

Once upon a time,
the federal government
actually listened to local
governments, and now
several associations have
banded together to see
that partnership restored.



Seat
at the **table**



By Robert Barkin

After the fiasco of the 2000 presidential election, when Florida's voting process threw the nation into an electoral crisis, Congress proposed standards for voting equipment that federal legislators thought would guarantee fair elections. But, when local officials realized the effects the strict legislation would have on their communities, they mobilized to fight the law. "We buy the best equipment available that works, but what the federal government was trying to do would be devastating to the counties and the people responsible. The reform was impossible to put in," says Donald Stapley, supervisor for Maricopa County, Ariz., and incoming president for the National Association of Counties (NACo).

NACo lobbied lawmakers against the Voter Confidence and Increased Accessibility Act of 2007 (H.R.811), and it essentially has stalled in committee. "If they had come to us first and listened to NACo and elected leaders, they would have understood that what they were proposing were bad ideas," Stapley says. "We are interested in some reform, but the kind of machine they were mandating would have been disastrous. We were able to defeat the bill."

The experience proved to local officials that the relationship between them and the federal government had become badly frayed and that they had lost their seat at the table in the Washington policy debates. At that point, they feared that local government was seen at the White House and on Capitol Hill as just another special interest group looking for favors.

As part of an effort to change that perception, NACo has launched its "Restoring the Partnership" initiative to make the point in this election year that local governments need to be involved early in the legislative and regulatory process to produce the best results. The organization has heavily promoted its program at presidential candidate forums throughout the year and has enlisted the support of other groups, like the National Governors Association, National Conference of State Legislatures, National League of Cities and

the International City/County Management Association. "Instead of defeating bad bills, we want to work together early on," says Larry Naake, NACo's executive director. "We want to say to Congress, 'We can help you. You can get better legislation from the ground up if you give us the concept, and we can help implement it.'"

There are some indications on the legislative side that the interests of local governments and the federal legislators can be brought together for better results, at least on specific concerns. Although Naake understands that rebuilding the relationship will not be easy, he has heard some positive response from legislators and the presidential candidates from both parties. "I'm very encouraged," he says.

One issue where the interests of the federal and local governments align is in providing medical care for those incarcerated before trial. Currently, prisoners lose their Medicaid benefits in jail and for a period after they are released, even though they have not been convicted of a crime. That places the burden of their medical care on local governments.

Rep. Rush Holt, D-N.J., has been working with NACo to help counties by continuing Medicaid funding for suspects until they are convicted, when they would be treated in the state or local prison medical system. "I'm working on this issue with a number of levels of government," Holt says. "It's hard to believe that it could happen in this country that a person is penalized without any proceeding."

The federal government was cutting Medicaid costs by shirking its responsibilities, and counties should be receiving more assistance, Holt says. "We're passing the buck to the counties," he says. "That's not the right thing for the counties. This is a public health problem."

Other legislators are interested in building bridges on public safety. "When it comes to protecting our communities against violent crime, drugs and terrorism, the local, state and federal partnership is critical," says Sen. Joseph Biden, D-Del., chairman of the Judiciary Subcommittee on Crime and Drugs. "We need to renew the federal commitment for state and local law enforcement, and we can start by hiring more FBI agents dedicated to fighting crime and restoring full funding to the COPS program to help hire, train, and equip state and local cops."

'In the '70s, they attempted to work together to get things done, but the system has ground to a halt.'

An advisory commission

In the 1970s and 1980s, the interests between local governments and the federal government were closely intertwined, with consultations that produced a number of innovations that remain today, Naake says. "In its heyday, there was tremendous work on intergovernmental affairs," he says, noting that Vice Presidents Hubert Humphrey and Walter Mondale were both big local government supporters.

The central forum for the cooperative environment was the President's Advisory Commission on Intergovernmental Relations (ACIR), which was established in 1959 and was composed of 26 members representing the Senate and House of Representatives, the president's cabinet, governors, state legislators, county and city officials, and the public.

For the next 30 years, ACIR became the institution where policy disagreements could be ironed out and new initiatives formulated. In fact, General Revenue Sharing and Community Development Block Grants, which remain in place today, originated in the halls of the ACIR. At times, the ACIR was staffed by 60 people who were focused on improving the ability of the federal, state and local governments "to work together cooperatively, efficiently and effectively," according to its mission statement.

Part of the problem in Washington, Naake says, is the polarized nature of politics. "In the '70s, they attempted to work together to get things done," he says. "But the system has ground to a halt. There's a logjam. We hope to play a role in restoring the cooperative approach."

