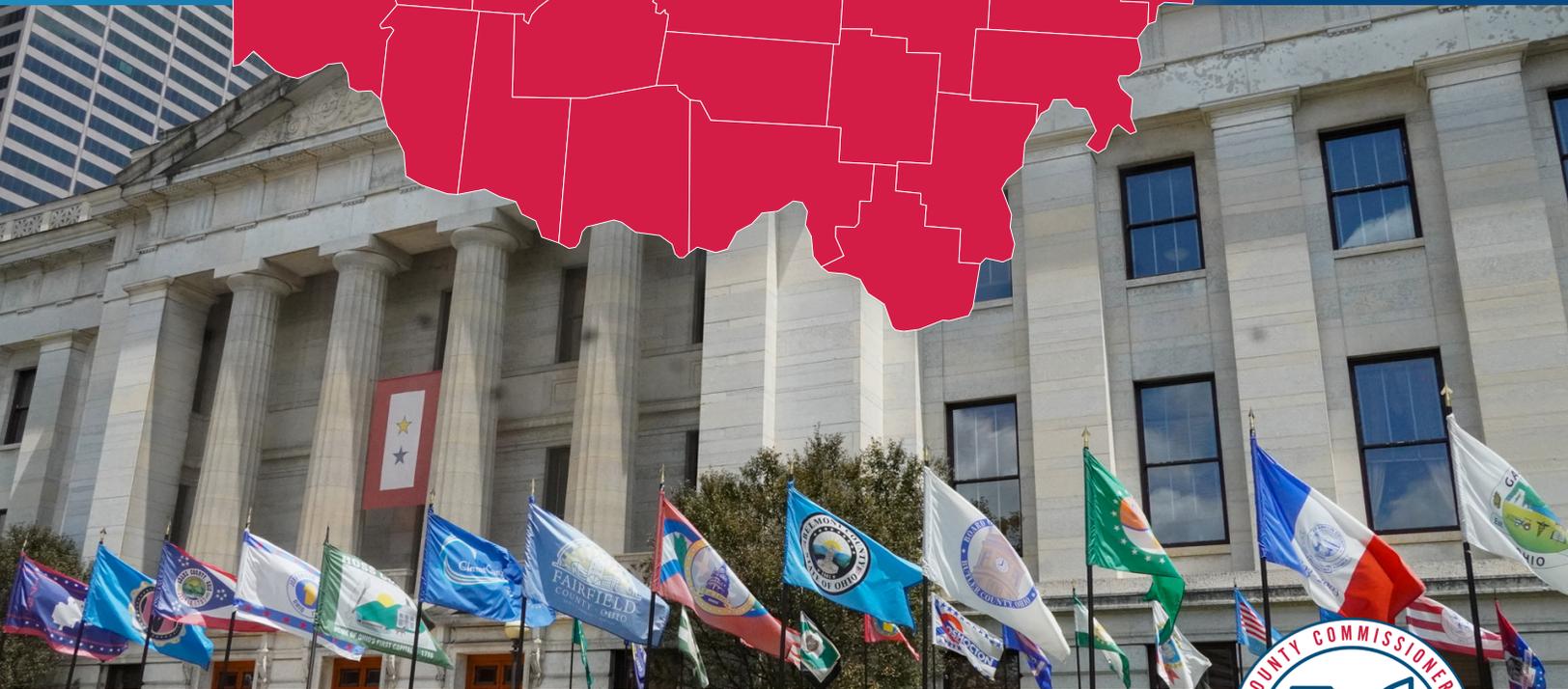


2023-2024

CCAO LEGISLATIVE PLATFORM



STRONGER COUNTIES. STRONGER OHIO.



CCAO POLICY TEAM



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



Nick Ciolli
Research Analyst
(614) 220-7978
nciolli@ccao.org



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



James Kennedy
Policy Analyst
(614) 220-7981
jkennedy@ccao.org



Rachel Massoud Reedy
Outreach & Member
Engagement Manager
(614) 220-7996
rreedy@ccao.org



Kyle Petty
Managing Director of Policy
(614) 220-7977
kpetty@ccao.org

COUNTY COMMISSIONERS ASSOCIATION OF OHIO

209 E. STATE ST. | COLUMBUS, OHIO | 43215

614-221-5627 | WWW.CCAO.ORG

TABLE OF CONTENTS

INTRODUCTION: LEGISLATIVE PRIORITIES	1
AGRICULTURE AND RURAL AFFAIRS	3
GENERAL GOVERNMENT & OPERATIONS	10
HUMAN SERVICES	16
JOB, ECONOMIC DEVELOPMENT & INFRASTRUCTURE	22
JUSTICE & PUBLIC SAFETY	33
METROPOLITAN & REGIONAL AFFAIRS	40
TAXATION & FINANCE	44
WATER QUALITY TASK FORCE	55

EXECUTIVE COMMITTEE



Glenn Miller
Henry County
Commissioner
President



Chris Abbuhl
Tuscarawas County
Commissioner
1st Vice President



David Painter
Clermont County
Commissioner
2nd Vice President



Casey Kozlowski
Ashtabula County
Commissioner
Secretary



Denise Driehaus
Hamilton County
Commissioner
Treasurer



Debbie Lieberman
Montgomery County
Commissioner
Member



Julie Ehemann
Shelby County
Commissioner
Member

BOARD OF DIRECTORS

Ron Amstutz
Wayne County Commissioner

Tony Anderson
Fayette County Commissioner

Joe Antram
Logan County Commissioner

Terry Boose
Huron County Commissioner

Tim Bubb
Licking County Commissioner

Sabrina Christian-Bennett
Portage County Commissioner

Mollie Crooks
Muskingum County Commissioner

Bryan Davis
Scioto County Commissioner

Lenny Eliason
Athens County Commissioner

Jeffrey Fix
Fairfield County Commissioner

Pete Gerken
Lucas County Commissioner

Dick Gould
Greene County Commissioner

Dave Hall
Holmes County Commissioner

Mike Halleck
Columbiana County Commissioner

Steve Hambley
Medina County Commissioner

DeAnna Holliday
Lawrence County Commissioner

Shannon Jones
Warren County Commissioner

David Kern
Defiance County Commissioner

Gary Merrell
Delaware County Commissioner

Christopher Modranski
Carroll County Commissioner

John O'Grady
Franklin County Commissioner

Matt Old
Erie County Commissioner

Kevin Ritter
Washington County Commissioner

Chris Ronayne
Cuyahoga County Executive

Gary Scherer
Pickaway County Commissioner

Ilene Shapiro
Summit County Executive

Donnie Willis
Jackson County Commissioner

STRONGER COUNTIES. STRONGER OHIO.

INTRODUCTION: LEGISLATIVE PRIORITIES

County government serves as the arm of the state by delivering a wide array of essential programs and services at the local level. In order to succeed, it is essential that counties have the necessary resources and flexibility to carry out their mission without unnecessary and burdensome mandates from the state. The 134th General Assembly and the DeWine-Husted Administration have greatly strengthened the state-county partnership by committing to full funding for indigent defense in the FY 2022-2023 budget, reinstating capital budget support for county jails, and by supporting water and sewer projects, brownfield redevelopment, demolition of abandoned buildings, law enforcement, and transformative projects in the Appalachian counties.

CCAO has identified three high priority issues where counties need state support: jail costs, full funding for indigent defense, and restoration of the Local Government Fund.

Public Safety & Criminal Justice

Public Safety is a core function of county government, typically accounting for 60 – 70% of a county's general fund budget. Many jail facilities are outdated and are past their useful lives. At the same time, counties are experiencing substantial increases in construction costs, which are likely to continue for the foreseeable future.

Additionally, counties are responsible for providing legal representation to criminal defendants that are found to be indigent. The state has significantly increased the amount of funding available to reimburse counties for costs associated with indigent defense. However, counties are struggling to find qualified attorneys to perform this service, particularly in the rural areas of the state, and are subsequently forced to increase the payment rate for attorneys. Due to this unexpected increase, counties are forced to fund a service that is the constitutional responsibility of the state.

Therefore, CCAO requests that the state take the following actions:

- Continue and expand support for jail construction and renovation, while addressing some of the high-cost operational needs for medical, mental health, and addiction services.
- Create a permanent statutory commitment by the state to fully fund indigent defense while creating a pilot program allowing counties to opt-in to a state-administered program.

Fiscal Partnership

Local Government Funds

Currently, the state shares 1.66% of General Revenue Fund taxes with counties and other local governments through the LGF. LGF resources are a flexible revenue stream that can be placed in the county general fund and used for many different purposes. The state has enjoyed budget surpluses for many years, and it is time to restore the state-county partnership in this area. CCAO requests that the LGF be restored to 3.68% of GRF taxes, its former statutory level before being cut in 2011. Full restoration would provide at least \$185 million per year to counties, and additional resources for other local governments.

Sales Tax Base

The sales tax is the largest single source of revenue for the county General Fund and for the state General Revenue Fund. In order to keep the tax rate to a minimum, the state should avoid further carve-outs and exemptions that unnecessarily reduce this tax base.

Strengthening Ohio's Workforce and Economy

For the first time in a generation, chronic workforce shortages are holding back Ohio's economy. Counties are responsible for implementing workforce programs that help residents attain meaningful employment and gain skills that businesses value. These local programs must maintain funding and the flexibility to reflect and address local employers' needs if they are to achieve success. The state should partner with counties and employers to find innovative ways to address workforce challenges.

A strong economy will also require continued investment in infrastructure. Counties are responsible for thousands of miles of roads and bridges, and many counties operate drinking water or sewer systems. Counties also appreciate the continued need for investment in broadband expansion projects across the state, as well as additional support for the BroadbandOhio office to help coordinate expansion projects with counties. CCAO requests that the state maintain its strong support for county infrastructure needs in the FY 2024-2025 biennium.

Supporting Ohio Families

Children Services

Ohio's child welfare system is facing a placement crisis. More and more children are entering care primarily due to behavioral health needs, developmental disability needs, and as a diversion from juvenile corrections rather than abuse or neglect. Cross-agency collaboration is needed to identify short- and long-term solutions to this crisis.

Housing

The increasing cost and limited supply of housing presents significant challenges to those looking to relocate in Ohio and is an increasing challenge to workforce development. CCAO supports exploring ways to empower commissioners to provide targeted incentives to increase local housing supply.

Child Care & Benefits Cliff

Access to affordable and high-quality child care is a critical issue for families and for the workforce. CCAO supports the state increasing income eligibility for publicly-funded child care to 200% of the federal poverty level and increasing the capacity of the child care system to help address the "benefits cliff" for Ohio parents.

County Government Reform

It is becoming harder over time to find qualified individuals who wish to run for the office of coroner, and only a few counties in the state still perform autopsies. CCAO seeks specific authority to enable any board of county commissioners to share, combine or reorganize, in a larger district, the duties of the county coroner and to explore the recodification of the office of county coroner as a non-elected county official.

AGRICULTURE AND RURAL AFFAIRS

Chair: Tony Bornhorst, Shelby County Commissioner

Vice Chair: Bill Clinger, Wyandot County Commissioner

Staff: James Kennedy, Policy Analyst

Agriculture is Ohio's No. 1 industry, contributing more than \$100 billion annually to the state's economy and employing one in seven Ohioans. CCAO recognizes that agriculture is the backbone to many counties. Ohio agriculture has great potential for future growth, but it also faces certain challenges, such as improving water quality. A vibrant and sustainable agriculture industry requires investment in key programs both at the state and county level.

Ohio's rural counties similarly face exciting opportunities but also hurdles to future success. As the producer of countless agricultural products exported throughout the world, Ohio's rural communities have much to offer. However, key challenges such as lack of access to high-speed internet service are a threat to rural vitality. This section outlines CCAO's policy recommendations to support Ohio's agriculture industry and rural counties.

COMMITTEE PRIORITIES

WATER QUALITY

Water quality has become one of Ohio's highest priorities. The harmful algal blooms frequently seen in Lake Erie's Western Basin are fueled by excess nutrients contributed by numerous sources: wastewater treatment plants, combined sewer overflows and bypasses, industrial discharges, failing home sewage treatment systems, dredged material and agricultural runoff. These blooms pose risks to public health and negatively impact many lake-based businesses and communities.

As a key contributor of excess nutrients, agriculture has a critical role to play in improving water quality. The agriculture industry has promoted best management practices regarding the placement of nutrients such as the 4 R's – the right fertilizer, the right rate, at the right time, in the right place. Other practices such as cover crops, manure management and soil testing are also important tools promoted by the agriculture industry to prevent nutrient loss. CCAO applauds those producers who utilize nutrient

best management practices and make water quality a priority on their operations. The Ohio Agriculture Conservation Initiative, which brings together both environmental and agricultural interests, seeks to recognize those producers who demonstrate a commitment to continuous improvement in the responsible placement of nutrients. These initiatives and their participating members are examples of environmental stewardship in action.

Simultaneously, there remain producers who do not prioritize water quality. Some of these producers operate small and medium-sized livestock operations that do not fall under the state's regulatory purview. There should be a greater emphasis placed on those who do not promote water quality, regardless of operating size, and funding should be provided to the Ohio Department of Agriculture for these purposes. CCAO maintains that all producers, large or small, must do their part in addressing the state's water quality challenges.

FUNDING FOR WATER QUALITY IMPROVEMENTS, EDUCATION AND RESEARCH

CCAO supports the H2Ohio program and its continued support from the General Assembly. The H2Ohio program invests in farmers who utilize nutrient best management practices, wetland construction projects and local water and sewer infrastructure to improve water quality across the state. Many farmers have utilized these funds to access more modernized equipment and technology to more effectively place nutrients while minimizing runoff. Many of these investments will take time to demonstrate results, and a long-term perspective is necessary to judge program effectiveness.

CCAO MAINTAINS THAT ALL PRODUCERS, LARGE OR SMALL, MUST DO THEIR PART IN ADDRESSING THE STATE'S WATER QUALITY CHALLENGES.

AGRICULTURE AND RURAL AFFAIRS

CCAO supports more state funding for Ohio's research centers to study water quality issues. Heidelberg University's National Center of Water Quality Research, the University of Toledo's Lake Erie Center and Ohio's Sea Grant program, including Ohio State University's Stone Lab, are on the forefront of studying water quality issues.

These institutions work to maintain the health of Lake Erie and support the many economic activities associated with the lake. They monitor and seek solutions to problems around water quality, invasive species and a host of other issues. These research centers also train teachers, P-12 students and college students in key science disciplines and educate a new generation of consumers about the critical nature of Lake Erie's well-being.

Future research should examine the causes of increased phosphorus solubility, as increases in dissolved reactive phosphorus have driven algal bloom development in recent years even while farmers have applied less product. Additionally, the impact of more frequent heavy rain events should be closely monitored, as these storms wash significant nutrients from farm fields and pose challenges for wastewater treatments plants.

SOIL AND WATER CONSERVATION DISTRICTS

A key local partner in improving water quality and natural resource conservation are Ohio's county soil and water conservation districts (SWCDs). CCAO supports a state funding match to incentivize investment in Soil and Water Conservation Districts (SWCDs). It has long been CCAO's policy to support a 1:1 state to local match for SWCD funding.

In past years, the state match rate for SWCDs fell to as low as 71 cents for every local dollar invested. During the DeWine-Husted Administration, this funding has increased to approximately a 1:1 ratio. It is critical that the state maintain this investment and ensure that all counties across the state have the necessary state resources available to address the unique challenges facing their communities.

SWCDs provide expert assistance to address both agricultural and urban concerns. SWCDs are locally led by a board of five publicly elected county residents to address local priorities. SWCDs:

- Work closely with Ohio's agriculture industry to reduce nutrient impacts suspected to contribute to hazardous algal blooms, through recommending, designing and supervising construction of best management practices and through written nutrient management plans.
- Leverage federal funding from USDA and other sources for local projects. Most SWCDs can show far more money was brought into their county to pass along to landowners than was appropriated by their county commissioners.
- Assist with storm water management and flood prevention through urban programs as well as ditch maintenance and stream obstruction removal projects. SWCD's help county commissioners resolve citizen drainage issues.
- Install best-management practices through nutrient credit trading programs helping reduce the cost of a treatment plant or point source upgrades by implementing less costly non-point source conservation practices in the watershed.
- Encourage the wise use or conservation of natural resources so they can be used by current and future generations.

Additionally, CCAO believes any enforcement of agricultural regulations should be done by ODA or Ohio EPA, while SWCDs main functions should be maintained as an advisory role. It is critical that the trust and relationships SWCDs have with local farmers be maintained.

RURAL BROADBAND AND COMMUNICATIONS INFRASTRUCTURE

One of rural Ohio's most pressing challenges is access to reliable and affordable broadband service. Estimates have indicated that at least 300,000 Ohio households lack access to broadband internet service. The new BroadbandOhio maps show that this number has increased, with 841,647 underserved households receiving less than 25/3 internet speed. Of those, 475,328 unserved households receive less than 10/1 internet speed. Broadband internet is one of the great social equalizers of our time. It provides access to countless economic, educational, health, and

AGRICULTURE AND RURAL AFFAIRS

social resources. If rural Ohio is to thrive, access to broadband must expand.

Ohio has taken steps in recent years to begin to address this challenge. The establishment of the state broadband office, BroadbandOhio, has created a centralized resource for state agencies, internet service providers and local governments.

Additionally, the General Assembly during the 134th General Assembly established the Ohio Residential Broadband Expansion Grant Program. The General Assembly later provided this program with \$250 million in state funding as part of the state biennial budget bill. Initial awards from the grant program are expected to extend service to 43,000 households, with internet service providers further committing to serve an additional 52,000 households. This is a good first step and CCAO will continue to monitor the progress of these expansion projects.

Additional funding will be necessary going forward to continue to expand service to unserved and underserved Ohioans.

Counties look to play a role in expanding broadband service to county residents. There are numerous sources of funding available at the federal, state and local levels to fund expansion projects. What counties need is state assistance on how these different programs can work together so counties

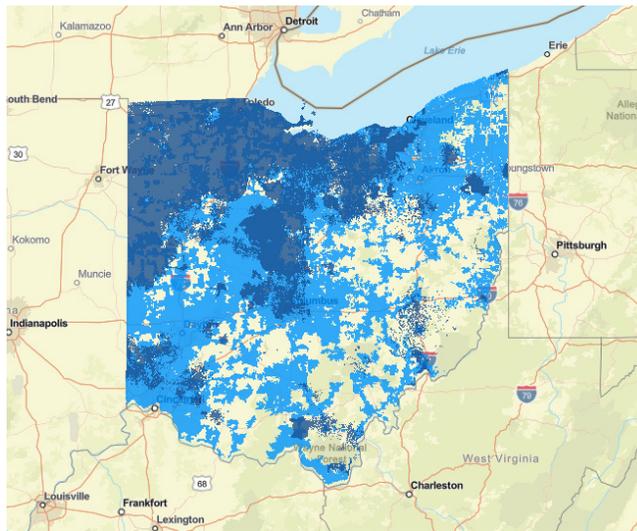
841,647 UNDERSERVED HOUSEHOLDS RECEIVE LESS THAN 25/3 INTERNET SPEED. OF THOSE, 475,328 UNSERVED HOUSEHOLDS RECEIVE LESS THAN 10/1 INTERNET SPEED.

can most effectively expand service to residents.

Many counties lack the technical expertise required to navigate the numerous different broadband programs and funding streams. CCAO supports efforts to consolidate and simplify the numerous existing broadband programs and promote centralization where possible. The state should also expand assistance efforts to counties in creating and implementing broadband expansion projects. Furthermore, the state should coordinate with counties on expansion projects to avoid duplication

of effort and to make best use of available funds. Finally, mapping of existing broadband service needs to be improved in order to facilitate local expansion projects.

With such a significant need for broadband service, all types of broadband providers should be able to serve Ohioans. CCAO opposes legislative efforts to limit or prohibit community broadband networks.



Ohio Broadband Coverage Map (Source: www.broadband.ohio.gov)

Counties also look to secure more reliable cell phone service across all portions of the state. Counties would also like to continue to explore ways to provide cost-efficient emergency services communications and secure adequate funding to provide these critical services. This can range from partnerships for radio systems and towers to appropriate implementation of Next Generation 9-1-1.

Counties should have the authority to make use of utility infrastructure, such as cell, MARCS and cable towers, for county emergency communication equipment. Shareability of tower space between different platforms, where possible, is critical to the efficient deployment of multiple technologies, including emergency communications and broadband. Existing tower assets should be utilized to the maximum extent possible for these purposes.

AGRICULTURE AND RURAL AFFAIRS

RURAL ROAD FUNDING

While CCAO supports the expansion and development of agribusinesses as well as all industries, including new energy infrastructure development, counties need more resources and assistance to address new infrastructure demands caused by this expansion and development. County roads are impacted by the development of new industries in rural areas and the day-to-day operation of certain facilities. CCAO supports additional grants and resources from the state to help finance such infrastructure. Such grants should give consideration to the amount of roadway impacted.

CCAO also supports a requirement that any industry that unduly impacts roadways consult with commissioners and engineers to identify financing for infrastructure improvements or road use maintenance agreements. These industries should assume some responsibility when roads have been unduly impacted. CCAO also supports a restructuring of the fees and fines associated with load limits on highways to combat irresponsible use of county roadways.

