

COUNTY LEADER



County Commissioners Association of Ohio quarterly magazine

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 On the cover: 2021 CCAO President Tim Bubb with the 2022 CCAO Officers: Treasurer Glenn Miller (Henry County); President Debbie Lieberman (Montgomery County); 2nd Vice President Chris Abbuhl (Tuscarawas County); Secretary Denise Driehaus (Hamilton County); and 1st Vice President Tom Whiston (Morrow County)

A MESSAGE FROM 2022 CCAO PRESIDENT DEBBIE LIEBERMAN, MONTGOMERY COUNTY COMMISSIONER

As we embark into 2022 and begin to move beyond the pandemic, I am confident that with your help and support, we can build Stronger Counties for a Stronger Ohio.

The responsibilities and scope of county government today is vast. Ohio's 88 counties serve as the arm of state government charged with providing vital services to all Ohioans on the state's behalf. These state mandated services include important functions such as elections, justice and public safety, infrastructure and human service programs, amongst many others.

County commissioners, executives and council members are also the chief budgetary authorities for the county and the other county elected officials, including the court system, making them the nexus of all county government and the services it provides.



Counties continue to combat the opiate epidemic and endure the strains it places on the criminal justice system, especially when many county jail facilities are ill-equipped to handle today's unique mental health and addiction needs. Our labor force shortages are making business increasingly difficult. Changing tax policies at the state level continue to jeopardize key county revenue streams which fund the critical county services that Ohioans have come to expect.

However, counties today also have reason for optimism because of the great opportunities before us. Through renewed partnerships with the DeWine Administration and our allies in the General Assembly, great progress has been made in recent years to strengthen the state/county partnership. Significant state investments in indigent defense reimbursement, broadband, water and sewer construction, brownfield remediation, blighted property demolition and more, have all helped to strengthen a partnership that benefits all Ohioans.

These partnerships also focus heavily on our state's economy and workforce. We are working to ensure all Ohioans can find the training and job opportunities for fulfilling and self-sustaining careers. We are positioning Ohio as a place where businesses can find success, which creates more opportunity for all our residents.

We aim to expand upon the successes of recent years into 2022. We have much to do to support the future of our counties, especially investing in our children, including support for prenatal to three care and early learning initiatives.

The strength of our association comes from its members, and we need every county voice advocating in unison to advance our mutual goals and to strengthen Ohio's counties. I encourage all CCAO members to engage with their association, whether that be joining a policy standing committee, attending CCAO board of director's meetings or working with our policy team staff to advocate our legislative priorities in the General Assembly. We all have a role to play in ensuring a bright future for Ohio's counties and their residents.

I thank you for your support, and I very much look forward to serving as your association president this year. I know that together we can build Stronger Counties for a Stronger Ohio!

LETTER FROM CCAO EXECUTIVE DIRECTOR CHERYL SUBLER

The start of a new year provides some unique opportunities – opportunities to look back on what we’ve accomplished and to look ahead at where we’re going. As we turn the calendar to 2022, I’m excited by the success counties achieved in 2021, but I’m even more optimistic for the year ahead. I see 2022 as a year of partnerships and great possibilities.



The past year saw many beneficial partnerships develop for counties, both with the state and federal governments. These partnerships brought critical investments to county priority areas and laid the groundwork for future successes.

For starters, the state fulfilled CCAO’s number one budget request – indigent defense reimbursement this past June. This historic investment in the state-county partnership provides significant budgetary relief for every county. We are very thankful for Governor DeWine and the General Assembly’s support on this key priority.

In late 2021, the DeWine Administration announced the recipients of \$50 million in county jail facility grants. These funds were awarded to six projects across the state to address critical county jail capital needs. CCAO greatly appreciates these investments, and we look to continue that partnership in the upcoming capital appropriations process. Neither the state nor counties can tackle this challenge alone. Partnerships are key.

Likewise, the state recently wrapped up awarding \$250 million in grant awards to local public water and sewer systems. As part of Governor DeWine’s Ohio BUILDS (Broadband, Utilities, and Infrastructure for Local Development Success) program, funds were awarded to communities with pressing water and sewer infrastructure needs. Made possible by the state’s share of American Rescue Plan Act (ARPA) funds, this program holds great possibilities for

further funding in 2022 and we are very supportive of those efforts.

Additional partnerships from 2021 include the new brownfield remediation and building demolition programs. Once again, the state is partnering with local communities to provide \$350 million and \$150 million to these programs, respectively. I’m excited to see these funds roll out to communities over the course of 2022 to prepare Ohio for future development.

Yet another exciting partnership to watch in 2022 is the Ohio Broadband Expansion Grant Program. The state made available \$270 million for broadband expansion grants as part of the state budget bill. Over 200 broadband grant applications were recently submitted, seeking to expand broadband service to over 800,000 Ohio households. A number of counties pledged funds in support of these applications, and we look forward to the award announcements coming soon.

Finally, there are exciting developments at the federal level that will have significant beneficial impacts to county government in the year to come. The recently-enacted federal infrastructure legislation will allocate billions of dollars to Ohio for road and bridge construction, broadband expansion, water and sewer infrastructure, airport expansions, investments in public transportation and much more. Counties also recently learned of the significant new flexibility granted by the US Treasury’s ARPA Final Rule, loosening key restrictions on these funds and allowing for local discretion and innovation.

Whew... that’s a lot of exciting developments! Through these new programs, made possible by your continued advocacy efforts, we have helped build brighter futures for counties. Now we begin the work of continuing and expanding upon many of these efforts.

I hope you share my optimism for county government in 2022. It’s been a pleasure working with you and the CCAO staff in building these partnerships. I look forward to unlocking even greater possibilities in the year to come.

CCAO POLICY TEAM

CCAO RELEASES NEW MANUAL ON COUNTY AUTHORITY OVER RENEWABLE ENERGY PROJECTS

Jon Honeck, CCAO Senior Policy Analyst

In June 2021, the 134th Ohio General Assembly passed Senate Bill 52. This legislation gives a board of county commissioners permissive authority to oversee the initial phase of site selection requests



from renewable energy generation facilities in the unincorporated area of the county. The review takes place before a project can apply to the Ohio Power Siting Board (OPSB) for approval. This authority is discretionary and is unrelated to any regular zoning laws that may be in force at the township or county level. The legislation was enacted in response to surging interest from developers in siting solar facilities across the state in recent years. Prior to SB 52, commissioner authority extended only to the approval of qualified energy tax abatements known as PILOTs (payments-in-lieu-of-taxes).

With the passage of SB 52, commissioners can adopt a resolution to declare the unincorporated part of the county off-limits to renewable energy projects. If a developer wishes to proceed with a project in a part of the county that is not off-limits, the developer must hold a public meeting that describes the project. After this meeting, commissioners have 90 days in which to deny the project or restrict its geographic boundaries.

If commissioners choose not to take any action, the developer may proceed and file an application with the OPSB. When a project applies to the OPSB, SB 52 also requires a county commissioner and a township trustee from the project area, or their designees, to serve as “ad hoc” members of the OPSB.

Commissioners continue to have the authority to approve a “qualified energy project” tax

abatement for renewable projects with “nameplate” generation capacity of 20 megawatts or above. These abatements, which require the developer to make payments in lieu of taxes to the county and other taxing districts, also explicitly allow for the negotiation of a road use maintenance agreement and for the facilitation of training for first responders. Taken together, commissioners’ authority over site selection and a potential tax abatement allows county government to ensure that energy generation facilities are located in a manner that is best suited to ensure the long-term development of the county.

In response to the changing policy landscape, CCAO has published a new guidebook, [Commissioners’ Manual for Renewable Energy Generation Facilities](#), that explains the procedures that must be followed for tax abatements and siting requests.

