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AND ASSOCIATES

## COUNTY OFFICIALS' TRAINING IN DECEMBER

MACo encourages incumbent and newly-elected county government officials--not only county commissioners--to attend the upcoming December training. The training will be presented in two tracks. One track is for county commissioners wanting to be certified. The other track is for those who want to take the training but do not want to be certified. The December 6-8 session in Helena is the first phase of a five-phase curriculum (see schedule at the end of article).

The December schedule includes 2½ days of courses covering topics such as Montana local government law, public meetings, county offices and their legal requirements, human resources, code of ethics, and the legislative process. A wide variety of current public officials will be the presenters.

### COMMISSIONER CERTIFICATION REQUIREMENTS

#### I. Purpose:

The fact that a Montana County Commissioner holds an office of considerable complexity, responsibility and public accountability indicates that the incumbent has accepted a position of public trust and enjoys the confidence of the citizens, taxpayers and voters being served.

The Montana Association of Counties (MACo) believes that the acceptance of a public trust entails an obligation to achieve the competence necessary to discharge the duties of the office. Therefore, the establishment of a professional certification program represents the Association's commitment to the citizen taxpayers of Montana's counties to serve them competently, honestly and faithfully.

Professional competence as a certified county commissioner requires that an individual possess and be able to apply certain knowledge, skills and abilities in the daily performance of his or her duties. The purpose of the MACo County Commissioner Certification Program is to assist the newly elected commissioner in acquiring the requisite knowledge, skills and abilities through classroom instruction and then to validate the achievement of competency with formal certification that the commissioner has undergone the requisite training. Therefore, all instructional programs have been designed to achieve the specific "competency learning outcomes" (CLOs) approved by the Association and set forth below.

#### II. Certification Requirements:

To achieve commissioner

CONTINUED ON NEXT PAGE

certification by the Montana Association of Counties, an individual must:

- 1) Be serving as a Montana County Commissioner;
- 2) Be from an active member county of the Association;
- 3) Subscribe to the Code of Ethics for local elected officials; and
- 4) Satisfactorily complete 36 hours of certification instruction approved by the Association and conducted by the Local Government Center of Montana State University-Bozeman or another program of instruction offered by an accredited institution and approved by the Association.

**III. Methodology:**

To assure the achievement of competency certification, each unit of instruction will be organized and presented to accomplish specific “competency learning outcomes” (CLOs), each of which will contribute directly to the achievement of the required competency requirements for certification. The Association’s Education Committee, prior to instructional implementation by the Local Government Center, will approve all CLOs. Instructional content and methodology, as well as instructor selection and evaluation, will be based entirely upon the CLOs approved by the Education Committee. The appropriate classroom method such as lecture, case studies, small group discussion or field observation will be determined by the instructor in consultation with the Local Government Center.

Because professional competency requires varying degrees of subject matter mastery, the CLOs will be established at three distinct levels of learning achievement:

- Level 1. Knowledge**  
Recall of facts, terms and definitions
- Level 2. Understanding**  
Recognition of relationships, cause and effect and purpose
- Level 3. Application**  
Ability to use acquired knowledge and understanding to identify and solve problems on the job.

**IV. Certification:**

Upon satisfactory completion of all certification requirements and the approval of the Board of Directors of the Association, an active member of the Association may be designated as a Certified Montana County Commissioner. Such designation will be conferred jointly by the Association and by the Local Government Center of Montana State University-Bozeman.

**Curriculum Schedule**

| <u>Phase</u>   | <u>Hours</u> |
|--|--------------|
| <b>I County Government Structure and Authority<br/>(December 6<sup>th</sup> to the 8<sup>th</sup>, 2004)</b> | <b>12</b>    |
| <b>II Budgeting and Financial Management<br/>(February 15, 2005)</b>   | <b>6</b>     |
| <b>III Human Resource Management<br/>(Annual MACo Conference 2005)</b>                                       | <b>6</b>     |
| <b>IV Intergovernmental Relations<br/>(Mid-winter meeting 2006)</b>  | <b>6</b>     |
| <b>V Electives<br/>(Annual MACo Conference 2006)</b>   | <b>6</b>     |
| <b>TOTAL</b>   | <b>36</b>    |

**IN MEMORIAM**

**EARL KNIGHT,  
POWELL COUNTY**  
Earl Knight, 76, Powell County commissioner (1982-1994), passed way in Missoula at the end of August. He is survived by his son, daughter, and three granddaughters.