CCAO supports a requirement that, in addition to local governments, county engineers should be notified of anticipated major new operations or expansions of businesses. County engineers also should be permitted more flexibility in force accounts to provide for rural road and bridge repair.

CCAO is opposed to reductions or temporary suspensions of the state gas tax, which would diminish funding for Ohio's rural roadways.

CCAO recommends the state's economic development efforts focus various incentives and or development grant monies toward development of rural infrastructure necessary to support the agriculture industry. Also important is maintaining access to key processing facilities in urban areas that are utilized by the agriculture industry.

FEDERAL WATERS OF THE U.S. RULES

Waters of the United States (WOTUS) is a term used in the federal Clean Water Act to determine what waters fall under federal jurisdiction versus state permitting authority. WOTUS has been the subject of long-running regulatory uncertainty over where federal jurisdiction

begins and ends for protected waterways and water infrastructure. Recently the Biden administration began the process to repeal the 2020 WOTUS rule and to conduct a rewrite.

As owners and operators of water infrastructure, the WOTUS definition can have a significant impact on federal regulation of county assets. As the new WOTUS rule is written and implemented, counties wish to work with federal and state regulatory agencies to achieve a pragmatic implementation that maintains clean water goals without hindering counties' vast infrastructure responsibilities.

DRAINAGE

The petition drainage process is a critical tool available to counties to manage excess water for property protection and agricultural soil productivity maximization. Ensuring adequate maintenance of rivers, creeks, and other tributaries is an important component of effective water management. CCAO applauds the recent reform of Ohio's petition drainage statutes and will continue to monitor the updated process for further potential improvements.

FARMLAND RESTORATION

Parts of rural Ohio have seen significant utility construction in recent years, particularly pipeline construction, which has impacted many acres of Ohio farmland. While these projects help generate economic activity, they also can negatively impact soil productivity and damage drainage systems along the construction route. The failure to replace topsoil to adequate depth and repair preexisting drainage systems can greatly reduce soil productivity or require significant landowner expense to return the land to its original productivity.

All pipeline construction projects in Ohio crossing agricultural land should incorporate the Ohio Pipeline Standards and Construction Specifications developed by the Ohio Department of Agriculture. These standards ensure that farmland affected by pipeline construction will be returned to its previous productive state once construction has concluded.

As solar development continues to expand across the state, the future decommissioning of solar facilities is an issue of increasing importance for

AGRICULTURE AND RURAL AFFAIRS

counties. Senate Bill 52 of the 134th General Assembly required that a decommissioning performance bond be posted prior to construction and updated every five years to ensure land is returned to its original state. Ensuring that these bonds are sufficient to fund all decommissioning activities is critical, and CCAO supports increasing these amounts if needed.

CURRENT AGRICULTURAL USE VALUATION

Current Agricultural Use Valuation (CAUV) is an important program that allows Ohio farmland to be valued for property tax purposes at its agricultural use. This provides significant savings for most property owners and allows land to stay in agricultural production.

The General Assembly undertook a significant rewrite of the CAUV formula in 2017, and the changes were fully implemented in tax year 2022. The result of these reforms has largely been appreciable declines in CAUV values.

The fiscal impact of the reworked CAUV formula should be monitored as formula changes are fully implemented. The recent declines have helped bring property tax relief to farmers who experienced historic CAUV value increases in past years, but CCAO also recognizes that property taxes are important sources of revenue that provide for many county services, fund our schools and support our townships.

CCAO also supports the work of county auditors to enforce CAUV eligibility to ensure that those who benefit from the program utilize the land for its lawfully intended purpose.

COMMITTEE RECOMMENDATIONS

FUNDING OF OHIO STATE UNIVERSITY EXTENSION

CCAO supports increasing the level of state and federal support for OSU Extension provided that an

appropriate share of new funds will be used to relieve county general fund contributions. Maintaining an OSU Extension educator in each county and building capacity in priority program areas should be the top priorities.

OSU Extension builds better lives and stronger communities through partnerships and sharing knowledge; supports Ohio's number one industry, agriculture; and develops future leaders through 4-H. Each county's OSU Extension program works with county government to meet local needs with the input of local people to most efficiently use scarce resources. In addition to agriculture and 4-H, OSU

Extension administers federally funded nutrition education programs; helps individuals, families and businesses manage resources; and supports community development. On-farm research to study nutrient management is identifying ways to reduce harmful algal blooms (HAB's) in Ohio's lakes. 4-H members gain skills that prepare them to enter the workforce through community clubs and school

programs. People of all ages learn to "live healthy, live well" and better manage finances through OSU Extension.

The critical partnership between counties and OSU Extension requires flexibility and openness to constructive input from commissioners. The needs and expectations of counties regarding Extension vary considerably from county to county. It is important that Extension administration recognize these variations and provide flexibility so that Extension practices can more closely mirror that of host counties.

FUNDING OF OHIO STATE UNIVERSITY COLLEGE OF AGRICULTURE

CCAO supports funding for academic programs of the College of Food, Agricultural, and Environmental Sciences (CFAES) as well OSU Extension.

ALL PIPELINE CONSTRUCTION PROJECTS IN OHIO CROSSING AGRICULTURAL LAND SHOULD INCORPORATE THE OHIO PIPELINE STANDARDS AND CONSTRUCTION SPECIFICATIONS DEVELOPED BY THE OHIO DEPARTMENT OF AGRICULTURE.

AGRICULTURE AND RURAL AFFAIRS

Agriculture is a \$100-billion-dollar-plus industry for our state, so a competent agricultural workforce is critical to our economic well-being. The Agricultural Technical Institute (ATI), OSU's two-year program, is the leading producer of two-year degrees in food and agriculture in the U.S. Well over 90% of ATI and CFAES graduates are placed in jobs or continue their education within six months of graduation. Seventy percent of those graduates remain in Ohio, keeping our #1 industry strong. CCAO supports a funding mechanism for ATI that takes into consideration the unique nature of this program – a two-year degree program within a four-year institution – so that it can provide job-ready grads for Ohio employers.

FUNDING OF OARDC

CCAO supports a continuation of state funding for the Ohio Agricultural Research and Development Center (OARDC) to continue the growth and development of Ohio's agricultural industry, along with stewardship of the environment.

OARDC is the research arm of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University and is a leader in the AgBiosciences that integrates scientific disciplines critical to food production, safety and health; environmental sustainability; and biobased energy, fuel and products.

- OARDC research is conducted on the Columbus and Wooster campuses as well as CFAES 11 outlying research stations and field labs. These locations enable OARDC research to provide direct impact on economic development and regional planning statewide. The close collaboration between OARDC and the OSU network advances knowledge, advances science, and advances industry.
- The State of Ohio's investment in OARDC leverages more than \$175 million in current grants and contracts from both the public and private sectors - a more than \$5 return on investment for every \$1 invested.
- OARDC has a history spanning more than 125 years of providing comprehensive research and development programs to Ohioans in the AgBiosciences. This history has been critical to

the growth and competitiveness of our major commodities and value-added industries as well as providing new and emerging industries the science-based information needed to solve problems impacting market sustainability.

- OARDC is an economic engine for Ohio that brings in federal and private-sector grant funds and helps grow businesses.

FARMLAND PRESERVATION

CCAO supports fair and equitable policies to encourage the preservation of economically viable agricultural land and protect it from urban encroachment and conflicting land uses. Farmland preservation should be encouraged as a means to maintain a thriving agricultural industry in Ohio and foster the expansion and development of agribusiness.

The need for farmland preservation should be included in any comprehensive county land use plan and determined through a local consensus building process involving municipalities, townships, school districts, local development and business interests, farmers and the general public.

Legislation also should be enacted to give counties the tools they need to preserve farmland and encourage quality urban development while respecting property rights. This includes legislation to allow counties to increase the period of recoupment for CAUV, with the added proceeds going towards farmland preservation efforts, agricultural economic development, comprehensive planning and infrastructure projects.

State programs should include technical assistance and funding to assist in local administration, monitoring and enforcement. In addition, authority should be granted so that the holder of any new easement may charge a fee to support mandated responsibilities.

The Ohio Department of Agriculture's Office of Farmland Preservation, in partnership with local governments and private land conservancies, should provide funding for the purchase of agricultural easements to compensate farmers for agreeing to keep agricultural land in farm production permanently. This has occurred due to the successful

AGRICULTURE AND RURAL AFFAIRS

passage of the Clean Ohio Bond Initiative. CCAO supports a review of Clean Ohio Fund distribution between the Ohio Farmland Preservation Office and Natural Resources Assistance Councils, as well as the inclusion of farmland for eligibility in greenspace/openspace project funding.

Another farmland preservation tool is Agricultural Security Areas (ASA). This program was created in 2005 and allows one or more landowners of at least 500 acres of contiguous farmland to enroll into an ASA for 10 years. This will protect the farmland from non-agricultural development. Public-private partnerships should be considered in order to qualify more farmland. Land that is owned by local governments, if the local government would like to participate, should be allowed to help landowners qualify for an ASA.

A review of Ohio's existing farmland preservation programs is needed as agricultural acreage comes under significant development pressures. The rise of solar energy development, in addition to other forms of development, are placing unprecedented pressures on Ohio farmland. In turn, this creates significant barriers to entry for beginning farmers. Traditional agricultural preservation programs such as easement purchases and ASA, while appreciated, may no longer be sufficient tools to protect agricultural land in many areas. In particular, the relatively low fine amount of \$500 for development within an ASA should be revised upward. The state should consider further protections for agricultural land in communities which seeks to ensure its preservation.

When discussing farmland preservation, we also recognize that having strong urban centers where people want to work and raise a family are important

in preventing rural sprawl. In a holistic approach, the state should examine its policies and planning related to urban growth and revitalization of our urban cores.

FOOD ACCESS

Ohio agriculture has a key role to play in reducing food scarcity, particularly in "food deserts" where access to grocery stores in urban areas is limited. Urban agriculture and locally-grown initiatives are a means to supplement food supplies by producing food in non-traditional agricultural settings. These are important tools to improving nutrition across the state. CCAO has additional information on access to healthy food in the Metropolitan and Regional Affairs section of the platform.

A REVIEW OF OHIO'S EXISTING FARMLAND PRESERVATION PROGRAMS IS NEEDED AS AGRICULTURAL ACREAGE COMES UNDER SIGNIFICANT DEVELOPMENT PRESSURES.

GENERAL GOVERNMENT AND OPERATIONS

Chair: John O’Grady, Franklin County Commissioner

Vice Chair: Bill Pursel, Knox County Commissioner

Staff: Rachel Massoud Reedy, Outreach & Member Engagement Manager

COMMITTEE PRIORITIES

In the past, counties suffered the loss of the Medicaid Managed Care Organization (MCO) sales tax and reductions in the Local Government Fund (LGF) resulting in ongoing annual revenue losses of over \$300 million. These losses led to painful reductions in county services at a time when costs of county services were dramatically increasing due to the opiate epidemic as well as mandates from the state. Global events and economic factors continue to inject uncertainty into county revenue streams today.

UNFUNDED MANDATES

Unfunded mandates are laws or policies enacted by the federal or state governments that require governments at the next level down to spend money.

All bills that Ohio’s General Assembly enacts imposing new or additional requirements on counties should be fully funded by a state appropriation.

ALL BILLS THAT OHIO’S GENERAL ASSEMBLY ENACTS IMPOSING NEW OR ADDITIONAL REQUIREMENTS ON COUNTIES SHOULD BE FULLY FUNDED BY A STATE APPROPRIATION.

Further, the General Assembly should modify or fully fund the following onerous or outdated mandates on county government:

Indigent defense

The state should assume full responsibility for funding indigent defense reimbursement. In *Gideon v. Wainwright* (1963), the U.S. Supreme Court held that the fundamental right to counsel is made obligatory upon the states by the fourteenth amendment.

The state took significant strides in the last biennial budget toward fully funding indigent defense

reimbursement. This was accomplished by allocating approximately \$336 million dollars to reimburse counties for indigent defense costs for FY 2022 and FY 2023. The appropriation resulted in a reimbursement rate of 100% for FY 2022, which is unprecedented in Ohio. Over the years, many counties have experienced a significant attorney workforce shortage in the area of indigent defense. In order to counteract the shortage, many counties increased public defender salaries and appointed counsel rates. The increase in rates is anticipated to cause the actual reimbursement rate for FY 2023 to be 90%. CCAO respectfully asks that the state provide full funding of indigent defense in the FY 2024/2025 biennial budget.

Conducting elections

As new federal and state election requirements have been enacted, adequate federal or state funding has not always been provided for certain mandates. CCAO is very concerned about the compounding fiscal burden of these incremental mandates and urges full funding for requirements passed on to counties.



Absent such funding from the state and federal government, and given the unique power of local boards of elections to seek judicial relief in budget deliberations, CCAO supports full state funding for election expenses and exploring options on state administration of elections.

Recently, lengthy legal disputes regarding congressional and state legislative redistricting led to an additional 2022 primary election. CCAO urges the General Assembly to avoid additional primary elections, which feature low turnout but still generate considerable expenses and manpower demands for counties. Any additional unscheduled elections must be fully funded by the state.

GENERAL GOVERNMENT AND OPERATIONS

Medically handicapped children

The Department of Health currently has the authority to require counties to withhold inside millage to pay for programs run through the Ohio Department of Health's Bureau for Children with Medical Handicaps. This state administered public health program should be funded by state revenue sources.

General health department office space

Office space costs of general health districts should become operating costs of the district in the same way such costs are classified in combined health districts. In addition, the use of voted health levies to fund office space costs should be specifically authorized. It would provide an additional means to eliminate the unfunded mandate on the county general fund, since counties are not required to provide money for health departments' operating budgets.

Tuberculosis treatment costs

County commissioners have an antiquated statutory duty to pay for treatment and detention costs for those afflicted with tuberculosis (TB). In the past, the Ohio Department of Health has made limited funds available to counties for individual cases with successful treatment outcomes. Help from the state is appreciated, however, with an average of 163 active TB cases each year, the cost can range from several thousand to well over \$100,000 per case. Counties need relief from the unfunded mandate, and the state should either fully fund this duty or put the responsibility in a more logical place.

LOCAL GOVERNMENT STRUCTURAL REFORMS

CCAO supports efforts to re-examine the structure of county government and explore ways to consolidate services and operations to gain efficiencies. In addition, CCAO seeks consideration of statutes that would assure proposed county charters would reform a county government's structure as well as authorize constitutionally or statutorily granted powers.

CCAO is studying the need to allow consolidation of counties and other local governments in urban counties. In addition, ways should be explored to facilitate the elimination of villages through such efforts as financial incentives or easing the abolishment process.

CCAO seeks specific authority to enable any board of county commissioners to share, combine or reorganize, in a larger district, the duties of the county coroner and to explore the recodification of the office of county coroner as a non-elected county official.

COMMITTEE RECOMMENDATIONS

SHARED SERVICES

CCAO seeks the ability for a board of county commissioners to require other county offices (which are funded from the county general fund) to use centralized services for electronic networks and phones as well as security systems.

QUALIFICATIONS FOR COUNTY ENGINEER

Under Ohio law, any person who seeks the office of county engineer must hold both a professional engineer license and a professional surveyor license. Across Ohio, this has limited the number of citizens eligible to seek the elected office of county engineer to less than 1 percent of the county's population. In a democracy, this seems patently unfair to the citizens wishing to elect from a broad base of qualified citizens.

Therefore, CCAO advocates that the requirement of holding the professional surveyors license be dropped as a requirement for election to the office of county engineer.

E-COMMERCE APPLICATIONS FOR COUNTY GOVERNMENT

CCAO supports permissive enabling legislation that allows counties to use the full power of the internet to conduct county business. This legislation should provide a broad range of options for counties, including the development of systems by counties, the ability to contract with the private sector to provide services, and the use of county-credit cards to purchase items from online sellers, e.g., Amazon.

To the maximum extent feasible, the legislation should promote economies of scale and coordination of services by requiring commissioners to publicly bid opportunities for county internet business with internet service providers on behalf of county offices.

GENERAL GOVERNMENT AND OPERATIONS

Recent legislative action has furthered efforts to reduce and minimize newspaper advertising requirements. CCAO supports additional modernization changes so that all county legal notice requirements could use the same reduced approach authorized for counties' competitive bid process. Specifically, counties seek the ability to publish one legal notice in the newspaper and to satisfy the second notice requirement by publishing electronically.

COUNTY COURTHOUSE RESTORATION AND FACILITIES FUNDING

CCAO supports a state-sponsored building program to help fund and finance the restoration of county courthouses, as well as to develop county administrative offices. In addition, CCAO is exploring expanded financing options to support restoration efforts.

COUNTY ELECTED OFFICIALS COMPENSATION

CCAO urges that legislation be enacted to ensure that all three commissioners in a county receive the same compensation every year in the future. Because of their split election cycle (i.e., two commissioners elected in the year of the presidential race and one commissioner elected in the year of the governor's race) and timing of legislatively-enacted pay bills, there have been occasions when one commissioner has been closed out of a salary increase for two years. As a result this commissioner has earned less than their two colleagues for doing the same job, since the Ohio Constitution prohibits in-term compensation changes. Commissioners in a county should make equal pay.

LEASE OF COUNTY REAL ESTATE

CCAO supports legislation to permit county commissioners to lease real property, as well as county-owned towers, to telecommunication companies for a period of up to 30 years.

COYOTE AND BLACK VULTURE INVESTIGATIONS

H.B. 64 of the 131st General Assembly removed the requirement that counties compensate livestock owners for injuries caused by dogs.

The state has also stopped the practice of reimbursing livestock owners whose animals were killed by coyotes and black vultures. Yet county dog wardens are still required to investigate claims that a coyote or black vulture has injured or killed an "animal" without reimbursement from the Department of Agriculture. In this case, the law defines the term "animal" to include a horse, mule, sheep, head of cattle, swine, goat, domestic rabbit, or domestic fowl or poultry. In addition, the state should be required to assume statewide responsibility for control of wild animals, including exotic animals.

LAWS REGARDING DANGEROUS DOGS

With the passage of H.B. 14 in the 129th General Assembly, Ohio's Dangerous and Vicious Dog Laws were revised. No longer were pit bulls automatically classified as a dangerous dog breed. The legislation set up criteria for nuisance, dangerous and vicious dogs. These new classifications have caused some judges to essentially allow "one free bark, one free bite and one free kill," for any dog that is not already registered as a type of dangerous dog. Further legislative clarity is needed. CCAO supports a legislative solution to make it easier to prosecute an owner of any dog that mauls or causes significant harm or death to a citizen.

CCAO SUPPORTS A LEGISLATIVE SOLUTION TO MAKE IT EASIER TO PROSECUTE AN OWNER OF ANY DOG THAT MAULS OR CAUSES SIGNIFICANT HARM OR DEATH TO A CITIZEN.

DOG REGISTRATION

CCAO supports continued flexibility in the dog license renewal process. The association also supports "point of sale" registrations when a dog is purchased from a pet store or breeder to enhance compliance with Ohio's dog license requirements.

GENERAL GOVERNMENT AND OPERATIONS

APPOINTMENT OF HUMANE AGENTS

Humane societies currently appoint humane agents, with the approval of the county probate judge, who can act in an official law enforcement capacity to enforce laws to prevent the cruelty to animals. Within a municipal corporation the mayor is required to approve such an appointment. CCAO believes, as with a municipal corporation, the commissioners, as the executive authority for the county should approve the appointment of humane agents rather than a member of the judicial branch.

HUMANE SOCIETY ABILITY TO APPOINT ATTORNEYS TO PROSECUTE AND HAVE COMMISSIONERS PAY EXPENSE

Ohio law still permits humane societies to appoint an attorney and may employ one or more assistant attorneys to prosecute misdemeanor violations listed in ORC Section 2931.18, including prevention of cruelty to animals. Such attorneys are to be paid out of the county treasury or the dog and kennel fund in an amount approved as just and reasonable by the board of county commissioners. CCAO is requesting this mandate be eliminated or to at least change the law to require the consent of the board of county commissioners.

DATA BOARD/INFORMATION SERVICES

Legislation enacted decades ago allowing for the establishment of the county automatic data processing board is outdated and reflective of past technology. County commissioners would like additional organizational options for data processing, information services and records management.

The first option is to allow the board of county commissioners or the data board itself to appoint the chief administrator of the data center by amending ORC Section 307.844, which currently designates the county auditor as the appointing authority.

The second option is to allow the county commissioners to establish a county information services board to replace the data board, microfilm board and records commission, and to allow the commissioners or the county information services board to appoint the chief administrator. The county information services board would assume all

information and records related functions of these separate boards.

PUBLIC RECORD STATUS OF 9-1-1 TAPES

Tapes of 9-1-1 calls should not be subject to release as a public record in the case of death, accident, illness or similar event until relatives of the affected party have been notified. Tapes of 9-1-1 calls also should not be subject to release until the prosecutor determines whether they will be used for criminal prosecution and, after petitioning a court, the court prohibits their release. After conclusion of the legal proceedings, the tapes will then become subject to release as a normal public record.

COMMISSIONERS SUNSHINE LAW

CCAO supports clarifications to the Sunshine Law that require full compliance when the commissioners perform legislative type functions, but exempts executive and administrative functions.

