection with
3 mandated airport security. Actual costs paid by local airport authorities exceed this \$20
4 reimbursement rate significantly. For example, the average annual gap between actual and
5 reimbursed airport security expenses for the Pitt-Greenville Airport exceeds \$60,000, and
6 continues to rise. Over a 10-year period, Pitt-Greenville will expend over \$600,000 to bridge the
7 gap between actual and reimbursed airport security expenses. This funding shortfall is not
8 sustainable and additional federal financial support is necessary to assure the safe and secure
9 operation of local commercial airports.

10
11 **Fiscal/Urban/Rural Impact:** Adoption of this Policy Resolution will have a significant impact
12 upon both urban and rural airports by eliminating the underfunded federal mandate for
13 employment of local law enforcement officers for airport security.

14
15 **Sponsor(s):** Commissioner Charles Farley, Pitt County, N.C.

16 17 **Proposed Resolution Supporting Indian School Bus Routes**

18
19 **Issue:** Poor maintenance of dirt school bus routes on Indian reservations prevents students from
20 getting to school and contributes to the Native American absentee rate that is four times that of
21 non-Native students.

22
23 **Proposed Policy:** NACo urges the improvement of dirt school bus routes on Indian reservations
24 through three key measures: 1) increasing annual funding for the Bureau of Indian Affairs (BIA)
25 Road Maintenance Program (RMP); 2) Prioritizing additional RMP funds for dirt school bus
26 routes on Indian reservations that are persistently impassable; and 3) Including counties in tribal
27 roads meetings hosted by the BIA and Office of Federal Lands Highway.

28
29 **Background:** In May 2017, the Government Accountability Office (GAO) issued a report to
30 Congress (GAO-17-423) that identified lack of federal investment in tribal roads maintenance as
31 a major cause contributing to chronic absenteeism (defined by the U.S. Department of Education
32 as missing more than 15 days of school per year) of Native American students. Since the 1990s,
33 the BIA has received just \$25 million annually in RMP funding. Flat funding the RMP has
34 rendered many dirt school bus routes on Indian reservations nearly impassable, causing students
35 to spend as much as four hours per day on a bus just to get to and from school.

36
37 County interest in improving the maintenance of Indian school bus routes is significant. Counties
38 own 47% of the roads on Indian reservations. County school districts transport Native American
39 students to school and risk funding when students are absent. Bus fleet budgets are severely
40 strained by the wear and tear and replacement costs that unmaintained dirt bus routes cause.

41
42 NACo urges Congress to increase BIA's annual RMP funding, to require BIA to prioritize such
43 increases for dirt school bus routes on Indian reservations identified in the GAO report, and to
44 urge both BIA and FHWA to include counties in all tribal roads policy meetings.

1 **Fiscal/Urban/Rural Impact:** Would provide new federal funds to maintain dirt bus routes
2 within counties whose jurisdictions include Indian reservations.

3
4 **Sponsor(s):** Jesse Thompson, Supervisor, Navajo County, Ariz.
5

6 **Proposed Resolution in Support of Direct Funding to Local Governments for the**
7 **Improvement and Maintenance of Local Roads in America within the Proposed**
8 **Infrastructure Spending Bill**
9

10 **Issue:** Include direct funding for roads owned and operated by local governments to address
11 America’s rapidly deteriorating transportation network and create jobs.
12

13 **Proposed Policy:** The National Association of Counties (NACo) urges the president and
14 Congress, through the proposed infrastructure spending bill, to create dedicated funding
15 allocated directly to local governments for the improvement and maintenance of local
16 infrastructure in America.
17

18 **Background:** Every trip in this country begins and ends on a local road. Local roads are critical
19 for moving people, providing services and delivering goods to market reliably and safely.
20 Citizens do not distinguish between government agency ownership when it comes to their daily
21 commutes. Counties play a critical role in the nation’s transportation system: they own and
22 operate 45 percent of all public roads. Coupled with the 33 percent of public roads owned and
23 operated by cities and townships, local governments (counties and cities) own and operate 78
24 percent of this nation’s road network.
25