## MACo Board of Directors Selections -- September Meetings

**MACo Audit FY 2004:** Tom Swindle, TOS & Associates, presented the FY 2004 Association audit. He noted the prepaid expenses for legal services and the MACo vehicle and he illustrated the typical cash flow and revenue fluctuations. Currently, fixed assets were capitalized at \$50 and he recommended an increase to \$500. Board member Curtiss commented that the board needed to watch the expense side of the budget. With little other comment, Board member Kleinjan moved to accept the audit as presented, Board member Mann seconded the motion and it was approved without objection.

**Executive Director Evaluation:** Outgoing MACo President Carol Brooker reported on the evaluation of the Executive Director. She noted that the overall evaluation was very good. She further noted that there was one evaluation in particular that was extremely critical and that she felt it was unwarranted criticism. Board member Mann commented that as board members participate, they learn. Incoming MACo President Kennedy commented that the Executive Director needs to be in constant contact with the Executive Committee and needs to keep the Board involved at all times. Executive Director Morris thanked President Brooker and the Board, noting that he would be diligent in contacting the Executive Committee and the Board.

**Executive Session:** Executive Director Morris put an executive session on the agenda in case the Board had concerns about the exit strategy as he had laid it out in his letter of August 16. President Kennedy thanked him for the early notification and asked that the Board be given a timeline of actions and considerations that must be arrived at over the course of the next 16 months. Morris indicated that he has begun to lay out the respective segments and would have that for the Board for the December meeting held at the Elected Official Orientation/Certification on December 6<sup>th</sup>. It was noted that the Board would like to have the job descriptions at that meeting as well.

**Other Business:** Past President Fjelstad noted that this would be his last board meeting and he wanted to thank everyone. He noted that he had learned a lot during his tenure and enjoyed it from all perspectives. President Brooker thanked Gary and said that he had been a great mentor.

### Conference Comments

1. Urban County Representative Jean Curtiss noted

## MARK YOUR CALENDAR

|                       |   |
|-----------------------|---|
| November 2            | Election Day                                  |
| November 10           | Tax Reform Coalition; MACo                    |
| November 11           | Veterans Day Holiday                          |
| November 12           | District Court Council                        |
| <b>November 16</b>    | <b>MACo Justice/Public Safety Committee</b>   |
| <b>November 18-19</b> | <b>JPA / JPIA Joint Retreat; Ennis</b>        |
| November 25           | Thanksgiving Day Holiday                      |
| <b>November 29</b>    | <b>MACo Ag. &amp; Public Lands Committees</b> |
| November 30           | First half of property taxes due              |
| December 1            | Land Use Basic Training; Miles City           |
| December 2            | Cooperating Agency Seminar; Miles City        |
| <b>December 6</b>     | <b>MACo Board; Helena; 8:30 am</b>            |
| <b>December 6-8</b>   | <b>Commissioner Orientation/Certification</b> |
| December 16-17        | Study Commission Training / Conference        |
| December 24           | Christmas Day Holiday (day before 25th)       |

that the attendance at the conference appeared to be down and wondered if it had anything to do with the electronic distribution of the conference registration. She noted that we might want to rethink mailing out the pre-conference packets. Executive Director Morris made a note of this comment and indicated that he thought attendance was going to be close to normal, but he would take this into account in 2005.

2. Urban County Representative Curtiss noted that the number of resolutions that came in late again was significant. She requested that in the future the deadlines for the submission of resolutions be firm. It was noted that there is allowance for emergencies but that most of the late resolutions were not emergencies. They were general business and should have been handled through the normal district meetings.

3. Several board members stated that again we appeared to be rushed because of all of the business before the membership. The board agreed that the Conference Planning Committee should consider that in pre-legislative years the conference be expanded to an additional day. Past President Brooker, as Chair, will present this to the Committee.