In addition, CCAO supports allowing public bodies to hold and attend meetings and hearings virtually through teleconference, video conference or similar technology. Public officials at these virtual meetings should be able to electronically attend, vote and be counted for quorum purposes.

LEGISLATION SHOULD BE ENACTED GIVING COUNTY COMMISSIONERS ADDITIONAL ORGANIZATIONAL OPTIONS FOR DATA PROCESSING, INFORMATION SERVICES AND RECORDS MANAGEMENT.

Existing notice requirements should be maintained and public access to virtual public meetings should be ensured. H.B. 197 and H.B. 404 of the 133rd General Assembly and H.B. 51 of the 134th General Assembly provided this option for public bodies during the COVID-19 declared emergency, and the practice has boosted public engagement and county government efficiency. Previously, this authority had been authorized by law for certain joint county ditch maintenance meetings. Priority uses for such

GENERAL GOVERNMENT AND OPERATIONS

meetings include emergency-related situations, regional collaboration related meetings or other joint jurisdictional meetings.

PUBLIC RECORDS IDENTITY THEFT PROVISION

CCAO commends the General Assembly's commitment to preventing identity theft that can occur from public records requests. CCAO has worked with numerous local government officials, law enforcement and legislative members in drafting legislation to accomplish this goal. Because county governments handle such vast amounts of the public's sensitive, personal information, CCAO supports legislation allowing, but not requiring, county governments to use cost recovery for redaction and masking technologies.

RECORD RETENTION MANAGEMENT

CCAO supports continued changes to retention requirements enabling cost-saving methods for storing and maintaining public records.

RESTORATION OF THE PUBLIC DUTY RULE / REDUCING LIABILITY EXPOSURE

Based upon the Ohio Supreme Court's decision in *Estate of Graves v. City of Circleville* (2010 Ohio 168), a county employee is potentially liable for their conduct which is found to be wanton and reckless even where that employee did not owe a duty to an individual member of the public. While sovereign immunity protects county employees in instances of mere negligence, if a county employee can be shown to have acted wantonly or recklessly in the performance of a duty they are required to perform, under statute they may be held liable for their actions. The determination of whether a county employee's actions amount to wanton or reckless conduct is a question of fact that usually requires a jury trial.

We seek a restoration of the public duty rule to protect county workers in performing the tasks of their already very difficult job. A deputy sheriff acting to protect citizens or a children service agency worker acting to protect a child's interests should not be hampered by the fear of being held liable for their actions stemming from a mistake the deputy or worker did not intentionally make.

COUNTY EMPLOYEE RELATIONS

Counties are requesting various changes in Ohio's laws to help employers manage county offices in a cost-efficient manner for Ohio's taxpayers, including more options in establishing alternative leave schedules.

In addition, Ohio's collective bargaining law needs to be brought into line with the National Labor Relations Act (NLRA). The playing field should be leveled between employers and employees in this area. Furthermore, counties seek the ability to go to common pleas court as opposed to binding arbitration (to resolve disputes around collective bargaining).

EMPLOYEE COMPENSATION

At a time when many county appointing authorities are freezing salaries or reducing them through furloughs, there remains the ability, and the occurrence from time-to-time, whereby certain county appointing authorities go against the norm in the courthouse to control spending and provide salary adjustments to their staff. These increases can come by way of a judicial court order to a board of county commissioners for more money in the personnel line item or by other appointing authorities who can seek court action. Therefore, CCAO seeks the ability for a board of county commissioners to moderate the ability of the common pleas court and its divisions along with the board of elections, the county prosecutor and the veterans service commission from granting pay raises that exceed the annual percentage amounts approved by the county commissioners for the other county elected officials' staff salaries.

In addition, CCAO seeks the following benefit changes:

- Provide counties with authority similar to the state, so that an employee can choose to receive their payout of accrued but unused leave time in two calendar years, as opposed to one.
- Limit the amount of vacation time employees can accumulate and carry on the books at any time to an amount not to exceed what can be earned in two years at the current rate of

GENERAL GOVERNMENT AND OPERATIONS

accumulation based on years of service.

- Specify that the sick leave schedule provided in the Ohio Revised Code provides the maximum amount of sick leave that can be granted to an employee in the absence of a collective bargaining agreement. Case law has interpreted the statutory provisions to be a minimum floor.
- Clarify that an appointing authority can provide a cash incentive to employees to induce retirement.

WORKERS' COMPENSATION

CCAO supports and will work with a coalition of public and private employers to streamline and reform the Ohio workers' compensation system to reduce opportunities for abuse, control costs, encourage workplace safety efforts and ensure that workers who need help get it quickly and efficiently. Counties will continue to explore alternatives to provide workers' compensation savings when possible.

In addition, counties seek to collaborate with the Ohio Bureau of Workers' Compensation and other public employer associations to enhance the current group rating, group retro and self-insurance programs, and to explore the feasibility of other options such as employer association sponsored group self-insurance programs.

UNEMPLOYMENT COMPENSATION ELIGIBILITY

CCAO seeks changes to the Unemployment Compensation (UC) rating system that grants reimbursing employers similar appeal rights to contributory employers – particularly for non-separating reimbursing employers who are still employers of record in a claimants' benefit period. CCAO also supports revisiting eligibility criteria to receive UC benefits in Ohio. In addition, CCAO recognizes that some relief has been granted to employers of seasonal workers, and CCAO supports legislation to exempt seasonal and temporary workers from unemployment compensation.

CONFIDENTIALITY OF PERSONNEL FILES

CCAO supports legislation to restrict access to public employee personnel information, except disciplinary

action and performance evaluations.

DRUG TESTING

CCAO supports authority enabling counties to conduct drug testing programs to improve employee performance and safety in the workplace such as random testing on a lottery basis, testing after accidents and post offer / pre-employment drug testing of prospective county employees. Testing in such realms is limited based on Constitutional provisions, but some testing can be conducted based on certain job duties and conditions.

HUMAN SERVICES

Chair: Kathryn Whittington, Ashtabula County Commissioner

Vice Chair: Carolyn Rice, Montgomery County Commissioner

Staff: Rachel Massoud Reedy, Outreach & Member Engagement Manager

Jon Honeck, Senior Policy Analyst



Montgomery County Commissioner Carolyn Rice presented on the implementation of the 988 hotline and integration with county continuums of care at the NACo Annual Conference in 2022.

State and local governments work together to provide programs that help citizens achieve and maintain employment, protect children and older adults and, when necessary, connect families to food, transportation, child care, clothing and shelter.

While most of these programs are designed to provide services to those in crisis, counties focus on a work-first approach that addresses the root cause of the crisis and prevents the need for services in the future. To this end, county departments of job and family services, public children services agencies and child support agencies have begun to redesign service delivery and collaborate and share services in unique and innovative ways in order to meet the complex needs of clients.

Ohio's 88 counties exhibit vast differences in their economies, demographics and populations. Because of this diversity, CCAO urges the Governor and General Assembly to maintain county funding levels and flexibility between funding streams to the extent possible under federal law, so that each county

can prioritize services based on the local need and demand for services.

CCAO supports the following initiatives:

- Increasing state investments in child protection, adult protective services and family and children first councils.
- Increasing state investment and building capacity for mental health continuum of care.
- Expanding eligibility and building capacity for publicly funded child care.
- Sustaining state support for Ohio Benefits, Ohio's integrated benefit eligibility system, and enterprise document management.
- Allowing commissioners to appoint members of the Veteran Service Commissions (VSC) along with the ability to review and revise VSC budgets.
- Retaining commissioners as the authority for property tax levies that fund health districts and granting them discretion on the type, millage and duration of the levy.

COMMITTEE PRIORITIES

GROWING CONCERNS FOR CHILD PROTECTION

One of the most difficult tasks facing counties is the administration of programs and services for abused and neglected children. The child protection system faces many challenges: the placement crisis, the need for a strengthened continuum of care, and workforce shortages. The system has grown to serve more children in the last decade as a result of the opiate epidemic and more children entering care primarily due to behavioral health needs, developmental disability needs, and as a diversion from juvenile corrections rather than abuse or neglect.

HUMAN SERVICES

The children in care today remain in the system longer and have more complicated needs. The cost of care remains high across all placement settings, especially for children with high-acuity needs. Even counties who have successfully passed levies to cover these important services are struggling to provide the resources required. When reunification is possible, many of these children need additional services to deal with the residual effects to their mental health, including depression, anxiety, PTSD, and behavioral and learning difficulties.

With respect to children entering the child protection system due to behavioral health needs, significant developmental/intellectual disabilities, and from juvenile corrections, securing timely, appropriate, available placements often prove challenging for public children services agencies (PCSAs). Ohio has a lack of community alternatives, viable treatment homes, and other placement options due to staff shortages, particularly at residential facilities. CCAO supports cross agency collaboration in identifying solutions to this crisis, including the creation of short-term children's crisis stabilization options.

The 2019 and 2021 state budgets added \$75 million per state fiscal year to the state child protection allocation that flows to counties, bringing the total investment to \$135 million per fiscal year. These investments must be sustained and increased in order for the system to meet expected challenges.

Furthermore, the overall system is experiencing a serious workforce shortage that places a crucial system in even greater peril. County caseworkers witness the destruction of families and traumatic situations for children, leading to a high level of trauma in their own work experience. Our child protection workforce must be reinforced by keeping caseloads down and making sure supervisors have the training and supports they need to retain qualified workers. Innovative programs such as tuition reimbursement or loan repayment could provide support and incentivize caseworkers to remain with a county agency. Additionally, mobile crisis units should be available across the state to assist counties with severe staffing shortages or critical situations. If a long-term solution is not found that can address the strains on this system, a generation of children will be living with the aftermath.

Multi-system youth account for a high percentage of placement costs across Ohio. Multi-system youth are those in need of services from two or more of the following systems: child protective services, mental health and addiction services, developmental disabilities services, and juvenile court. The 2021 state budget allocated \$25 million GRF per year to assist counties in providing services to multi-system youth. CCAO supports the continuation of these funds that aid counties with increasing placement costs.

CCAO STRONGLY ENCOURAGES AN INCREASED STATE INVESTMENT IN CHILD PROTECTION TO ENLIST AND RETAIN QUALITY CASE WORKERS AND RECRUIT FOSTER PARENTS FOR THE INCREASING NUMBER OF CHILDREN WHO NEED PLACEMENTS, AS WELL AS SUPPORT BEST PRACTICES AND IN-HOME SERVICES.

In the 2019 state budget, the General Assembly also declared its intent to cease the practice of custody relinquishment for the sole purpose of gaining access to services for multi-system youth. The 2021 state budget appropriated \$16 million in each fiscal year the Department of Medicaid "Multi-System Youth Custody Relinquishment" fund for this purpose. CCAO supports the continuation of funds to prevent custody relinquishment.

PCSAs can safely reduce the number of children entering foster care by implementing alternative response. This allows agencies to partner with families to use wrap around services before a placement is needed, supporting relatives and other kin to prevent children from being placed with unrelated foster or congregate care and aggressively seeking permanent adoptive homes when children cannot be reunified with their birth family. Unfortunately, many counties have had to reduce or eliminate these best practices due to high placement costs – meaning higher expenditures and poorer

HUMAN SERVICES

outcomes in the long run.

CCAO strongly encourages an increased state investment in child protection to enlist and retain quality case workers and recruit foster parents for the increasing number of children who need placements, as well as support best practices and in-home services. The increased investment should include greater resources for the Kinship Permanency Incentive Program, which is currently funded at just \$1 million per year, in order to support relative caregivers who can provide an alternative to the formal childcare system.

In 2021, the Family First Prevention Services Act (Family First) was implemented nationwide. Through dramatic federal funding changes, Family First shifts the focus of the child welfare system to prevention – keeping children out of foster care and with their families – by encouraging states to support families through evidence-based programs in mental health services, substance abuse treatment and improved parenting skills. While the federal government will provide a 50% match for funding these programs, the other 50% of the cost will fall to the states. This is a transformational change that will also require a shift in practice and training at the county level. CCAO supports continued state funding for prevention services, as well as capacity building funds for such services and the expansion of mental health prevention services options as phased implementation continues.

PUBLIC ASSISTANCE PROGRAMS

Counties administer many public assistance programs, including food assistance, cash assistance, TANF and Medicaid. Some of these programs, like Ohio Works First cash assistance and SNAP, have work requirements. Counties strive to make these programs meaningful and effective. SNAP Employment and Training operations receive a small amount of operational support from ODJFS. CCAO encourages additional investments in this employment and training program so that it can be a true path toward self-sufficiency for individuals



receiving public assistance. County programming through the TANF-funded Prevention, Retention and Contingency program is critical in both supporting self-sufficiency and supporting work. CCAO supports maintaining funding for PRC programs, as well as the ability to determine the design of the programs locally.

During the federal public health emergency, states were prohibited from disenrolling clients from Medicaid. Under Ohio law, when the federal government ends the public health emergency, county JFS agencies will be expected to complete eligibility redeterminations for all enrollees within 60 days with a potential 30-day extension. This redetermination process will be an increased workload for county agencies, on top of continuing the current administration of SNAP, Medicaid and other programs. Additionally, customer service demands will be very high when SNAP maximum allotments, as permitted by the USDA Food and Nutrition Service due to the public health emergency, are phased out.

CCAO supports additional flexible funding for county administrative work to complete these determinations and continue transformational casework for JFS clients. County agencies strive to connect Ohio's public assistance recipients with meaningful work and training programs. As we look toward connecting people to the workforce and jobs that enable them to be self-sufficient, additional strategies around mitigating the benefits cliff should be pursued. These strategies could include financial literacy programs, supportive services for individuals in training, incentives for retaining employment and offering counties the ability to implement other such programs. CCAO supports flexible funding to implement these strategies.

MENTAL HEALTH AND ADDICTION SERVICES

CCAO supports increased state investment in mental health and addiction services. It is crucial that Ohio expand the availability of services to support individuals and families in need, especially those in crisis situations. Investing in the full continuum of care, including prevention, treatment, and recovery services and supports, will strengthen our communities. Maximum flexibility in funding streams will allow local boards and communities to expand

CCAO SUPPORTS BUILDING CAPACITY FOR CHILD CARE, ESPECIALLY FOR INFANTS AND TODDLERS AND MEETING THE UNIQUE NEEDS OF CHILDREN IN THE FOSTER AND CHILD WELFARE SYSTEM.

capacity of services most needed in their local areas. Strengths and opportunities for growth vary from county to county, so flexibility is crucial as Ohio works to build out the continuum of care. CCAO supports investing in and expanding mental health services for Ohio's children and adults of all ages.

CHILD CARE

As counties continue to support families and workforce development in their communities, child care continues to emerge as a key piece of the puzzle. Counties administer the publicly funded child care system in Ohio and, through these services, understand that gaps in provider coverage exist across the state. Additionally, many individuals, particularly women, are unable to afford the cost of care for their children and thus leave or remain absent from the workforce. Child care is a vital workforce support for our communities, including county employees. CCAO supports increasing the eligibility threshold for publicly funded child care to 200% of the federal poverty level. CCAO supports building capacity for child care, especially for infants and toddlers and meeting the unique needs of children in the foster and child welfare system.

PRENATAL TO THREE SERVICES

Counties recognize that children who are born healthy and grow up in healthy, safe environments have better physical and mental health throughout their lives. Expanding services available to our youngest Ohioans strengthens our communities in the long term. CCAO supports increased access to home visiting programs, increased funding for early intervention services, and building the capacity of Ohio's workforce in these crucial programs. Further

consistent health coverage and care is foundational for every young child and as such families with young children need access to quality and timely pediatric and early childhood mental health services.

FAMILY & CHILDREN FIRST COUNCILS

Counties have worked diligently to piece together a seamless delivery system for families seeking assistance for their children out of a patchwork of state and federal programs that tend to leave gaps, create overlaps in services and often contain conflicting regulations. Local Family and Children First Councils work to reduce duplication of services and to help families navigate health, social and human services. In order to perform these coordinating functions, each county, regardless of size, was traditionally allocated \$20,000 to administer Family and Children First Councils. This amount was reduced in FY 2010 and is currently funded at \$15,750 per county in the FY 22-23 biennium. CCAO recommends appropriately funding the administration of local Family and Children First Councils by increasing the allocation to at least \$50,000 per county.

ADULT PROTECTIVE SERVICES

Counties are charged with providing a uniform adult protective services program for older adults who require protection from abuse, neglect or exploitation. Counties are the logical delivery agent for adult protective services due to the close proximity necessary to investigate allegations of abuse and neglect and the legal relationships with prosecutors, sheriffs and courts to enforce protective services. Elder abuse requiring adult protective services interventions can range from physical abuse, emotional or verbal abuse, self-neglect or financial exploitation.

The Adult Protective Services System (APS) has received increased policy attention in recent years, but funding has not always kept pace with expectations placed on counties or the aging of Ohio's population. Program reforms in the FY 18-19 budget expanded the scope of Ohio laws against the abuse and exploitation of elders and added many different types of professionals to the list of "mandatory reporters," including individuals working in the financial sector. Over time, these

HUMAN SERVICES

changes will greatly expand the number of reports of abuse, neglect, or exploitation that counties must investigate.

In FY 22-23, the legislature appropriated \$5.72 million per year to fund APS, an increase of \$1.49 million per year, allotting \$65,000 to each county. In order to ensure victims of elder abuse receive core adult protective services, the state must financially support the administration and delivery of such services.

CHILD SUPPORT

As county child support agencies increase paternity establishments and overall collections, children attain a higher standard of living. The child support program has utilized current funding, technology and tools to a great extent over the past 15+ years and is now transitioning to incorporate newer models aimed at assisting lower income families. Several strategies are being piloted across the state. They include early intervention programs; collaboration with both workforce agencies and social service agencies to assist with barriers that obligor parents may have to obtaining and maintaining employment; parenting time engagement; strategies to improve parenting and co-parenting skills; and person-centered case management. In order to incorporate more of these strategies across the state for more families, the program needs additional support from the State and an upgrade in technology.

CCAO supports an increase in the state match allocation to county child support enforcement agencies. The 2021 state budget increased the state match by \$2.943 million per fiscal year. This allocation had previously been flat funded for ten years. CCAO also supports a statutory change to allow child support to follow a child who has been

CCAO SUPPORTS A STATUTORY CHANGE TO ALLOW CHILD SUPPORT TO FOLLOW A CHILD WHO HAS BEEN PLACED IN THE CUSTODY OF A THIRD-PARTY CARETAKER.

placed in the custody of a third-party caretaker.

HUMAN SERVICES TECHNOLOGY, MODERNIZATION AND EFFICIENCY INITIATIVES

CCAO appreciates the investments the state has made in modernizing technology, such as through Ohio Benefits which provides combined eligibility determination for Medicaid, TANF and SNAP and the development of enterprise document management that allows sharing of essential information across programs. CCAO has seen the impact these investments have on service delivery that is more efficient, can be nimble in a crisis and streamlines the process for clients.

It is critical that work continue to ensure these systems are efficient and user friendly to both county workers and the clients served. CCAO supports work to streamline the systems so county JFS agencies can focus on less transactional work and more on transformational work, as well as continued state investment to refine these technologies, including financial support for ongoing training, system maintenance and upgrades. County shared services is an important service delivery mechanism. CCAO supports an open dialogue between the state and counties in the governance and structure of shared services.

CHANGES TO THE COUNTY VETERANS SERVICE COMMISSION LAW

CCAO supports initiatives to review the law and operation of Veteran Service Commissions to be sure enhanced and coordinated services are available to our brave men and women of the armed services returning home. The language in ORC Section 5901.11 regarding funding the Veterans Service Commission with up to .5 mills on the assessed value of the property of the county should be studied by the Department of Veteran Services to identify alternative funding options to replace current county funding. CCAO supports the enhanced ability for the boards of county commissioners to review and revise the budget of the Veterans Service Commission, especially as it pertains to the administrative and operational expenses of the Commission.

As it relates to operational expenses, there is a special need to be sure that the Veterans Service

Commission does not have the authority to provide for staff compensation increases that exceed the average increase provided to other appointing authorities through the appropriation process. Additional checks and balances are needed to ensure that needy veterans are receiving essential financial assistance and other services in a cost efficient and responsible manner that fully utilizes other health, human service and employment programs. The Department of Veteran Services should provide funding for any mandated training. Finally, boards of county commissioners should become the appointing authority for members of Veteran Service Commissions. If this authority is not granted, commissioners should be given the ability to appoint two of the five members.

LOCAL HEALTH DEPARTMENTS

CCAO supports giving boards of county commissioners and county councils discretion regarding the submission, type (renewal, increase, reduction or replacement), millage and duration of property tax levies submitted to the voters for the purpose of funding a health district. If legislative action allows for a joint health district to be formed that covers multiple counties, commissioners should also have discretion over multi-county levies. Should this discretion not be granted to boards of county commissioners, it is important commissioners should retain the levy authority, in order to maintain some accountability and to facilitate a public forum in which health officials may discuss and justify the need for the levy.