26 NACo seeks to partner with our country's federal leadership to restore, improve and maintain our
27 nation’s local assets. Preserving our local roads today can cost ten times less than repairing
28 failed local roads in the future. Specifically, NACo believes that new federal funding should
29 include a component directly allocating funding to local governments to improve and maintain
30 local infrastructure.
31

32 Goals of new federal revenues, allocated directly to local governments, for improvement,
33 maintenance and preservation are to:
34

- 35 • Get federal transportation funding into the community as soon as possible to create and
36 preserve jobs, both in the private sector and the public sector, in America; and
- 37 • Maximize purchasing power by eliminating the burdensome additional administrative
38 process and cost associated with multiple layers of government between funding and
39 construction of shovel ready improvement and maintenance projects; and
- 40 • Fund the critical first and last part of each journey of goods, people, and services - local
41 roads of America - providing certainty for businesses and laying the foundation for
42 lasting economic growth.
43

44 This nation must commit to finding ways to support the improvement and maintenance of the
45 existing local infrastructure by prioritizing federal revenue to 78% of this country’s road network
46 now. NACo desires to be a major partner to the administration in restoring this country’s local

1 infrastructure and placing the nation back in a position of economic competitiveness in the global
2 economy.

3
4 **Fiscal/Urban/Rural Impact:** Sustainable and dedicated federal funding to local road
5 improvement and maintenance, allocated directly to local governments, will significantly
6 transform transportation funding in America and create jobs.

7
8 **Sponsor(s):** National Association of County Engineers (NACE); California State Association of
9 Counties (CSAC); Steve Lavagnino, Supervisor, County of Santa Barbara, Calif.; Scott
10 Haggerty, Supervisor, County of Alameda, Calif.; Daniel Fedderly, Executive Director,
11 Wisconsin Highway Association; Richie Beyer, County Engineer, Elmore County, Ala.;
12 Scott McGolpin, Public Works Director, County of Santa Barbara, Calif.

13
14 **Proposed Resolution in Support of Eliminating Regulatory Impediments for Effective**
15 **Delivery of Federal Aid Projects**

16
17 **Issue:** Elimination of Regulatory Impediments to the Effective Delivery of Federal Aid Projects

18
19 **Proposed Policy:** NACo urges the President and Congress to implement measures that would
20 eliminate regulatory impediments on local and state sponsored federal aid projects to achieve our
21 shared goals of strengthening transportation networks, improving public safety and advancing
22 our economic competitiveness.

23
24 **Background:** Counties face financial challenges because, in many cases, state legislatures limit
25 our ability to raise revenue to fund critical infrastructure projects. The main general revenue
26 sources for a great many counties are property and sales taxes. However, while counties in 45
27 states collect property taxes, many can only keep about a quarter (23.7 percent) of what is
28 collected. Limitations like these significantly impact counties' ability to effectively raise
29 additional revenue to pay for services and infrastructure, especially unforeseen expenses such as
30 emergency repairs. Due to these state and local funding constraints, counties depend on a strong
31 state and federal partnership to deliver transportation investments that are critical to our
32 communities and our national economy. Our nation's 3,069 counties build and maintain 45
33 percent of public road miles and 40 percent of bridges, as well as over one-third of the nation's
34 transit systems and airports. Not only do county roads, bridges and highways connect our
35 counties and states, they serve as a lifeline for rural counties and our citizens, playing a critical
36 role in the movement of freight and other goods and services.

37
38 When county projects utilize federal funding, higher project costs and longer delivery times are
39 the norm. Bureaucratic red tape and duplicative or cumbersome environmental reviews slow
40 projects down and drive labor costs up. Currently, counties are required to follow the same
41 exhaustive federal requirements on a small sidewalk or preservation project as they would for
42 mega-projects such as new major corridors and complex interstate interchange projects. This
43 simply does not make sense.