The manual begins by providing background information about the steps a renewable energy developer must take to receive approval from the PJM Interconnection, an organization that manages the electric grid in Ohio and twelve other states. It also explains the basic steps in the Ohio Power Siting Board process, where counties continue to have the option of being an official “intervenor” (interested party) as well as appointing an ad hoc board member.

The second section reviews the major provisions of Senate Bill 52 and attempts to answer some of the “frequently asked questions” that may arise when commissioners are considering their options. The third section reviews the procedures necessary to establish a qualified energy facility tax abatement and discusses an alternative tax abatement available through the Ohio Air Quality Development Authority.

Given the complexity of energy development projects, the manual emphasizes the need for early and frequent communications among the developer, local governments, and residents. With the passage of SB 52, basic project information can be discussed and

COMMISSIONERS' MANUAL FOR RENEWABLE ENERGY GENERATION FACILITIES:

SITING AND TAXATION OF CERTAIN WIND AND SOLAR PROJECTS



negotiated months before a developer applies to the Ohio Power Siting Board. Commissioners will need to decide whether a proactive or reactive approach best fits the needs of the county.

Additional information is available from the OPSB [SB 52 Resources web page](#). The web page has links to maps of solar and wind projects and with a list of projects according to their application status with the board. Solar projects are “grandfathered” (not subject to SB 52’s provisions), if their application

was deemed complete by the Power Siting Board as of Oct. 11, 2022, and they had paid PJM Interconnection to start a facilities study. It is also possible for a project to be partially grandfathered if the developer paid the facilities study fee by Oct. 11, but did not have a complete application with the OPSB. In this case, the commissioners would still be able to appoint an ad hoc member to the board. Commissioners are advised to check with the OPSB on the status of an individual project.

FEATURE

PARTNERSHIP BUILDING – WHAT COUNTIES ARE SAYING ABOUT STATE INVESTMENTS IN JAIL FACILITIES

Adam Schwiebert, CCAO Policy Analyst

One of the most pressing needs for counties today is modern jail space. For many counties, jail facilities constructed many decades ago are ill-equipped to address rising inmate populations with unique mental health and addiction needs. For some counties, this strain has pushed facilities beyond the breaking point.

Fortunately, Gov. Mike DeWine and state lawmakers took action as part of the most recent state capital appropriations bill and provided \$50 million for county jail construction and renovation. Recently, those funds

were awarded by the DeWine Administration to six different county and regional jail facilities. Receiving jail facility grants were Harrison, Lawrence, Coshocton, Gallia and Scioto Counties as well as the Southeast Ohio Regional Jail, serving Athens, Hocking, Morgan, Vinton and Perry counties.

While the need well exceeds \$50 million, these resources will make a tremendous difference for those counties. Here’s what several CCAO members had to share about what those jail grants will benefit their county:

Harrison County

“The state funding for our jail project took something we needed to do, to something we could do immediately. I spoke with several county commissioners as we were beginning the process,

every one of them felt that help from the state would be a deciding factor in getting these projects to completion. We are grateful to Governor DeWine and his staff working with the legislature to provide this much needed boost for county government.”

– Harrison County Commissioner Paul Coffland

Lawrence County

“The Lawrence County jail issue has plagued our county for many years and finding a solution has

been a top priority of our current administration. We have stayed the course; made informed decisions and have finally obtained success with a grant application valued at \$16.8 million dollars. This is a tremendous opportunity for Lawrence County, and we could not be more grateful. Although the award does not get us to the finish line, it’s a huge head start. All

parties involved collaborated, remained committed and successfully brought this project to fruition.”

– Lawrence County Commissioners DeAnna Holliday, Freddie Hayes, Jr., and Dr. Colton Copley

Coshocton County

“The aging Justice Center was not built to be a 21st century facility. The jail was built before statewide standards were adopted, which has resulted in a facility that has non-compliance issues identified by the state without any ability to remedy, including a number of health and safety issues. Coshocton County officials have long called the dilapidated and



Gov. Mike DeWine joined local officials from Coshocton County to announce funding for jail construction and renovation.

out-of-date jail the biggest liability the county faces. Coshocton County truly appreciates the State of Ohio and Department of Rehabilitation and Correction's participation with Coshocton County to bring our jail into compliance."

– Coshocton County Commissioners Dane Shryock, Rick Conkle and Gary Fischer

Gallia County

"The Gallia County Commissioners express our sincere gratitude for the generous award of \$5.5 million received through SB 310 Capital Improvement Funding for Local Jail Projects. This grant will provide invaluable financial support for the construction of a new 32,222 square foot, 120-bed full-service correctional facility in Gallia County. The project will alleviate the risks associated with the current aged and undersized jail while also relieving the escalating financial and logistical strain incurred by out-of-county housing.

"[The State of Ohio's] generous award to this important project is yet another demonstration of [Gov. DeWine's] outstanding commitment to counties, law enforcement and the communities they serve."

– Gallia County Commissioners Harold Montgomery, M. Eugene Greene, and Q. Jay Stapleton

Scioto County

"The funding we received for our jail project was a game changer for us. We simply could not do this project without the funding received from Governor DeWine, his staff, and the Legislature. With our project we will take an existing corrections facility and

upgrade it with modern technology. We appreciate the work done between CCAO, the Governor's office, and the Legislature. It takes a team to do better for our citizens. This team is strong."

– Scioto County Commissioners Bryan Davis, Cathy Coleman and Scottie Powell

Southeast Ohio Regional Jail

"We are excited to be awarded \$1.9 million in funding for improvements to the Southeastern Ohio Regional Jail. This project will increase the number of beds and upgrade the existing jail. In addition, the project will create program space to use for rehabilitative programs such as AA, NA and more. With more beds, there will be a need for more staff. This will help create jobs to support our local economy."

– Athens County Commissioner Charlie Adkins

One of CCAO's key policy priorities for 2022 is continuing and expanding the state-county partnership for county jail funding. Please take a moment to speak with your state lawmakers and remind them to support county jail funding in the upcoming capital appropriations budget. Furthermore, CCAO supports House Bill 101, legislation which would establish an ongoing funding formula to allocate future state support for county jails. These two initiatives are critical for the improving and maintaining county jail infrastructure.

CCAO once again thanks the DeWine Administration and the General Assembly for their support of this key policy goal and for investing in a strong state-county partnership.



Athens County Commissioner Charlie Adkins thanked the governor for funding.

FEATURE

CCAO DEDICATES VIBRANT, INTERACTIVE COUNTY DISPLAY IN OHIO STATEHOUSE MAP ROOM

Nick Ciolli, CCAO Research Analyst



Cupp, Hottinger, Bubb and Husted dedicate the Ohio counties interactive display

Did you know that famed markswoman Annie Oakley was from Darke County? Or that the last living tree planted by Johnny Appleseed is believed to be in Ashland County? What about the fact that Lake County played an important part in the early history of the Church of Latter-day Saints? Thanks to a new installment at the Statehouse you can learn those facts and more about Ohio’s 88 counties.

On Dec. 8, CCAO kicked off its 2021 Winter Conference by unveiling a project that was the culmination of a year of effort: an interactive county history and county government kiosk in the Statehouse Map Room. Lt. Gov. Jon Husted; Bob Cupp, House Speaker and vice chair of the Capitol Square Review and Advisory Board (CSRAB); Jay Hottinger, Senate President Pro Tempore and CSRAB chair; and 2021 CCAO President Tim Bubb attended the ribbon-cutting ceremony with numerous other county commissioners and General Assembly members. During the ceremony, the speakers reflected on the important role that counties play in Ohioan’s lives.