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# UNOFFICIAL COUNTY ELECTION RESULTS

## Anaconda-Deer Lodge

Commissioner Paul Beausoleil  
 Commissioner Peter Kurtz  
 Commissioner Linda Sather  
 Chief Exec. Officer Mark Woirhaye  
 Attorney Joan S. Borneman  
 Sheriff John Sullivan

## Beaverhead

Commissioner Mike McGinley  
 Clerk of Court Sheila Brunkhorst  
 Attorney Marvin McCann  
 Coroner Ron Briggs

## Big Horn

Commissioner John Doyle  
 Clerk of Court Karen Yarlott

## Blaine

Commissioner Don Swenson  
 Clerk of Court Kay O. Johnson

## Broadwater

Commissioner Steve McCullough  
 Clerk of Court Valerie Middlemas

## Butte-Silver Bow

Commissioner Jim Fay  
 Commissioner John Sorich  
 Commissioner Charlie O'Leary  
 Commissioner Wally Frasz  
 Commissioner Dave Coleman  
 Commissioner Mike Mulcahy  
 Chief Executive Officer Paul Babb  
 Clerk of Court Lori Maloney  
 Attorney Robert McCarthy  
 Clerk & Recorder Mary McMahon  
 Public Administrator Greg O'Leary

Sheriff John Walsh  
 Coroner Lee LaBreche  
 Sup't of Schools Ed Heard  
 Treasurer Patrick Callaghan  
 Assessor Dan Fisher  
 Auditor Danette Harrington

## Carbon

Commissioner David Davidson  
 Clerk of Court Susan Godbey

## Carter

Commissioner Steve Rosencranz  
 Commissioner Bill Loehding  
 Clerk of Court Carole Carey

## Cascade

Commissioner Joe Briggs  
 Clerk of Court Nancy Morton  
 Sheriff David Castle

## Chouteau

Commissioner Ken Evans  
 Clerk of Court Larry Stollfuss

## Custer

Commissioner Jack Nesbit  
 Clerk of Court Bernice Matthews  
 Attorney Garry Bunke

## Daniels

Commissioner Norman Rudd  
 Clerk/Court Patricia McDonnell

## Dawson

Commissioner Adam Gartner  
 Clerk of Court Judith Galle  
 Sheriff Craig Anderson

## Fallon

Commissioner Dennis Afrank  
 Clerk of Court Jeraldine Newell

## Fergus

Commissioner John Jensen  
 Clerk of Court Phyllis Smith  
 Sheriff Tom Killham

## Flathead

Commissioner Joe Brenneman  
 Clerk of Court Peg Allison

## Gallatin

Commissioner Joe Skinner  
 Clerk / Court Jennifer Brandon

## Garfield

Commissioner Jerry Coldwell  
 Clerk / Court Jennifer Crawford

## Glacier

Commissioner Michael DesRosier  
 Clerk of Court Diane Anderson  
 Sheriff Wayne Dusterhoff

## Golden Valley

Commissioner Leslie Burroughs

## Granite

Commissioner Suzanne Browning  
 Clerk of Court Beverly Kulaski

## Hill

Commissioner Mike Anderson  
 Clerk of Court Dena Tippetts  
 Attorney Cyndee Peterson

## Jefferson

Commissioner Keneth Weber  
 Clerk of Court Marilyn Craft  
 Sup't of Schools Garry Pace

## Judith Basin

Commissioner Tucker Hughes  
 Clerk of Court Julie Peevee

## Lake

Commissioner Chuck Whitson  
 Clerk of Court Julie Knutson

## Lewis and Clark

Commissioner Mike Murray  
 Clerk of Court Nancy Sweeney

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# UNOFFICIAL COUNTY ELECTION RESULTS Continued

## Liberty

Commissioner Russ Tempel  
Clerk of Court Anne Seidlitz-Melton

## Lincoln

Commissioner John Konzen  
Clerk of Court Nadine Pival

## Madison

Commissioner David Schulz

## McCone

Commissioner Patrick Eggebrecht  
Clerk of Court Trudy Kirkegard  
Clerk & Recorder Maridel Kassner

## Meagher

Commissioner Herb Townsend  
Clerk of Court Donna Morris

## Mineral

Commissioner B. J. McComb  
Clerk of Court Sharon Gull

## Missoula

Commissioner Bill Carey  
Clerk of Court Shirley Faust

## Musselshell

Commissioner Michael Kilby  
Clerk of Court Connie Mattfield

## Park

Commissioner Larry Lahren  
Commissioner Dick Murphy  
Clerk of Court June Little

## Petroleum

Commissioner Lee Iverson  
Commissioner Chris King

## Phillips

Commissioner Lesley Robinson  
Clerk of Court Iris Robinson

## Pondera

Commissioner Sandra Broesder  
Clerk of Court Anita Vandolah  
Sheriff Thomas Kuka  
Sup't of Schools Josephine Stone