44
45 NACo and its affiliate partner NACE seeks to partner with our country's federal leadership to
46 implement the following **two recommendations** as part of the overall plan to ensure we are
47 providing our citizens the best possible services given our limited resources:

1
2 **First, NACo and NACE recommend that Congress build on the principles introduced in**
3 **MAP-21 and furthered in the FAST Act by creating an exemption from all federal**
4 **requirements if the transportation project receives less than \$5,000,000 in federal funding.**

5 The state and local governments would apply the appropriate state or local standards and
6 specifications to their projects and follow state law to bid for, award and execute their projects.
7 State and local governments could also perform work under force account, provided there is a
8 substantial cost savings to the public by doing so. No state or federal oversight would apply to
9 these projects, which will ensure more funding makes it to tangible projects. Low risk projects as
10 defined in the FAST Act could easily be grouped into this exemption, but strong consideration
11 should be given to defining bridge replacement projects where no major relocation occurs as an
12 exempt action as well; and

13
14 **Second, creation of an exemption that removes all federal requirements from emergency**
15 **repairs to any transportation facility damaged by a disaster would expedite restoration of**
16 **services to our citizens, lower the costs of repairs and refocus federal resources to be**
17 **available to support and assist with recovery efforts.** The FAST Act and MAP-21 both
18 included provisions exempting emergency repair work when federal assistance is involved, but
19 they do not go far enough, as there are still a multitude of project types that are susceptible to
20 review regardless of the scale of its undertaking.

21
22 **Fiscal/Urban/Rural Impact:** Reduction in time and cost to delivery vital transportation
23 improvements to the citizens of our nation.

24
25 **Sponsor(s):** Richie Beyer, County Engineer, Elmore County, Ala.; National Association of
26 County Engineers (NACE); Daniel J. Fedderly P.E., P.L.S., Exec. Director, Wisconsin County
27 Highway Association; Josh Harvill, County Engineer, Chambers County, Ala.; Timothy Hens,
28 Supt of Highways, Genesee County, N.Y.; Brian Keierleber Engineer Buchanan County, Iowa;
29 Scott McGolpin, Public Works Director, County of Santa Barbara, Calif.; Kevin Russel,
30 Highway Engineer/ Engineer, Harrison County, Ind.; Richard Sanders County Engineer Polk
31 County, Minn.; Brian Stacy County Engineer Pierce County, Wash.; George Webb, County
32 Engineer & Public Works Director, Palm Beach County, Fla.

33
34 **Proposed Resolution to Establish NACo’s Legislative Position for United States**
35 **Department of Transportation’s Budget Appropriation for Full Year 2018**
36

37 **Issue:** The nation’s counties rely on a strong federal-state-local partnership to successfully meet
38 the transportation and infrastructure needs of their constituents. This partnership has included the
39 Federal Government providing, through the annual appropriations process, funding to assist the
40 needs of local government.

41
42 **Proposed Policy:** U.S. Department of Transportation annual appropriations for fiscal year 2018
43 shall be maintained, at minimum, at the authorized FY2017 level, and whenever possible, be
44 increased to assist projects that support the economic output, mobility, and safety of the
45 American people.
46

1 **Background:** With the economic recession of the last decade, federal budgets have shrunk while
2 the cost for transportation and infrastructure upkeep, improvement, and creation has increased.
3 Counties are often finding themselves unable to move forward with critical projects. Local
4 budgets are strained. In recent years, the Presidential Administration and Congress have differed
5 on appropriate amounts of spending for DOT. While all agree that enhanced infrastructure
6 investment is long overdue, the federal financial resources have been inadequate to address the
7 needs of the nation.

8
9 **Fiscal/Urban/Rural Impact:** Adoption of this Policy Resolution will have a significant impact
10 upon both urban and rural counties as increased federal funding for transportation and
11 infrastructure projects will directly lead to improved safety conditions and opportunities for new
12 channels of economic development.

13
14 **Sponsor(s):** Peter McLaughlin, Commissioner, Hennepin County, Minn.

15
16 **Proposed Resolution to Establish and Clarify NACo’s Legislative Priorities for FAA**
17 **Reauthorization or Extension**

18
19 **Issue:** As counties own 34 percent of the nation’s publicly-owned airports and spend \$4.5 billion
20 annually on air transportation, Federal Aviation Administration (FAA) reauthorization could
21 have significant impacts on county governments, their budgets and the economic well-being of
22 their communities.

