

# County Government

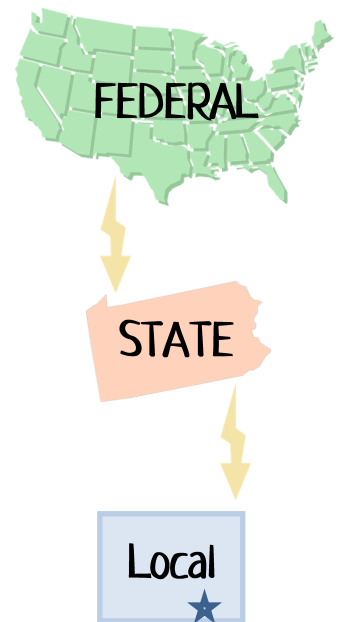
Name: \_\_\_\_\_

## County Governments

In an effort to prevent tyranny, the founders designed the American system of government to spread power across three branches (legislative, executive, judicial) and across three levels (federal, state, local). These levels of government must work together by sharing and distributing power, which is the essence of the principle of federalism.

At the local level, counties are the largest unit of government. They are created by the individual states under their constitutions or by law, and are designed to address the specific needs of people in a designated area. County governments act as a critical bridge between their residents and the state, implementing state laws and providing important services. They are often considered the administrative arm of the state.

Each of the 3,069 county governments in the U.S. is unique. They range in size, structure, and relationship with the state and even vary in name. Counties are called parishes in the state of Louisiana and boroughs in Alaska. Some large cities can also function as a consolidated city-county. Even though each county government is different, there are plenty of commonalities that differentiate them from other levels of government.



## County Services



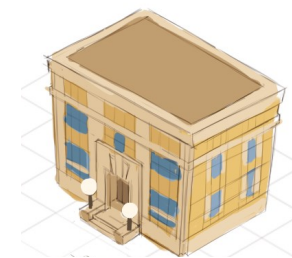
Even if you've never realized it, you have benefited from county services. In fact, most government services you experience in your day-to-day life come from a county department. Counties are divided into a variety of departments responsible for carrying out a set of related services directly to the public. Although each county is organized a little differently, here are some common county departments and examples of services they provide:

**Health & Human Services:** run hospitals and clinics, provide substance abuse support, offer services to the elderly, support adoption and foster care

**Public Works & Transportation:** provide road and bridge maintenance, run public transportation and utilities, maintain county buildings and property

**Records & Elections:** maintain vital records (birth, death, marriage, property), run elections and voter registration efforts

**Justice & Public Safety:** manage sheriff and police departments; run county courts, jails, and correctional facilities; provide public defense and emergency response services



## Working Together

In some cases, the services offered by county departments originate within the county government itself, like when a county decides to offer classes at the library on researching your family tree. In other cases, the direction and funding for services may be handed down from state or federal government programs; these are often related to things like health and human services and the justice system. When various levels of government work together to provide services it's called **intergovernmental cooperation**. Each level acts to the extent of its lawful powers, often with the county acting as the level directly providing the services to the residents.



## Following the Money

The services that counties provide cost money. Counties have three main sources of funding, or **revenue**, to pay for it all: the federal government, the state, and the county itself. The smallest share of a county's money comes from the federal government. A bigger share—usually almost one-third of a county's money—comes from the state.

The biggest source of money for county business is the county itself. Most of this money comes from **property taxes** people or businesses pay on land and buildings they own within the county. Some counties also have a **sales tax** on items sold inside the county. Counties also raise money by charging **fees** for services the county provides. For example, a county may provide garbage collection, but people who participate have to pay for that service.

Sometimes, federal or state laws and programs require counties to provide certain services but don't provide any money to pay for those services. These requirements are called **unfunded mandates** because they are mandated (ordered) but not funded (paid for). For example, counties are responsible for running elections, but they may not receive any money to pay for the elections. A new voting regulation at the state level could require counties to purchase new voting machines, and counties must provide these services even if it means raising more money on their own.