JEDI

JOBS, ECONOMIC DEVELOPMENT AND INFRASTRUCTURE

Chair: Cory Noonan, Allen County Commissioner

Vice Chair: Judy Dodge, Montgomery County Commissioner

Staff: Jon Honeck, Senior Policy Analyst

Counties work collaboratively with the state to facilitate economic development by creating an environment that encourages job creation. An employer's decision to locate a business is often driven by the quality of life and services that a community offers its residents, and counties play a pivotal role in creating this environment.

County government is responsible for constructing and maintaining infrastructure, providing a well-trained workforce and developing the community assets that businesses value. Maintaining these systems is a huge undertaking, costing billions of dollars each year, and, over the long-run, funding has not kept pace with needs.

Counties recognize the historic investments in infrastructure and economic development made by the 134th General Assembly and the DeWine-Husted Administration. CCAO is hopeful that these actions mark a turning point in the state-county partnership. In 2021, the legislature and governor provided \$350 million for brownfield remediation and \$150 million for site demolition from the General Revenue Fund in the biennial budget bill (HB 110).

House Bill 168 and House Bill 45 appropriated a combined \$500 million for water and sewer infrastructure using American Rescue Plan Act (ARPA) funds. In 2022, HB 377 appropriated \$500 million in ARPA funds for the Appalachian Community Grant Program. Counties request that the legislature and governor continue to make these types of transformational investments that improve the quality of life across the state.

Ohio should prioritize the following items when considering its economic development strategy for the next General Assembly:

- Infrastructure - Counties are responsible for 26,081 bridges and 29,000 county road miles. Providing proper funding levels and revenue mechanisms to be used for roads and



Governor Mike DeWine and First Lady Fran DeWine with Director John Carey of the Governor's Office of Appalachia, Commissioners Jon Hensler, Paul Haller and Donnie Willis and other officials after Governor DeWine's signing of HB 377

bridges must be a priority for the state and environmental regulations must be clear and consistent. The replacement of Ohio's aging water and sewer infrastructure is also a priority. The state must find ways to address the ability of counties, local governments and residents to afford the undertaking of necessary water and sewer projects.

- Workforce - Counties are responsible for implementing workforce programs that help residents attain meaningful employment and gain skills that businesses value. These local programs must maintain funding and the flexibility to reflect and address local employers' needs if they are to achieve success. The state should partner with counties and employers to find innovative ways to address the devastating impact of the opiate epidemic on the workforce and the economy.
- JobsOhio - A strong partnership between each county and the state's economic development arm is imperative. Every county must feel the value that JobsOhio brings to their region. JobsOhio must develop a stronger partnership

with rural counties to identify long-term needs and develop solutions that allow them to compete. Payments from JobsOhio to the state GRF should be invested in local infrastructure and training.

- The three priorities are illustrated in more detail on the following pages and are followed by additional policy recommendations that would support Ohio’s counties in their economic development responsibilities.

COMMITTEE PRIORITIES

WORKFORCE DEVELOPMENT

County government in Ohio has played a critical role in local economic development initiatives and implementing workforce programs aimed at retaining, attracting, and growing businesses, as well as helping residents obtain, maintain or improve their employment. Tools that counties utilize in this task include the federal workforce program known as the Workforce Innovation and Opportunity Act (WIOA) and strong partnerships with the state’s OhioMeansJobs centers.

Counties assist work-required populations to find employment and training, and they fund workforce supports and stabilizing services through the Prevention, Retention and Contingency program. Some counties also use dollars from the federal Temporary Assistance for Needy Families (TANF) block grant, delivered through the county JFS, to invest in the local workforce infrastructure. These TANF investments should continue as long as funding is available.

Counties support the goals of the Comprehensive Case Management and Employment Program

THE STATE SHOULD PARTNER WITH COUNTIES AND EMPLOYERS TO FIND INNOVATIVE WAYS TO RETURN ADDICTED INDIVIDUALS TO THE WORKFORCE.

(CCMEP) program but the program needs more flexibility and collaboration with local boards and county JFS agencies in order to reach its full potential.

Increasingly, the opiate epidemic is affecting large segments of the workforce, preventing individuals from keeping employment and making it difficult for employers to fill open positions. The state should partner with counties and employers to find innovative ways to return addicted individuals to the workforce.

Economic disruptions like the COVID-19 pandemic present tremendous challenges to local businesses and workers. The state should collaborate with counties to allow locally-designed responses funded with flexible responsive funds.

The success of county-level workforce development programs is dependent on the degree to which those programs are employer-led and employer-centric at the local level. The programs must, first and foremost, address the specific needs of that business community as defined by the businesses themselves which in turn creates opportunities for job placements within the business community. The State Workforce Board should include members serving on local boards, school representatives, and local elected officials in order to strengthen communication and feedback mechanisms.

Federal Partnerships

WIOA is the latest iteration of the federal government’s approach to workforce programming. It is a locally-driven system under the direction and control of elected local officials and aims to provide better alignment between programs and more flexible funding. WIOA utilizes a committee that is made up of local business and community leaders, appointed by the county commissioners, with clear and transparent performance measures. Educational leaders should be included in the committee. This community-centric design should be noted because local officials are in the best position to understand the pressing workforce development needs of both businesses and individuals in their communities.

Commissioners encourage the state to invest discretionary workforce dollars into the existing local

JEDI

workforce infrastructure, provided they have proven results. Any discretionary funding set aside from Ohio's WIOA allocation or Rapid Response dollars should remain as flexible as possible to allow the state to best meet business' needs identified at the local level as they arise, rather than being put into a specific program with additional restrictions. Furthermore, county TANF allocations should be maintained so supportive services and workforce retention services can continue.

State Partnerships

OhioMeansJobs Centers (also known as one-stops) are a partnership between the state and local agencies to deliver workforce services to job seekers and employers. Commissioners believe that many one-stops are working efficiently and competently with local businesses to respond to their needs and get people back to work. Counties encourage the state to take the lead in identifying, supporting and sharing best practices driving success on the local level.

Ohio should also take a meaningful look at the Comprehensive Case Management and Employment Program (CCMEP). CCMEP marries funds from the WIOA and TANF programs in order provide a more comprehensive experience for individuals in need of employment. While the intent of the program is admirable, counties have experienced many challenges related to the dueling federal laws and their associated requirements. Counties would like to engage in conversations with the state to identify ways to simplify CCMEP's administrative structure to allow a true focus on providing case management services.

In order for counties to be responsive to local opportunities and challenges, readily available and robust business data (including timely unemployment claims and layoff filings) should be available for all economic and workforce development partners. The state should focus efforts on providing data that will allow counties to anticipate and meet emerging needs.

Finally, commissioners see a real need for solutions that address the benefits cliff. When benefits are phased out too quickly, employment is in jeopardy. Ohio should engage its counties on this issue to find

ways to ease the effects of the cliff.

Local Authority

State-led changes to the workforce system should not undermine the positive working relationships that many one-stops have built with their local business communities, nor should they undermine the relationships and collaborations many counties have created with one another. The Office of Workforce Development should form partnerships with local government to implement best practices for workforce development at the local level.

One-stops and workforce investment areas must continue to have the flexibility to partner with different counties and areas who fall outside arbitrary, bureaucratic boundaries and instead work across systems to meet both local and regional needs.

Given the vast differences in both the economies of and effective strategies within the various counties of Ohio, a locally-driven, state-monitored approach to workforce development activities truly is common sense. Commissioners ask that, rather than create state policy in reaction to one or two workforce areas or even one-stops that may be noncompliant or failing to succeed according to performance measures, the state should use its capacity to look at options like performance improvement plans as well as sharing best practices and replicable examples of successful strategies to assist those areas.

INFRASTRUCTURE

The current state of our aging infrastructure as it relates to county roads, bridges and public utilities significantly impedes economic development. Projected costs to repair, replace or install necessary infrastructure far exceed the current capability of our counties.

Where environmental regulations are concerned, local governments have a critical need for clarity, predictability, and consistency; for policies that reflect scientific consensus; for common sense enforcement; and for careful cost-benefit analysis as part of the policy making process. At the same time, CCAO understands that fair and reasonable environmental regulations must be balanced with

responsible stewardship of our natural resources.

Funding for Infrastructure

The quality of Ohio’s infrastructure has a tremendous impact on economic development. Providing proper funding levels and revenue mechanisms to be used for infrastructure must be revisited by the state. Factors to be considered include: allocating additional public works bonding capacity; adjusting highway user fees; and providing additional grants, loans and subsidies for the capital costs of local utility infrastructure. Ohio’s 2020-2021 transportation budget included the first increase in the state’s motor fuel tax since 2005. Because of the pandemic, however, driving habits have changed dramatically, causing revenues to decrease. As this trend continues, counties will need additional support from the state to continue investing in transportation infrastructure.

CCAO encourages the legislature to consider adding an indexing provision to the state’s motor fuel tax to help maintain the purchasing power of the gas and diesel tax. As of July 2021, 22 states and Washington, D.C., have a variable-rate gas tax that adjusts with inflation or prices without regular legislative action.

CCAO also supports providing counties with additional authority to classify roads according to use and designate haul routes for heavy truck traffic so that road and bridge impact can be mitigated.

The state should also encourage voluntary, regular contributions to road maintenance from Amish and other groups that use animal-drawn vehicles. Such voluntary contributions are in place in several counties under R.C. 5501.33. Additional positions relative to infrastructure funding can be found under the Taxation and Finance section of this document.

CCAO ENCOURAGES THE LEGISLATURE TO CONSIDER ADDING AN INDEXING PROVISION TO THE STATE’S MOTOR FUEL TAX TO HELP MAINTAIN THE PURCHASING POWER OF THE GAS AND DIESEL TAX.

Environmental Regulation of Infrastructure

Agencies and communities are being hampered by a prescriptive approach to setting permit limits for nutrients, storm water and for TMDL-derived parameters. U.S. EPA admits that many remaining water quality issues are caused primarily by non-point sources, such as residential, agricultural and local development practices. CCAO is encouraged by the state’s emphasis on controlling non-point sources through the work of the H2Ohio Fund and other programs that work directly with non-point sources of nutrient loss.

Agencies and communities are also being hampered by a prescriptive approach to evaluation of local financial capability used by enforcement officials of the federal government. The federal regulatory framework is being applied in a way that failed to adequately consider local economic conditions and the need for effective prioritization and scheduling of significant water quality investment. This federal approach has already produced, and if unchecked, will continue to produce unprecedented wastewater increases across Ohio. It will also yield significant community disruption from construction programs and, in many cases, limited incremental improvement in overall water quality. Given current economic conditions, these programs could have a devastating effect on the state’s economic development goals.

Local Financial Capability to Provide Infrastructure

Financial capability assessments for Ohio’s local governments should be based on the basic principles reflected in EPA guidance, but should further evaluate appropriate unique local conditions that apply to the community by quantifying all relevant economic factors impacting financial capability, including: housing burden, state and local tax burden, impacts on business competitiveness, projected population and employment trends, poverty and low income populations, community

JEDI

construction impacts, availability of local contractors, construction inflation and historical water quality investments.

Local financial impacts are best evaluated by local officials, not the federal government. The framework for evaluation of local financial capability should be a joint state-federal framework that assigns primary responsibility for defining water quality investment implementation schedules to Ohio wastewater agencies and their local and state officials, who can base schedules on their assessments on the financial capabilities of, and implementation impacts on, the communities they serve.

Ultimately, project costs far exceed the financial capability of counties and local governments to incur these obligations. The state must find ways to address the ability of counties, local governments and residents to afford financially the undertaking of necessary water and sewer projects. Counties ask the state to consider allocating public works bonding capacity to these projects, reestablish the Ohio water and sewer rotary commission, and provide significantly greater funding support for governments and citizens confronted with EPA findings and orders to install water and sewer systems. One of the ways Ohio could facilitate this funding is to allow counties permissive authority to institute a service fee on water bills to be used for EPA findings, orders and compliance.

Connection to Sewer Systems

A cornerstone of providing water and sewer service to unincorporated parts of the state is the longstanding public health policy to require homeowners to connect to public sewers when they become available.

Structures with an existing septic system are required to connect if they are within 200 feet of the public sewer. Historically, septic systems have been looked at as temporary systems. This has been the policy of the state of Ohio since 1977. Eliminating connection requirements for on-lot systems could destroy the financial feasibility of sanitary sewer projects under construction today or planned for the future. Important projects which promote the public's health and the protection of our rivers and streams could be jeopardized and may not be constructed. CCAO asks

that the state maintain this public health policy, while giving counties the discretion to authorize temporary, non-renewable exceptions for septic systems that are new and in good working condition.

Even the courts have ruled on this subject. In 1984 the Ohio Supreme Court ruled in the case of *DeMoise v. Dowell*, that "individual household sewage disposal systems are inherently more dangerous to the public health than sanitary sewerage systems and must be replaced when possible."

JOBSOHIO AND BUSINESS DEVELOPMENT

JobsOhio

As the state's economic development and job retention organization, JobsOhio has helped to expedite large scale investments in some communities. However, in communities where smaller scale projects are more realistic, the promise of JobsOhio has not always been realized. As the organization evolves in the DeWine Administration, it should look at ways to broaden its mission to serve these communities better. The Vibrant Communities program, which promotes catalytic development projects in distressed communities, and the Inclusion Grants Program, which targets minority-owned businesses, are helpful steps. A tool that tracks progress in the JobsOhio regions should be implemented to ensure appropriate growth is being generated and additional industries, such as tourism, should be added to the list of target industries.

JobsOhio is fueled by the revenue from liquor sales. As the organization realizes greater profit levels and liquor revenues grow, it makes annual payments to the state that go into the general revenue fund. Ohio should designate a portion of these dollars to be used at the discretion of commissioners for infrastructure and training. JobsOhio's new Ohio Site Inventory Program, which provides reimbursements to local governments and other eligible entities up to \$2 million for site preparation, demolition, construction, infrastructure, and environmental cleanup, will be helpful. However, the requirement that applicants be able to show a demonstrated demand for the future use of the site may still prevent use by many jurisdictions. JobsOhio should provide more discretion to commissioners as to use

of these funds.

Redevelopment and Rehabilitation of Vacant Buildings

Throughout Ohio there are vacant buildings that have outlived their usefulness as currently configured. While these structures are sound, their conversion to fit modern day applications is costly.

Current zoning codes don't contemplate revitalization and building code compliance is cost-prohibitive. The state should develop a program that makes the re-use and restoration of these structures competitive with the option of new construction. Components of this program targeted to redevelop and re-use existing sites should include eminent domain and industrial/commercial land banking, consolidation of parcels, as well as preferential land use and zoning provisions and building code provisions. These should take safety into consideration without demanding compliance with current code provisions that contemplate new construction. We recommend a companion program to "shovel ready" sites that supports the transformation to "occupant-ready" sites.

Housing

An often-overlooked necessity for economic development is quality, affordable housing. Housing is considered affordable if it makes up 30% or less of a family's income. This asset is sorely lacking in every part of the state and it creates a significant drag on the economy. Ohio should explore ways to empower commissioners to provide targeted incentives to increase the supply of affordable housing.

COMMITTEE RECOMMENDATIONS

SOLID WASTE

Local control of solid waste planning

Under broad goals and guidelines established by state law and the state solid waste plan, CCAO supports local self-determination in the number and composition of districts. CCAO believes that adoption of disposal, generation and contract fees should remain local choices approved by local officials.

CCAO supports retention of solid waste district authority to adopt solid waste rules that govern the following:

- The maintenance, protection and use of all solid waste collection and disposal facilities.
- The receipt of out-of-district waste.
- The application of zoning to solid waste facilities.
- The implementation of a program for the inspection of out-of-state waste.

CCAO believes that district programs must reflect local needs, demographics and waste management conditions and that a "one size fits all" approach to local solid waste planning is not in the long-term best interest of the state or its citizens.

Flexibility in solid waste governance

CCAO supports local flexibility for each district to determine whether to have a board of directors or to establish a regional solid waste authority for governance purposes. For solid waste districts that choose to retain the board of directors/solid waste policy committee governing structure, the law should be amended to permit multi-county districts to reduce policy committee quorum requirements and to reconfigure policy committees to reduce their sheer size.

Districts with two or more counties should be able to participate in meetings via electronic video conferencing, and counties should have the ability to establish a non-statutory membership composition.

Streamlining of the planning process

CCAO supports streamlining the planning process by requiring each district/authority to prepare a plan once every 15 years, provided the district is meeting goals laid out in the plan. Financial metrics can be updated once every five years, or as needed. CCAO believes that plan components should be less prescriptive than they are currently, that the format should be general and serve as a guidance document, and the format should not be a one size fits all template. In general, CCAO supports

JEDI

DISTRICTS WITH TWO OR MORE COUNTIES SHOULD BE ABLE TO PARTICIPATE IN MEETINGS VIA ELECTRONIC VIDEO CONFERENCING, AND COUNTIES SHOULD HAVE THE ABILITY TO ESTABLISH A NON-STATUTORY MEMBERSHIP COMPOSITION.

putting more resources into plan implementation and devoting less time to continuous updates and revisions of the plans.

Other changes to the planning process that CCAO supports include the following:

- **Fee modification process** - Reduction in district generation and disposal fees should not require ratification of the solid waste plan, rather such changes should only require two hearings and a resolution.
- **Plan components** - Remove burden of inventory data collection from districts and require brokers and haulers to submit data to the state.
- **Plan ratification process** - Maintain the 60% approval for ratification and remove large city veto.
- **Plan ratification process** - Failure by a political subdivision to vote removes that political subdivision from the calculation needed for approval.

In order to promote fiscal accountability, CCAO supports allowing districts to discontinue service where the costs for providing service exceed the economic value without re-ratification of the plan.

If county commissioners are to make full use of existing facilities, programs and services, it is essential that local officials have the power to:

- Have self-determination relative to the

composition of each solid waste district.

- Establish funding mechanisms to carry out district solid waste plans.
- Adopt rules to make sure that solid waste facilities are properly utilized.
- Implement designation and debt financed
- flow control to make sure that facility debt may be retired and that solid waste plans may be fully implemented.

PROPER DISPOSAL OF SCRAP TIRES

Legislation regulating the sale, disposal and transportation of scrap tires in Ohio was adopted in 1993 (H.B. 165). Since the adoption of this worthwhile legislation, there is evidence of increased open dumping of scrap tires leading to public health hazards and a high cost to taxpayers in remediating tire dumps. Given that it has been 30 years since the adoption of the original law regulating disposal of scrap tires, CCAO believes it is time to revisit the law to close loopholes leading to the improper disposal of scrap tires. CCAO supports changes to the law and administrative code to:

- Redefine “open dumping” and “scrap tire” to close loopholes allowing unscrupulous haulers to dispose of scrap tires in abandoned buildings, as an example.
- Increase Ohio EPA registration requirements on scrap tire transporters to require them to maintain and prove contract validity with an appropriate scrap tire disposal or recycling facility.
- Require all scrap tire transport drivers to have a valid commercial driver’s license.
- Increase the amount of financial assurance that registered scrap tire transporters are required to maintain.
- Require scrap tire storage facilities to secure tires from theft and limit the number of tires stored in a building or covered area, enclosed container, trailer or installation.

- Exclude any political subdivision or any state agency conducting a roadside or public property litter cleanup operation or a community tire collection event from needing to register as a scrap tire collection facility, provided they meet certain criteria.
- Increase the penalty for any scrap tire generator who hires a hauler to remove tires that is not an Ohio EPA registered scrap tire transporter.

LOCAL DISCRETION ON PREVAILING WAGE

Counties should be given the ability to opt into prevailing wage requirements on public projects, allowing more flexibility and administrative savings for counties facing costly construction projects.

The General Assembly should restore county discretion with respect to projects undertaken by Transportation Improvement Districts (TIDs). This will result in significant cost savings for counties and other local governments involved in TIDs.

TAX ABATEMENT / COMMISSIONER APPROVAL

CCAO supports legislation requiring notification and consent of each board of county commissioners affected by property tax abatement or tax increment financing that a township or municipal corporation grants within a county. CCAO recognizes the value of tax abatement as an economic development tool and supports retention of county authority to provide tax abatement under a revised statutory format necessitated by the elimination of the tangible personal property tax.

ENERGY

The availability of reliable energy is a critical component to economic development and quality of life for Ohioans. Efforts should be made to assure that power supplies are sufficient throughout all regions of the state.

CCAO realizes that access to reliable and cost-efficient energy supplies are critical for economic development. Some areas of the state do not have adequate capacity of natural gas, particularly in the western half of the state. Additionally, even though southeast Ohio has abundant supplies of natural gas, the lack of

distribution pipelines and other needed infrastructure prevents local use of these natural resources. CCAO supports additional economic development incentives and assistance from the State and JobsOhio to address these gaps in natural gas access and capacity.

Additionally, CCAO encourages exploration of and support for more alternative sources of energy, including bio-energy, solar, geothermal and wind energy, as well as support for enhanced traditional sources such as nuclear and clean coal technology. The technological advances in harnessing new energy sources have offered great opportunities to Ohio. CCAO supports state policies, such as renewable portfolio standards, to encourage the use of alternative and renewable energy resources. However, CCAO believes the decision to incentivize such technologies with local tax abatements should remain with local political subdivisions.

In addition, CCAO supports developing and expanding the applicable uses of domestic energy sources. For example, the state, in conjunction with local governments, should continue to review and analyze the economic feasibility, technology, and infrastructure opportunities and challenges regarding the potential conversion of vehicle fleets to natural gas-fueled vehicles (NGVs).