## Powder River

Commissioner Ray Traub  
Clerk of Court Aletta Shannon

## Powell

Commissioner Ralph Mannix  
Clerk of Court Sharon Applegate

## Prairie

Commissioner Bill Leach  
Clerk of Court Lisa Kimmet

## Ravalli

Commissioner Alan Thompson  
Clerk of Court Debbie Harmon

## Richland

Commissioner Mark Rehbein  
Clerk of Court Arlene C. Riggs

## Roosevelt

Commissioner Vickie Delger  
Clerk of Court Patricia Stennes

## Rosebud

Commissioner Dan Watson  
Clerk of Court Marilyn Hollister

## Sanders

Commissioner Justin Gail Patton  
Clerk of Court Diane Rummel

## Sheridan

Commissioner Bill Nyby  
Clerk of Court Cheryl Olson  
Justice of the Peace Lester Kolste

## Stillwater

Commissioner Dennis Hoyem  
Clerk of Court Jean Bare

## Sweet Grass

Commissioner Philip Hathaway  
Clerk of Court Deanna Novotny  
Attorney Pat Dringman  
Treasurer Jane Stene

## Teton

Commissioner Joseph Dellwo  
Clerk of Court Lisa Sinton

## Toole

Commissioner Allan Underdal  
Clerk of Court Sandra Peers  
Justice of Peace Jack Stokes  
Treasurer Boyd Jackson

## Treasure

Commissioner Marlo Moehr  
Sheriff Wayne Robison

## Valley

Commissioner David Reinhardt  
Clerk / Court Melissa Greenhagen

## Wheatland

Commissioner David Miller  
Clerk of Court Janet Hill

## Wibaux

Commissioner Leif Bakken  
Clerk of Court Michael Schneider

## Yellowstone

Commissioner James Reno  
Clerk of Court Laura Brent

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## MACo IN U.S. SUPREME COURT

As reported in the August MACo News, MACo joined several other county, municipal and telecommunications associations in filing a petition for review of a California case which has been winding its way through various Federal courts. The US Supreme Court agreed to review the case because of the conflict between various circuit court interpretations. The brief, which will be signed by all petitioning parties, is due November 13.

At issue is whether municipal, county or state officials, who make zoning and other land-use decisions alleged to be inconsistent with a provision of the Communications Act of 1934, are subject to actions for damages and attorney's fees under 42 USCA 1983.

The Third and Seventh Circuits denied the liability, holding that the expedited judicial review contained in the Communications Act provides the appropriate remedy. However, the Ninth Circuit (which includes Montana) reached the opposite conclusion.

## 2004 Workforce Development Awards

The Governor's Desiree Taggart Memorial Awards for Workforce Development were presented during a recent meeting of the Governor's Workforce Investment Board.

- 1) Outstanding Business awards were presented to Crossroads Correctional Services (Toole County) and to the Flathead Chamber of Commerce.
- 2) Quality Program awards were given to Southwest Montana Workforce System (Butte-Silver Bow, Anaconda-Deer Lodge and Beaverhead Counties) and to Rocky Mountain Front Community Management Team (Glacier, Pondera, and Toole Counties).
- 3) Workforce Development Achievement Awards were granted to Lynn Long (Helena) and Julie Foster (Stevensville).

The awards are named for Desiree L. Taggart, the first workforce development director in the Governor's Office of Economic Opportunity.

## ATTORNEY GENERAL OPINION

Volume 50 Number 9

Question: Does a conservation district's authority to implement Land Use Regulations include authority to implement regulations and requirements specific to coal bed methane wastewater operations?

...a conservation district has authority under Mont. Code Ann. § 76-15-706 (2003) to implement land use regulations as part of their broad program to protect and conserve soils and water. A district may implement reasonable measures that must be taken to prevent soil erosion and saline seep contamination from coal bed methane produced water impoundments during runoff events. Such land use regulations fulfill the purpose of conserving soil and soil resources of the state, protecting the soil structure from pollutants and conserving the water resources of the district, all of which fall within the delegated authority of the conservation district.

Held: A Conservation District has authority under Mont. Code Ann. § 76-15-706 (2003) to implement land use regulations, following a referendum by the voters, in order to implement reasonable measures to conserve the soils, protect the soil structure from coal bed methane water, and conserve the water resources of the district.