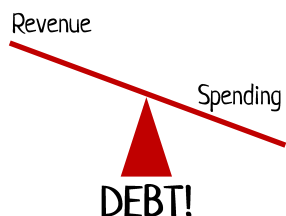
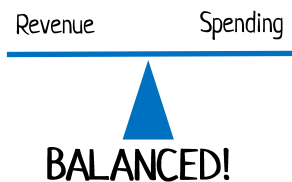
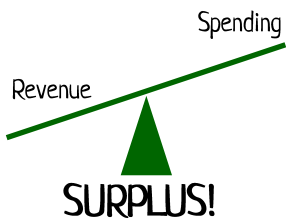
## A Balancing Act

All county governments create annual budgets that lay out a plan for revenue and spending. The budget identifies the amount of revenue that needs to be brought in through taxes, fees, and grants. Like the weather, revenues are forecasted based on planned tax rates, previous year data, and other anticipated funding.

The budget also directs the ways in which the county's money will be spent on services and programs. These expenditures are a mix of mandatory and discretionary spending. **Mandatory spending** is required by law and may be related to state or federal programs. **Discretionary spending** is open for other programs and services the county chooses to provide.

County governments are generally required to create balanced budgets each year. This means that they can't spend more money than they take in, which would leave them in debt. The revenue that counties collect doesn't just go into one spending bucket. Some money comes with restrictions on how it must be spent within the county budget. For example, a county may collect a one-cent tax on the sale of alcohol, but that money must be directed only to public schools.

So the annual budget planning must consider all revenue sources, rules about how that money can be used, mandatory spending amounts, requests for money from each department, the cost of unfunded mandates, and any carry over money not spent in the last year. If, in the end, the numbers don't even out, the budget must be changed by raising taxes and fees, cutting programs, or both.



# County Government

Name: \_\_\_\_\_

## Sources of County Power

Counties get their power from the state government, which gives it in one of two ways. In some states, the state gives counties the power to create local laws, carry out duties, and provide services. Those states follow **Dillon's Rule**, which says that a county must get authority from the state legislature before it can provide services and legislate at the local level. These states see the county government as an extension of the state.

In other states, counties are considered to have powers of their own. Under **home rule**, counties have the power to make decisions for themselves about what services to provide and how to legislate. In these states, counties have some independence from the state. But even with home rule, state laws always outweigh county laws.



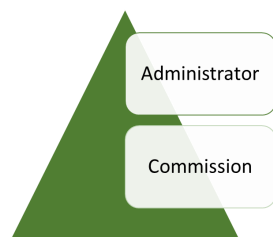
County laws are most often called ordinances.



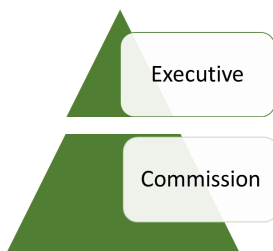
## Who's in Charge?

There are three main ways a county's government might organize its executive and legislative structure:

**Commission Only.** County citizens elect several people to sit on a commission (also called a board). This board has some "legislative" power because it passes county laws (usually called ordinances) and figures out the county's budget. It has some "executive" power because it decides what the county's policies will be and carries out the laws it passes. Commissions also share some of their power with elected officials who oversee specific departments, such as the sheriff, clerk, or county judge.



**Commission + Administrator.** Under this system, the elected commission gives some of its "executive" power to an administrator or manager. The administrator carries out the board's decisions. The commission or board chooses the administrator and has the power to fire that person.



**Commission + Executive.** Under this system, an elected person has the county's "executive" power and is separate from the elected commission. This executive can sometimes veto decisions the board makes. This is more like real legislative and executive branches, because the commission and the executive can check each other's power.

## Working for the County

Most counties have three basic types of employees: elected, appointed, and hired. Higher level officials, like members of the county commission/board, are elected by the residents of the county. They serve for established terms of office and must run for re-election at the end of each term. Depending on where you live, the heads of each department may be elected or appointed by the county commission or executive. These appointed positions go through an approval process (usually by the commission/board) and serve for a period of time. Finally, the majority of the county workforce joins the government as employees. They apply and are hired for jobs just like in the public sector. County governments employ over 3.6 million people across the U.S.!