CCAO believes that as Ohio joins the race to embrace new energy technologies, the state should commit to including local governments in developing applicable state policies, particularly given the potential siting, infrastructure, taxation and community impacts.

The movement of drilling equipment coupled with the large amounts of material, in particular water, to and from both drilling sites and injection well sites will cause much distress to our roadways.

CCAO advocated for and was disappointed with the refusal of policymakers to require a road use and maintenance agreement (RUMA) be in place with the appropriate local political subdivision as a condition to a permit to drill, particularly given the mandatory nature of such agreements with regards to the development of alternative energy sources. In addition to requiring a RUMA for oil and gas exploration, CCAO supports a RUMA requirement in cases of natural gas and other pipelines which trench

JEDI

road rights of way and other public infrastructure. It is important that public roads be protected from damage by pipeline transportation companies and a mandatory RUMA will help to protect the public investment in highway infrastructure.

LAND USE REGULATION AUTHORITY

County commissioners have limited authority to effectively regulate even the simplest land use problems in the county. CCAO proposes that boards of county commissioners be given the following additional authority and tools to regulate land use:

- Authority to impose impact fees on new development to assure the general taxpayer does not pay for the entire cost of expanded infrastructure needed as a result of new development.
- Authority to enact zoning for the purpose of promoting the general welfare and to encourage the preservation of agriculture and agribusiness.
- Authority to approve transfer of development rights (TDR) in both zoned and un-zoned areas in order to promote preservation of open space and farmland. In the event a property owner is compensated in conjunction with a TDR, no public funds may be granted to the owner for an agricultural or conservation easement.

APPROVAL OF EXPEDITED ANNEXATIONS

Ohio law provides several options for expedited annexation to a municipality if all property owners agree. Commissioners must approve the annexation if all of the statutory conditions are met. Commissioners should have the authority to (1) raise other concerns that are not addressed in statute, such as traffic, land use plans, water and sewer utilities, and the impact on school districts; and, (2) to negotiate an acceptable resolution with other political subdivisions involved in the annexation.

TAX ABATEMENT/ COMMISSIONER APPROVAL

CCAO supports legislation requiring notification and consent of each board of county commissioners affected by property tax abatement or tax increment financing that a township or municipal corporation grants within a county. CCAO recognizes the value of tax abatement as an economic development tool and supports retention of county authority to provide tax abatement under a revised statutory format necessitated by the elimination of the tangible personal property tax.

BUILDING PERMITS

Counties should be authorized to issue citations for building permit offenses, compound or increase building permit fees for unresolved violations, and link separate building code violations and separate sites for violations involving the same owner or contractor that continues to violate the law. CCAO also seeks authority for a “one-stop-shop” for permitting and inspecting construction occurring within the unincorporated areas of the county, including the same authority granted to municipalities to perform plumbing inspections without the acquiescence of the general health department.

COMMERCIAL BUILDING PERMIT PLANS REVIEW

The Ohio Commercial Building Code requires that building departments review commercial applications for building permits in the order in which they are received. CCAO believes counties should be provided specific legislative flexibility to review plans in a manner which allows for expedited review of projects that have significant local and/or economic development impacts.

ENFORCEMENT OF FLOOD PLAIN REGULATIONS

CCAO supports legislation permitting a county to levy fines and issue stop work orders to enforce county flood plain regulations.

CCAO RECOMMENDS REMOVING THE 3% CAP AND INCREASING FORCE ACCOUNT THRESHOLDS TO ACCOUNT FOR INFLATION THAT HAS OCCURRED SINCE THE PREVIOUS ADJUSTMENT IN 2003.

LOCAL GOVERNMENT REQUEST FOR PUBLIC HEARING ON PERMITS FOR BRINE INJECTION WELLS

Under current law, the Division of Mineral Resources at the Department of Natural Resources is not required to hold a public hearing on applications for permits for an oil and gas well or a brine injection well, even if the Division receives timely comments and a request for a hearing. This is different than the law on concentrated animal feeding operations and wind farms.

CCAO supports a change in law that requires public hearings on applications for oil and gas well permits and brine injection well permits if requested by a board of township trustees or municipal legislative authority if the proposed location is within that township or municipality, or by a board of county commissioners if located in the county. The division would continue to have discretion on hearings requested by other parties but would be required by state law to conduct a hearing if requested by local governments.

CCAO has additional positions relative to the taxation of oil and gas that can be found under the Taxation and Finance section of this document.

ZONING OF CELLULAR TOWERS

Existing law limits the authority of county and township zoning to regulate cellular towers to residential zones. CCAO supports legislation granting authority to regulate cellular towers in all zoning districts under reasonable standards that recognize the need for cellular service.

LAND REUTILIZATION PROGRAM/ LAND BANKS

CCAO supports amendments to the land reutilization program to accomplish the following:

- Allow counties to form multi-county land banking programs.
- Permit electing political subdivisions to acquire delinquent properties without the requirement of waiting for the property to be offered for sale at two sheriff sales.

- Allow the county to retain their own legal counsel to prosecute tax delinquencies instead of being required to use the prosecutor.
- Require property owners to pay all back taxes and assessments within one year of delinquency and not be able to enter into a payment program to avoid foreclosure.
- However, a special provision should be included to allow payment plans for senior citizens on limited incomes and for the delinquent properties when taxes have not been paid because of a death and the final disposition of the estate has not occurred.
- Allow property acquired through this process to be sold for less than fair market value.
- Currently, execution of tax foreclosure actions by the county prosecutor on properties which had been delinquent for at least three years can be taken against the parcel of property. The three-year window should be shortened, to allow counties to recover those dollars quicker.

GOVERNANCE OF CONSERVANCY DISTRICTS

The governance structure of conservancy districts should be revised by removing common pleas judges as the statutory appointing authority for the board of directors of the district. Advisory Opinion 2003-9, issued by the Board of Commissioners on Grievances and Discipline, poses the possibility that this statutory provision may conflict with the Ohio Code of Judicial Conduct. The boards of county commissioners from each county within a conservancy district should appoint either a commissioner or other qualified person to the board of directors of the district.

FORCE ACCOUNT

House Bill 74 of the 134th General Assembly indexed the county engineer’s force account thresholds to construction inflation but capped the increase at 3% annually. CCAO supports permitting a sanitary engineer with funds appropriated by the commissioners for this purpose to use county personnel and equipment to undertake water and sewer projects instead of having to contract for all

JEDI

such improvements. CCAO recommends removing the 3% cap and increasing the thresholds to account for inflation that has occurred since the previous adjustment in 2003.

AIRPORT FUNDING

CCAO supports legislation that would establish a trust fund using a portion of state sales tax revenue from the sale of aviation fuel. Ohio has 97 general aviation grant-eligible airports. The sales tax from aviation fuel dedicated to safety and runway improvements would go a long way toward providing the level of funding recommended in the ODOT study.

RAILROAD GRADE SEPARATION FUND

CCAO supports legislation that would continue the nearly completed Railroad Grade Separation Program initiated in 2001 with a state commitment of \$200 million that funded 28 high priority grade separation projects across Ohio. Grade separation projects at critical rail highway intersections promote economic development and public safety while relieving highway traffic congestion.

FIBER OPTIC SYSTEMS

CCAO supports providing counties with specific statutory authority to own and operate fiber optic systems for telecommunication purposes. CCAO supports programs that encourage greater Internet and broadband accessibility statewide. State government should continue to support broadband expansion efforts to ensure access to high speed internet for all Ohioans.

AIR QUALITY

The US EPA revised ozone standard of 70 parts per billion (ppb) became effective October 2015. Because of the substantial costs of potential programs required to meet such attainment standards and the regional nature of their application, CCAO strongly recommends that responsibility for implementing air pollution controls remain with the state.

CCAO encourages the state to work with local air pollution control agencies, local governing bodies, MPO's, regional councils of government,

and businesses to use opportunities to utilize land use law and regulations to meet the Clean Air attainment standards. As the state tackles air quality regulations, the association urges reasonable practices that minimize adverse impacts on citizens and the economy of Ohio.

JUSTICE AND PUBLIC SAFETY

Chair: Barb Lewis, Delaware County Commissioner

Vice Chair: Terry Britton, Highland County Commissioner

Staff: Kyle Petty, Managing Director of Policy

According to the United States Supreme Court, indigent defense is a responsibility of the state. The state's assumption of full financial responsibility for indigent defense is a critical element of a more efficient and effective indigent defense system and a stronger working relationship between the state and its counties.

Counties recognize that Ohio strengthened the indigent defense system in the FY22/FY23 biennial budget by moving closer to fully funding the program. The state appropriated approximately \$336 million dollars in the most recent budget to fully reimburse counties for the costs of operating the indigent defense system in the state. The Office of the Ohio Public Defender estimated that this amount would result in a 100% reimbursement rate on July 1, 2021. That projection held true for FY 2022.

In FY 2023, the workforce crisis forced many counties to increase appointed counsel rates, increase public defender salaries, and fund necessary public defender facility expenses in order to retain staff and continue effective operation of the program. These unanticipated increases in cost resulted in an approximate 90% reimbursement rate in FY 2023.

CCAO asks that the state take the final step in this biennial budget to provide full funding for indigent defense reimbursement. Alternatively, the state should provide an option to allow the state public defender to take over operation of the indigent defense program if a county chooses to contract with the state for the operation of the program. Either way, now is the time for the state to finally relieve counties of this state-mandated funding obligation and return it to where it rightfully belongs: the state.

Historical Perspective

Initially in response to *Gideon*, Ohio opted to require counties to provide indigent defense, with the state reimbursing counties for 50% of the cost of delivering this constitutionally mandated service. The state funded its reimbursement by utilizing revenue deposited into the state general fund from a statewide court cost established by the General Assembly. However, in 1979, when the revenue from the court cost became less than the amount required to provide the state's 50% reimbursement, the state modified its funding commitment by

establishing the concept of "proportional reduction." Under this concept the state simply appropriated an amount for reimbursement and then proportionally reduced the reimbursement rate to counties.

THE STATE SHOULD ASSUME COMPLETE RESPONSIBILITY FOR FUNDING INDIGENT DEFENSE.

In 2008, the state created the Indigent Defense Support Fund (IDSF) to develop non-general revenue fund (non-GRF) resources to reduce the reliance on state general fund revenues to pay for reimbursement. Certain fees, fines and surcharges were established and earmarked for the IDSF so that these non-GRF sources could be used for reimbursement.

Historical data shows that the state reimbursement rate to counties averaged 40% between 2010 and 2019 and the record low reimbursement rate of 26.1% occurred in FY 2009. During this same ten-year period, while the counties spent \$795 million on indigent defense that was not reimbursed by the state, the state reimbursed \$490 million of which only 30% was state general fund revenue and the remaining 70% was non-GRF money from the IDSF.

Two other key factors burden the counties' financial obligations to fund indigent defense. Currently 83% of the non-GRF revenues that are deposited into the IDSF are allocated to county reimbursement. Six years ago, 88% was allocated to reimbursement.

JUSTICE AND PUBLIC SAFETY

This five percent reallocation diverts approximately \$6.5 million each year from county reimbursement to support the State Public Defender’s Office operations. Furthermore, the IDSF receipts continue to underperform their three-year historic trend line upon which the budget forecast for fund receipts is based. This underperformance impacts total revenue available for reimbursement and leads to a further reduction in the reimbursement percentage to counties. The other factor is the Capital Case Attorney Fee Council, comprised of five sitting judges of the courts of appeals, has the authority to establish the rate counties must pay for lawyers who represent defendants in capital (death penalty) cases. The Fee Council has established the rate at \$125 per hour, which is a significant increase from the \$60 to \$75 per hour rate most counties were paying prior to the creation of the Fee Council a few years ago.

THE STATE SHOULD RECOGNIZE THE IMPORTANCE OF COUNTY JAILS IN THE CRIMINAL JUSTICE SYSTEM AND STRENGTHEN THE STATE-COUNTY PARTNERSHIP THROUGH THE FOLLOWING POLICIES:

STATE CAPITAL FUNDING FOR COUNTY JAILS SHOULD BE MAINTAINED

The county jail is an integral part of the state’s criminal justice system. CCAO has expressed concern that in many instances county jails are unable to adequately perform their mission within the criminal justice system due to age and structural conditions. State capital funding for county jail construction and renovation is a major priority for counties. A 2019 survey conducted by the Buckeye State Sheriffs Association and CCAO projected a statewide cost of over \$1.3 billion for county jail construction and renovation costs.

Last session, the state included \$50 million for county jail construction and renovation in the state capital appropriations bill (H.B. 687). The H.B. 687 funding built upon a \$50 million appropriation in

S.B. 310 in the 133rd General Assembly. The S.B. 310 dollars were the first meaningful investment in county jails at the state level in nearly 20 years. As such, the funding requests from counties for jail construction projects far exceeded the \$50 million dollar allocation.

The excess demand for jail project funding is a result of the increased need for the sheer quantity and specific type of jail bed required to house Ohio’s jail population. The need for additional jail beds is driven by five key factors:

- overcrowding,
- facility age,
- rising felony populations,
- rising female prisoner populations, and
- increasing drug crime arrests.

Furthermore, the inmate population in county jails are changing and jails are required to provide services that exceed the design capabilities of the facility. This is due in part to the fact that 32 of our 90 county jails were opened prior to 1988. Two county jails date back to the 1880’s and one dates to 1800. When looking at recent construction or renovation activity, only nineteen county jail facilities have been opened since 2000. The “ageing” of county jail facilities beyond their useful life presents real problems for the safety or not only the staff, but the inmates as well. Many jails are physically unable to provide the space to provide programming to reduce recidivism or substance abuse and/or mental health treatment.

However, CCAO sincerely appreciates the recognition by the state of the challenges counties face in providing safe and secure county jail facilities. The funding contained in S.B. 310 and H.B. 687 improved the landscape of county jails in a variety of methods. The state funding allowed several counties to build a new jail facility by combining state and county funds, whereas other counties utilized the funding to replace failing locking systems in their existing facility. That being said, CCAO urges the state to view these prior appropriations as an initial investment in a long-term capital funding program to help counties manage the expensive task of updating and repairing the structural, mechanical,

and operating systems of county jails.

DRUG EPIDEMIC AND MENTAL HEALTH IMPACTS ON COUNTY JAILS

A county jail's primary mission is not to treat or house the mentally ill or addicted. Jails are not designed to be treatment facilities, and jail staff are neither envisioned nor trained to be treatment providers. The state must accept responsibility for the management and care for the mentally ill and addicted population.

The continued incarceration of mentally ill and addicted individuals in county jails places an undue burden of risk and of cost upon these facilities and is clearly outside the purpose for county jails. Jail employees are not trained to manage or treat individuals suffering from mental illness or addiction. The mentally ill or addicted population is at high risk for injuring themselves or others.

According to ODRC data, approximately one in three inmates are currently confined in a county jail due to a drug-related offense, with many of these individuals also suffering from mental illness. The health care costs for these individuals are excessive, and their housing in a jail threatens public safety by taking up scarce bed space that was designed for and should be used for housing real criminals.

An emphasis must be placed upon developing, improving and increasing programing and funding for:

- Access to mental health and addiction services for jail inmates to ensure their continuity of care.
- The statewide behavioral health triage program that provides regional centers where law enforcement can take individuals in custody or incarcerated who need immediate mental health crisis intervention or acute substance use disorder stabilization.
- Expanding the number of drugs covered by the highly successful Department of Mental Health and Addiction Services' reimbursement program for psychotropic drugs prescribed for county jail inmates.

ADOPT A RISK-BASED SYSTEM TO ESTABLISH BAIL FOR DEFENDANTS

CCAO urges the legislature to continue its deliberations on this subject and enact a risk-based system to establish bail for defendants, that allows for public safety to be considered as a factor of pre-trial release. This risk-based system should include a mandate that a validated risk assessment tool be used, allow flexibility in determining which assessment tool is used, and provide funding recognizing that the utilization of the system will require additional staff to carry out and administer the risk assessment program.

Bail refers to the process of releasing a defendant from jail with conditions that reasonably protect public safety and ensure the defendant will show up for court. Ohio law defines bail as security for the accused to appear in court (R.C. Section 2937.22). Usually there is a bond schedule established by the court for the various types of offenses, and if the individual can post the monetary amount required, they are released from jail. Risk of flight or the impact of the individual's release upon public safety, the true purposes for bail, are not taken into consideration under this methodology. If the individual can provide the money, they gain release from jail.

However, the ability to pay a bail bond is impossible for too many people. As a result, county jails house many pre-trial individuals who present no reasonable risk to the public safety but remain incarcerated simply because they don't have the money required to gain their release. Considering that over 60% of average daily jail populations are unsentenced individuals who are unable post bail, CCAO believes a risk-based system to establish bail would help reduce county jail population.

COVERAGE FOR MEDICAL COSTS OF UNSENTENCED JAIL INMATES

CCAO asks that the state encourage Congress to remove the so-called "inmate exception" that prevents payment of federal medical benefits for people in jail whether or not they have been convicted of a crime. Current federal benefits rules that must be followed by the states leave counties solely responsible for the medical expenses of jailed

JUSTICE AND PUBLIC SAFETY

individuals. As a result, qualified individuals in jail are automatically stripped of their federal benefits before they have been convicted. This appears to be a direct contradiction of the basic presumption of innocence, which is the foundation of the American criminal justice system.

The state also could assist counties by amending its Medicaid plan to both continue eligibility and provide benefits for a Medicaid eligible individual during their incarceration in a county jail. While federal law prohibits federal reimbursement for medical services provided to incarcerated individuals, it does not prohibit the state from spending state dollars at the Medicaid rates for such services which, if paid, would help subsidize the county's cost.

STATE SUBSIDY FOR HOUSING CERTAIN PRISONERS IN COUNTY JAILS

State laws and policies have contributed to the significant increase in county jail population. State funds should be appropriated to reimburse counties for the costs of housing prisoners in county jails that are doing any of the following:

- Serving sentences for a felony conviction.
- Being held by the Adult Parole Authority pending a parole revocation hearing.
- Being incarcerated pursuant to the provisions of the Domestic Violence Preferred Arrest Law.
- Serving mandatory jail sentences under the state's OMVI laws.
- Prisoners who must be retained in the county jail because DRC is unable to receive them.

EMERGENCY 9-1-1 FUNDING AND MANAGEMENT

The Statewide Emergency Services Internet Protocol Network Steering Committee (ESINet Committee) is tasked with moving Ohio to a Next Generation 9-1-1 (NG9-1-1) system that supports digital communications and can leverage future advances in technology for emergency responders to effectively protect and efficiently respond to calls from the public for emergency assistance. The technology associated with this system is extremely expensive

and cannot be borne by counties alone. This system must be adequately funded to ensure that the public's expectations are met.

A universal device fee must be enacted

The ESINet Committee has recommended that a Universal Device Fee be established. A Universal Device Fee is a permanent, statewide, uniform monthly charge applied to all numbers/addresses capable of accessing 9-1-1 dedicated to funding Ohio's 9-1-1 system. The revenue from the monthly charge should be utilized to adequately support both the state's provision of ESINet and 9-1-1 services and local governments' public safety answering point (PSAP) operations centers.

CCAO supports this recommendation and concurs with the ESINet Committee's further recommendation that this fee should initially be established at 70 cents for the first two years and then for the next five years the ESINet Committee may annually adjust the fee to an amount not greater than 2 cents than the previous year's fee but the total fee cannot exceed 70 cents. This flexibility provided to the ESINet Committee is necessary to ensure that both the implementation of the NG9-1-1 system and county access and utilization of the new system can be adequately financed.

The universal device fee must support local PSAP operations

Funding allocated to the PSAP operations centers should support the acquisition of the necessary hardware, software, and technology upgrades and annual maintenance of the system; underwrite the costs of mandatory training requirements and regulatory compliance; and establish a reserve for funding the major system technology advances that will occur over time. The state should also consider providing specific incentives which assist counties in completing last mile connectivity; maintaining their Ohio Location Based Response System which provides address, street and location data; and effectively consolidating PSAPs.

Counties should manage PSAP operations

The State NG9-1-1 system and the PSAPs it supports will eventually replace the existing 9-1-1

JUSTICE AND PUBLIC SAFETY

systems throughout the State. CCAO recommends that PSAP management become the responsibility of commissioners as a county department. CCAO recommends that all calls to 9-1-1 be received at a single centralized PSAP location within the county, complimented with appropriate redundancy, for dispatch to the public safety/service provider covering the area where the call originates.

There is also a need to clearly distinguish between the PSAP 9-1-1 call receipt function and the dispatch function and ensure that a political subdivision that provides dispatch services for another subdivision can contract for and fully recover their costs in providing that service.

ELIMINATION OF MARCS USER FEES

The state has committed a significant investment to upgrade the Multi-Agency Radio Communication System (MARCS) radio system to provide interoperability among local responders' communications equipment. One of the challenges to local governments wanting to utilize MARCS, however, is the cost-prohibitive monthly user fee the state currently charges local responders for use of the system.

The state budget has made grant funding available to rural fire departments to help them pay the monthly MARCS user fee. The current biennial budget provides GRF funding of \$2 million per year to subsidize \$10 of the \$20 monthly MARCS subscriber fees paid by political subdivisions during the FY 22/23 biennium.