Requested by:  
Michael B. Hayworth  
Rosebud County Attorney

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# COUNTY NEWS

## COUNTY OFFICIAL

**FLATHEAD COUNTY**'s new treasurer is Adele Krantz. She was appointed to complete the term for Patty Arnold, who retired.

## ID CARDS

**POWDER RIVER and PRAIRIE COUNTIES** are the first to complete the new MACo ID Card system for their county officials and employees.

## 5-YEAR GRANT

**STILLWATER COUNTY** received a Drug-Free Communities Support Program Grant which will provide \$100,000 a year for the next five years. The County plans to use the funds to help reduce substance abuse and to strengthen the collaboration efforts of community agencies.

## OIL & GAS LEASES

**BLAINE, BROADWATER, DANIELS, DAWSON, GALLATIN, HILL, MUSSELSHELL, PONDERA, RICHLAND, ROOSEVELT, SHERIDAN, TOOLE and VALLEY COUNTIES** will have oil and gas leases up for bids at the Department of Natural Resource's quarterly sale on December 1<sup>st</sup>.

## ECONOMIC DEVELOPMENT

**POWELL COUNTY** and the City of Deer Lodge were each awarded \$400,000 from the Montana Department of Commerce to provide a revolving loan fund for new or expanding businesses that create or retain jobs.

**LINCOLN COUNTY** is concerned with the pending Forest Service trend to "outsource" federal jobs to national-level contractors. Lincoln County currently has over 300 permanent Forest Service employees.

**VALLEY COUNTY** will be the staging ground for a newly developing "Unmanned Aerial Vehicle" (UAV) technology, which will be tested at the airport. The technology will assist Montana's Homeland/Border security and wildfire management.

## CASCADE, GLACIER, PONDERA, TETON AND TOOLE

**COUNTIES** have formed the new Sweetgrass Certified Regional Development Corporation. The CRDC will provide land-use planning, economic development revolving loan administration, grant writing and small business technical assistance.

**NINE COUNTIES** which benefit economically from Malmstrom Air Force Base, located in **CASCADE COUNTY**, are being approached for contributions to help promote the Base as an ideal location for other missions.

**CHOUTEAU COUNTY** sponsored a non-profit business, Chouteau County Home Assemblers, to produce Wag Bags (Waste Alleviation and Gelling Bags) for Phillips Environmental Products in **GALLATIN COUNTY**.

## LAND USE

**FERGUS COUNTY** granted preliminary approval for the first phase of its largest subdivision--a 3,000 acre tract on both sides of the Judith River. The Commission set 28 conditions to be met before final approval is given.

**GALLATIN COUNTY** has been considering a county-wide building permit system. A task force has been working for a year to develop recommendations.

**ROOSEVELT and SHERIDAN COUNTIES** and the Dry Prairie Rural Water Authority completed water service from Culbertson to Froid and Medicine Lake.

**MISSOULA COUNTY** denied access to easements for sewer development by the City of Missoula on county right of way. Protesters demanded a public vote on the project.

**RAVALLI COUNTY** Attorney pronounced a second septic system for a guest house, a mother-in-law cabin or any other use must go through subdivision review. The Planning Office devised a new form, "Subdivisions for Lease or Rent", which does not require plat filing, bypasses the Planning Board, and goes directly to the Commissioners. However, a second septic or dwelling on property that has already been subdivided must go through full review.

**CASCADE COUNTY** is working with the City of Great Falls on the possible annexation of part of Malmstrom Air Force Base into the City. Government budget effects and tax increases for residents are some of the considerations.

## STUDENT PROJECT

**SANDERS COUNTY** high school senior Spencer Garrison developed "Step Up Program" for his 4-H leadership project. Bright yellow bumper stickers printed "Step Up" with a logo showing a person's foot close to a step will be available state-wide for use on stairways and entryways. The sticker is placed over a larger area of red tape, adding a clear adhesive coating over the whole thing to make it waterproof. Stickers are available by calling Garrison at 827-3335.

# MACo COMMITTEES

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Meagher County  
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GAIL PATTON  
Sanders County  
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Fallon County  
DON SWENSON  
Blaine County  
JIM SPARKS, Fergus County  
Weed Association Rep.