## Spotlight On: Unfunded Mandates

No county budget lives in a bubble. As stated earlier, intergovernmental cooperation brings federal and state programs into the local government sphere to be carried out. Often, these programs come with grants and special funding to execute at the local level, but sometimes they don't. When the demands of federal or state requirements fail to come with funding, they are called unfunded mandates, and it's up to the local governments to pay the bill.

Critics of these mandates say that they impose the will of the national (or state) government on smaller local governments, instead of allowing the local governments to make their own decisions. There is usually less criticism of the content of the mandates than there is with how they are expected to be carried out. So, are unfunded mandates all bad? All good? Let's look at a relatively recent example *from the perspective of county leadership*.

### No Child Left Behind or NCLB (2001)

As a response to national concern about the quality of education in the United States, NCLB was designed to close the achievement gap, or the distance between high and low performing students, of public school students. School districts receiving federal education funding were required to give state-wide assessments each year. If students within a district failed to meet performance goals, the state or district would be required to invest in additional services to bring up the scores. The additional investment wasn't funded, and schools risked losing existing federal funding if scores did not improve.

1. What benefits did the NCLB provide to the residents of your county?
  
  
  
  
  
  
  
  
  
  
2. How do the requirements impact your county's local control over schools?

### Taking it to the Courts...

Between 2005 and 2010, No Child Left Behind was challenged in the courts in the case of *School District of Pontiac, Michigan v. Duncan*, ending its journey when the Supreme Court declined to hear the appeal. This reinforced the lower court's decision that a district or state education agency cannot lawfully refuse to comply with NCLB. Here were the basic arguments:

**Plaintiffs:** A collection of school districts claimed that the federal government failed to provide sufficient funding to cover the costs of complying with NCLB, making states and districts divert money from other educational programs to cover the costs of testing, paperwork, and other requirements of the law. They argued that NCLB was an unfunded mandate and they shouldn't have to comply.

**Defendants:** The federal government argued that when states and school districts take the federal dollars associated with NCLB, they agree to abide by the law's requirements as a condition of receiving the funds.

1. Which argument do you agree with the most? Why?



## Keeping it Balanced



Balancing a county budget is more than just moving numbers around on a spreadsheet. Each decision impacts real people, including you as a county official! Follow the steps in this activity to balance this county budget, keeping in mind all the benefits and risks associated with each choice.

### Budget Snapshot

As the county executive, you and the county board are in the final stretch of finalizing the new county budget. There are just a few loose ends to tie up. It's time to make some difficult decisions, so think about the risks and rewards.

Revenue Based on the county population, sales and property tax rates, fee-based services, and other known sources of income you have \$2,500,000 to allocate across all county services.

Mandatory Spending Adding up all the unfunded mandates and non-negotiable spending categories commits you to spending \$1,000,000 of your budget. This leaves \$1,500,000 for other spending.

Discretionary Spending Based on earlier work by the county board, the remaining funds have already been allocated to add up to \$750,000, leaving you to determine what to do with the remaining \$750,000.

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### Your County Departments

Read through descriptions of each department. The ones marked with the \* are ones that you will still have to make some hard decisions about.

**Finance Department.** Coordinates the county budget and works with officials responsible for tax collection, property assessment, and auditing

**Records Department.** The county clerk and team have the important work of keeping track of documents related to birth, marriage, death, property, and run elections.

**Human Services.** Helps area residents of all ages. From foster care and adoption to services for the elderly and low-income residents, it provides food assistance, veterans services, and more

**Community Health.** Provides flu shots and vaccinations, healthcare, mental health services, and substance abuse treatment; runs hospitals and clinics and works to address and prevent public health emergencies

**Community & Economic Development.** Develops and provides affordable housing to residents, and connects communities and companies to bring new business and jobs to the county

**Environment & Land Management.** Provides programs and services that protect residents and the environment through zoning regulations, land and water stewardship, and sustainable management of waste and recycling services

\***Public Works & Transportation.** Keeps infrastructure in shape by building and maintaining roads, bridges, and county buildings; provides public transportation, systems that support telecommunications, and utilities like gas and electric

\***Board of Education.** Oversees all of the public and charter schools in the county, making sure each and every student receives a high-quality education; manages community colleges and adult education programs

\***Justice & Public Safety.** Provides emergency response and runs the criminal justice system including jails, the courts, 911 services, fire departments, and sheriffs' departments

\***Parks & Recreation.** Brings the community together by providing places and services that allow county residents to relax, exercise, and play; from parks and playgrounds to classes and activities



# County Government

Name: \_\_\_\_\_

**A. What's At Stake?** The final four departments still need to receive approval for their proposed budgets. Unfortunately, you don't have enough revenue to fully fund all of the requests. Use the space below to think through the specific risks and rewards of fully or partially funding each department. Remember, partially funding a department means programs and services may need to be cut.