Ultimately, in order to make the system a viable option for counties and other local governments' communication needs, the monthly MARCS user fee must be eliminated. For those political subdivisions that have negotiated equipment acquisition or sharing arrangements in order to reduce their user fee obligation, these agreements should be subject to renegotiation if the fee is permanently reduced or eliminated.

STATUTORY COURT COSTS

Clerk of court fees (R.C. Section 2303.20) were last increased in 1992, and probate court fees (R.C. Sections 2101.16 and 2101.17) have not

been increased since 1976. These fees help offset the cost of the operation of the clerk of courts office and probate court. CCAO asks that these fees be increased significantly to offset the gross depreciation in their value resulting from inflation.

MUNICIPAL CHARGING PATTERNS

CCAO must express its frustration regarding current municipal charging patterns. Presently, municipalities can choose whether to charge a misdemeanor criminal case under a local municipal ordinance or under the Ohio Revised Code. This decision holds great significance as it relates to whether it is the city or the county who will pay for the costs of detention, mental health evaluations and public defense expenses and which will benefit when fee or fine monies are collected. While municipalities are understandably authorized under their home rule authority to establish a criminal code and exercise police powers, this power should not extend to shifting costs to the state via counties by citing an individual under the Ohio Revised Code when the individual case offers no financial incentives for the municipality to prosecute the case under its municipal ordinance authority.

COMMISSIONERS USE OF OUTSIDE LEGAL COUNSEL

The board of commissioners may employ an attorney other than the prosecuting attorney to represent them on either a particular matter or on an annual basis. However, the total compensation paid in any year for outside counsel cannot exceed the total annual compensation of the county prosecuting attorney. CCAO asks that this artificial spending cap imposed by R.C. Section 309.09(C) be eliminated.

SHERIFF DEPUTY TRAINING REQUIREMENTS

Counties must receive complete reimbursement for all costs associated with any mandatory law enforcement continuing professional training required by the state. These costs include not only the costs for the actual training but also the officer in training's regular salary and the covering officer's salary at time and a half.

JUSTICE AND PUBLIC SAFETY

COURT SYSTEM RESTRUCTURING AND MANAGEMENT

While CCAO recognizes and respects the court system as an independent third branch of government, several issues involving the judicial system are impacting counties' efforts to increase efficiency and contain costs.

- The current system of county and municipal courts is balkanized, functions inefficiently and ineffectively, and, consequently, costs local government more than it should to operate. A complete review and restructuring of the misdemeanor court system should take place.
- The state should begin moving toward the assumption of full responsibility for the operation and management of the common pleas court system in the state, thereby fostering a more collaborative and unified system.
- There is an increased incidence of courts demanding funding of budget requests which are neither pragmatic nor responsible, and that exceed funding parameters imposed upon other county officials and challenge resource allocation.
- A periodic review of the number of judgeships required in the various courts based upon population and caseloads should be undertaken.
- Consideration should be given to expanding the use of magistrates and magistrate authority as an alternative to creating a new judgeship due to docket pressures. In addition, the state should provide a similar level of funding for a magistrate's salary as is currently provided for a judgeship.

DRC COMMUNITY CORRECTIONS PROGRAMS

The Department of Rehabilitation and Corrections (DRC) and the Department of Mental Health and Addiction Services (MHAS) have begun to work cooperatively to develop and fund programs to support a continuum of community corrections programs. These programs provide drug and alcohol counseling and treatment and services for the mentally ill in the county jails. CCAO strongly



CORSA Risk Control Law Enforcement Consultant Steve Flory with Wood County Commissioner Craig LaHote and MILO Trainer Tom Meek at the Wood County Sheriff's Office

supports this collaboration and encourages a much greater level of reinvestment in the communities to support these goals.

The Department of Rehabilitation and Corrections' "Community Corrections Act" programs should continue to be used as the foundation upon which to build this infrastructure. These highly successful programs are developed through evidence-based analysis, and best practices models are funded through the Division of Parole and Community Services. Community Corrections Act (CCA) line items support felony prison diversion and misdemeanor jail diversion programs in the local communities.

Funding for these CCA programs should continue to be increased and new program options developed to support local communities as best practices become identified. Additional funding should be allocated specifically to county government through the CCA Jail diversion (407 line item) to provide funding to assist local government in providing treatment and services to those addicted to opiates and other illegal substances or experiencing a mental health disorder.

DYS JUVENILE JUSTICE FUNDING

Support for local juvenile justice programming has been ignored for over a decade. It is well past time for the state to significantly increase funding through the Department of Youth Services for juvenile detention services. RECLAIM Ohio and the Youth Services Grant (510 line item) are the

JUSTICE AND PUBLIC SAFETY

major components for juvenile justice funding and absolutely are critical funding programs for Ohio's juvenile courts, accounting for approximately 33% of their operating budgets.

Annual RECLAIM Ohio funding has remained at approximately \$30 million per year since FY 10. The Youth Services Grant also continues to be flat funded, as it has been since FY 03, at \$18.6 million per year. Together, these line items have seen almost a 10% reduction in funding from the FY 02 appropriation levels.

Failure to fund these line items adequately will lead to increased commitments to DYS institutions because the resources will no longer be available locally to serve these youth in their communities.

COMMUNITY BASED CORRECTIONS FACILITIES

Community Based Corrections Facilities (CBCFs) are secure residential facilities that house individuals who have been diverted from the state's prison system in order to provide them with intensive programming and rehabilitation services that will lead them to choose not to reoffend. CBCFs are created by the common pleas courts through the establishment of a judicial advisory board and are managed by a local facility governing board comprised of individuals appointed by the judicial advisory board and the county commissioners of the member counties. CBCF funding is provided through grants administered by the Department of Rehabilitation and Correction. An expansion of the current funding would allow for the diversion of more individuals from prison into the CBCF programming.

State law limits the time an individual can stay in a CBCF to a period of six months or less. However, new research and empirical analysis suggests that programming objectives and results are more effective and successful if treatment is extended beyond six months. CCAO recommends that the legislature work with the Department of Rehabilitation and Correction to determine if state law should be amended to allow for a longer maximum stay in a CBCF and whether CBCF programming could effectively provide addiction and mental health rehabilitative services that would benefit the remediation of the opiate crisis.

STATE FUNDING OF THE LEADS SYSTEM

With the advent of the Statewide Emergency Services Internet Protocol Network (ESINet) Steering Committee, the administration of the state's Law Enforcement Automated Data System (LEADS) should be merged into the ESINet to eliminate the need for county contributions for maintaining the system and should provide a funding mechanism to local jurisdictions to cover the cost of hardware and software upgrades required by new technology applications.

PROSECUTION OF CRIMES OCCURRING ON STATE PROPERTY

The state should provide a biennial appropriation line item to pay 100% of the costs incurred by counties for prosecuting offenders who commit crimes at state institutions, such as state prisons, or on state-owned property.

VOLUNTEER FIRST RESPONDERS TRAINING

The number of hours required for a volunteer to become certified and maintain certification as a fire fighter or emergency medical service responder has become onerous. The state should reevaluate the training requirements.

METROPOLITAN AND REGIONAL AFFAIRS

Chair: Gloria Rodgers, Summit County Council, District 3

Vice Chair: Kevin Boyce, Franklin County Commissioner

Staff: Jon Honeck, Senior Policy Analyst

The 11 Ohio counties with a population exceeding 250,000 meet periodically to review issues of critical importance to metropolitan counties and to deal with issues relating to regionalism. Counties in metropolitan areas experience unique challenges requiring specific legislative actions and responses to assist their constituents. While many metropolitan county issues are covered in other areas of this platform document, the following are either unique to metropolitan counties or present themselves in a unique way.

Metropolitan counties serve as important regional centers for economic development. These counties face difficult challenges including the opioid epidemic and rising costs for goods and services. Now, these densely-populated counties have urgent challenges of fostering an economic recovery in the face of the worldwide coronavirus epidemic. If Ohio is to prosper into the future, now is the time for a stronger state-county partnership.

COMMITTEE PRIORITIES

RACISM AS A PUBLIC HEALTH CRISIS

The six largest counties in Ohio have adopted resolutions declaring that racism is a public health crisis. These resolutions identify a long list of disparities in outcomes for black residents in health, education, housing, employment, nutrition, and criminal justice. The combined effects of these disparities negatively affect the quality of life for black residents in metropolitan counties and across the state.

Ohio counties are committed to proactively addressing the effects of racism within county government operations and in their wider communities. Counties are reexamining their policies for employment, criminal justice administration, public safety, contracting, economic development, health care, and social services to ensure equity in all areas. CCAO will work with the General Assembly, the Governor and other state elected officials to ensure that the state of Ohio enacts policies and

follows administrative practices that eliminate racial disparities in all policy areas.

AFFORDABLE HOUSING

Ohio's metropolitan areas do not have enough affordable housing to meet demand. The state should take the lead by improving the availability of and access to affordable rental housing and owner-occupied housing. Rehabilitation of aging housing stock must be part of any solution in Ohio's urban areas.

BENEFITS CLIFF

The current public benefits system forces recipients who are working to make difficult choices between accepting a raise or promotion and losing their benefits. The state should work with counties to create a seamless transition out of benefit programs that incentivizes higher-paid employment. This may involve working with federal agencies and the Ohio Congressional delegation to change federal rules when needed.

JAIL FUNDING

Many county jail facilities are overcrowded and are aging beyond their intended useful life. Metropolitan counties are faced with the need to make major renovations to these facilities or replace them entirely. CCAO appreciates the \$50 million dedicated

CCAO APPRECIATES THE \$50 MILLION DEDICATED TO COUNTY JAILS IN THE TWO MOST RECENT CAPITAL BUDGETS, BUT THE STATE SHOULD INCREASE THE LEVEL OF RESOURCES DEVOTED TO THIS PURPOSE.

METROPOLITAN AND REGIONAL AFFAIRS

to county jails in the two most recent capital budgets, but the state should increase the level of resources devoted to this purpose. Please see the **Justice and Public Safety** section of this document for more information.

ACCESS TO HEALTHY FOOD

One of the causes of unequal health outcomes for minorities in urban counties is the existence of “food deserts.” Using 2015 data, US Department of Agriculture researchers found that 15.2% of all Ohio census tracts were both low-income and low-access with respect to food. In an urban setting, this means being more than one mile from a grocery store. State policymakers should work closely with local health and economic development officials to develop incentives to ensure access to healthy food for all Ohioans.

One of the causes of unequal health outcomes for minorities in urban counties is the existence of “food deserts.” Using 2015 data, US Department of Agriculture researchers found that 15.2% of all Ohio census tracts were both low-income and low-access with respect to food. In an urban setting, this means being more than one mile from a grocery store. State policymakers should work closely with local health and economic development officials to develop incentives to ensure access to healthy food for all Ohioans.

PUBLIC TRANSIT IN PERIL

Public transit in metropolitan areas is how thousands of people get to work, school, and medical appointments. Historically, the State of Ohio has provided little support for public transit. This started to change in 2019, when public transit received a historic investment of \$70 million per year in the transportation budget bill in 2019. However, just two years earlier, transit authorities lost \$40 million

per year in local sales tax revenue as a result of the elimination of Medicaid managed care sales tax. In 2021, the state provided a total of \$110 million per year for public transit, mostly from federal funds (\$37 million in GRF funds, \$33 million in highway “flex” funding, and \$40 million in additional federal funds).

Transit authorities will need increased state and federal investment to address short-term and long-term challenges. Some of these needs will be met through increased funding for capital expenses in the Bipartisan Infrastructure Law, but long-term state support remains critical.



Hamilton County Commissioners Alicia Reece, Stephanie Summerow Dumas and Denise Driehaus (who is also CCAO Treasurer) at The White House for Communities in Action: Building a Better Ohio

In the long-run, the Ohio public transit vehicle stock is aging and much of it will need to be replaced. ODOT’s statewide transportation study in 2015 noted that an estimated one-third of vehicles in the urban public transit fleet need to be replaced and that another \$555.3 million is needed. This will rise to \$903.9 million in 2025.

Metropolitan counties cannot help advance economic and workforce development for Ohio without a stronger state partnership to provide

public transit. We must work together to find a funding solution for public transit. Additional public transit recommendations include:

- Identify a dedicated funding source to increase our investment in public transit.
- Urge the Ohio Congressional delegation to modify federal law so that Federal Transit Administration Section 5307 funds, whose use now is limited to capital projects, can be employed more flexibly by local transit systems. Currently these funds may only be used for operating expenses by transit systems serving communities with a population under 200,000.

METROPOLITAN AND REGIONAL AFFAIRS

- The Ohio Department of Transportation also should pass through the full amount of the federal obligation ceiling to local entities for critical transit needs.

COMMITTEE RECOMMENDATIONS

OPIATE EPIDEMIC: CREATING ABILITY FOR THE GOVERNOR TO DECLARE AN OPIATE HEALTH EMERGENCY

The social isolation and stress created by the COVID-19 pandemic threatens to undermine progress in combating the opiate epidemic. Building upon the model used to respond to natural disasters, it is time to bring new emergency response capability to county government in order to respond to the devastation that is being experienced. Such a response could include extraordinary powers for the executive branch when certain conditions are met, as well as access to special matching funds for specific emergency needs. Some needs identified by metropolitan counties include:

- Expanded detoxification and treatment access.
- Resources to expand access to Naloxone.
- Offset the growing costs associated with autopsies and toxicology reports.
- Jail inmate medical cost relief.
- Provide relief for increased demand on child protective caseworkers.
- Early education, prevention and intervention resources.

The FY 2021-2022 state budget made additional investments in Substance Abuse Stabilization Centers, Recovery Housing, and Child Protective Services. While these efforts are helpful, the state needs to partner with us to do more in this area.

CHILD PROTECTIVE SERVICES

As of July, 2021, 62% of Ohio's children in custody lived in Ohio's 11 largest metropolitan counties. Given the number of Ohio children depending on these counties for safety and permanency services, metro

counties are particularly focused on strengthening the state-county partnership in children services. To view CCAO's recommendations around Ohio's children services program, see the **Human Services** section of this document.

CHILD CARE: BALANCING ACCESS AND QUALITY

A critical component to escaping the cycle of poverty is subsidized child care that makes it possible for parents to work in entry-level positions upon which a career can be built. Counties administer the publicly-funded child care programs that help eligible families pay for child care. Metropolitan counties often have high concentrations of poverty and, consequently, also have a large percentage of the publicly funded child care caseload.



Step Up to Quality (SUTQ) is Ohio's quality rating system for child care programs. The Ohio Department of Education and the Ohio Department of Job and Family Services use a one to five-star rating system to assess ODE and ODJFS licensed early childhood programs that choose to exceed minimum health and safety standards.

Currently, all providers authorized to provide Publicly Funded Child Care in Ohio must participate in SUTQ. The state should gather data to assess unmet needs and gaps in coverage. Because child care is a vital work support program, CCAO supports an increase in the income eligibility threshold for the program. See the **Human Services** section of this document.

INDIGENT DEFENSE

It is time for the state to assume complete financial responsibility for indigent defense. Considering the revenue losses counties have sustained, Ohio should relieve counties of this burden. The state made substantial progress toward this goal in the FY 2020- 2021 and 2022-2023 budgets, and this process should be finalized in the FY 2024-2025 budget biennium. For a more detailed description of the history and details, please see the **Justice and Public Safety** section of this document.

NEXT GENERATION WORKFORCE

High Quality Preschool

Several metropolitan counties are providing resources to promote county-wide access to high quality preschool. Many counties are working with various business and community leaders to follow best practices that lead to an educated and prepared future workforce. By ensuring that all children can attend at least one year of affordable or no-cost, high quality preschool, a number of critical indicator improvements are likely:

- Children who attend high quality preschool are more likely to complete high school and attend college.
- Children who attend high quality preschool are less likely to enter the criminal justice system or go to prison.
- Children who attend high quality preschool are more likely to earn a living wage within a career with advancement opportunities.

This initiative involves:

- Educating the community and families about the importance of all children attending a high quality preschool.
- Expanding the availability of high quality preschool through both the development of new preschool resources and through improving the quality of existing providers.
- Assisting families in finding and paying for high quality preschool.

We need the state to be a partner with us as we invest in Ohio's children and in Ohio's future.

LEAD POISONING PREVENTION & REMEDIATION

Given the devastating impact lead can have on children's bodies, it is a critical health and education issue. Minority and low-income children are disproportionately affected because they live in older housing units.

The FY 2020-2021 state budget established a lead abatement income tax credit and a grant program using Medicaid funds administered by the Ohio Department of Health, and additional appropriations were made in the FY 2022-23 budget.

These initiatives are important, but given the scope of the problem, it is time to redouble efforts to help residents to conduct testing and take steps to remediate lead. We need a strong state partner that can help our communities with resources to combat this problem.

TAXATION & FINANCE

Chair: Dan Dean, Fayette County Commissioner

Vice Chair: Steve Davis, Fairfield County Commissioner

Staff: Jon Honeck, Senior Policy Analyst

INTRODUCTION

The 133rd General Assembly supported CCAO priorities by enacting legislation to provide permissive authority for counties to implement an additional 0.5% sales tax for jail construction and renovation. The 134th General Assembly extended this law to include support for jail operations as an allowable expense. Counties will continue to require significant financial assistance from the state, however, in order construct and renovate jails. A state program for jail funding should include a “look-back” period to reimburse counties that have already started or recently completed a jail project. More information is available in the **Justice and Public Safety** section of the Platform.

Counties also benefited from the legislature’s decision to require out-of-state vendors with more than \$100,000 annual sales into Ohio to collect use tax. This law played a key role in supporting county finances during the initial phase of the COVID-19 pandemic.

The committee thanks the General Assembly for its continuing support of counties and looks forward to a dialogue about taxation and finance issues in 2023 - 2024. Counties have identified six issues as priorities for the 135th General Assembly:

- Preserve the sales tax base.
- Extend the sales tax to small hotels.
- Ensure reporting and correct property valuations in real estate transactions using LLCs.
- Increase renewable energy PILOT payments.
- Increase the monetary threshold for competitive bidding requirements.
- Restore the Local Government Fund to 3.68% of State GRF Taxes.

COMMITTEE PRIORITIES

PRESERVE STATE/COUNTY SALES TAX BASE

CCAO urges the Administration and the General Assembly to preserve Ohio’s sales tax base. CCAO opposed legislation passed by the 134th General Assembly (HB 110) that exempted employment and employment placement services from the sales tax. This change will cost counties and transit authorities approximately \$40 million each year.

Given the state’s increased reliance on the sales tax as the #1 revenue source to the state GRF, it stands to reason that state government has a compelling interest in protecting the sales tax as a critical part of the state tax base. Thus, the state and counties should work together to protect the sales tax as a critical funding source for both levels of government.

THE STATE AND COUNTIES SHOULD WORK TOGETHER TO PROTECT THE SALES TAX AS A CRITICAL FUNDING SOURCE FOR BOTH LEVELS OF GOVERNMENT.

EXTEND THE SALES TAX TO SMALL HOTELS

CCAO recommends that the sales tax exemption for small hotels be removed so that the sales tax applies to all hotel transactions.

Currently, Ohio Revised Code section 5739.01(G) defines a “hotel” for the purpose of the sales tax law as being an establishment held out to the public where sleeping accommodations are offered to guests, in which there are five or more rooms that are used for the accommodation of the guests. The definition effectively exempts rooms at small hotels and “bed and breakfasts” from the sales tax. Commissioners can adopt a resolution to extend the

lodging tax, but not the sales tax, to these smaller establishments.

This exemption leads to a significant tax revenue loss in counties with numerous small hotels.

The revenue loss will only grow worse over time as Airbnb and other online hotel booking sites become more widely used.

The General Assembly should also consider extending the lodging tax and sales tax to permanent campgrounds to offset the costs of county services.

ENSURE CORRECT VALUATIONS IN REAL ESTATE TRANSACTIONS USING LLCs

It has become common in real estate transactions, including residential sales, to characterize the sale as a transfer of ownership shares in a limited liability company or other pass-through entity. In this way, the parties avoid recording a new deed with the county auditor and paying the conveyance fee (real property transfer tax). This practice reduces county revenue and undermines the ability of the auditor to fairly value the property. Over time, as real estate transactions are removed from public scrutiny, it becomes increasingly difficult to maintain a complete list of comparable arms-length transactions that are necessary for the county auditor to establish proper valuations. As a result, property tax millage may be set at higher rates than are otherwise necessary and taxing districts must file more frequent challenges of LLC-owned property.

Closing the LLC loophole has become more important given the passage of House Bill 126 by the 134th General Assembly. House Bill 126 limits the ability of schools and other taxing districts to use the board of revision process to challenge the valuations of properties they do not own. This change makes it even less likely that the auditor will be made aware of transactions using LLCs.

CCAO supports legislation that will ensure transparency when a controlling interest is transferred in an LLC that owns real estate. Legislation should create and enforce a method to fairly value real estate in transactions that include many different types of assets so that the transfer tax can be levied in a fair and transparent manner.