## ECONOMIC DEVELOPMENT

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Chouteau County  
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Pondera County  
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Richland County  
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Wheatland County  
CLIFFORD BARE  
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Toole County

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JOHN KONZEN  
Lincoln County  
GARTH HAUGLAND  
Beaverhead County  
PAUL BEAUSOLEIL  
Anaconda-Deer Lodge Co.  
KEN RONISH  
Fergus County  
GREG CHILCOTT  
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## LAND USE PLANNING AND DEVELOPMENT

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SHERRY CARGILL  
Jefferson County  
CHUCK EGAN  
Stillwater County  
EARL MARTIN  
Granite County  
BILL MURDOCK  
Gallatin County  
BILL CAREY  
Missoula County  
TED COFFMAN  
Madison County  
JIM DURGAN  
Park County  
JED FISHER, Flathead County  
Weed Association Rep.



## MACo COMMITTEES--Continued

### PUBLIC LANDS

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McCone County  
CARL SEILSTAD, Vice Chair  
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ELAINE ALLESTAD  
Sweet Grass County  
ED DIEMERT  
Liberty County  
ALAN THOMPSON  
Ravalli County  
FRANK NELSON  
Madison County  
TROY BLUNT  
Phillips County  
DONNA SEVALSTAD  
Beaverhead County  
BETTY AYE  
Powder River County  
JAMES COURTNEY  
Carter County  
TODD DEVLIN  
Prairie County  
LEE IVERSON  
Petroleum County  
HAROLD LAWS  
Sanders County  
SCOTT BOCKNESS  
Yellowstone County  
Weed Association Rep.

### RESOLUTIONS

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ALBERT BROWN, Vice Chair  
Carbon County  
JOHN VINCENT  
Gallatin County  
ART KLEINJAN  
Blaine County  
JANET KELLY  
Custer County  
LANCE OLSON  
Cascade County  
DAVE REINHARDT  
Valley County

### TAXATION, FINANCE AND BUDGET

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Sheridan County  
RITA WINDOM, Vice Chair  
Lincoln County  
DAN WATSON  
Rosebud County  
ALLAN UNDERDAL  
Toole County  
JUDY STANG  
Mineral County  
BILL ICENOGGLE  
Glacier County  
SANDRA BOARDMAN  
Blaine County, Clerk/Rcdr

### TRANSPORTATION

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Fergus County  
JOHN OSTLUND, Vice Chair  
Yellowstone County  
JAMIE DOGGETT  
Meagher County  
HENRY JOHNSON  
Richland County  
JOAN STAHL  
Rosebud County  
RICHARD DUNBAR  
Phillips County  
ERIC GRIFFIN, MACRS  
Lewis & Clark County  
JACK KNORR, MACRS  
Stillwater County  
JIM GHEKIERE, Liberty County

### Weed Association Rep. CONFERENCE PLANNING

CAROL BROOKER, Chair  
Mineral County  
JOHN OSTLUND, Host 2005  
Yellowstone County  
GARY HALL  
Flathead County  
JEAN CURTISS, Host 2004  
Missoula County  
JOHN VINCENT, Host 2006  
Gallatin County

### EDUCATION

DAN WATSON, Chair  
Rosebud County  
BILL KENNEDY  
Yellowstone County  
ELAINE MANN  
Broadwater County  
PEGGY BELTRONE  
Cascade County  
WILLIAM (BILL) NYBY  
Sheridan County

### NOTE:

MACo Executive Director and  
MACo Assistant Director are  
also members of respective  
committees.

MACo  
Risk Management and Training

**Ray Barnicoat**  
and  
**Emelia McEwen**

Phone (406) 457-7210  
FAX (406) 442-5238

## STATE ASSOCIATION DIRECTORS SURVEY

The NACo Council of County Association Executives conducted a survey of directors and county commissioners to gauge the comparison or contrast between views of people in the two positions.