The cooperative attitude between government levels began to sour in the last years of the Reagan administration, Naake says, when there was a considerable debate on the roles and responsibil-

ities of government in a federal system — with a decided emphasis on keeping the interests separate. "It took on a philosophical bent on what government can and cannot do," he says.

The ACIR revived briefly in the early 1990s, but that diminished until Congress abolished the organization in 1996. Since then, the relationship between locals and federals has deteriorated, to the extent that the Office of Intergovernmental Relations is now on the "political" side of the White House, rather than policy. "It's a sad deal," Naake says.

'We want a win-win situation'

Local officials point to two proposals in 2007 that typify how the federal government has intruded on the traditional responsibilities of counties and states by mandating solutions without allowing flexibility for compliance. One was the election reform proposal that so upset Maricopa County and others around the country. The legislation mandated specific legislative processes that the local governments contended would not work and would cost billions of dollars. "It was flawed from the beginning," says Colleen Landkamer, commissioner in Blue Earth County, Minn., and a past president of NACo. She points out that the legislation had the same requirement for an expensive electronic voting machine that also can produce a paper trail for Loving County, Texas, population 78, and Los Angeles County, population 10 million. "It just doesn't work."

She contends Congress would have been served by having a conversation with local governments to understand the "actual mechanics" of running an election and developing solutions that work to meet the legislators' goals rather than proposing legislation that placed local governments in "an adversarial position." "We could have avoided a lot

of pain and suffering and come up with a better bill," she says. "We want a win-win situation for everyone."

A second piece of legislation last year that raised the ire of local governments was a proposal to expand the jurisdiction of the Army Corps of Engineers into the waterways that have traditionally been under the purview of local and state governments. The proposed legislation was an attempt to write around a 2006 Supreme Court decision that limited the jurisdiction of the Army Corps of Engineers in certain Clean Water Act questions. "This is not a fight that we chose to pick," Naake says.

Starting at the top

NACo decided to fight to regain local government's previous stature in the Washington arena through a multi-prong approach that coincides with the presidential and congressional elections. Initially, NACo, in partnership with the state associations of counties, launched the 2008 Presidential Election Project to get the presidential candidates to focus on county issues, with the understanding that policy in Washington begins at 1600 Pennsylvania Ave.

The goal of the non-partisan project was for all of the candidates to hear the same message from county officials on key issues and to persuade them to include intergovernmental issues as part of their campaigns. In particular, county officials stressed the need for a new version of the ACIR, placing the Intergovernmental Affairs Office back in the policy section of the White House and an earlier opportunity to participate in the legislative process.

Stapley says that the initial efforts had an impact. "We have a sense that they are hearing us," he says. "They would have to be blind, deaf and dumb not to know about our effort."

He notes that Democratic presumptive nominee Sen. Barack Obama told one Iowa county official that he did not need the Restore the Partnership brochure being handed out because he already had received one. "We think Senator Obama got the message loud and clear," Stapley says.

Stapley is even more confident that Republican presumptive nominee Sen. John McCain is attuned to the partnership message. "I have a very close relationship to Sen. McCain," Stapley says, because of their Arizona connection. "I know he does."

Still, he is not certain that the recognition of the issue will translate into action. "We won't know until the new administration is in place and they put together their first budget," he says.

The tensions between the layers of government remain, despite the efforts of officials on both sides of the issues to understand the others' concerns. While Rep. Holt is working hard to relieve the financial pressures caused by the prisoner issue, he is less sympathetic about the complaints about the need for flexibility in the election machine issue. "We have to have a reliable, auditable and audited

election system," he says emphatically. "NACo doesn't quite agree on how far the federal government should go to set standards. We're working on that."

Naake understands that changing the relationship between the federal government and local governments is a work in progress, and only at the opening stages. "It's really a long-term project," he says. "It took 15 years to go so far downhill. It's going to take at least that long to rebuild the partnership." **ACC**

— Robert Barkin is a Bethesda, Md.-based freelance writer.

2+2 = asphalt

THE NEW ASPHALT



Do the math and see how asphalt can save money ... both now and in the future.

The next time you are asked about the most economical way to build streets and roads, remember these key words: life cycle cost.

The life cycle cost of The New Asphalt is much lower than the cost of any other form of paving. There are three main reasons:

- 1) Asphalt costs less during initial construction;
- 2) Asphalt requires less maintenance;
- 3) And asphalt pavements can last for generations when properly designed and constructed.

Visit our Web site or call toll-free. You'll be on your way to saving taxpayers money. It's as simple as $2+2=4$.



877-272-0077

www.AsphaltAlliance.com