“The goal of the display is to promote the vital and unique partnership between state government and Ohio’s counties,” Bubb said. “Counties are the arm of the state to deliver crucial services, and this is an interactive way to educate Statehouse guests

who visit the map room and help them learn about the county they’re from and how Ohio’s 88 counties relate to each other.”

The kiosk, developed in partnership with the Dublin-based Roto Group, allows visitors to spin a wheel to select a county and learn about its history. Each county page contains a blurb about the history of the county, high-level facts, notable residents, and an interesting and little-known fact. The pages are headlined by stunning photos of each county’s courthouse.

The display illustrates the critical services counties deliver, such as the justice system and law enforcement; infrastructure such as roads and bridges; social services, child and senior citizen protective services; election administration and more.

The impetus for the project was the 25th anniversary of the Statehouse renovation project, when Ohio counties raised \$40,000 to provide the county floor map in what is now the Map Room. Just as generations of Statehouse visitors have admired the floor map and taken pictures standing in their home counties, CCAO is hopeful that the interactive kiosk will become a similar mainstay in people’s visits; spinning the wheel to learn about their county, the county that their friends and family are from, and the vital role that counties play in their lives.



Guernsey County Commissioners Jack Marlin and Dave Wilson learn about their counties

FEATURE

CCAO AND CEAO HOST SUCCESSFUL IN-PERSON CONFERENCE

by Andrew Johnson, CCAO Communications Coordinator

A big theme at CCAO is partnerships. Our 88 counties partner as one voice at the Ohio Statehouse. We are always working to build a stronger state-county partnership. And every December we partner with the County Engineers Association of Ohio (CEAO) to host a Winter Conference, where members look back on a year of successes, socialize with colleagues and help set the course of CCAO's future. It's an event we look forward to every year, and we were thrilled to bring you a successful event and see so many of you in-person.

"As president of CCAO at the time of the 2021 Winter Conference, hosting the conference was the highlight of my tenure as president," said 2021 CCAO President Tim Bubb. "Since the 2021 year began in the virtual environment and with a virtual 2020 Conference; having the commissioners, county council members, executives and engineers back together again, and in a productive and in-person environment was a great way to finish what was a very productive year on a positive note!"



Sen. Bob Hackett with Morrow County Commissioner Tom Whiston along with CEBCO staff members Mike Kindell, Melissa Bodey and Wendy Dillingham



NACo President Larry Johnson, Warren County Commissioner Shannon Jones and 2022 CCAO President Debbie Lieberman

The 2021 conference, hosted Dec. 8-10, kicked off with the dedication of a new, vibrant interactive county display at the Ohio Statehouse. Guests, including county leaders, legislators and key staff, saw CCAO President Bubb, Lt. Gov. Jon Husted, House Speaker Robert Cupp and Senate President Pro Tempore Jay Hottinger give remarks on the significance of the state-county partnership and how they saw the display as an opportunity to educate Statehouse guests on Ohio's 88 counties. Next time you're at the Statehouse, give the display a literal spin and take a look at some of your county's history.

The next few days provided a number of opportunities and outstanding speakers for attendees. Gov. Mike DeWine addressed our luncheon, while Jack Marchbanks, Ohio Department of Transportation director, and NACo President Larry Johnson provided opening remarks, and Senate President Matt Huffman spoke at the annual luncheon. Our final day featured a visit from former members-turned-state Reps. Brian Baldrige, Marilyn John, Daniel Troy and Jason Stephens, who discussed the state-county partnership.

Montgomery County Commissioner Debbie Lieberman was elected 2022 president and was sworn in by Gov. Mike DeWine. 1st Vice President

Tom Whiston (Morrow County); 2nd Vice President Chris Abbuhl (Tuscarawas County); Secretary Denise Driehaus (Hamilton County); and Treasurer Glenn Miller (Henry County) were sworn in by Supreme Court Justice Jennifer Brunner. Congratulations to our 2022 CCAO Officers.

“The 2021 CCAO/CEAO Winter Conference was of particular importance as counties begin to move beyond the impacts of the pandemic and focus on opportunities toward building a bridge to Ohio’s future,” Lieberman said. “It was an opportunity for me to hear from and network with other counties throughout Ohio, meet new members and be embraced as the incoming 2022 President!”

The days were also full of many educational sessions and activities providing members the latest information on critical topics to county government, including ARPA, broadband expansion, workforce development, the always entertaining legislative update and more. Guests also had time to tour our trade show and mix and mingle at various receptions, the always popular ice cream social and the return of Family Feud.

“I hope those who attended received legislative updates and gained insight on critical county government topics like workforce and economic development, broadband expansion, ARPA funding and much more,” Lieberman added.

The conference gave CCAO leadership the chance to recognize a number of staff members who celebrated milestone work anniversaries. They include: CCAO Executive Director Cheryl Subler, 25 years; CORSA Claims Representative Amanda Jones, 20 years; CORSA Risk Control Consultant James Hale, 15 years; CORSA Claims Supervisor Jeff Knapp, 15 years; CORSA Senior Claims Representative Katie Lininger, 15 years; CEBCO Enrollment and Billing Specialist Debi Burnett, 15 years; CEBCO Senior Benefit Specialist Wendy Dillingham, 15 years; and CCAO Senior Accountant Brandy Allen, 5 years.

This conference would not be possible without strong leadership and a clear vision. 2021 President Tim Bubb, whose steady hand guided our association through unique challenges throughout the year that ultimately led to some of our greatest successes,



Executive Director Cheryl Subler is gifted a model of the courthouse from her hometown Darke County (pictured with Darke County Commissioner Larry Holmes and 2021 CCAO President Tim Bubb)

exuded both. CCAO Executive Director Cheryl Subler is a champion for CCAO members and works to ensure they are equipped with the tools and information they need to be effective county leaders.

A huge thank you goes to CCAO staff, who worked with so many moving parts, from stuffing packets to managing IT, to make this event happen.

But one person in particular deserves a massive thank you: Robin Garrett, CCAO boards’ liaison and events manager. She worked tirelessly to make sure the event was successful, a feat she made look easy, even though we know it is not. And finally, we need to thank our membership. Without your involvement and passion for your home counties, we simply could not do what we do. We are excited to move forward as we build stronger counties for a stronger Ohio.

“Having the memberships of the two organizations together again with staff and presenters resulted in valuable exchanges of information and most important relationship building. It was also another positive step in on boarding or bringing into the CCAO-CEAO family the many new members, and encouraging them to take active association roles,” Bubb said. “Hosting the conference, joining in the relationship building, and welcoming a list of special guests from the governor to the president of NACO was an awesome experience!”

FEATURE

ADDRESSING THE NEEDS OF OHIO'S MULTI-SYSTEM ADULTS

Liz Poprocki, OhioMHAS, Mental Health Treatment Coordinator

Ohio has launched a new initiative to better meet the needs of adults with severe and persistent mental illness who are also involved with multiple systems like criminal justice, developmental disabilities, and aging, among others.

Without coordinated support, these Ohioans can often experience inpatient psychiatric hospitalizations, high rates of incarceration, homelessness, and unemployment. Many times, these experiences become cyclical.

In order to improve connections to needed supports in their communities and promote stability and recovery outside of institutions, the Ohio Department of Mental Health and Addiction Services developed the Multi-System Adults (MSA) Enhancing Wellness Project. This program seeks to establish and/or strengthen existing community resources and collaborative partnerships to create coordinated responses supportive of the long-term wellness of people who experience frequent inpatient psychiatric hospitalizations and interface with multiple human services and/or criminal justice systems. Thanks to Governor Mike DeWine's introduction of this initiative in his SFY 2022-2023 budget, the program received \$11 million in funding over the biennium and was supported by Ohio's General Assembly. These funds are enhancing critical supports for adults with severe and persistent mental illness and increase access to services to aid in sustaining their recovery.