1. How do you rate US economic conditions?

|      |               |     |
|------|---------------|-----|
| Good | Commissioners | 37% |
|      | Directors     | 37% |
| Fair | Commissioners | 42% |
|      | Directors     | 49% |
| Poor | Commissioners | 18% |
|      | Directors     | 12% |

2. Are economic conditions in your county(ies) getting better or worse?

|        |               |     |
|--------|---------------|-----|
| Better | Commissioners | 55% |
|        | Directors     | 51% |
| Worse  | Commissioners | 26% |
|        | Directors     | 34% |

3. As a result of fiscal stress, has your county...

|                                 |               |     |
|---------------------------------|---------------|-----|
| Reduced the size of government  | Commissioners | 37% |
|                                 | Directors     | 76% |
| Reduced county services         | Commissioners | 35% |
|                                 | Directors     | 73% |
| Eliminated some county services | Commissioners | 22% |
|                                 | Directors     | 73% |

4. Rate county fiscal health on scale of 1 to 10

|               |      |
|---------------|------|
| Commissioners | 6.58 |
| Directors     | 4.79 |

5. Does state government hinder county ability to raise revenue?

|                       |               |     |
|-----------------------|---------------|-----|
| Significantly hinders | Commissioners | 31% |
|                       | Directors     | 51% |
| Some                  | Commissioners | 45% |
|                       | Directors     | 49% |
| Very Little           | Commissioners | 18% |
|                       | Directors     | 0   |

6. Agree that

Elections are a good way of making governments pay attention to what the people think

|               |     |
|---------------|-----|
| Commissioners | 89% |
| Directors     | 98% |

Most government administrators can be trusted to do what is best for the county

|               |     |
|---------------|-----|
| Commissioners | 66% |
| Directors     | 73% |

The average citizen doesn't have much to say about what the county does

|               |     |
|---------------|-----|
| Commissioners | 47% |
| Directors     | 34% |

Even the best politician cannot have much impact because of the way government works

|               |     |
|---------------|-----|
| Commissioners | 40% |
| Directors     | 27% |

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## NACo Priorities for Congressional Legislation

Each year the National Association of Counties establishes key lobbying priorities for the next congressional session. For the 108th Congress, Second Session, NACo is continuing with a theme of assuring necessary federal funding for critical county programs, the protection of county authorities, and opposition to unfunded mandates. The Key Priorities listed below address these matters.

- ▶ Support remote sales tax collection
- ▶ Support reauthorization of TEA-21
- ▶ Support Social Services and Workforce programs reauthorization
- ▶ Support increased health care funding affecting counties
- ▶ Support continuing homeland security funding and develop national standards and guidelines to assure base-level preparedness
- ▶ Oppose preemption of local authorities and unfunded mandates

These priorities are not the only legislative issues NACo will be pursuing during the session, but reflect those that have national scope and importance.

NACo's eleven policy steering committees will be lobbying on a number of additional issues affecting their respective policy areas.

More information on NACo priorities for Congressional action can be viewed at [www.naco.org](http://www.naco.org) by using the "Issues and Interest Areas" button.

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# The E-Mail Trap

*Reprinted from Governing Magazine*

E-mail is the modern neighborhood activist's best friend, but it also may be the worst enemy. Thanks to e-mail, neighborhood leaders can alert homeowners, build indignation and organize protests with the stroke of a few keys. In the old days, they'd have made scores of phone calls and personal visits to turn out a decent crowd.

But as one suburban Atlanta activist has learned, the old ways had at least one advantage: You can't subpoena the words spoken in a phone call, unless the call is taped. But you can subpoena the e-mail messages on a home computer, and attorneys for one disappointed real estate developer have done just that.

The case involves a company that was trying to build a shopping center and houses. Early on, the neighbors objected, and the developer worked out a deal to reduce the shopping center size. But as negotiations were concluding, a county commissioner got involved, pointing out to activist leaders that, since nearby areas were almost entirely residential, they didn't have to compromise on anything. Neighborhood opposition stiffened, negotiations ended, and the county

commission rejected the rezoning request.

The developer sued, claiming the commissioner's intervention was improper. The proof, its lawyers said, lay on the hard drives of the neighborhood activists. Armed with a subpoena, they obtained them. Some of the e-mails are embarrassing. One, from the commissioner, applauds the neighborhood opposition and adds that she was sending the message from a personal computer rather than a county computer "because [this message] will never be subject to open records." Lawyers obtained 250 pages worth of e-mails back and forth from the commissioner to the activists! "Unfortunately," I have a tendency not to delete my e-mails. I left quite a trail," said one of the neighborhood leaders.

Legal experts are not at all surprised to learn about the developer's subpoenas. "These [conversations] are things that would have been said over the telephone 25 years ago and lost forever," an expert about Internet issues at Harvard Law School pointed out. "[Now] they're not only a semi-permanent message but also are subpoenaable.... People have very little sense of how detailed a record we're leaving in the Internet space."

## MACo News

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