RENEWABLE ENERGY PILOT PAYMENTS

Ohio is experiencing increased interest from renewable energy developers and the passage of Senate Bill 52 gives commissioners authority over the location of projects in the county. With the increased activity in this area, the legislature should modernize the law governing payments in lieu of taxes (PILOT payments) for renewable energy projects (ORC 5727.75). Current law gives commissioners the authority to approve PILOT payments for wind, solar, other types of renewable energy projects. These payments are limited to \$9,000 per megawatt of nameplate capacity. This limit was set in 2010 and has not been revised. CCAO supports increasing the payment amount and indexing the payment limit to the annual rate of inflation. CCAO also supports legislation to require project applicants to provide accurate and verifiable information on the amount of utility tangible personal property taxes and real property taxes that would be foregone if the application is approved. Counties should have the option to choose the current system or to base PILOT payments on a percentage of annual taxes that are foregone due to the exemption.

Current law exempts a CAUV parcel that is converted to a renewable energy project from paying the recoupment charge under ORC 5713.34. CCAO recommends changing the law to apply the standard recoupment payment in order to ensure fairness for all types of non-agricultural uses.

PERFORMANCE BONDS

Larger counties should be permitted to waive performance bond requirements on construction projects that do not exceed \$250,000.

COMPETITIVE BIDDING

The threshold for competitive bidding should be raised from \$50,000 to \$100,000 (ORC 307.86). Indexing of the competitive bid limit to the consumer price index (CPI) should be required on either an annual or biennial basis. Corresponding increases should occur in the threshold for waiver of competitive bidding due to an emergency.

TAXATION AND FINANCE

FULL RESTORATION OF THE LOCAL GOVERNMENT FUND

CCAO urges the full restoration of the Local Government Fund to 3.68% of state General Revenue Fund tax revenue, the statutory level in 2011 before the LGF was cut in half.

The Local Government Fund (LGF) represents the most critical element of state assistance to counties. In most counties, the LGF is one of the larger individual sources of income to the county general fund. The concept of sharing the major state taxes with local governments should be retained. From the perspective of counties, the LGF helps pay for various state-mandated programs. Unfortunately, the Local Government Fund has been reduced in recent years, posing an increasing challenge for counties.

From 2001 to the present, the LGF experienced the following changes in relation to the state:

- July 2001 to January 2008 LGF was cut and frozen for 6.5 years resulting in a \$644 million gain to the state GRF and an equivalent loss to local governments.
- LGF put back on a percentage of tax receipts formula (3.68% of state GRF) with the support of local governments in 2008.
- LGF distributions decline by an additional \$100 million or 14% from 2008 to 2009 due to the fiscal impact of the Great Recession on state GRF revenues.
- SFY 2012-2013 state budget reduces LGF by roughly 50% over a two-year period.
- LGF put back on a percentage of state GRF tax receipts formula with LGF to receive 1.66% of state GRF as part of the SFY 14-15 state budget.

- House Bill 166, the FY 2020-2021 operating budget, increases the permanent share of state GRF tax receipts to 1.68%, but the percentage fell back to the statutory 1.66% in 2022-2023.

Since 2011, proposals have surfaced in the General Assembly to change the formula for distribution of LGF receipts so that townships and municipalities would receive a greater relative share of the funding by reducing the amounts received by most counties.

The primary reason stated for this redistribution among the political subdivisions in the county is the fact that counties now receive casino revenue. CCAO opposes this change in the local distribution formula because counties continue to fund many mandated state programs that benefit

the residents of municipalities and townships. If the LGF formula is to be changed, it must follow an analysis of not only revenues but also of state mandated expenditure requirements by various local governments.

COMMITTEE RECOMMENDATIONS

MODERNIZE INFRASTRUCTURE FUNDING

Ohio's infrastructure has a huge impact on economic development and quality of life.

The adequacy of infrastructure funding for our highway transportation system and our local utility infrastructure must be revisited.

Adjustments to highway user fees, and additional grants, loans and subsidies for the capital costs of local utility infrastructure need to be considered by the state.

Historically, Ohio has met its transportation needs with motor vehicle fuel (gas) taxes and motor vehicle license fees. Ohio counties rely on an equal share of gas taxes to each county as well as a formula for distribution of motor vehicle license taxes to provide

stable funding for county highway improvements. While the combination of gas taxes and license fees has worked well for Ohio's counties and the state, inflationary increases in the cost of construction have effectively reduced the buying power of user fee dollars to make necessary improvements to county roads and bridges.

In 2019, the transportation budget bill enacted the first increase in Ohio's motor fuel tax since 2005. The tax on gasoline increased by 10.5 cents per gallon and the tax on diesel fuel by 19 cents per gallon. At the time, this increase was expected to generate \$865 million annually for road and bridge construction and repair. Of this total, approximately \$135 million total was designated for counties.

Fuel consumption was reduced by the COVID-19 pandemic in 2020-2021 and is being held back by increased fuel prices in 2022. CCAO supports annual adjustments to the motor fuel tax indexed to the rate of inflation. CCAO opposes efforts to decrease state funding to counties and other local governments because more federal funds are available through the Bipartisan Infrastructure Law.

Water and Sewer Infrastructure

Ohio, like much of the country, is facing massive water and sewer infrastructure upgrades. The Flint, Michigan, water crisis and the Sebring, Ohio, lead contamination tragedy illustrated the challenges that our aging infrastructure is facing to adequately provide quality drinking water for our citizens and businesses that rely on water.

Project costs for new construction, repair or maintenance of our water and sewer infrastructure far exceed the financial capacity of the counties and local governments to incur these obligations. The state must find ways to address these challenges and facilitate payment of these project costs. The designation of \$250 million in ARPA funding for water and sewer projects in HB 168 is an important step forward. Increased federal funding over the next five years from the Bipartisan Infrastructure Law will help to address the shortfall, but it will not be sufficient.

CCAO recommends exploring options such as: allocating public works bonding capacity to these

projects, re-establishing the Ohio water and sewer rotary commission, and providing greater funding support, including more matching grants for governments and citizens confronted with EPA orders to install water and sewer systems.

MODERNIZE COUNTY BUDGET PROCESS AND BUDGET CONTROLS

CCAO supports the modernization of Ohio budget and appropriation laws so that the process is better understood by the public, concentrates on decisions that actually authorize the expenditure of public dollars, and gives enhanced expenditure control to the board of county commissioners as the appropriation authority. The proliferation of special revenue funds and the trend to earmark fees for the exclusive use of certain officials reduces flexibility for commissioners to allocate scarce resources to most-needed programs and removes effective oversight of the spending of public dollars. Too often when funds are earmarked for functions of specific county elected officials, these officials feel this money is "theirs" to do with as they choose. CCAO opposes any new mandatory earmarking of county revenue sources. Ohio's budget laws should be amended to give commissioners more oversight over all county budgets.

PERMIT COUNTY COMMISSIONERS TO ACCESS SPECIAL REVENUE FUNDS

Consistent with the authority of state government to divert money from certain special revenue funds to the state general fund and to provide for the most efficient use of county resources, county commissioners should be authorized to divert money in special funds to the county general fund. Such authority should be exercised in accordance with the following:

- Not apply to a fund comprised of voted property tax levies for specific purposes
- Be done pursuant to a resolution of the board after public notice to other elected officials and the public and a public hearing
- Assure that adequate funds remain in the fund to meet any specific statutory mandate.

TAXATION AND FINANCE

- Be authorized through a resolution that applies only to the current fiscal year.
- Where a county elected official has control over a special revenue fund, permit the official to authorize the commissioners to transfer money from the special fund to the county general fund. If the county elected official with control over a fund refuses to authorize a transfer, permit the commissioners subject to the conditions outlined above to transfer special revenue funds to the general fund.

SEVERANCE TAXES ON OIL AND GAS

CCAO supports the following policy with respect to any proposal to increase severance taxes on the production of oil and gas:

- Increase the tax rate - The severance tax on oil and gas companies should be increased to a rate reasonably similar to the severance tax rates established by other oil producing states.
 - Majority of revenue to impacted counties - At a minimum, a majority of the severance tax revenue derived from horizontal wells should be retained by the counties in the Marcella or Utica shale plays. This revenue should be utilized by the counties and other local governments to develop infrastructure that improves the health, safety and welfare of their citizens or is designed to enhance the potential for economic development, job creation and growth within the shale play area. In addition, this revenue should support the increased demand for government services that are required to respond to, mitigate or minimize the impacts resulting from the activity to access, extract, refine and transport to markets the minerals contained in the shale plays.
 - Revenue from increased severance taxes on oil and gas companies should be used minimally to subsidize any form of tax cuts.
 - LGF hold harmless - Local governments must be held harmless for any reduction of the Local Government Fund receipts resulting from the extension of any tax cuts or tax reductions that are subsidized with severance tax revenues.
- Any revenue required to do this must come off the top prior to any revenue allocated to support state agency operations including the ODNR orphan well closure program. In addition, it should not be taken for the allocation distributed to local governments within the shale plays.
- Some revenue should be used to restore local government funding cuts or to provide property tax relief.
 - The property and Ad-Valorem tax formula in state law needs to be revised. Specifically, the law should provide local communities with more revenue than they are expected to receive under the current tax structure. The ad-valorem tax formula should establish different values for natural gas and its various derivative products, such as, but not limited to methane, ethane and propane.
 - Road Use Maintenance Agreements (RUMA)
 - RUMA must be a mandatory condition for issuing a state permit for an oil and gas well and for a deep injection well for hydraulic fracturing waste fluids. If an agreement cannot be reached between the well owner/drilling company and local governments, a provision should be made for the appointment of an arbitrator to resolve any disputes and to make sure that a RUMA does not become an impediment to oil and gas development. CCAO also supports a RUMA requirement in cases of natural gas and other pipelines which trench road rights of way and other public infrastructure. It is important that public roads be protected from damage by pipeline transportation companies and a mandatory RUMA protects the public investment in highway infrastructure.
 - Injection Wells - The state should raise fees on the disposal of hydraulic fracturing waste and share the revenue with impacted local governments to fully reflect the impact that heavy truck traffic has on public infrastructure. Provisions should be made for local governments that have Class II injection wells operating within them to receive compensation from the injection well operator based on the volume of hydraulic fracturing waste disposed through the well. Waste liquid derived from the hydraulic fracturing

process must be required to be processed to reclaim and recycle the water and its other natural and chemical additives and reduce the volume of material remaining that retains no commercial value. The remaining fracturing liquid must be disposed of in a manner approved by the Ohio EPA.

CASINO REVENUES

CCAO believes that the will of the voters in providing for the distribution of revenues to counties and other local governments should be upheld and that efforts to earmark or specify how these revenues are to be used by local governments should be avoided by the legislature, particularly given the uncertainty associated with this revenue source. Any change in allocation of the gross casino revenue tax should only occur pursuant to another constitutional amendment.

The constitutional amendment provides clear language prohibiting the state from supplanting existing funding obligations of the state with the new revenue. Efforts to change the Local Government Fund distribution formula to give more funds to municipalities and townships violate the principle of no supplantation of existing funding embodied in the constitution.

DEVELOPMENT IMPACTS ON TRANSPORTATION INFRASTRUCTURE

While CCAO supports the expansion and development of businesses, counties need additional revenue sources and assistance to

THE STATE NEEDS TO CONSIDER THE DIFFERENT NEEDS OF RURAL AND URBAN AREAS BY PROVIDING ASSISTANCE TO ADDRESS SPECIFIC TYPES OF INFRASTRUCTURE CHALLENGES THAT ARE UNIQUE TO RURAL, SUBURBAN AND URBAN AREAS.

address new infrastructure demands caused by that expansion and development.

CCAO supports additional grants and revenue sources from the state to help finance such infrastructure. In providing additional support to counties for transportation infrastructure, the state needs to consider the different needs of rural and urban areas by providing assistance to address specific types of infrastructure challenges that are unique to rural, suburban and urban areas.

CCAO also supports a requirement that county commissioners and county engineers be notified of anticipated major new operations or expansions of businesses that could impact roads. CCAO supports a requirement that businesses/developers should work with local officials in exercising mutual responsibility to maintain the local highway infrastructure.

In addition to financial support from the state, CCAO also supports new local tools, including collaborative authority for local governments to create transportation innovation authorities (TIAs). Transportation innovation authorities have been utilized by local jurisdictions in other states to finance cross-jurisdictional and multimodal transportation projects that have created jobs.

IMPACT FEES

The legislature should authorize counties to impose impact fees for new development.

Permissive authority to impose impact fees should require counties, subject to public notice and comment, to conduct a careful study of additional costs attributable to new development and provide an equitable system for distributing costs among benefiting users.

Impact fees could be used to pay for highway improvements, recreational facilities, and water, sewer and drainage improvements.

WAIVER OF TAX BUDGET

Permit a board of commissioners to waive the tax budget for all levy-funded county agencies, provided the county budget commission is given necessary

TAXATION AND FINANCE

information on tax levy funds.

STATUTORY COURT COSTS

Clerk of court fees (ORC Section 2303.20) were last increased in 1992, and probate court fees (ORC Sections 2101.16 and 2101.17) have not been increased since 1976. These fees help offset the cost of the operation of the clerk of courts office and probate court. CCAO asks that these fees be increased significantly to offset the gross depreciation in their value resulting from inflation over the ensuing periods.

BILLING FOR COUNTY EMS RUNS

CCAO supports an amendment to the county EMS law explicitly granting counties authority to bill third parties for emergency medical service runs.

LOCAL GOVERNMENT FUND ESTIMATES

CCAO supports an amendment to the Local Government Fund (LGF) law to require the Department of Taxation to issue to each county auditor updated LGF estimates in the same manner in which such estimates are provided for the Public Library Fund during the calendar year in which such funds are to be distributed.

TRANSFERS FROM SPECIAL FUNDS TO THE GENERAL FUND FOR COST OF INSURANCE AND SELF-INSURANCE

CCAO appreciates recent changes to the joint self-insurance statutes that harmonize the single and joint self-insurance cost allocation methodologies for benefiting special funds in the county. CCAO recommends that the statutes relating to purchase of health insurance and property and liability insurance be reviewed to assure that ORC Sections 9.833, 2744.08 and 2744.081 are consistent and comply with professional insurance, actuarial and technical standards. As it relates to cost allocation language in these laws, they should be consistent with language in ORC Section 4123.41, which relates to the allocation of costs for workers compensation. Current insurance laws provide that costs are to be based on the relative exposure and loss experience. CCAO seeks an amendment to add “or any combination of these factors,” to be consistent with

language in the workers compensation statute.

PERMISSIVE TAXES

As part of its continuing joint effort with the state to provide stable funding sources for counties, CCAO supports increased flexibility for counties to levy permissive sales and use taxes to fund needed services at the local level.

The authority to levy local sales taxes should be reserved for counties, and CCAO opposes efforts to give this authority to school districts and other political subdivisions.

SALES TAX BASE BROADENING AND TAX REFORM

As part of a continuing effort to provide stable revenues to counties, enhance county fiscal security and generate revenue in a fair and equitable manner from all segments of our evolving economy, CCAO supports the broadening of the state’s sales and use tax base to include additional services.

CCAO objects to, and will strongly oppose, efforts to reduce or eliminate, or to recapture for the benefit of the state at the expense of counties, any additional sales and use tax revenue generated by counties through any broadening of the sales and use tax base that extends the tax to additional services. Finally, if any new tax reform results in the repeal or modification of additional major local taxes, the General Assembly should provide full, complete, and permanent replacement of lost revenue to local governments.

VENDOR OR CONSUMER SALES TAX REFUNDS

Consumer or vendors have four years from the date that they erroneously or illegally paid the tax to file for a refund with the tax commissioner, unless the consumer or vendor, with the approval of the tax commissioner, waives the four-year time limitation under ORC Section 5739.16(A)(3). If the time limitation for filing a refund request is waived, state law should be amended to require that the refund period is extended so that the refund occurs over the same time period as the waiver.

State tax policy should discourage overpayment of state sales taxes by vendors. Vendors should

be encouraged to pay only the sales taxes that are owed, thus minimizing the need for costly and financially disruptive refunds paid by county governments.

CCAO supports reducing the time period during which a consumer or a vendor may seek a refund from four to three years. CCAO also supports eliminating the provisions of law (ORC Sections 5739.07(D) and 5739.16(A)(3)) permitting a consumer or vendor to waive, with the approval of the tax commissioner, the four-year time limit for an indefinite period of time.

Existing law requires the tax commissioner to recover from the current receipts of the same tax source from which a refund is to be paid.

If the current receipts from that tax source are inadequate for the purpose of covering the refund, then the refund is transferred from the current receipts of the state sales tax and then reimbursed to the state from the next distribution of that tax to the taxing jurisdiction.

If the refund exceeds 25% of the next distribution of the tax, the tax commissioner may spread the recovery over a period of no more than three years, taking into account the amount to be recovered and the amount of future distributions (ORC Section 5703.052).

CCAO supports extending the length of time a county may reimburse a consumer or vendor for an overpayment, from a maximum of three years to a maximum of four years.

CCAO supports requiring the Department of Taxation to share sales and use tax return and audit information to boards of county commissioners to verify vendor compliance with a county's sales and use taxes.

ENSURE THAT SALES TAX REVENUES ARE SOURCED CORRECTLY

Sales tax on transactions made within Ohio are "origin-based," i.e., dependent on the location of the vendor. Ohio sales tax law permits vendors to file their remittance with the Department of Taxation on a consolidated basis if the vendor has multiple locations. Audits of these consolidated filers should

ensure that sales are being sourced to the correct county. County commissioners should have formal authority to request an audit when there is doubt that a vendor is following correct procedures.

INDIRECT COST

CCAO supports legislation to authorize counties to recover indirect costs, including the costs of building renovations and expansions, from non-general fund programs, following strict cost accounting principles.

CONTROL OF AUDIT COSTS

CCAO supports legislative and other efforts to relieve counties of the costs imposed by state audits. Audit cost reductions should be based on the population of the county, a percentage of the county's annual budget, or other fair and equitable criteria, with special consideration given to the costs imposed on less-populated counties.

In addition, CCAO supports legislation authorizing county commissioners to charge each office for the cost of an audit performed by the state auditor's office, and authorizing the state auditor to waive annual audits in favor of biennial audits for entities that the state auditor determines to be at low risk of having audit exceptions.

DEPOSIT OF ALL FUNDS IN COUNTY TREASURY

Under current law, there are a variety of bank accounts maintained outside of the county treasury. CCAO supports legislation to require all monies collected by county agencies to be deposited and disbursed from the county treasury and all outside bank accounts be closed. Asset forfeiture funds should also be accounted for within the county auditor's general ledger. Exceptions to this general rule would be allowed for child support custodial monies and law enforcement undercover accounts of the sheriff and prosecutor. In the case of these accounts, additional financial reporting and internal controls would be required.

USER FEES

CCAO supports the increased utilization of user fees to fund specific county services. CCAO supports a thorough review of user fees and modernization of all

TAXATION AND FINANCE

user fees to reflect the cost of doing business. General tax dollars should not be allocated to subsidize county functions that benefit users of specific services. Where policy does not dictate uniform statewide fees for services, the county should be given additional authority to adjust fees to reflect the cost of performing the specific service. Existing fees that go to the county general fund should not be earmarked for the exclusive use of any one office. County commissioners must have flexibility to allocate resources in the budget process and provide appropriate oversight of spending of public monies.

In addition, authority should be granted to establish fees for the services of the county auditor as the sealer of weights and measures.

Counties also should be given permissive authority to test the quality of fuel, but only if fees are charged to the fuel providers to fully fund the initiative.

Finally, CCAO seeks an increase in the current 50 cent fee to \$2.00, which goes to the county auditor's office, for the transfer or entry of land, lot, or part of lot, or the transfer or entry on or after January 1, 2000, of a used manufactured home or mobile home as defined in ORC Section 319.54(G)(2).

COUNTY BOARD OF REVISION CHANGES

CCAO supports legislation to achieve the following:

- Create a more informal review process for adjustments to disputed valuations of \$50,000 or less.
- Allow county auditors, with the approval of the board of revision, to correct errors in real property valuations after the tax duplicate is delivered to the county treasurer.
- Allow a board of revision to issue subpoenas and compel the attendance of witnesses and production of records and documents.
- Allow a board of revision to issue protective orders to restrict discovery of a complainant's confidential information.
- File complaints with the probate court to compel

compliance with the board's directives.

- Prevent any complainant who fails to provide to the board of revision any evidence or information that affects a property valuation from introducing that un-provided evidence or information in any appeal to the board of tax appeals or to a court.
- Require any person to be current in the payment of property taxes in order to file an appeal with the board of revision.

CONTRACTS FOR FISCAL AND MANAGEMENT CONSULTANTS

CCAO supports legislation to provide that all contracts for fiscal and management consultants only can be executed by a board of county commissioners. This does not apply to appraisal contracts paid from the real estate assessment fund.

STATE TERM CONTRACTS

CCAO supports legislation to eliminate state fees and quarterly reporting requirements for local governments using state term contracts and permit local governments to take delivery of patrol cars through local dealers.

PRESERVATION AND IMPROVEMENT OF PROPERTY TAX CREDIT PROGRAMS FOR TAXPAYERS

CCAO opposes efforts to further reduce in scope or eliminate the current state-funded property tax relief programs, including the 10% non-business credit, the 2.5% owner occupied credit, and the homestead exemption program. Given the large increases in property values in recent years, CCAO supports improvements in the homestead exemption program for low-income senior and disabled homeowners.