This strategic approach is a partnership with participating county ADAMHS boards and community providers that offers financial assistance and recovery supports to adults who meet eligibility criteria. ADAMHS boards work with providers, and other systems partners in their communities who identify and serve these multi-system adults.

The systems collaboration utilizes existing collaboratives and coalitions or can be a new development between community partners. Collaboratives include ADAMHS boards and other partners such as peer-run organizations, local and regional psychiatric hospitals, county developmental

disability boards, law enforcement, homeless/supportive housing serving agencies, veteran serving agencies, Area Agencies on Aging, criminal justice system partners, re-entry coalitions, guardianship organizations, crisis hotlines, supportive employment programs, and person-centered care coordinators.

Through these partnerships, a tailored network of care is created so that Ohioans have access to resources and supports they need to work, live, and thrive in the communities of their choosing, while navigating the multiple systems in which they are involved.

To be eligible for the MSA project, a person must experience frequent inpatient psychiatric hospitalizations and be involved with or in need of services from at least one additional system such as criminal justice, homeless, veteran, aging (older than 65), or developmental disabilities.

While participating in the program, people can receive person-centered recovery supports. Examples of recovery supports a person may need include:

- Housing/utilities
- Transportation
- Medication and treatment costs
- Vocational needs
- Psychiatric home health needs
- Personal identification cards
- Emergency basic needs items
- Guardianship fees

For more information about eligibility, community partners can contact their county ADAMHS board and indicate that they have a client who meets the Multi-System Adult Program criteria to begin the referral process. For a list of county ADAMHS boards, please visit the link [here](#). For more information on this project, please contact:

Liz Poprocki, OhioMHAS
Mental Health Treatment Coordinator
Elizabeth.Poprocki@mha.ohio.gov

FEATURE

CCAO PEER LEARNING COMMUNITY FOCUSES ON EARLY CHILDHOOD POLICY

Rachel Massoud Reedy, CCAO Policy Analyst

Issues facing Ohio's youngest children have increasingly been on the minds of Ohio's commissioners. Last summer, CCAO formed our own Prenatal to Three (PN-3) Peer Learning Community in partnership with the National Association of Counties Research Foundation (NACoRF) to give CCAO members interested in deeper engagement on PN-3 topics a space to learn and discuss. Groundwork Ohio has also worked with the group to provide research and data expertise.

The commissioners participating in the Learning Community come from different parts of the state and various size counties. Members include Jim Justice, Ashland County; Doug Spencer, Auglaize County; David Kern, Defiance County; Erica Crawley, Franklin County; Denise Driehaus, Hamilton County; Joe Antram, Logan County; Tina Wozniak, Lucas County; Carolyn Rice, Montgomery County; Rachael Vonderhaar, Preble County; James Lowe, Ross County; Julie Ehemann, Shelby County; and Shannon Jones, Warren County.

The PN-3 Peer Learning Community first met in August of last year. At this meeting, Learning Community members heard from NACoRF and Groundwork Ohio about the data behind why PN-3 friendly policies are important, and how it integrates with the role of county commissioners on a daily basis. Additionally, Montgomery County Commissioner Debbie Lieberman presented on the many initiatives her county has been working on in this space and their impact. In the discussions that followed, it became clear that investments made in our youngest children pay off later in many ways.

In a survey of Learning Community participants after the first meeting, one topic seemed to be on everyone's mind: child care. It's not surprising that, as the pandemic has continued, more CCAO members have seen the impact that lack of access to child care can have on workforce participation and the greater community. Many cohort members indicated they were taking action or were interested in taking action in the child care space, and the Learning Community wanted to explore this further.

In our October convening, NACoRF arranged two out-of-state speakers to provide updates on their strategies with respect to child care. Becker County, Minnesota (population 35,183) outlined their strategy of both assisting current providers with one time emergency assistance grants, and new providers by providing startup grants and navigation assistance. These opportunities were funded with ARPA dollars. Allegheny County, Pennsylvania (population 1,250,578) highlighted ARPA investments they were making in stipends and support for families just over the income level to qualify for assistance with child care, and supporting the child care workforce in their county.

There is a lot of great work being done in Ohio counties to help families have access to child care, so we chose to highlight those partnerships in our third meeting. Ehemann and 4C for Children, the county's Child Care Resource and Referral Agency (CCR&R), have partnered together to invest Shelby County ARPA funds in program stabilization, recruitment and startup of new programs, and current program expansion. Crawley and Columbus Early Learning Centers outlined the challenges providers are currently facing, and the planning work in Franklin County to alleviate some of those pressures.

As a result of our work in Ohio, CCAO was invited to participate in a national PN-3 Peer Learning Community for state associations of counties, hosted by NACoRF. This new community brings together state associations to learn how to support and provide continuing education for county leaders who are actively engaged/championing PN-3 efforts, explore best practices and innovative PN-3 strategies among counties, and promote useful approaches and strategies for increasing state-local collaboration toward improved PN-3 outcomes.

The Ohio PN-3 Peer Learning Community plans to continue its work in 2022. If you are interested in getting involved, please reach out to CCAO Policy Analyst Rachel Massoud Reedy at reedy@ccao.org.

VOICE OF COUNTY LEADERSHIP

TY MOORE, NOBLE COUNTY COMMISSIONER



How long have you been a county commissioner?

I have been a Noble County commissioner for five years. This is my sixth year.

Can you tell me about yourself?

My name is Ty Moore. I am a 1987 graduate of Caldwell High School. I played football, basketball and baseball in high school. I am a 1992 graduate of Bucknell University. I earned a Bachelor's degree in Political Science. While at Bucknell, I was also a member of Phi Gamma Delta fraternity.

What is your professional background?

Professionally, I am a third generation owner of R.C. Moore Doors in Caldwell, Ohio. I also do color commentary for football and basketball for WMOA radio in Marietta, Ohio.

What other elected positions have you held?

The only other elected position I have held is captain of the 1987 Caldwell football team.

Why did you first run? Why did you want to be a commissioner?

I wanted to inject some fresher thoughts and strategies into the Noble County Commissioners' office. My thought was running and winning would help navigate Noble County towards a more promising future.

What are you most proud of for having achieved in your time as commissioner?

We have accomplished many things. I am proud of what we are currently doing. Our East of I-77 Water Project will supply 127 homes with water. This will

allow for more development in that area because there will be available water.

What has been the biggest challenge you've dealt with as a county commissioner?

Every day is a challenge. Each issue presented to me on a day-to-day basis, I consider my biggest challenge.

What was the biggest surprise or adjustment after taking office?

Wearing a tie and being on-call 24-7. I answer my phone all hours of the day and evening.

One of the primary responsibilities of a commissioner is to develop a balanced budget and provide adequate resources to deliver county services. What has been one of the biggest challenges in that area?

Our biggest challenge has been making water available to every household in the rural areas of Noble County.

How have you or what has your county been doing to participate in the state-county partnership?

I have established close relationships with State Senator Frank Hoagland and State Representative Don Jones. In addition, I have established a relationship with Congressman Bill Johnson. These are three huge allies for Southeastern Ohio.

Could you discuss your involvement with CCAO as well as the benefits of being an active member?

I was actually the first commissioner from Noble County to attend the CCAO Winter Conference back in 2016, and I look forward to attending the conference each year. The relationships I made have been invaluable. Networking with commissioners from counties that have similar issues enable us to work together to find solutions. CCAO provides county commissioners the opportunity to form these relationships.

What are your main priorities or personal causes? What is it about those particular issues that matter so much?