23
24 **Background:** Congress will soon implement a new FAA reauthorization or extend the current
25 one, which was extended for one year and expires September 30, 2017. Many key NACo
26 priorities fall under this reauthorization.

27
28 **Proposed Policy:** As Congress considers legislation to reauthorize the FAA, The National
29 Association of Counties (NACo) calls for provisions that would:

- 30
- 31 • Modernize the Passenger Facility Charge (PFC) program by: Increasing the cap to \$8.50
32 and indexing it to inflation so it can be automatically adjusted going forward;
33 streamlining the application process; and eliminating program requirements that are
34 applicable only to medium and large hub airports.
 - 35 • Reauthorize the Airport Improvement Program (AIP) at the current funding levels. In
36 exchange for raising the PFC cap to \$8.50, eliminate program entitlements
37 (apportionments) for large hub airports and redirect the resulting savings to fund projects
38 at small airports (airports designated as small hubs and smaller).
 - 39 • Reauthorize the Federal Contract Tower and ensure that FAA does not change the
40 requirements for participating in the program in a way that would close existing towers,
41 prevent new towers or force local communities to pay onerous portions of the required
42 program costs.
 - 43 • Re-establish Congressional intent and 30 years of federal interpretation that state and
44 local sales tax measures of general application are not the same as aviation fuel excise tax
45 and the states and localities should be able to use those revenues as they have determined
46 based on state and local statute.
 - 47 • Fully fund the Essential Air Service (EAS) program that provides dollars to airlines that

1 serve small communities and to continue guaranteed funding of the Small Community
2 Air Service Development Program (SCASDP) that helps small communities address air
3 service and airfare issues.

- 4 • Establishment of a pilot program within the U.S. Department of Transportation (DOT)
5 FAA that, in consultation with airline operators and general aviation users, oversees the
6 installation and operation of remote air traffic control towers.

7
8 **Fiscal/Urban/Rural Impact:** Fully funded EAS and SCASDP programs will greatly impact
9 rural counties ability to participate in the U.S. airline system. The remote tower pilot program
10 would benefit the State and local governments participating in the program and it could create a
11 multiplier effect if remote towers are safe, cost effective and provide the federal government
12 with helpful data that bolsters the case for additional remote towers.

13
14 **Sponsor(s):** Suzanne Hart, Legislative & Policy Chair, Will County Board, Ill.; Don Moran, Will
15 County Board, Ill., NACo Transportation Vice-Chair (Airports)

16 17 **Proposed Resolution to Support Innovative and Automated Technology for Transportation** 18 **Solutions**

19
20 **Issue:** Automated vehicles and systems can substantially improve safety, mobility, and
21 connectivity of public and private transportation. However, the cost to counties to prepare for the
22 implementation of these technologies can be high.

23
24 **Proposed Policy:** The National Association of Counties (NACo) urges the U.S. Department of
25 Transportation (USDOT), Federal Transit Administration, and Federal Highway Administration
26 to ensure that monetary federal assistance accompany any federal mandate issued to prepare
27 county-owned roadways for automated vehicle implementation.

28
29 **Background:** The USDOT recognized that the U.S. needs to adopt “advanced technologies that
30 can be used to address priority issues in safety and mobility” as well as economic vitality and
31 community development by using “advanced technologies, strategies, and applications towards
32 improved safety, efficiency, and sustainable movement of people and goods.”

33
34 Advanced technology systems provide reduced traffic congestion and improved safety. Arterial
35 networks around the country would need specific readiness steps, such as comprehensive road
36 striping, to effectively implement autonomous technology. Automated vehicles (either semi-
37 autonomous or driverless) can deliver highly responsive, on-demand, safe, comfortable, reliable
38 and cost-effective transportation. Enabled by advanced hardware and software technologies,
39 Autonomous vehicle systems have matured in the past decade and are nearing the point where
40 integration is not far into the future.

41
42 **Fiscal/Urban/Rural Impact:** Autonomous vehicle technology is a promising industry and
43 concept that can provide for traffic congestion solutions as well as increasing public safety on the
44 nation’s roads.

45
46 **Sponsor(s):** Commissioner Peter McLaughlin, Hennepin County, Minn.