## Public Works & Transportation

Risks of Partially Funding:

Rewards for Funding:

## Board of Education

Risks of Partially Funding:

Rewards for Funding:

## Justice & Public Safety

Risks of Partially Funding:

Rewards for Funding:

## Parks & Recreation

Risks of Partially Funding:

Rewards for Funding:

**B. Number Crunching** Use this sheet and the notes to the side to help you determine how to budget the rest of your county budget. Be ready to explain your decisions based on your notes above and on any additional considerations.

	Incoming	Proposed	Approved
<b>Total Revenue</b>	\$2,500,000		
<b>Mandatory Spending</b>		-1,000,000	-1,000,000
<b>Discretionary Spending</b>			
Finance Department		-80,000	-75,000
Records Department		-85,000	-80,000
Human Services		-150,000	-150,000
Community Health		-275,000	-250,000
Community & Economic Development		-100,000	-95,000
Environment & Land Services		-100,000	-100,000
*Public Works & Transportation		-250,000	
*Board of Education		-150,000	
*Justice & Public Safety		-325,000	
*Parks & Recreation		-75,000	
Total Revenue	\$2,500,000		<b>TOTAL THIS COLUMN BELOW</b>
Total Spending			



The board has already agreed to spend \$750,000 of your \$1.5 million available for discretionary spending.

Now it's up to you. Can you meet the proposed spending for each department, or will you need to make cuts to stay in balance?

↑ THESE MUST BE EQUAL →

# County Government

Name: \_\_\_\_\_

**A. My County Government.** Use the information provided through your county's government website and the County Explorer tool at <http://explorer.naco.org/> to complete this quick fact sheet about where you live.

<b>Basic Information</b>	(Swap county with parish or borough if needed.)
County Name	
County Seat	
Population (with date of census)	
Has population grown or declined since the previous census? By how much?	
Date Established	
Size of County (sq mi)	
Is the county more rural, suburban, urban?	
Identify major employers in your county: (Think: industry, agricultural exports, corporate headquarters, universities, tourist sites, etc.)	
<b>The Government</b>	
What is the website address for your county government?	
What kind of structure does your county government have?	
How many departments or agencies are in the county government?	
What was the most recent annual budget for the county?	Revenue: Spending:
<b>In the News</b>	
Provide the headline for one news story relating to your county government.	
<b>Contact Information</b>	
What is the general contact address for county services?	

# County Government

## Public Works & Transportation

Risks of Partially Funding

Rewards for Fully Funding

## Board of Education

Risks of Partially Funding

Rewards for Fully Funding

## Justice & Public Safety

Risks of Partially Funding

Rewards for Fully Funding

## Parks & Recreation

Risks of Partially Funding

Rewards for Fully Funding

	Incoming	Proposed	Approved
<b>Total Revenue</b>	\$2,500,000		
<b>Mandatory Spending</b>		-1,000,000	-1,000,000
<b>Discretionary Spending</b>			
Finance Department		-80,000	-75,000
Records Department		-85,000	-80,000
Human Services		-150,000	-150,000
Community Health		-275,000	-250,000
Community & Economic Development		-100,000	-95,000
Environment & Land Services		-100,000	-100,000
*Public Works & Transportation		-250,000	
*Board of Education		-150,000	
*Justice & Public Safety		-325,000	
*Parks & Recreation		-75,000	
Total Revenue	\$2,500,000		<b>TOTAL THIS COLUMN BELOW</b>
Total Spending			

The board has already agreed to spend \$750,000 of your \$1.5 million available for discretionary spending.

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