My top priority is to provide Noble County with a leader they can trust. Leadership is not about being

the best, it is about making everyone better. My philosophy is to be a quarterback in life.

What improvements will the American Rescue Plan Act dollars allow you to make to your county?

Our American Rescue Plan Act dollars will be used primarily on providing water. With water readily available, it will promote growth in our county.

What do you find are the most successful methods for reaching out to the residents of your county to communicate what your office is doing and why it's doing it?

My most successful method of communicating with county residents is being seen in public. I want the residents to feel comfortable approaching me and asking me questions. I am always willing to take a phone call or take a drive out to a resident's home to address a concern. Our local newspaper and radio station do a great job of reporting on our county commissioner's office. Being available and accountable is very important.

Do you have anything to add?

There are four rules I try to apply every time I walk



Rep. Don Jones with Noble County Commissioners Gary Saling and Moore

into the Noble County courthouse.

1. Do your job.
2. Treat people right.
3. Give all-out effort.
4. Have an all-in attitude.



CCAO Assistant Director John Leutz and CCAO Executive Director Cheryl Subler with Noble County Commissioners Gary Saling, Brad Peoples and Moore

FEATURE

THE STATE OF WASHINGTON COUNTY IN 2022

by Charles Schilling, James Booth, and Kevin Ritter, Washington County Commissioners

2021 was an impressive year for Washington County. While the county improved its communication and partnerships with both local and state officials, it invested in itself by supporting exciting projects and ensuring that county resources are well stewarded. Committing itself to strengthening its partnerships with local municipalities and the state government, Washington County ended the decade long lawsuit with the city of Marietta and created the conditions for a fruitful partnership. Following this, Washington County and the city of Marietta have collaborated in order to provide a sewer to the citizens of Devola.

In 2021 the commissioners also improved their relationship with Columbus; throughout the year numerous state officials visited Washington County. Among other visitors, the county received Governor DeWine on October 27 when he announced state funds for the Devola sewer project; Lt. Governor Husted and Director of Development Lydia Mihalik visited Cutler on October 4 in order to announce broadband access via the MARCS Pilot program, and Secretary of State Frank LaRose visited the county on November 19 in order to speak on post-election audits.

Washington County made major investments in itself this year. Collaborating with state officials, the Board of Commissioners secured major funding for the Devola sewer project and expanded broadband access in the county. Between state and federal funds, over \$14 million were obtained for the sewer project, and some of these funds were acquired as a direct result of the renewed presence of state officials in Washington County. In addition, the county contracted with Sunday Creek Horizons, a professional lobbying firm, in order to more readily attract federal and state funds for the Devola sewer project. Moreover, the county secured American Rescue Plan Act (ARPA) monies, \$2 million of which were committed to the Devola Project. The commissioners allocated additional ARPA funds to the Campus Martius/Museum of the Northwest Territory, the Washington County Fair Board, Waterford Fair Board, Barlow Fair Board, the Lowell Octoberfest committee, and Highland Ridge Water in

Lowell, Ohio. Utilizing CARES Act funding, the Board supported Southeast Ohio Broadband Cooperative, a local nonprofit founded and operated by Washington County citizens, as it expanded broadband access across the county, and they connected the Cooperative to the state from whom it is now leasing MARCS towers.

As they improved the county, the commissioners focused on being good stewards of its resources. The County Home, which provides services to elderly citizens of the county, was placed under the administration of the Department of Job and Family Services (JFS), which will enable the home to secure more state funding. In addition, the county hired a new county building official and completed an assessment of the condition of all the county real estate so that these properties could begin receiving regular maintenance.

While 2021 was an exciting and unprecedented year for Washington County, the Washington County commissioners have big plans for 2022 too. The county will break ground on the Devola sewer project; it will improve county real estate, and it will make major strides in centralizing the 911 system of Washington County.



Gov. Mike DeWine joined Washington County Commissioners Charlie Schilling, James Booth and Kevin Ritter to announce a \$10 million state sewer grant as part of the Ohio BUILDS initiative

FEATURE

HOME GROWN – HOW AGRICULTURE SHAPES COMMISSIONER CHAMP HENSON’S OUTLOOK ON COMMUNITY, PUBLIC SERVICE

by Adam Schwiebert, CCAO Policy Analyst

Pickaway County Commissioner Harold “Champ” Henson has an interesting story to tell. Many know of Henson’s accomplishments as a star fullback at The Ohio State University in the 1970s, later going on to play for Paul Brown with the Cincinnati Bengals. Henson is quick to note, “I’m probably the only county commissioner who has scored touchdowns in both the Rose Bowl and the Michigan game.”

He’s probably correct.

Today, instead of scoring touchdowns, Henson is known in the Central Ohio region for his locally-grown produce. As the owner of the Henson Family Farm & Market, he continues the agricultural tradition his family started over 100 years ago.

Henson’s journey in agriculture has taken many twists and turns. Following his time in collegiate and professional football, Henson returned to Pickaway County to raise his family and pursue a career in production agriculture. He and his late wife, Karen, started their operation in 1979, just as the 1980s farm crisis began. “Timing is everything,” he jokes.

Despite the challenges, the Henson farm adapted. Originally, the farm grew wholesale produce for the Big Bear grocery store chain. As the grocery



Pickaway County Commissioner Henson at work on his farm

industry consolidated, the Henson farm changed as well. Today, Henson Farms focuses on its direct sales retail markets, selling produce to friends and neighbors in the area.

The farm is well known for its sweet corn, tomatoes, and melons, and it also partners with neighboring producers to sell peaches, apples, and locally-raised beef. There’s a small stand located at the Henson farm homestead, just outside of Ashville, but occasionally the farm comes to the city, setting up shop at different community markets in the Columbus area.

It takes a team effort to make the farm work. The operation employs mostly high school workers during the summer months to pick corn and perform other farm tasks. Working with his young farm crew is one of the most rewarding parts of the operation for Henson. “We have been blessed with really good kids who for years have gone on and done great things with their lives,” he shares.

For many of Henson’s employees, this is their first





Henson Farms

work experience. While some enjoy the farm life, others learn quickly that agriculture might not be in their long-term career plans. Henson jokes with his teenage employees, “For all the life lessons you’re learning here, you should be paying me.” He hasn’t had any takers on that offer yet, but the results speak for themselves as his employees go on to bright futures.

One of the more recent challenges on the farm is earlier and earlier starting dates for local high schools. With some districts starting classes as early as August 10, this greatly reduces the farm workforce during some of the busiest weeks of the growing season.

Despite the challenges, Henson finds the work incredibly rewarding. There’s a strong sense of satisfaction in making things grow, putting out a quality product to friends and neighbors, and hearing the many compliments on the high quality of his produce.

The direct-to-consumer nature of the Henson farm is unique to agriculture today, and Henson sees that as an added benefit to his operation. “Few consumers know where their grain comes from,” Henson states. “For the most part, few consumers know where their meat comes from. We are able to hand our product directly to our customers, which makes us effective advocates for agriculture due to the close relationships we have with our customers.”

Outside of managing the daily farm responsibilities,

Henson is kept busy with the duties of serving as a county commissioner. Just like agriculture, public service runs deep in his family. Henson’s father served 24 years as a township trustee, and like his father, Henson began his public service through 11 years of service as a Walnut Township trustee. In 2012, at the urging of locals and with the help of his sons Clayton and Colton, Henson was elected Pickaway County Commissioner.

Going into county service, Henson envisioned the work of a commissioner as a “just grind it out” type job, similar to the Woody Hayes-style rushing attack of his college days. However, similar to the farm, Henson learned that county government is successful because of the people around him. “It has been a very rewarding experience because of the people I’ve been associated with at the county and the staff in our offices whose work is second to none,” Henson says looking back at his county government experience.