PRESENTMENT OF CERTIFIED COPIES, IN PLACE OF ORIGINALS, TO THE COUNTY AUDITOR

CCAO supports legislation that would authorize the county auditor, when verifying the amount and purpose of monies payable from the county treasury, to accept legible certified copies of original invoices, receipts, bills, credit card statements or checks in place of original documents.

TAXATION AND FINANCE

The generating agency, office, officer, board or tribunal must make original invoices, receipts, bills, credit card statements or checks available for the county auditor to inspect at a time and place mutually convenient to both.

The county auditor must not require a generating agency, office, officer, board or tribunal to provide original invoices, receipts, bills, credit card statements or checks if originals are required to remain in the possession of the presenter for use in connection with any state, federal or other audit.

TAX MAP OFFICE

CCAO supports amending Ohio law to eliminate the requirement that commissioners fund the tax map office from the general fund. Instead, the law should allow the tax office to be funded from the real estate assessment fund (REA) and designate the county auditor as the appointing authority of the tax map draftsman and other tax map office employees. Permit the consolidation of tax map office services and geographic information system (GIS) services.

COUNTY ENGINEER FUNDING

CCAO supports legislation that eliminates the requirement that the commissioners support any part of the operation of the county engineer's office from the county general fund. To the extent constitutionally permissible, the engineer's office should be wholly funded through motor vehicle gas and license tax revenues collected by the state and distributed to county motor vehicle license and gas tax and road and bridge funds by the state.

PAYMENT OF LODGING TAXES

Support legislation to increase the penalties for failure to collect and remit the lodging tax to local taxing districts (counties, municipal corporations and townships) so that the penalties are similar to the penalties established by existing Ohio law for failure to collect and remit sales and use taxes.

LODGING TAX AND CONVENTION AND VISITORS BUREAUS

Counties may levy a lodging tax of not more than 3% on transient guests who stay at places of lodging in

the county. Existing law (ORC Section 5739.09 (A)) requires the county levying a lodging tax on lodging transactions, after paying the cost of administering the tax, to return an amount not to exceed 1/3 to the municipal corporation or township (that is not levying the same lodging tax) in which the place of lodging is located. At least 2/3 of the revenue remaining after the cost of administering the tax must be placed in a special fund to the benefit of the convention and visitor's bureau.

CCAO supports legislation that would revisit the relationship between convention and visitors' bureaus and taxing authorities with particular emphasis upon the purposes for which convention and visitors' bureaus may expend funds and the reporting requirements of bureaus to taxing authorities. CCAO also supports legislation that would allow the county to retain a greater percentage for the administration of the tax. The General Assembly should also consider raising the allowable tax rate that may be levied by the county.

PUBLIC UTILITY PERSONAL PROPERTY TAXES

During 2005 to 2008, the state, under tax reform, phased out tangible personal property taxes on machinery, equipment and inventory paid by businesses operating in Ohio, but retained personal property taxes on the tangible personal property of public utilities, including electric, rural electric, natural gas, pipeline, water works, water transportation, heating and telegraph companies. Given the importance of this remaining revenue source to counties and local governments, CCAO opposes elimination of or further reductions to personal property taxes paid by public utilities operating in Ohio. When a utility taxpayer files an application for a reduction in the value of tangible personal property taxes with the tax commissioner, local taxing districts, including the county commissioners, should be notified of the application and should have standing to appeal the decision of the tax commissioner.

TAX INCREMENT FINANCING (TIF)

The law permits counties, municipalities and townships to establish TIFs that commence whenever one of the following occurs:

TAXATION AND FINANCE

- The value of an improvement exceeds a specified amount.
- The construction of one or more improvements is completed.
- Regarding an incentive district TIF, the exemption may commence in different years on a parcel-by-parcel basis. This language has the practical effect of allowing TIFs to exist well beyond the 30-year time period originally authorized for a TIF. CCAO supports legislation that would limit TIFs to as close to 30 years as possible while grandfathering TIFs that have been authorized under the new law and are currently in place.

CCAO opposes efforts to expand the allowable uses of TIFs to include services and activities that are not directly related to the construction and maintenance of physical infrastructure. TIFs should be used as a tool to develop public infrastructure such as roads or utility lines that benefit the general public rather than a tool to offset private development costs of particular projects or developers. The primary purpose of the TIF should be to support industrial or commercial projects rather than residential development.

Current law allows commissioners to object to a municipal or township incentive district TIF if the duration exceeds ten years or the percentage exemption exceeds 75%. The law also includes a default compensation mechanism if the parties do not reach agreement. This default provision should be expanded to include parcel TIFs and allow commissioners to object and receive compensation for any TIF if the duration exceeds ten years or if value of the exemption exceeds 50%.

SUNSET THE COUNTY RECORDERS TECHNOLOGY FUND

The law permits any county recorder to request on an annual basis that additional county recordation dollars be allocated to the County Recorders Technology Fund for a period of five years. If requested by the county recorder, establishment of the fund and allocation of the recordation fees from the general fund to the Technology Fund is mandatory. CCAO supports letting this mandate expire at the end of 2023 when existing law makes

the allocation of funds discretionary on the part of county commissioners.

LIBRARY AND HEALTH DISTRICT LEVIES

CCAO supports giving a board of commissioners discretion regarding the submission, type (renewal, increase, reduction or replacement), millage, and duration of property tax levies submitted to the voters for the purpose of funding a health district, library, or any other taxing authority with unelected members. Existing law requires a board of commissioners to submit a levy to the voters whenever requested by a board of health or a library board.

WATER QUALITY TASK FORCE

Co-Chair: Pete Gerken, Lucas County Commissioner

Co-Chair: Douglas Spencer, Auglaize County Commissioner

Staff: James Kennedy, Policy Analyst

One of Ohio's most valued treasures is its natural resources. Water, in particular, is especially plentiful across the state and serves as the backbone for agricultural, tourism, recreation and many other industries. Clean water is a crucial component to a strong economy and a more prosperous and enjoyable state.

Ohio faces significant water quality challenges which threaten the economic vitality, ecological sustainability, and at times, quality of human health across our state. These challenges are seen in the annual Harmful Algal Blooms (HABs) in Lake Erie's Western Basin and in algae development on the Ohio River, in failing home septic systems, and in the outdated and dangerous lead pipes still in use in many communities. Ohio must address these challenges and others if the state wishes to prosper.

The state's water quality challenges are primarily driven by excess nutrient loading from both point source and non-point sources of nutrients. Improving water quality is a complex challenge, and progress should be viewed on an appropriate time horizon.

Ohio's counties operate at the nexus of many programs and industries that impact water quality across the state. Counties are home to Soil and Water Conservation Districts and OSU Extension, which provide assistance to agricultural producers to

manage non-point nutrient losses that help fuel HAB development. Counties also own and operate waste water treatment facilities which undergo strict compliance for water quality standards. Additionally, counties are home to many industries that impact water quality, including agriculture, that are key drivers of the state's economy. Counties wish to see an Ohio with abundant clean water alongside thriving industries. This is made possible through investments and partnerships in several key areas.

COMMITTEE PRIORITIES

WATER QUALITY CHALLENGES AND GOALS

Ohio's water quality challenges are multifaceted with multiple contributing factors. Excess nutrient loading, particularly of phosphorus, into waterways is the primary fuel for HAB development. Excess nutrients come from many sources: agricultural runoff, failing home sewage treatments systems, combined sewer overflows, disposed dredge material, industrial discharge and discharge from wastewater treatment facilities are all contributing to nutrient pollution affecting Lake Erie and other waterways in Ohio. Changing weather patterns featuring more frequent heavy rain events exacerbate the transmission of these nutrients to Ohio's waterways.

In response to these challenges, Ohio should lead the way to accomplish the recommendations of the Western Basin of Lake Erie Collaborative Agreement that recommended a 40% total load reduction in the amount of total and dissolved reactive phosphorus by 2025. While this remains an ambitious target, the Water Quality Task Force remains fully committed to this effort. Ohio and its neighboring states as well as Canada simply cannot afford to fail. It will require sustained participation, investment and timely actions by many, utilizing all available technologies, in order to fulfill this critical objective.



CCAO Water Quality Task Force and CCAO Agricultural & Rural Affairs Committees visiting Mercer County's Wetland Conservation Area

WATER QUALITY TASK FORCE

ROLE OF AGRICULTURE

The agricultural community has a significant role to play in reducing non-point source nutrient loading into the Western Lake Erie Basin. Ohio's agriculture industry has strongly supported nutrient best management practices, such as incorporating the 4-R's – the right fertilizer, the right rate, at the right time, in the right place. Other helpful tools like nutrient management plans, cover crops, manure management, and soil testing are all promoted by the agriculture industry. CCAO applauds the many producers who make water quality a priority on their operations.

CCAO is supportive of efforts to assist farmers in accessing the necessary tools, technology and best management practices to reduce excess nutrient loading. H2Ohio and other efforts have provided funds that increase access to soil testing, variable rate technology, subsurface placement of nutrients and other proven best management practices.

While there are many responsible agriculture producers, there must be a continued emphasis on those producers who do not utilize best management practices or make the protection of water quality a priority on their operations. All agricultural producers, including both livestock and crop producers large and small, must make protecting water quality a priority if Lake Erie's health is to improve. Those who do not utilize voluntary best management practices should be open to regulation.

CCAO also encourages the Ohio Department of Agriculture (ODA) to consider the role of non-permitted livestock operations in manure management best practices. Manure management is an important component for water quality improvement, and all producers, regardless of size, should do their part to responsibly manage manure resources. While larger permitted Concentrated Animal Feeding Operations (CAFOs) are closely regulated by the state, smaller operations see far less state oversight. CCAO is supportive of providing ODA the necessary funds to complete

these monitoring activities.

WATER QUALITY IMPROVEMENT FUNDING

CCAO supports the H2Ohio program and funding for this key initiative should be continued and expanded by the General Assembly. The H2Ohio program invests in farmers who utilize nutrient best management practices on their operations. The program also supports wetland construction projects and local water and sewer infrastructure to improve water quality across the state.

The H2Ohio program has attracted a broad interest from agricultural producers.



To date, 2,400 agreements have been signed by producers to implement nutrient management best practices on Northwest Ohio farm fields. These commitments represent 1.5 million acres that are now enrolled in voluntary nutrient management plans, or approximately 35 percent of the cropland in the Western Lake Erie Basin.

The Ohio Department of Natural Resources (ODNR) has 88 wetland projects either completed or in contract and the Ohio Environmental Protection Agency (OEPA) has awarded over \$16 million for upgrades and replacement of water and sewer projects, lead service lines and failing home sewage treatment systems.

With funding for the H2Ohio program drawn from the state General Revenue Fund, the long-term future of the program remains uncertain. CCAO encourages state lawmakers to find sustainable ways to provide the necessary resources to continue these vital efforts. Addressing Ohio's water quality challenges requires a sustained state commitment and a recognition that investments may take years to bear results.

CCAO SUPPORTS THE H2OHIO PROGRAM AND FUNDING FOR THIS KEY INITIATIVE SHOULD BE CONTINUED AND EXPANDED BY THE GENERAL ASSEMBLY.

Additionally, there should be an emphasis on measuring the results of H2Ohio and other programs in key areas of the state and using that data to drive future water quality improvement actions. Best management practices that prove successful should continue to be supported, but those decisions must be driven by data.

LAKE ERIE TOTAL MAXIMUM DAILY LOAD

In March 2018, the Ohio Environmental Protection Agency (OEPA) deemed the open waters of the Western Lake Erie Basin to be impaired. Traditionally, an impairment designation leads to the creation of a Total Maximum Daily Load (TMDL) under the Clean Water Act. The DeWine administration later announced it would begin the process for developing a TMDL for Western Lake Erie in February 2020.

Work on the preliminary modeling results, which provide the data basis for the TMDL document, continued through summer 2022. A draft TMDL is expected to become available for public comment by the end of 2022. CCAO appreciates the ongoing outreach from the OEPA regarding the status of the TMDL drafting process. A primary consideration regarding any TMDL is the potential enforcement activities to ensure compliance. The TMDL document itself will provide little in terms of enforcement authority over non-point nutrient loading. Much of the enforcement decisions remain in the jurisdiction of the Ohio General Assembly.

CCAO recognizes that there are strong sentiments regarding TMDL enforcement actions from a multitude of perspectives. A number of counties are heavily reliant on Lake Erie for tourism, recreational and drinking water purposes. Many counties are also reliant upon production agriculture to power their local economies. Agriculture could potentially be subjected to increased regulatory oversight due to TMDL enforcement actions. CCAO seeks to achieve a balance where TMDL enforcement can lead to cleaner water while still allowing key industries to thrive.

CCAO believes that the TMDL process should be followed-up with appropriate enforcement actions on the proper actors. These actions should appropriately reflect the contributors of nutrient loading while considering the unique circumstances of specific industries and individuals. Enforcement should be flexible enough not to penalize those individual actors working to improve water quality, but should be impactful enough to drive improvement in those who do not make water quality a priority. Regulatory actions should be data-driven and take into consideration the respective size of the nutrient loading contribution, previous actions taken to

REGULATORY ACTIONS SHOULD BE DATA-DRIVEN AND TAKE INTO CONSIDERATION THE RESPECTIVE SIZE OF THE NUTRIENT LOADING CONTRIBUTION, PREVIOUS ACTIONS TAKEN TO MITIGATE NUTRIENT LOSS AND THE ESTIMATED COST OF COMPLIANCE.

mitigate nutrient loss and the estimated cost of compliance.

TMDL enforcement could have significant impact on agricultural producers, landowners, businesses and local governments. The goal of a clean Lake Erie is a worthy endeavor; pursuing that goal requires a balanced approach. Improved water quality and vibrant industries do not have to be mutually exclusive goals.

NPDES PERMITTING

Counties have a strong interest in seeing the National Pollutant Discharge Elimination System (NPDES) permitting authority remain at the state level. NPDES permits are a primary tool to enforce point source pollution prohibitions under the federal Clean Water Act. CCAO believes that state administration of the NPDES program best allows for local input and tailoring of permits to meet the needs of local communities while still upholding environmental protection standards. CCAO maintains that OEPA should thoroughly and fairly administer the NPDES program.

SOIL AND WATER CONSERVATION DISTRICTS FUNDING

County soil and water conservation districts (SWCDs) play a critical role in improving water quality across the state. The expertise that county SWCDs provide is essential to improving water quality. The financial costs of the tools, technology, infrastructure and manpower needed to improve water quality across Ohio, however, cannot be borne by counties alone.

WATER QUALITY TASK FORCE

Recent budget cycles have brought welcomed support for SWCDs. State assistance to county SWCDs had previously fallen as low as 71 cents for every local investment invested. Over the first two budget bills during the DeWine administration, state investment in SWCD have moved much closer to 1:1 match rate for state and local investment. These investments should be sustained to ensure that all portions of the state have the necessary SWCD resources available to address the unique challenges of their counties.

CCAO has additional positions relative to SWCDs that can be found under the Agriculture and Rural Affairs section of this document.

WATER INFRASTRUCTURE BONDING AND FUNDING

As owners of regulated and permitted publicly owned treatment works (POTW), counties and county sanitary engineers have been working with the U.S. Environmental Protection Agency (USEPA) and OEPA on nutrient loading issues for many years through the permitting process. New regulations, policies, aging facilities/infrastructure and technical advances directly contribute to the management process of facilities, as well as the cost allocation assessed to rate payers.

CCAO supports efforts to allocate additional public works bonding capacity for water and sewer projects. Water and sewer infrastructure projects pose significant costs challenges for local governments, and state assistance is needed to make many of these critical infrastructure upgrades a reality.

There are several sources of low interest loans available today for water and sewer projects. Many local projects need more grant sources to become successful, or to even get started. Ultimately, project costs far exceed the financial capability of counties, local governments, and ratepayers. The state must find ways to address the ability of counties, local governments and residents to afford necessary water and sewer projects. Counties ask the state to reestablish the Ohio water and sewer rotary commission and provide greater funding support for governments and citizens confronted with OEPA findings and orders to install or upgrade water and sewer systems.

Counties look forward to working with OEPA as nearly \$1.4 billion in federal funding is made available

through the federal Infrastructure Investment and Jobs Act. These resources will be allocated across the state to improve drinking and wastewater systems as well reduce water contaminants and lead exposure. CCAO strongly supported the state's investment of \$250 million in state American Rescue Plan funds into local water and sewer systems as part of House Bill 168 of the 134th General Assembly. CCAO encourages the General Assembly for an additional round of funding, as the requests from the first round easily exceeded \$1 billion.

CCAO urges that USDA Rural Development allow for refinancing of existing water and sewer loans to allow local communities to save millions in interest payments. Similar ability was provided in recent years to Ohio Water Development Authority loans.

Additionally, consideration should be given to bond-funded improvements as a vehicle for clean water improvement efforts. Senate Joint Resolution 2 of the 134th General Assembly would establish a \$1 billion bond fund to fund a wide variety of water quality initiatives. Should state general revenue funding prove limited for H2Ohio and other water quality efforts, bond funding may be a workable alternative to ensure these programs move forward.

CCAO has additional positions relative to infrastructure funding that can be found under the **Jobs, Economic Development and Infrastructure** section and the **Taxation and Finance** section of this document.

RESEARCH AND RESEARCH FUNDING

More research is needed from the scientific community, with consideration of adverse climate impacts to water quality in Lake Erie and the rest of Ohio. This research should be conducted by land grant universities and other institutes of higher education from Ohio, Indiana and Michigan. Specific research should be done on heavy rain events and the causes of increased phosphorus solubility.

Research should also not be limited to phosphorus alone. The role that excess nitrogen plays in algal bloom development, specifically bloom toxicity, is less studied and deserves additional study.

CCAO supports more state funding for Ohio's research centers to study water quality issues. Heidelberg

WATER QUALITY TASK FORCE

CCAO WOULD WELCOME ADDITIONAL STATE SUPPORT AND FUNDING TO ENCOURAGE MORE CREDIT TRADING PROGRAMS, SIMILAR TO THE STATE MATCH PROGRAM FOR SOIL AND WATER CONSERVATION DISTRICTS.

University's National Center of Water Quality Research, University of Toledo's Lake Erie Center and Ohio's Sea Grant program (including Ohio State University's Stone Lab) are on the forefront of water quality research and education aimed at maintaining the health of Lake Erie. CCAO also strongly encourages Ohio's land grant universities to work collaboratively on water quality research endeavors. By combining their expertise and technologies, Ohio's land grant universities can maximize their impact on water quality and other challenges.

DREDGING

Dredging Ohio's shipping channels is an important practice to keep Ohio's ports open for commercial shipping. The disposal of dredged material into Lake Erie's open waters further increases phosphorus loading into the lake. S.B. 1 of the 131st General Assembly ended the practice of open lake disposal of dredged material in 2020.

WATER QUALITY CREDIT TRADING PROGRAMS

Credit trading is the concept of investing dollars from POTWs to pay farmers to implement conservation farming practices to reduce nutrients from entering waterways. Wastewater treatment facilities will then receive credits from regulatory agencies to help meet permit criteria. Trading programs are more cost-effective and provide broader environmental benefits than just technical upgrades at wastewater treatment facilities.

CCAO would welcome additional state support and funding to encourage more credit trading programs, similar to the state match program for soil and water conservation districts.

PUBLIC-PRIVATE GREEN INFRASTRUCTURE PROJECTS

The public and private sectors have a mutual role to play in improving water quality across the state, and cooperation between the two can unlock previously unavailable resources. Private industry and local governments own considerable infrastructure which can be utilized to further a wide array of water quality improvement efforts.

These types of collaborations would encourage local governments to partner with institutions of higher education. As with credit trading programs, green infrastructure projects should also be coordinated with

quality and timely research to measure the effectiveness of these programs. CCAO also recommends that OEPA should include more "green" infrastructure requirements for municipal separate storm water systems in Ohio.

SEPTIC SYSTEMS

OEPA should use its enforcement authority under ORC Chapter 6111 against property owners whose home sewage treatment systems (HSTS) lack an NPDES permit and are designed to discharge off lot.

Local boards of health in Ohio should use their enforcement authority against homeowners with failing HSTS that are significantly contributing to phosphorus pollution.

The Ohio Department of Health should consider imposing more stringent standards when permitting the installation, alteration or operation of HSTS in order to minimize phosphorus pollution. State investment to assist residents in offsetting the costs of these expensive projects would greatly aid in these efforts. The OEPA has previously made a limited amount of assistance available in the past, and such practice should be expanded upon going forward.

FERTILIZER APPLICATOR PROGRAM AND NEW AGRICULTURAL REGULATIONS

With the enactment of S.B. 150 (130th General Assembly) which established the fertilizer applicator certification program, and S.B. 1 (131st General Assembly) which prohibits applying fertilizer and manure on frozen or saturated ground, the Ohio Department of Agriculture (ODA) needs to measure constantly to ensure these regulations and programs are effective.



209 E. State St. | Columbus, Ohio | 43215
614-221-5627 | www.ccao.org



@OHCounties



County Commissioners
Association of Ohio



County Commissioners
Association of Ohio