Reflecting on his career, Henson is grateful for the opportunities he’s had, whether it be in sports, agriculture, or public office. “I’ve been very fortunate in my life; I’ve done what I wanted to do,” he shares. Whether that’s setting NCAA football scoring records, growing a successful business alongside his family, or serving the public as a county commissioner, Henson continues to make his mark on the world around him.



GUEST COLUMN

CCAO LEGISLATIVE PRIORITIES: LOOKING BACKWARD FOUR DECADES

by Larry Long, former CCAO Executive Director

It is commonly believed that CCAO was formed in 1880, although I am unaware of any record that confirms this. Evidence exists that the 28th Annual Session of the “County Commissioners of Ohio” was held from January 10-12, 1910, in Columbus (see adjacent photo). Thus, the first meeting was held around 1882, thus giving credibility to the 1880 date.

In 1980 the Association celebrated its 100 years with the publication of a Centennial Book including beautiful black and white renderings of each county courthouse with the names of each county’s first and then current county commissioners. One can only wonder what occurred at those meetings when commissioners from around the state gathered, arriving on horseback, by stagecoach, or by train receiving per diem pay around \$3.00 per day.

Likewise, one wonders what concerns commissioners from across the state shared with the member of the Ohio House and Senate in those days. The Legislature in those days bears little resemblance to today. Special Acts and Local Laws dominated legislative enactments. For example, a single county might be authorized by legislation to erect a jail or new courthouse, if the cost did not exceed a specified dollar amount. The same law might also authorize the county to enact a tax or issue bonds for its construction. The Legislature itself was rough and tumble. On one session day when a quorum was absent, the officers of the House “were out scouring the saloons and dives for absentees, (while) members indulged in throwing paper balls, yelling, tearing maps from the wall and conducting the worst beer hall frolics that were ever seen in public places.”

The record of CCAO’s legislative activities in those early days are sparse. Indeed, while CCAO and commissioners continued to lobby on behalf of overall county issues and individual county needs, no written legislative priorities or program appears to have been prepared until 1979 when, at the



conference in December 1978, a set of Legislative Priorities were adopted. CCAO officers that year were A. J. “Mel” Sargus (President, Belmont), Richard McFarland (1st Vice President, Richland), Harriet Fenner Stivers (2nd Vice President, Highland), D. M. Fife (Secretary, Clinton), and John Hendricks (Treasurer, Wyandot). So, what were the important legislative issues four decades ago?

Topping the list was “Welfare Fiscal Relief.” At this time, the local share of public assistance expenditures was established by a complex formula that included a “limitation” that the year-to-year county cost could not exceed 120% of the previous year’s amount. This meant that the local cost of “welfare” was doubling every 4 and a half years. Protection, right? Also high on the list was a call for full funding for mandated programs, a familiar recurring issue. The program also called for increases in funding for roads and bridges; an increase in the force account limit which was then at

\$10,000 per mile for roads and \$40,000 for bridges; an increase in the competitive bid limit which then stood at \$2,000; and a change in county petition ditch laws.

Counties also called on the General Assembly for increased revenue from the Local Government Fund and for additional local permissive taxes: at this time counties only had the authority to levy a .5% sales tax. Related to elections, the “ask” was “to change existing elections laws so that only a reasonable number of selected precincts are accessible and barrier free for all county voters.” There was also a call against land use planning laws that “vests greater control in the state” or that “requires mandatory planning by counties.” Counties urged the Legislature to grant more local authority in county planning, including changes to the ability to better regulate development under subdivision regulations, such as the authority to regulate “mini-farms and ‘flag lots.’”

At the same time CCAO called for changes to Ohio’s dog laws to increase the penalties for owners of dogs who run loose and called for differential dog license fees for dogs that had been spayed and neutered. In the area of personnel and labor relations, a new area of concern for counties, CCAO called on the General Assembly to assure that any collective bargaining legislation “must recognize the unique structure and problems of county government” and similarly for changes in civil service law recognizing these same unique county issues. The organization also called on the Legislature to give permissive authority to establish county civil service commissions as municipal governments were allowed.

A final major priority addressed “Public Defender Funding”: “CCAO urges the General Assembly to appropriate funds to Ohio’s Public Defender Program to assure that counties receive their full 50% reimbursement as required in the law.” Sound familiar? You see, this was even before the state changed the law allowing for “proportional reduction.”

As should be evident, some issues are recurring problems that seem to be coming back. Clearly CCAO has made substantial progress through the decades; however, it must be constantly diligent in advocating

for the needs of counties. The 1979 Legislative Priorities brochure contained 20 issues and was printed as a tri-fold brochure on one side of an 8½ x 11 piece of paper. The staff was then comprised of four persons. Wow! How things have changed!

1979
LEGISLATIVE PRIORITIES
of the
COUNTY COMMISSIONERS
ASSOCIATION OF OHIO

As established during the
98th Annual Winter Conference
of the
County Commissioners Association
from
December 3 – 6, 1978



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A. R. MASLAR, EXECUTIVE DIRECTOR

CEBCO NEWS

AN UPDATE FROM CEBCO

by Mike Kindell, Managing Director of Health and Wellness

CEBCO is pleased to announce that Laurie O'Brien has joined the CEBCO team as the new wellness coordinator, effective Jan 17. Laurie brings a wealth of knowledge with prior experience as a wellness coordinator for a hospital system and for an insurance company. Laurie has a Bachelor of Exercise/Health Promotion Degree from the University of Cincinnati. She is a native and current resident of Warren County. Laurie will be working closely with Hannah McKee to meet our current County Wellness Champions in the coming weeks.



An exciting enhancement to the CEBCO portfolio is the Sydney Health Mobile App where our members can access their Medical, Pharmacy, Wellness, EAP, and other benefits offered! The features include the ability to find care and compare costs, check claims, and access and use digital ID cards. It gives members the ability to find information on health topics, wellness tips, and community resources. From the app, there is one-tap access to all of the Customer Service Units for CEBCO programs and the ability for members to access Virtual Care and Symptom Checker for questions about benefits or general health information. Throughout the year, additional information will be shared with our member counties.

Another new addition to CEBCO is an Employee Assistance Program (EAP), administered by ComPsych, that will be funded by Member Equity. The EAP program focuses on employees and their household's wellbeing and helps support the medical and wellness programs that are offered! The EAP benefits include: five complimentary counseling visits for each issue a member may be experiencing, work/life balance solutions, legal guidance and legal service discounts, financial guidance, and a vast network of online resources. The program is available to all CEBCO county employees and members of their households. In addition, each

county will have four hours of in-person training with a choice of topics available to counties.

Recently, a Program Alert was released that discussed how CEBCO will cover the At-Home, Over-the-Counter (OTC) COVID-19 tests. Currently, members will be reimbursed for OTC COVID-19 tests that are purchased on or after January 15, 2022. Members will need to pay out of pocket when they purchase the tests and submit a claim online at [anthem.com](https://www.anthem.com) or through the Sydney Health Mobile App. There are some additional guidelines, which were addressed on the Alert. Additional information is available at [anthem.com/coronavirus](https://www.anthem.com/coronavirus).



O'Brien

CEBCO's Annual Membership Meeting is scheduled for Friday, April 1. We believe it will be a live meeting held at the Columbus Airport Embassy Suites. At this meeting, we will hold Board of Director elections, review the 2021 CEBCO results, and discuss current and future programs. This meeting is open to all Ohio counties and their employees. Details will be released at the end of February.

Regional Meetings are schedule later this year around the state where we will discuss Health and Rx Cost Savings strategies, maximizing CEBCO programs and tools, and previews of potential programs. The CEBCO Team is looking forward to a healthy 2022 for our members!



CORSA NEWS

JIM HALE, CORSA RISK CONTROL CONSULTANT: GOING ABOVE & BEYOND FOR 15 YEARS

by Frank Hatfield, CORSA Risk Manager

CORSA provides its members professional and innovative risk management services and programs. CORSA's risk management services have resulted in significant cost savings achieved by a reduction in claims and litigation, reduced staff workload, reduced need to purchase services provided by CORSA, and improved operational efficiency. CORSA members also benefit from the assistance of staff that are committed to member service.



Hale

Jim Hale, CORSA Risk Control Consultant, is the epitome a motivated professional that delivers high quality loss control service to members as illustrated recently by a CORSA member's email that read, in part:

"I wanted to take a minute to recognize Jim and the great resource he's been to me lately. He's always been helpful whenever I've needed anything so I wasn't surprised when he agreed to come out and train my safety committee on the new Comprehensive Building Inspection process. We did that yesterday. He was so gracious to stay as long as we needed him, explain everything, answer all of our questions and provide the resources to help us get started. I don't want to take that for granted and so I wanted to make sure to share with you how much we appreciate him and how he always goes above and beyond to help." - Michelle Ish, SPHR CWCP, HR Director, Ottawa County

Jim is always willing to go above and beyond to assist CORSA members with risk mitigation efforts. Jim is a resident of Portage County. He has a bachelor's degree and associate degree in risk management (ARM) as well as certifications from the American Institute of Chartered Property Casualty

Underwriters. Jim is also a certified playground inspector. Jim joined CORSA 15 years ago, and over the last decade and one-half he has traveled the state to assist members with proactive steps to mitigate risk. When Jim is not assisting CORSA members, he can be found out on a lake fishing, including ice fishing during the winter.

Of Jim's many strengths, perhaps his strongest are IT and analytics. Jim participated in creation and implementation of CORSA's IT/cybersecurity loss control offerings to complement CORSA's cyber coverage initiated 2016. Today, Jim assists members with IT trainings, CORSA's online trainings, CORSA's IT/cybersecurity reimbursement grant program, and facilitate virtual meetings. Thanks in large part to Jim's effort, in 2021 CORSA issued nearly \$120,000 in IT/cybersecurity reimbursement grants to CORSA members. As for analytics, Jim frequently prepares spreadsheets and charts based on claims experience and industry trends to identify member exposures to risk and formulate mitigation plans.

Should you have any questions regarding CORSA loss control services or programs, please contact Jim Hale (614) 246-1630, Frank Hatfield, CORSA Loss Control Manager, (614) 560-1474, or visit www.corsa.org.



Hale with CORSA staffers Ali Redmond and Frank Hatfield with Henry County Commissioner Robert Hastedt

CCAO SERVICE CORP NEWS

CONTRIBUTION LIMITS ANNOUNCED FOR 2022

by Lori Paulenich, Senior Communication Strategist, Empower Retirement

The IRS recently announced the annual contribution limits for 2022. If you participate in your CCAO 457(b) Deferred Compensation Plan, please note the following:

Contribution limits are \$20,500 or 100% of your includible compensation (as defined by the Plan and the Internal Revenue Code), whichever is less.

The age 50+ catch-up contribution is \$6,500 for the 457 Plan in 2022. This would equal a maximum possible contribution of \$27,000 if you are age 50 or older during the 2022 calendar year.

The special catch-up contribution amount for 2022 remains the same as 2021, which means you can contribute up to a maximum of \$41,000 to the 457 Plan if you are within three years of normal retirement age.

The additional amount you may be able to contribute under the special catch-up contribution will depend

on the amount that you were able to contribute in previous years but did not.

Note: If you are eligible for both the age 50+ catch-up and special 457 catch-up, you may not take advantage of both in the same calendar year.

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COUNSELOR'S CORNER

ARPA FINAL RULE – THE “B-SIDES COLLECTION”: FUNDING CAPITAL PROJECTS

by Jeffrey D. Harris, Caitlin A. Langfitt, Christopher L. McCloskey

Much has been written by various prognosticators regarding the Jan. 6, 2022, release by the U.S. Treasury of its Final Rule as to the use by state and local governments of federal stimulus funding under the American Rescue Plan Act (ARPA).¹ One head-turning change under the new guidance is the Treasury presuming up to \$10 million in revenue has been lost by each local government due to the public health emergency. Recipients are permitted to use up to that amount (not to exceed their respective awards) to fund “government services.”² The U.S. Treasury itself has published a high-quality overview describing the Final Rule’s guidance.

Here, we embark on a concept borrowed from the music recording industry. Rather than rehash key takeaways from the Final Rule (the “A-side” singles heard on Top 40 radio, if you will), we intend to share our takes on some of the lesser publicized aspects of the new ARPA guidance (the “B-sides”).

We’re launching this series of articles here by reviewing in detail an aspect of Local Fiscal Recovery Funds that garners a great amount of attention from our clients: funding capital projects.

Counties, metropolitan cities and non-entitlement units of local government (i.e., non-metro cities and townships in Ohio) may use their ARPA Local Fiscal Recovery Fund payments under four buckets of use set forth in the statute.³ Among the listed eligible uses, the first and third buckets are relevant in the context of capital projects: “a) To respond to the public health emergency...; c) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency.”⁴

As a response to the COVID-19 public health emergency (i.e., the 1st bucket), a capital project could be funded, in whole or in part, by ARPA funds, subject to heightened reporting and justification procedures written into the Final Rule.

Under this 1st bucket of eligible use analysis, the Final Rule presumes certain enumerated uses – relating to building improvements – as reasonably proportional responses to the pandemic. One

such use is the “installation and improvement of ventilation systems in congregate settings... or other public facilities”.⁵

Continuing with the 1st bucket analysis, the Final Rule makes a clear distinction that capital projects, in and of themselves, are not presumed to be reasonably proportional responses to the COVID-19 emergency.⁶ Having said that, ARPA funds indeed may be deployed to certain capital expenditures as responses to the pandemic.⁷

First, local governments must satisfy the U.S. Treasury’s two-part framework: (1) there must be a negative public health impact resulting from or exacerbated by COVID; and (2) the local government’s response must be designed to address the identified health impact, which such response must be “reasonably proportional” (i.e., the scale of the response as compared to the scale of the harm).⁸

Second, if a project has total capital expenditures of less than \$1 million (i.e., Treasury’s “safe harbor”), the local government must write-up sufficient supporting information (i.e., answer the two-part framework) for its audit file as to those funded components. If a project is equal to or more than \$1 million, the local government also must prepare a written justification for the funded components.⁹

Along these lines, local government recipients may consider deploying their ARPA funds to HVAC improvements in public facilities (presumed eligible use), or undertake capital projects that involve building improvements and new facility construction, so long as such projects satisfy the U.S. Treasury’s justification and reporting protocols.

As a provision of government services (i.e., the 3rd bucket), a local government may instead choose to deploy its ARPA funds to parts (or the entirety) of a capital project as a government service, according to its determined amount of lost revenue.

In so doing, the jurisdiction may deploy up to \$10 million to the provision of government services,

which Treasury defines generally as “services provided by the recipient governments... unless Treasury has stated otherwise”.¹⁰

But such broad swath of activities remain subject to the Final Rule’s restrictions on use, which are applicable to every ARPA dollar spent.¹¹

Finally, local governments must encumber their ARPA funds under capital projects no later than December 31, 2024, with full pay-out on such encumbrances (i.e., purchase orders) by Dec. 31, 2026.

Procurement considerations to guide federal stimulus expenditures

Local governments must keep in mind some key notions when using these funds. First, procurements must comply with applicable state and local laws. The sealed bidding process is always a good option. However, other state statutes establish alternative procurement methods that may be used. For example, Section 167.081 of the Ohio Revised Code allows local governments to utilize cooperative purchasing through a council of governments in lieu of bidding the project itself. Local governments may also use alternative delivery models, such as construction manager at risk or design-build, which have their own statutory procurement methods to be followed.

Second, because this funding is through federal grants, procurements must also comply with federal law. Federal regulations, known as the Uniform Guidance, provide their own procurement methods that must be followed when non-federal entities use federal funds. Fortunately, the federal requirements are fairly analogous to Ohio law. For example, for purchases exceeding \$250,000, the Uniform Guidance requires local governments to use either a sealed bidding process or a competitive proposal process. These options line up with state and local sealed bidding processes, or the competitive proposal processes in the construction manager at risk or design-build statutes.

Additionally, the Uniform Guidance permits — and in fact expressly “encourages” — the use of cooperative purchasing programs. However, the underlying contract between the cooperative purchasing program and the contractor must itself have complied with the requirements of the Uniform Guidance. It is ultimately the local government’s responsibility to confirm this federal compliance. Additionally, as discussed above, the cooperative

purchasing program utilized must also comply with the requirements of state law.

Interestingly, the U.S. Treasury has been clear that federal Davis-Bacon Act wage requirements are inapplicable to projects whose federal funding is comprised solely with ARPA Local Fiscal Recovery Funds (although, if a state has a prevailing wage law – and Ohio does – that state’s prevailing wage requirements still apply).¹²

Finally, local governments must remember that capital projects may require compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970,¹³ particularly in those projects involving vacant or abandoned properties.¹⁴

1 H.R. 1319, Public Law 117-2.

2 31 CFR 35.6(d)(1).

3 See ARPA, Title IX Sec. 603(c)(1)(A) through (D).

4 U.S. Treasury, Final Rule, Supplementary Information, at pages 4-5 (emphasis added).

5 31 CFR 35.6(b)(3)(i)(A).

6 See U.S. Treasury, Final Rule, Supplementary Information, at page 57.

7 Id., at pages 190 - 205.

8 See 31 CFR 35.6(b)(1); see also U.S. Treasury, Final Rule, Supplementary Information, at pages 21 – 22, and at page 194.

9 See 31 CFR 35.6(b)(4); see also U.S. Treasury, Final Rule, Supplementary Information, at page 194.

The written justification is comprised of (1) a description of the public harm to be addressed by the capital expenditures; (2) an explanation why such capital expenditures are appropriate to address that harm; and (3) a comparison against two alternative types of capital expenditures (see U.S. Treasury, Final Rule, Supplementary Information, at pages 196 - 198). This document must be either kept in the audit file or filed with the U.S. Treasury (see 31 CFR 35.6(b)(4); see also U.S. Treasury, Final Rule, Supplementary Information, at pages 204 – 205).

10 See U.S. Treasury, Final Rule, Supplementary Information, at page 259.

11 Id. at page 260. The Final Rule’s restrictions on use are divided into (1) statutory restrictions under ARPA: offsetting the local government’s reduction in net tax revenue; and (extraordinary) deposits into pension funds; and, (2) other restrictions: debt service and replenishing reserves; settlements and judgments; and general restrictions (efforts that contradict the effort to contain COVID-19; conflicts of interest and ethics rules; and other federal, state and local laws).

12 See U.S. Treasury FAQs, updated as of November 15, 2021, Item 6.17. Projects that are funded with other federal funds, in addition to ARPA, must comply with Davis-Bacon Act requirements.

13 42 U.S.C. 4601, and Department of Transportation regulations at 49 CFR Part 24.

14 See U.S. Treasury, Final Rule, Supplementary Information, at pages 136-137.

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CCAO STAFF

Brandy Allen, Senior Accountant
(614) 220-0640 | ballen@ccao.org

Sherry Barbosky, CORSA Underwriting Manager
(614) 220-7995 | sbarbosky@ccao.org

Nedra Benson, Administrative Professional
(614) 221-5627 | nbenson@ccao.org

Melissa Bodey, CEBCO Senior Benefit Specialist
(614) 220-7997 | mbodey@ccao.org

John Brownlee, CORSA Managing Director
(614) 220-7988 | jbrownlee@ccao.org

Debi Burnette, CEBCO Enrollment and Billing Specialist
(614) 220-0644 | dburnette@ccao.org

Thisbe Butcher, Finance and Benefits Manager
(614) 220-7990 | tbutcher@ccao.org

Tricia Callihan, CORSA Program Assistant
(614) 220-7993 | tcallihan@ccao.org

Nick Ciolli, Research Analyst
(614) 220-7983 | nciolli@ccao.org

Wendy Dillingham, CEBCO Senior Benefit Specialist
(614) 220-7992 | wdillingham@ccao.org

Steve Flory, CORSA Risk Control Consultant
(614) 981-3414 | sflory@ccao.org

Albert Francis, CORSA Senior Claims Representative
(614) 220-0638 | afrancis@ccao.org

Robin Garrett, Boards' Liaison & Events Manager
(614) 220-0653 | rgarrett@ccao.org

Justin Grant, CEBCO Benefit Specialist
(614) 220-7984 | jgrant@ccao.org

James Hale, CORSA Risk Control Consultant
(614) 246-1630 | jhale@ccao.org

Frank Hatfield, CORSA Risk Manager
(614) 220-0639 | fhatfield@ccao.org

Ken Hilty, CORSA Risk Control Consultant
(614) 357-6966 | khilty@ccao.org

Jon Honeck, Senior Policy Analyst
(614) 220-7982 | jhoneck@ccao.org

Tim Hoverman, Operations Manager
(614) 220-0655 | thoverman@ccao.org

Andrew Johnson, Communications Coordinator
(614) 220-7986 | ajohnson@ccao.org

Amanda Jones, CORSA Claims Representative
(614) 220-0636 | ajones@ccao.org

Mike Kindell, Managing Director of Health and Wellness
(614) 220-0645 | mkindell@ccao.org

Jeff Knapp, CORSA Claims Supervisor
(614) 220-0642 | jknapp@ccao.org

John Leutz, Assistant Director
(614) 220-7994 | jleutz@ccao.org

Katie Lininger, CORSA Senior Claims Representative
(614) 220-0637 | klininger@ccao.org

Hannah McKee, CEBCO Wellness Coordinator
(614) 220-0654 | hmckee@ccao.org

Elizabeth Miller, CORSA Claim and Litigation Manager
(614) 220-7989 | emiller@ccao.org

Ryan Mills, Accountant
(614) 220-7985 | rmills@ccao.org

Laurie O'Brien, CEBCO Wellness Coordinator
(513) 312-8142 | lobrien@ccao.org

Curtis Pratt, CORSA Claims Technician
(614) 220-0636 | cpratt@ccao.org

Alison Redmond, CORSA Membership Services Manager
(614) 220-7991 | aredmond@ccao.org

Rachel Massoud Reedy, Policy Analyst
(614) 220-7996 | rreedy@ccao.org

Adam Schwiebert, Policy Analyst
(614) 220-7981 | aschwiebert@ccao.org

Cheryl Subler, Executive Director
(614) 220-7980 | csubler@ccao.org

County Leader, CCAO's quarterly e-magazine, provides an in-depth look at the news, programs and policies affecting Ohio's 88 counties. The e-magazine also showcases our members, offers best county practices as well as ways to enhance the state-county partnership practices and shares the offerings of the association. If you have questions or story submissions, contact Editor Andrew Johnson at ajohnson@ccao.org or 614-203-8920.